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Tibor László Buskó

THE INSTITUTIONALISATION OF SMART VILLAGES AND SMART RURAL DEVELOPMENT IN HUNGARY

LESSONS FROM A POLICY DISCOURSE ANALYSIS[1]

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The aim of this study is to describe and evaluate the institutionalisation process of the so-called smart approach to rural development, i.e. the implementation of "smart villages" in Hungary. Using the methodological tool of discourse analysis, it argues that an overemphasis on a critical approach, which would mainly interpret the institutionalisation of the smart village discourse on the basis of its role in the (re)production of domination, is a rather one-sided approach. In Hungary, local actors and/or grassroots initiatives have played a decisive role in shaping the meaning of the smart village concept right from the beginning. On the other hand, it seems that even at a later phase of the smart village discourse, when the power centre, i.e. the administration would gradually take matters into their hands, it is not appropriate to focus on asymmetric power relations. The analysis of the Hungarian Digital Village Programme launched in 2020 shows that the administration's aim is still to encourage rural municipalities interested in smart approaches to actively participate in the process of meaning construction.

Keywords:
discourse analysis, rural development, smart villages, smart rural development, Hungary

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PROBLEM DEFINITION

The aim of this study is to describe and evaluate the institutionalisation process of the so-called smart approach to rural development, i.e. the smart village problem in Hungary, using the methodological tool of discourse analysis. There is no consensus in the literature on how exactly to describe the processes behind the smart approach, therefore, I will only outline a simplified trajectory. This will start from the concept of 'industrial revolutions', the major turning points in economic development. The term itself was coined by the French Louis-Guillaume Otto as early as 1799,[2] but its career unfolded in parallel with the theory of the so-called Kondratieff waves. In a study published in 1925, the Soviet economist Nikolai Dmitriyevich Kondratieff identified three long-term cycles of economic development that followed the start of the classical industrial revolution.[3] The first was linked to the invention of the steam engine and the textile revolution (1790–1849), the second to the spread of rail transport (1850–1896), and the third cycle, which he dated from 1896, began with the rise of the chemical industry and the advent of electrical instruments. Each industrial revolution would, according to later interpretations, have initiated long-term cycles of economic development, although the 'revolutionary', i.e. sudden and/or radical, nature of each revolution is widely disputed in academia. Later, there was no clear consensus on the number of Kondratieff cycles, which the literature puts at between 4 and 6. The terms *Industrial Revolution 4* and the *Industry 4.0* economic development cycle emerged around the turn of the millennium as an extension of Kondratieff's theory[4] and are mainly used in connection with industrial innovations based on automation, digitalisation and robotisation.[5]

For a long time, the issue of smart rural development, including the smart village concept, has been marginalised within smart territorial policies. The smart approach was initially almost exclusively associated with the technological innovations of the 4th industrial revolution,[6] and since the incubation areas for technological innovations are traditionally considered to be cities and metropolises, it is hardly surprising that smart territorial policies in this period focused on so-called smart cities. However, this situation seems to be changing in recent times. This shift has been driven by the realisation that the benefits of digital technologies (e.g. various ICT tools) and other innovative smart solutions are not limited to urbanised areas. An acceptable preliminary working definition of smart villages has been formulated by the European Network for Rural Development, which defines them as "communities in rural areas that use innovative solutions to improve their resilience, building on local strengths and opportunities. They rely on a participatory approach to develop and implement their strategy to improve their economic, social

[2] Crouzet 1996: 45.
[3] Kondratieff 1993 [1925]: 24–83.
[4] Fonseca 2018: 386–397.
[5] Kiss–Tiner 2021: 90–91, 97.
[6] For more on the history of the concept see Sharifi et al. 2021.

and/or environmental conditions, in particular by mobilising solutions offered by digital technologies".[7] This definition suggests that the focus is still placed on the various digital technologies present in smart villages, but the key to becoming smart is instead to rely on (not necessarily technological) innovations introduced by rural communities. The broader socio-technological context of these innovative solutions in rural areas is illustrated by Antje Matern and her fellow researchers using the conceptual pair of hybridisation and peripheralisation.[8]

The concept of hybridisation stems from the argument that the problems associated with urban (urbanised) and rural (non-urbanised) areas in today's world no longer exist in their pure form, but can be better viewed as intertwined. While this does not necessarily mean the end of separate urban and rural development in the traditional sense, it may encourage rethinking and revision of development policy approaches that focus on purely urban or rural problems. It is worth referring here to Sami Mahroum's[9] approach, which proposes significantly more flexibility than the traditional model that clearly differentiates between 'urban' and 'rural' (Table 1). Mahroum argues that today's rural innovations do not necessarily have to be based on supply elements specific to rural municipalities or on the demands specific to the population of rural municipalities. Hybridisation can be interpreted in at least two ways: on the one hand, it is possible that the supply of rural municipalities is not (only) demanded by the local population, and that this should be taken into account in the various rural development policies. A typical example could be rural tourism, which typically attracts people who live in urbanised areas. Another possible interpretation of hybridisation can be derived from the existence of universal demands, i.e. demands that are characteristic of both urban and rural populations. It is apparent that, as modernisation progresses, the demands of people in urban and rural areas are becoming increasingly similar, and that these demands are increasingly likely to be met by Industry 4.0 technologies. For example, access to basic public services supported by advanced technological infrastructure is no longer the privilege of urbanised areas, nor is it regarded as a legitimate demand exclusively on the part of city dwellers. If we accept this, the overlap between development policies for urbanised areas and those for rural areas is now greater than the casual observer might think. For this reason, the importance of a smart approach to ICT-based development in rural municipalities has been increasingly in the spotlight since the 2010s.

7 ENRD s. a.
8 Matern et al. 2020: 2060–2077.
9 Mahroum 2007: 4–11.

Table 1: Different types of innovations with rural impact

		Demand		
		Rural	Urban	Universal
Supply	Rural	x	x	x
	Urban	x		
	Universal	x		

Source: Mahroum 2007: 7

The hybridisation phenomena described above do not, however, negate the specific difficulties of rural areas at a lower level of socio-technological development, whose problems are linked to peripheralisation. The literature distinguishes between three aspects of peripheralisation in the context of the so-called centre–periphery relations: location (geographical), development (economic) and power (social) aspects.[10] In our view, one of the keys to the convergence of remote rural, economically underdeveloped municipalities that are vulnerable to the centre in terms of power relations lies in the smart approach. The obstacles of convergence can be regarded from two angles. On the one hand, rural areas still face technological barriers. Although hybridisation is increasingly making its mark in rural areas, not only in terms of demand but also in terms of supply, it is still too early to talk of the disappearance of the division between urban and rural. Instead, new problems are likely to emerge as a result of Industry 4.0 technologies. To mention just one specific challenge, the deployment of 5G networks in rural areas with low population density may be very difficult due to the expected high unit costs/low return on investment. It may, however, turn out to be even more important to overcome societal barriers to digitalisation, which can be achieved by developing basic digital skills (so-called 'digital literacy') and institutionalising the complex processes that build on these skills (learning, working and services online, networking of all kinds, etc.), and which are essential for the effective functioning of the digital society.

The phenomena of hybridisation and peripheralisation help to explain the currency of the smart village problem in general, but fail to reflect the differences between smart development policies. The way smart village development concepts are institutionalised in a given country greatly depends on the specific characteristics of its political system, as well as on the perceived state of the countryside in that country. In the following sections, I will attempt to describe the situation in Hungary by approaching the process of the institutionalisation of the smart village concept as the result of a kind of socio-political discourse.

[10] Nemes Nagy 2009.

METHODOLOGY

As I mentioned at the end of the definition proposed above, I intend to interpret the process of the institutionalisation of the smart village approach in Hungary as a kind of discourse. In methodological terms, the following study is therefore a kind of discourse analysis, which first requires some brief theoretical reflection. In the social sciences, discourse analysis itself is one of the typically soft, i.e. non-quantitative methods of analysis. Its key concept is discourse, which in ordinary language typically denotes conversation, but which modern social sciences have in recent decades attributed a much more complex and profound meaning to. While various authors have come up with a variety of definitions of discourse, they more or less agree that it should be understood as referring to the institutionalised ways of thinking[11] that govern our social life. More practical approaches emphasise the constructionist nature of discourses, where the aim is to show "how the objects and concepts that populate social reality come into being"[12] through (a) discourse.

Within the methodological tool of discourse analysis, several sub-types can be distinguished, depending on how broad of a meaning we wish to give to the term 'discourse' and how we see the nature of discourse itself. Nelson Phillips and Cynthia Hardy's model[13] identifies two axes of discourse analysis (the *y* axis between textual and contextual approaches, and the *x* axis between constructivist and critical approaches) and uses them to identify four sub-types. Textual approaches, at one end of the *y* axis tend to understand discourse as texts in the literal – or moderately metaphorical – sense of the word. A good example is the discourse analysis approach to various types of legal texts. Contextual approaches, at the other end of the *y* axis, on the other hand, interpret the concept of discourse as being synonymous with a broader social practice, without, of course, excluding the possibility of drawing on literal texts or textual discourses to explore this context. Turning to the *y* axis, constructivist approaches, at one end of this axis, are concerned with the regularities of the production of the meanings that can be regarded as being the result of discourse (the aforementioned "objects and concepts that populate social reality"), while critical approaches at the other end of the spectrum focus on the power relations that underlie the construction processes just mentioned. On this basis, four varieties of discourse analysis can be distinguished, including textual-constructivist *social linguistic analysis,* contextual-constructivist *interpretative structuralism,* textual-critical *critical linguistic analysis* and, finally, contextual-critical *critical discourse analysis* (Figure 1).

[11] Hyland et al. 2021: 1.
[12] Hardy et al. 2004: 20.
[13] Phillips–Hardy 2002.

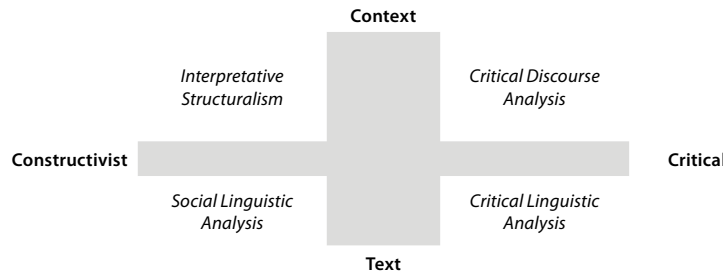

Figure 1: Different approaches to discourse analysis according to Philips and Hardy 2002
Source: Jansen 2008: 108

The variety of critical discourse analysis most commonly used in political science is traditionally based on the repressive nature of power,[14] so the related definition attempts to understand the functioning of different discourses in the context of the expectations and rule systems constructed by those in power. The authors associated with this group are most inspired by Michel Foucault's theory of discourse, according to which "we must conceive discourse as a violence which we do to things, or in any case to practice which we impose on them; and it is in this practice that the events of discourse find the principle of their regularity".[15] From this starting point, there are two alternative ways to proceed. Postmodern discourse theories and analyses conceived in the spirit of the negation of 'meta-narratives'[16] can, ironically, often become ideological in character, ranging from interpretations that seek to expose the order of postcolonial discourse[17] to feminist criticism.[18] The other way, avoiding the trap set for the above authors, is much more similar to critical linguistic analysis, and is mostly content to focus "on the role of discourse in the (re)production and challenge of dominance"[19] through specific texts and/or particular practices.

In the light of "the new governmental thinking after 2010, which shows signs of strong centralisation",[20] it would be appropriate to interpret the institutionalisation of the smart village discourse in Hungary in terms of its role in the (re)production of dominance. However, the situation is more complex than that in practice. While it is true that the professional discourse on centre–periphery relations often concludes that the (power) centre generates asymmetric relations, it is also true that it "provides important services, development benefits, knowledge transfer, modernises the periphery, and creates links in

[14] As for Weber 1965 [1925]: 152, power is "the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which his probability rests".
[15] Foucault 1981: 67.
[16] Cf. Lyotard 1979.
[17] Said 1978.
[18] Butler 1995: 35–58.
[19] Van Dijk 1993: 249.
[20] Kákai–Vető 2019: 24.

networks of spaces and actors".[21] Accordingly, the institutionalisation of the smart village concept can be seen as a process where the power centre – i.e. the administration – moves beyond (re)producing asymmetrical relations and/or ignoring the needs of the periphery, realising that the modernisation of rural areas/villages is in its own interests, if for no other reason than to ensure the political stability of the countryside. We could even go further, because the above-mentioned process would not so much be a discourse in the literal sense, but rather a one-way transfer of good practices related to the issue of smart villages, where the village in the process of becoming smart is satisfied with playing the passive role of a host. In contrast, both academic and policy approaches to rural development (the EU LEADER and CLLD programmes are good examples of the latter) recognise that local communities can play a key role in the introduction of various rural innovations.[22] Accordingly, within the framework of a discourse analysis, a further question obviously becomes unavoidable: To what extent can the periphery in the sense of power become a determining actor in the construction of meanings linked to the smart village discourse?

In the light of the above, our investigation moves away from critical discourse analysis towards a kind of interpretative structuralism. Thus, while we do not exclude the possibility of adding a kind of critical analysis to our study at a later stage of the research, we will for the time being focus our attention on the consensual components of discourse, trying to understand the logic of the discourse's functioning in as much detail as possible. This description can be considered 'thick'[23] in the sense that we attempt to describe and interpret the construction process of the meanings involved within the context of the discourse itself. The focus of our investigation must naturally be placed on the key concept of the discourse, the smart village. Our analysis is therefore concept-centred and, since it grasps the key concept in question as a product of the zeitgeist in its own development, it is also historical. It is historical, in a similar way to Reinhard Koselleck's research, which, on the basis of the methodology he proposes, directs "themselves to the semantics of central concepts in which historical experience of time is implicated".[24] Finally, the study does not aim to discuss the institutionalisation of the smart village problem in the Hungarian scientific literature, if only because (in contrast to the smart city) publications on smart villages and smart rural development have been sporadic until recently.[25] Therefore, our attention here and now is limited to the analysis of the political discourse that has fundamentally influenced rural municipalities and areas in Hungary.

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21 Pálné Kovács 2021: 218.

22 Kézai – Konczosné Szombathelyi 2021: 51–76.

23 Cf. Geertz 1973: 3–30.

24 Koselleck 1990: XXIV.

25 The concept of smart village and smart rural development in the Hungarian academic literature was first discussed in a systematic way by the local actors who are most active in smart village type developments, such as Gáspár 2019: 12–19; as well as Dicső–Varga 2019: 62–69. Among the first achievements of researchers in academia, the following publications are worth highlighting: Szalai–Fabula 2021: 59–79; Kaiser 2022: 38–45.

THE INSTITUTIONALISATION OF THE SMART VILLAGE DISCOURSE IN HUNGARY

Due to its semi-peripheral location, Hungary is not among the pioneering countries in terms of either academic discourse or policies related to smart rural development. Nevertheless, it will become evident that Hungary's backwardness in the field of 'smart villages' and 'smart rural development' can hardly be considered significant. Below, I will divide the history of the institutionalisation of the smart village discourse in Hungary into two phases, which more or less overlap in time: in the first, so-called bottom-up phase, the process of meaning construction is still dominated by various local actors and/or grassroots initiatives, before the administration gradually took matters into their hands in the subsequent top-down phase.

The bottom-up phase

A useful insight into the bottom-up phase can be gained from a remark by Tímea Boda. In analysing the particularities of the development of disadvantaged rural areas, the author notes that "we must not forget the person who seeks paths and connections, who gives meaning to these terms, who gives them content, and who can act as an innovator in a given environment, building on given resources".[26] There is no doubt that these personal (possibly institutional) innovators, and the particular good practices they institutionalised, revealed a number of important components of the meaning of the smart village that later emerged. For example, the research conducted by Petra Kinga Kézai and Márta Konczosné Szombathelyi,[27] using the typology created by Mahroum, reports a number of specific examples of innovations developed in rural spaces, depending on whether they were triggered by rural, urban or universal demand. Innovation patterns triggered by rural demand include the automated banking service launched in the Alcsútdoboz region, Fejér County, under the name of Savings Smart Point (2017), which gives a distinctly technology-focused meaning to the concept of the smart village. The mobile post office established in the Ózd district of Borsod-Abaúj-Zemplén County, and the local currency, the 'Rigac', introduced in the municipality of Alsómocsolád, Baranya County, also have their own smart characteristics, even if the innovation in these cases is not primarily technology-driven. Among the patterns of innovation created by urban demand, the 'Village for rent' project in the municipality of Megyer, Veszprém County, which was launched in 2006 to renovate and advertise abandoned houses in the village with EU funding, turned out to be too dependent on the mayor-innovator, and after his resignation the innovation itself seems to have disappeared. Another interesting experiment was the memorial forest

[26] Boda 2013: 106.
[27] Kézai – Konczosné Szombathelyi 2021: 66.

created in 2014 in Agostyán, part of the city of Tata in Komárom-Esztergom County, where the ashes of deceased loved ones are placed in a biodegradable, environmentally friendly urn at the roots of a pre-selected memorial tree in the forest. Finally, the Renewable Energy Innovation Ecocentre, opened in 2007 in Nagypáli, Zala County, is a good example of innovation patterns created by universal demand. Through pilot projects, training courses and practical advice, it organises temporary exhibitions, conferences, lectures and workshops on biomass, biogas, solar and wind energy, and on the potential uses and methods of implementing energy crops. The list could, of course, go on. Kézai and Konczosné Szombathelyi, for example, do not mention bottom-up rural innovations in the strictest sense of the word, which are not introduced by various (public) service providers (e.g. the Savings Smart Point or the mobile post office) or by local authorities (e.g. the "Village Publishing House!" project), but are linked to spontaneously-organised rural communities. A good example is the autonomous eco-community of Gyűrűfű in Baranya County, which was completely depopulated in the 1970s but which has now been revitalised by urban intellectuals moving to the countryside, currently numbering 35 inhabitants.[28]

However, these individual innovations and specific examples of good practice are not yet necessarily able to develop into a complex concept of the smart village. It would seem logical that such a construction process can only take place with the will and active participation of the properly resourced power centre – in essence, in the following top-down phase. However, considering the history of the Hungarian smart village discourse, it seems likely that such a view would underestimate the role of the periphery. It will become evident that in some aspects, the smart village discourse in Hungary had already achieved significant results before the concepts of 'smart village' and 'smart rural development' became part of the policies dominated by the administration. In contrast to the above-mentioned particular good practices, where the initiative of the business sector is often evident (such as in the case of the above-mentioned Takarék Smart Point, one of the innovations of the Takarékbank Group, or the mobile postal service of Magyar Posta Ltd.), in the case of complex, explicitly smart village type developments, we will pay special attention to the integrating role of the civil sector and/or local authorities. These stakeholders are of special importance for smart village type developments, if only because the involvement of the business sector cannot be taken for granted in rural areas with low population density and low profit potential, in contrast to the service-oriented initial phase of smart city type developments (Smart City 1.0 phase),[29] which is clearly linked to the market access efforts of large multinational companies.[30]

The contribution of the bottom-up phase to the concept of the smart village as we know it today is first illustrated by the history of the so-called telecottage movement. The origins of the international telecottage movement date back to 1985, the year when

[28] Némediné Kollár 2022: 65–66.

[29] Cf. Cohen 2015.

[30] Cf. the first comprehensive smart city experiment in Hungary, the T-City Szolnok programme, which was aimed at testing the Magyar Telekom Plc's soon-to-be-launched services, based on Gere–Kocsis 2022: 115.

Henrich Albrechsten, a retired oil engineer, set up the first telecottage (then without an internet connection) in the village of Vemdalen in northern Sweden.[31] The telecottage is a people-centred innovation whose purpose, as defined by the Hungarian Telecottage Association, is "to develop and shape the community and society, and through this to improve the quality of life of the people living in the village. The Telecottage is also a place which provides the opportunity to organise community programmes (i.e. events, activities), gives tools and assistance for everyday life, for the management of affairs, for the creation of a community scene. Telecottages can function as a community information service, and can be understood as a single community information network".[32] In practice, this means facilities well equipped with modern multimedia tools, which are set up in disadvantaged municipalities where such tools were difficult or impossible to access. In its original sense, the focus on the creation of telecottages – understood as mere information access points – reflected an initial, technologically-focused and optimistic phase in the development of the smart village discourse,[33] in which local actors believed that a very significant proportion of the disadvantages of peripheralisation could be overcome by providing peripheral municipalities with access to ICT tools and telecommunication networks. It has become clear, of course, that providing access alone does not remove the complex social barriers (for example, poor digital literacy rates) to digitalisation. However, on the one hand, it is worth acknowledging the pioneering efforts in this field, and on the other hand, it should be highlighted that, in parallel to the development of the telecottage movement, the concept of the telecottage itself has become more complex, shifting to the community-forming innovation centre of the above definition.

Apart from a short-lived, so-called 'information corner' in the library of Nagymágocs in Csongrád-Csanád County (which closed in 1995), the first telecottage in Hungary was established in 1993 in Csákberény, Fejér County. Its development can hardly be dissociated from the role of Mátyás Gáspár, an innovator who moved from the capital to Csákberény for family reasons and who held a management position in his public administration organisation company. In 1994, 15 librarians, IT specialists, sociologists, journalists, administrative experts, village developers and others who saw the potential in telecottages founded the Hungarian Telecottage Association (hereinafter: Association), aiming to develop the Csákberény initiative into a national movement.[34] MATÁV (Hungarian Telecommunication PLC) also saw an opportunity in the initiative and supported the connection of telecottages with free Internet access. Moreover, the International Telecommunication Union (ITU) also noticed the internationally remarkable results in Hungary, and a visit by experts to Csákberény organised by the ITU contributed significantly to the launch of the international telecottage movement.[35] Thanks to both

[31] Kovács 2001: 153–160.
[32] Hungarian Telecottage Association s. a.
[33] Kulcsár et al. 2009: 1161–1163.
[34] Murray 2001: 55.
[35] Online interview with Mátyás Gáspár, founder of the Hungarian Telecottage Association. 10 December 2022.

foreign and domestic funding, including the USAID-funded Democracy Network Programme and grants from various Hungarian ministries, the Association was soon on the way to achieving its goal: by May 2001, the number of telecottages and telehuts (the latter being small facilities, usually equipped with a single computer and linked to larger neighbouring telecottages) in Hungary exceeded 250.[36]

By 2003, the results of the telecottage movement, which basically started as a bottom-up organisation, had finally been integrated into the clearly government-dominated rural development discourse. In that year, the Association concluded an agreement with governmental bodies to implement the Public Network Programme (Közháló Program) aiming to develop network services, including access to electronic services and content, especially that linked to e-government, and to achieve digital literacy. The most important direct result of the programme was the introduction of the eHungary point service, operating in a public, multifunctional community service space with the services of eAdvisors, and the addition of 300 telecottages to the network service system.[37] The success of the eHungary Point service, which integrated the original objectives of the telecottage movement into a government-dominated discourse is well illustrated by the fact that by 2014 a total of 1,376 points had been registered, more than 80% of which were in municipalities with less than 10,000 inhabitants. Two thirds of the host institutions were libraries, municipalities, telecottages or cultural centres.[38]

As a result, the telecottage movement fundamentally shaped the development of the smart village discourse during the bottom-up phase. However, telecottages can only be interpreted as one tool, albeit a very important one, for the institutionalisation of smart villages. In the process of meaning construction, more importance needs to be accorded to the role of local actors and/or grassroots initiatives that were able to go beyond individual innovations and individual good practices and move the concept of the smart village towards a more complex/systematic approach. Although such examples are still exceptional in Hungary, one such exception, the village of Alsómocsolád, should be mentioned. According to an interview with the mayor-innovator László Dicső,[39] who has been leading the village since 1990, the small Baranya County village, of currently 313 inhabitants, has been interested in smart solutions since the second half of the 1990s. Its beginnings were clearly influenced by the telecottage movement: community access to ICT tools has been provided by the village's telecottage since 1997. However, the turning point for Alsómocsolád in it becoming a smart village had to wait until the mid-2010s, when their aforementioned innovation, the local currency 'Rigac', won the Quality Innovation Award of the Hungarian National Committee of the European Organisation for Quality (EOQ MNB). The mayor received the award in Tallinn in 2016, and during his discussions with delegates from several countries, he became aware of the smart city concept, by then well

[36] Kovács 2001: 154.
[37] Teleház 2013.
[38] Varga 2015.
[39] Online interview with László Dicső, mayor of Alsómocsolád. 10 December 2022.

known in academic and policy discourses. Thinking about this, and being somewhat 'ahead of its time' as we will see, at a time when the smart village was not yet at the centre of the EU's development policy discourse, the municipality of Alsómocsolád initiated and organised the first Smart Village workshop in Hungary on 3 May 2016. The most important element of the definition of smart village developed during that workshop is that the 'smart village' is not a watered-down version of 'smart city'. This drew the attention of the Hungarian academic and policy discourse to the concept and represented the start of the creation of the smart village in Hungary in a complex sense. During the interview, the mayor stated that for him, a smart village is more than a digital village. This is demonstrated by the fact that although the smart development of Alsómocsolád since 2016 has been associated with a number of digital innovations (such as the regional interactive public transport support system known as HazaTér; the planetarium, the Boeing simulator or the QR code walking trail representing tourism services), the focus is on achieving a more complex quality of life, greater efficiency and ecological and economic sustainability, and not only through digital solutions. Some good examples of this are projects aimed at improving the quality of life of older people living in the municipality, such as the 'Sample Programme for Quality Ageing' project funded by the Norwegian Civil Fund; or the ERASMUS+ Strategic Partnership Project 'Pro Age Preparing for Ageing', which includes 4 digital learning materials to help citizens prepare for active ageing, which was developed jointly by the Municipality of Budapest District XV and a Norwegian and a Slovenian partner. Finally, it should be noted that the good practice of Alsómocsolád soon spread beyond the borders of the municipality: the Okos Hegyhát Nyilatkozat (Smart Hegyhát Declaration) signed on 10 October 2018 was a decisive step towards the development of a smart region, in which the municipalities of five Baranya County municipalities (Alsómocsolád, Bikal, Mágocs, Mekényes, Nagyhajmás), under the guidance of Alsómocsolád, established the North Hegyhát Micro-Regional Union, the first 'Smart Region' of Hungary.[40]

The top-down phase

The top-down phase, where the administration gradually takes over the initiative from the periphery, in terms of power, is not without precedent. The emergence of digitalisation as a topic in development policy discourse can be observed from the mid-2010s. The turning point came with the protests against the Internet tax announced by the Minister of National Economy, Mihály Varga on 21 October 2014. In his regular morning radio interview on 31 October 2014, Prime Minister Viktor Orbán not only promised to withdraw the proposed tax, but also announced a national consultation on the Internet (InternetKon), which was finally held between 6 May and 30 September 2015. Taking into account the results of the InternetKon, the Government of Hungary addressed the problem

[40] North Hegyhát Micro-Regional Union 2019: 56.

of digitalisation in Government Decision 2012/2015 (XII.29.). Perhaps the most important result of the Government Decision is that the Government launched the Digital Success Programme (Digitális Jólét Program – DJP) "for the development and improvement of Hungarian society and the Hungarian national economy". The DJP was intended to be implemented "in the broadest possible professional and social consultation", which involves a call for the establishment of effective consultation forums and channels with market players, professional bodies and civil society organisations involved in the development of the digital ecosystem, under the leadership of the Prime Minister's Commissioner responsible for the coordination and implementation of government tasks related to the DJP. The aim is to achieve the digitalisation of the domestic economy and society, with a key role for "ensuring widespread accessibility and affordability of the Internet".

From the perspective of the concept of the smart village, point 2(j) of the Government Decision perhaps deserves the most attention. This provided for the launch of a consultation mechanism involving service providers, municipal government representatives and other stakeholders, which could lead to the establishment and operation of a free public broadband wireless Internet service (WiFi) in at least one public building and in at least one public space in every municipality. This text, which is very similar to the original aim of the telecottage movement (access to ICT tools in every peripheral municipality) and its institutional system (eHungary points growing out of telecottages), can be interpreted as the starting point of the commitment of the power centre to the periphery, which in addition to other sections of the Government Decision not (only) relevant to the countryside, e.g. developing the digital competitiveness of small and medium-sized enterprises could have provided a basis for further development towards a later, more complex smart village discourse.

However, the power centre – and with it the DJP – initially remained involved in the process of meaning construction in a rather contradictory way. The continuity with the bottom-up phase is well illustrated by Government Decree 127/2017 (VI.8.), which established the so-called DJP points on the basis of the existing network of eHungary points in Hungary. Apart from the name change, these DJP points gave a new momentum to the digitalisation of rural areas in several ways. In addition to the existing eHungary Points, a number of new organisations have been able to join the renewed network, which is mainly attributable to the resources of the Economic Development and Innovation Operational Programme (Gazdaságfejlesztési Innovációs Operatív Program – GINOP). GINOP funding has also enabled the technological upgrade of around 1,500 DJP points (standardised equipment packages, bandwidth increase and free WiFi) and the modernisation of advisory services (training of DJP mentors to replace former eAdvisors). It is important to underline that the development of the renewed network of DJP points has also focused on improving the digitalisation of disadvantaged rural settlements: for example, the most developed NUTS 1 region of Central Hungary did not benefit at all from the GINOP grant.[41] As a result, by

[41] Szilassi 2017: 35–36.

13 March 2022, the DJP point search engine of the DJP network website already contained the contact details of 1,725 DJP points of mostly rural small municipalities.[42] The only problem is that the service portfolio of the mushrooming DJP points is still dominated by Internet access and, with it, access to electronic public services, while the community-forming, innovation centre function, typical of the emerging phase of the telecottage movement, has been pushed into the background. In an interview with Mátyás Gáspár, the founder of the Hungarian Telecottage Association, he said that the state, in a way that was part of the centralisation reflexes that were observed after 2010, treated the system as its own, and this also meant that the service system of the telecottages, which originally focused on local needs, was becoming 'shallow and uniform'.[43] Taking into account the changing local needs of each region and exploiting the potential of the DJP points to expand their service portfolio is therefore one of the key challenges for the DJP points network in the near future.

Apart from the growth of the network of DJP points, the evolution of the smart village discourse in the second half of the 2010s was even slower. Although several important sectoral digitalisation strategies were adopted within the DJP (Hungary's Digital Education Strategy, Hungary's Digital Export Development Strategy and Hungary's Digital Startup Strategy) in 2016, the Digital Success Programme 2.0, a strategy document setting out the overall vision of digitalisation in Hungary, that was adopted in July 2017, still makes little mention of rural digitalisation. Mentions of people living in 'rural white spots' in the chapter on the Digital Work Programme,[44] the commitment to the "development and cohesion of smaller municipalities and underdeveloped rural areas", and the declaration of their inclusion in the Smart City-type developments of priority areas, primarily tourist destinations, can be regarded as scattered references at best.[45] Typical of these is point 3.4.2, entitled *Digital Agricultural Strategy. Support for the Digital Development of Agricultural Regions,* which takes a sectoral rather than a rural approach: the fact that the term 'rural' is not used once in this text, and that the Strategy's author prefers to use the term "agricultural regions",[46] is in itself revealing.

The results of the top-down phase up to this point are therefore rather mixed. A real turning point will only be reached when the smart village problem is systematically formulated and implemented by the administration. If it is possible to identify this turning point with a single date, it should be 19 November 2020. That was when Alpár Gyopáros, the government commissioner responsible for the development of modern settlements, announced at the Civitas Sapiens '20 smart city online conference that the Government of Hungary would announce the rollout of the Digital Village Programme (hereinafter:

42 DJP Point search engine. Available from the website of the DJP point network. 13 March 2022.
43 Gáspár 2022.
44 *Digitális Jólét Program 2.0* [Digital Success Programme 2.0] 2017: 62.
45 DJP 2.0. 2017: 121.
46 DJP 2.0. 2017: 69–74.

Digitális Falu Program – DFP).[47] This raises the question: what happened around the autumn of 2020 that potentially triggered the changes in the smart approach to include rural and village development policy? Several factors may explain this. It seems obvious that the Covid-19 pandemic and the consequences of the strict lockdown in spring 2020 naturally drew the government's attention to the potential of digitalisation, not only in the field of rural development, but definitely including it. The picture can be further nuanced by highlighting the impact of the infiltration of the EU's smart village discourse. Although publications related to certain elements of the theme of smart villages had already appeared in the academic sphere after the turn of the millennium,[48] the determining turning point for our study occurred only when EU rural development policies started to take a keen interest in both the narrower (technological) and broader (social) issues of digitalisation. This breakthrough was one of the key features of the 2014–2020 programming period: perhaps, without being exhaustive, the EU Action for Smart Villages Package,[49] developed in 2017, and the The Bled Declaration for a Smarter Future of the Rural Areas in EU,[50] adopted on 13 April 2018, could be the most important milestones in this process.

In addition to providing a definition of smart villages and mapping the problems associated with them, in line with the academic discourse, the above documents also identify EU policy areas and funds that can actively support ideas for the development of smart villages. Thus, the Bled Declaration identifies 'four large funding instruments' to stimulate the development of rural areas, namely the Common Agricultural Policy (CAP), the Horizon 2020 research and innovation funding programme (during the current programming period: Horizon Europe), the European Structural and Investment Funds and the European Fund for Strategic Investments (during the current programming period: InvestEU Fund).[51] The DFP could even serve as a useful starting point for preparing the rural communities to successfully access the various EU (and possibly other, e.g. nationally funded) funds that will be opened up in the 2021–2027 programming period. The DFP, which admittedly relies on the European Union discourse, i.e. the ENRD methodology, and highlights the role of the CAP, perhaps the most important large funding instrument from the point of view of the EU's Smart Village discourse, also draws attention to the fact that in the period from 2021 to 2027, "the Commission has decided to include the Smart Village initiative in the Common Agricultural Policy (CAP) Strategic Plans […] being prepared at national level", and thus it is also among the mandatory actions of the Hungarian CAP strategy.[52]

47 Világgazdaság 2020.
48 Atkočiūnienė–Vaznonienė 2019: 497–516.
49 European Commission 2017.
50 European Commission – European Parliament 2018.
51 European Commission – European Parliament 2018.
52 Digital Village Programme s. a.

In terms of the top-down phase that will unfold from autumn 2020, a key question is whether the government wants to impose its preferred definition of smart village on the periphery, or whether instead it is willing to give a more serious – as it were, partnering – role to rural municipalities to allow them to autonomously define their own concept of the smart village. This question should not be ignored, because the conceptual history of the smart city, the direct predecessor of the smart village, would at first sight lead us to a kind of critical approach. In Hungary, the definition of the smart city was introduced by the legislator in 2017 in Government Decree 314/2012 (XI.8.), which is the basic legal document of municipal-level planning, and this definition reflects in a specific way the dominance of the administration in the process of meaning construction. According to paragraph 2 point 5(b) of the Government Decree, a smart city is "a municipality that prepares and implements its integrated settlement development strategy (the subsequently renamed settlement development plan) on the basis of a smart city methodology". Based on the content requirements of Annex 3 of Government Decree 419/2021 (VII.15.), the Lechner Knowledge Centre Nonprofit Limited Liability Company, a professional background institution of the Prime Minister's Office in the fields of architecture, construction, real estate registration and spatial information, is solely responsible for the development of the methodology in question.[53] The situation appears to be very similar in the case of the smart village discourse. The DJP as a series of political actions launched by the Government ceased to exist at the end of July 2022,[54] and the DFP was subsequently taken over by an institution owned by the Hungarian State, the Neumann János Nonprofit Public Benefit Ltd. (hereinafter: Neumann Ltd.). However, in developing smart village methodology, Neumann Ltd., like its predecessor the DJP, is not so much focused on forcing the adoption and use of a preferred methodology, but rather on helping smart capabilities to flourish.[55]

From this perspective, it is worth examining the 12 actions listed on the DFP website (Table 2). The majority of these actions are vertical in nature (i.e. relevant only to specific sectors such as waste and energy management, air quality protection or agricultural development), but some are horizontal. The latter help local actors to make their communities smarter in a non-sector-specific way. Below I refer in more detail to horizontal actions 4, 5 and 1.

[53] Government Decree 419/2021 (VII.15.), Paragraph 2 point 10.

[54] *Digitális Jólét Program Zárókiadvány* [Digital Success Programme Final Publication] 2022: 1.

[55] In presenting the intersections of the DFP and the smart city discourse (such as the municipality probes or the Smart City Marketplace platform), we will see that even the smart city discourse cannot be reduced to the imposition of a methodology preferred by the power centre.

Table 2: Actions listed on the DFP website

1	Municipality probe
2	Let's move to the countryside! Resettlement and investment platform
3	Buying and selling community, digital farmers' market
4	Digital spatial development specialist training
5	Digital spatial development specialist training, alumni network
6	Municipal drone applications
7	Career village labour market module
8	Municipality air quality monitoring, detection and penalties
9	Energy community
10	Integrated waste management
11	Protection of persons and property
12	Digital services and electronic payment ecosystems

Source: Digital Village Programme s. a.

According to an interview conducted in 2021 with Attila Balla, the Deputy Managing Director of the Digital Wellbeing Nonprofit Ltd., who was responsible for the DJP and who currently holds the same position at Neumann Ltd., the training of local competences capable of adapting the digitalisation-related scientific and professional discourse to the local development policies can be rightly called the starting point of the preparation.[56] The various training programmes developed for this purpose began to be offered by higher education institutions in Hungary in the late 2010s. The first complex degree level training on the topic of smart cities was the postgraduate training course entitled Digital Spatial Development Specialist, launched in 2018 by the Civitas Sapiens Workshop in cooperation with the University of Public Service, Edutus University and the Moholy-Nagy University of Art and Design. Although the course, which requires a university degree as an entry requirement, has so far been completed by a number of key players in digital spatial development (for example, according to a questionnaire sent out by the author, the mayor of the municipality of Alsómocsolád, the deputy state secretary and the head of department of the Ministry of the Interior),[57] the total number of students (as of autumn of 2021, 52 diplomas had been awarded) hardly represents a breakthrough.[58] This is why a simplified, online version of the Digital Spatial Development specialisation and an alumni network for graduates could be of particular importance. Those who successfully complete the 4-week training course, which requires a secondary education as its entry requirement, will receive a Digital Spatial Development Specialist training certificate. The aim of the course, according to the promoters of the training, is "to have

[56] Magyar Építők 2021.

[57] Questionnaire for students of the postgraduate training course 'Digital Spatial Development Specialist'. Prepared and evaluated by the Author. The questionnaire will be collected between 8–22 March 2022.

[58] Balla 2021.

a professional in each municipality who has completed the training, thus being able to successfully participate in the digitalisation and smart transformation of the management of their own- and the surrounding towns/villages".[59] According to Attila Balla, nearly 1,300 Hungarian municipalities within and outside of Hungary had registered for this webinar training starting in January 2021, laying the foundations for the development of a national network that truly understands the concept of digitalisation.

Smart villages can also be helped by the so-called 'municipality probes',[60] which formulate proposals on the most optimal path to becoming a smart village for the municipalities concerned. In the current context, the term 'proposal' is perhaps the key: it is not that the administration wants to impose its own smart village approach on local actors, but rather that it is attempting to partner with villages in the brainstorming phase, where the DFP is mainly involved with providing the technical-methodological background. The methodological tools required for the municipality probes (analysis and processing of existing strategies, analysis of local statistical data, in-depth interviews with opinion leaders, online questionnaires) are of course complex and costly, and it is difficult to imagine the generalised application of such a scale of research for disadvantaged rural municipalities without a higher level of central funding and/or grant funding. For this reason, the various municipality probes are currently still linked to and carried out in the framework of pilot projects in about 40 (mostly more urban) municipalities.

Although the Smart City Marketplace platform[61] launched by the DJP in January 2022 is outside of the scope of the above actions, it could make a significant contribution to their success. This quality-assured platform will enable suppliers, developers and potential customers of smart city (and smart village) products to find each other more quickly and easily than before. All this suggests that the Hungarian administration does not necessarily wish to dominate the smart discourse in this area. On the contrary: in addition to various local actors and/or grassroots initiatives, it also allows certain market actors to play a role in shaping the discourse on smart cities and smart villages.

THE 2021 DIGITAL VILLAGE OF THE YEAR COMPETITION

Near the end of this analysis, it is worth summarising some of the lessons learned from the Digital Village of the Year competition,[62] which was launched for the first time in 2021. The DJP introduced the competition for municipalities with fewer than 5,000 inhabitants that use digital innovations, with the aim of "being able to use and showcase their digital developments as widely as possible, exploiting their potential".[63]

[59] Edutus University 2021.
[60] Civitas Sapiens Smart City Knowledge Centre s. a.
[61] Civitas Sapiens Smart City Knowledge Centre 2022.
[62] The documentation for the 2022 Digital Village of the Year competition was not available at the time of writing.
[63] Okosipar.hu 2022.

The competition was open to eligible municipalities in four categories – 'Innovative Settlement Environment', 'Sustainable Built and Natural Environment', 'Innovative Social and Community Well-being', 'Innovative Economic Ecosystem' – as set out in the application documents.[64]

In the context of a discourse analysis, it is first worth highlighting that the call for proposals seems to support the DFP's aim of helping municipalities interested in a smart approach to develop their potential. This seems to be confirmed by the prizes offered to the winners. Not counting the cash prize of HUF 1 million, which is hardly sufficient to fully exploit the potential of the proposals, the focus was instead on the possibility of participating in the municipality probe free of charge and being able to register for the Smart Marketplace platform, also free of charge. The key question beyond this is: How can the competition be evaluated in terms of enriching the meaning of the smart village? Based on the content of the call for proposals, the picture is rather positive. Of course, the categories here clearly refer to a central component of the EU and governmental smart village discourse, since:

- the category 'Sustainable Built and Natural Environment' reflects the importance of sustainability (from an energy point of view)
- the category 'Innovative Social and Community Well-being' reflects the importance of removing societal barriers to digitalisation
- the category 'Innovative ecosystem' reflects the importance of smart economic development

Nevertheless, the loose application criteria for the category of "Innovative Municipal Environment" – apart from the somewhat unjustified overemphasis on 'digital mobility systems' – allowed applicants to focus on and employ their own preferred meaning of the smart village concept. This was also the view of the independent professional jury. The winner of the category was Alsómocsolád, which, as we have already seen, has achieved significant results not only in the field of digital (mobility) systems. The main reason for the municipality's success was probably not the individual results detailed in the application documents, but the complex/systematic approach.

The overall picture is less positive in terms of the total number of participants and the general quality of the applications. Only 15 municipalities applied to the call for applications, which was open to all Hungarian municipalities with fewer than 5,000 inhabitants. As detailed in sub-section *The bottom-up phase,* the villages which won the Innovative Municipal Environment and Sustainable Natural and Built Environment categories (Alsómocsolád and Nagypáli) have been dominant among the Hungarian smart villages from the outset. In the case of Alsómocsolád in particular, this award can be interpreted as a kind of 'lifetime achievement award', a recognition of the successes it has achieved so far. The winners of the Innovative Social and Community Well-being and the Innovative

[64] Documentation for the 2021 Digital Village of the Year competition.

Economic Ecosystem categories (Füzérradvány and Rábapordány) are newer players. In the case of Füzérradvány, Borsod-Abaúj-Zemplén County, the focus was more on the 'becoming smart' of the municipality in general ('Digital media literacy' lectures for the elderly, the provision of CCTV cameras, the construction of a solar energy system to power the local church), while Rábapordány, in Győr-Moson-Sopron County won recognition for an automated pig farm, unique in Hungary but also a rarity in Europe, which met the jury's approval.

The remaining applications received were mostly of poor quality and/or focused on a particular smart solution. As the top-down phase of the smart village discourse continues, and will hopefully be completed in the near future, the administration will thus have further important tasks to perform. Most of all, it should reinforce the importance of the local level, which, with a few isolated exceptions, is still insufficiently involved in shaping the smart village discourse. In the current period of economic crisis, the underfunding of the local government sub-system is becoming increasingly apparent. In such circumstances, access to at least the Municipality Probe and the Smart Marketplace platform should be provided free of charge, not only to the winners of such tenders, but to all interested municipalities. Consideration should also be given to further developing the alumni network, with a view to a broader knowledge exchange. It may be advisable to set up a 'smart village example library' to collect and organise international and Hungarian academic literature as well as examples of good practice. At the same time, a more informal, dedicated knowledge centre format, similar to the network of Local Community Academies[65] already implemented in an earlier project at the Ludovika University of Public Service, could also be given a prominent role. Even the local level can be a partner in such efforts of the administration: the mayor of Alsómocsolád, who achieved perhaps the most significant results in the bottom-up phase, clearly expressed in the interview conducted with him his commitment to setting up a "methodological centre in a small village environment" which could play an active role in disseminating the smart village concept.[66]

CONCLUSIONS

The attempted analysis of the institutionalisation of the development of the smart village concept in Hungary with the methodological tool of discourse analysis has furnished several useful insights. Most of all, we tried to prove that the institutionalisation of the political discourse on smart villages and/or smart rural development in Hungary cannot be interpreted only – and perhaps not even primarily – within the framework of a so-called 'critical discourse analysis' that interprets the process in terms of its role in (re)producing or challenging domination. Instead, the discourse analysis technique we propose has

[65] University of Public Service 2015.
[66] Dicső 2022.

resembled a kind of interpretative structuralism, paying more attention to the consensual components of the discourse in question. As a result, it was possible to show that in Hungary, the local level (in particular certain civil or municipal actors), although located further away from the centre of power, played a decisive role in the construction of the meaning components related to the smart village in the initial, bottom-up phase of the discourse. Moreover, it seems that even in the later, top-down phase of the smart village discourse, it is not appropriate to overemphasise the importance of asymmetric power relations dominated by the power centre: the analysis of the DFP showed that the administration is still trying to involve those local actors that are interested in smart approaches and to encourage them to actively participate in the process of meaning construction. Of course, the overall picture is not entirely clear-cut: the analysis has also pointed to some of the problems stemming from the immaturity of the Hungarian smart village discourse that need to be addressed in order to move forward. However, in the light of our results so far, which have highlighted the importance of the consensus components of the smart village discourse in Hungary, this does not seem to be an insurmountable task.

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SOFT TQM ELEMENTS FOR DIGITAL TRANSFORMATION IN THE PUBLIC SECTOR

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The digital transformation of the public sector requires not only advanced modern technology but also good strategy and effective use of human factors. Additionally, quality management plays a crucial role in improving the performance and service quality of government organisations. This raises the question of how quality management could benefit digitalisation efforts and help the government to adapt in the era of digital technologies. However, the extant literature mostly focuses on the practice of quality management and the antecedents of digital transformation from the context of a private organisation, and only rarely from a public sector perspective. Therefore, this research seeks to understand and identify the soft TQM elements that can be applied in a public organisation to propel its digital transformation. The analysis was conducted based on a review of relevant papers published in this field. Deductive thematic analysis was employed to identify appropriate themes for this study. The findings identify five soft TQM elements: top management commitment and leadership, training and education, employee involvement, citizen focus and continuous improvement, all of which could positively impact a public organisation's digitalisation initiatives. The study aims to provide novel and relevant insights to assist government organisations in planning and carrying out digital transformations.

Keywords:
digital transformation, public sector, quality management, Total Quality Management (TQM), soft TQM

INTRODUCTION

There has been a growing trend since the early 1990s to modernise and transform the inefficient and bureaucratic public sector to meet the current needs of society and allow it to advance in a highly globalised and competitive environment.[1] Digital technology is continually changing the face of public services, as are the ways in which governments utilise digital innovation to manage public service performance. From e-government to e-governance and digital government, there is a growing interest in leveraging information and communication technologies (ICT) to generate public value.[2] Digital technologies have transformed the public sector by affecting its applications, processes, culture, structure, responsibilities and the tasks of civil servants.[3] Furthermore, technology plays a vital role in improving the product delivered by public sector bodies, their service quality and organisational performance,[4] and that impact has never been as significant and disruptive as in the digital transformation process.[5]

The digital transformation has affected the entire value chain, the business models applied, the organisation and management, including by introducing new strategic objectives, building capabilities and enhancing agility.[6] Implementing digital transformation technologies in public sector organisations brings many benefits, such as improved transparency and accountability, better access to government data, support for innovation, a responsive supply chain, improved government services, support for environmental initiatives, operational benefits and the encouragement of participation.[7] However, public sector organisations face many barriers to implementing such digital transformations, because public governments lack various necessary resources, skills and competencies.[8] A quality management (QM) approach may have the capacity to support the exploitation and exploration of an organisation's digitalisation initiative due to its involvement in strategic-level activities which can help to boost the levels of expertise required for driving and managing change.[9]

Nowadays, the technology landscape is more prosperous and promising than ever, coupled with the emergence of the latest machine and technology disruption, suggesting that there has been a new adaptation towards quality.[10] In line with the current technological breakthrough, the quality concept has also gradually changed along with the technological revolution. Digitalisation requires a rethinking of quality approaches.

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1 Karyotakis–Moustakis 2014: 30–44.
2 Agostino et al. 2022: 145–151.
3 Tangi et al. 2021: 1–10.
4 Radziwill 2018.
5 Dias et al. 2022: 1312–1335.
6 Carvalho et al. 2021: 341–346.
7 AlNuaimi et al. 2022: 636–648.
8 Ferraris et al. 2020: 1259–1280.
9 Ponsignon et al. 2019: 17–34.
10 Radziwill 2018.

According to Elg et al.,[11] digitalisation has transformed the role of QM in organisations as digital solutions can provide technical quality products and services and improve customer interaction and internal processes. QM activities are similar to digitalisation in that they are not limited to one specific function in an organisation but may be spread across the whole organisation and its value-creation processes.[12]

Although digital transformation could bring numerous benefits to governments, there is little systematic evidence on how it impacts public administrations' day-to-day operations, their approach to digital transformation projects, or what results it could be expected to bring.[13] Hence, it is worth investigating the integration of QM and the digitalisation process in the public sector. This is in line with government efforts to adopt quality management. Quality management has become a significant organisational trend in change management in the public sector.[14] For example, Gomes et al.[15] noted that, in order to inspire and promote more business-like operations in government agencies and state-owned enterprises, state and municipal agencies have sponsored intensive training programs in total quality management (TQM), continuous improvement, strategy, performance measurement, and project management for public-sector officials and staff.

Previous researchers have mainly focused on the private sector when investigating the potential of quality management as a catalyst for change management and enhanced performance.[16] In contrast, the number of studies on applying quality management methods in the public sector remains limited and this field has not been adequately discussed. Therefore, this study aims to conduct a review that explicitly focuses on applying quality management methods to digital transformation in the public sector. In conducting the review, the authors were guided by the following main research question: What is the fundamental element of quality management that can be applied to implement digital transformation in the public sector effectively? Furthermore, the main focus of this paper is on the soft TQM elements' influence on digital transformation efforts in the public sector.

This paper is structured as follows: The first section presents the introduction and background of the study. Section 2 provides an overview of the total quality management concept and reviews the literature on soft TQM. Section 3 describes the research methodology. Section 4 presents the results of the review. Section 5 summarises and concludes the results of this paper.

[11] Elg et al. 2021: 990–1003.
[12] Elg et al. 2021: 990–1003.
[13] Mergel et al. 2019: 1–16.
[14] Stringham 2004: 182–211.
[15] Gomes et al. 2019: 207–228.
[16] Boon et al. 2005: 279–289; Ali–Johl 2022: 608–620.

SOFT ELEMENTS OF QUALITY MANAGEMENT

Quality Management

The quality management approach was developed by Deming, Juran and Feigenbaum, focusing on customers, continuous improvement, teamwork and constant updates.[17] Quality management is a method of achieving and sustaining high-quality results.[18] The fundamental task of the quality management system is to control and manage the critical characteristics of products and services, thus improving customer satisfaction and reducing non-quality costs.[19] Quality management has long been a key issue in both the private and public sectors and is applied in various service settings, including healthcare, digitally connected services and schooling.[20] More recently, Deleryd and Fundin[21] have argued that the quest for quality has not always been about doing the right thing in the right way. The demand and focus of the operation should be shifted to develop and produce a solution in a sustainable way in which the end product is beneficial to society. Fundin, Backström and Johansson[22] noted that it is crucial to revisit the concept of QM to explore the new possibilities of integrating it with current operations to achieve efficiency and effectiveness.

Global industry has entered the age of the fourth industrial revolution, known as Industry 4.0. The term Quality 4.0 emerged from the German industrialisation program – Industry 4.0, where the role of quality was predicted to evolve in the next two decades in response to the dispersal of digital technology.[23] Quality 4.0 refers to the connectivity and integration of systems to collect and analyse data and digitalise an organisation's operations.[24] Moreover, Quality 4.0 is a concept associated with the fourth industrial revolution, specifically the digitalisation of quality work in the context of Industry 4.0.[25] Quality has evolved to play a more significant role than its traditional meaning in an ever-changing context where quality professionals must adapt to the environment of high technology and innovation. Therefore, we can conclude that Quality 4.0 is an application of Industry 4.0 technologies to the quality and digitalisation of TQM and its effect on quality technology, processes and individuals.[26] Additionally, it is to be noted that Quality 4.0 is not only about the technology element in transforming the quality process.

[17] Barbosa et al. 2017: 438–449.
[18] Carvalho et al. 2021: 341–346.
[19] Carvalho et al. 2021: 341–346.
[20] Fundin et al. 2018: 125–137.
[21] Deleryd–Fundin 2020: 1–17.
[22] Fundin et al. 2021: 476–488.
[23] Watson 2019: 24–30.
[24] Forero–Sisodia 2020.
[25] Forero–Sisodia 2020.
[26] Carvalho et al. 2021: 341–346.

It also involves the large-scale transformation of culture, leadership, collaboration and compliance, and how to maximise an organisation's value.[27]

Total Quality Management

Total Quality Management (TQM) refers to a management approach by an organisation that is centred on quality and based on the participation of all its members, aiming at long-term success through customer satisfaction and by bringing benefit to all the members of the organisation and to society.[28] Total quality management (TQM) often refers to a management philosophy that strives towards a continuous improvement of the quality of goods and services through the participation of all organisational levels and functions. Thus, the successful implementation of TQM methods largely depends on the genuine commitment of all the members of the organisation.[29] Although total quality management (TQM) became popular several decades ago and was once considered a management fad, it is still a significant force in research and practice due to its potential to promote service quality and organisational performance.[30]

Since the early 1980s, TQM has gained tremendous popularity in the public sector in the United States. For this reason, in the 1990s, quality management increasingly began to be implemented in the public sector through reengineering efforts and became a significant organisational trend in change management in the public sector.[31] Rodgers et al.[32] noted that some quality management principles are equally relevant to all sectors, not limited to the private sector, including the public service sector. Thus, over the last two decades, there have been a growing trend for organisations worldwide to actively adopt TQM methods in some form.[33]

Furthermore, to ensure successful TQM implementation, extensive studies have been conducted to identify the critical elements of TQM. TQM elements are usually associated with and classified into two broad categories: soft TQM and hard TQM.[34] According to Sila,[35] the TQM construct can be measured by taking into account seven general practices: strategic planning, leadership, information and analysis, human resource management (HRM), supplier management and process management. Additionally, Georgiev and Ohtaki[36] identified twelve critical success factors of quality management, namely: top management

27 Dias et al. 2022: 1312–1335.
28 Hellsten–Klefsjö 2000: 238–244.
29 Dubey–Gunasekaran 2015: 371–382.
30 Hwang et al. 2020: 147–158.
31 Stringham 2004: 182–211.
32 Rodgers et al. 2021: 528–540.
33 Rahman 2004: 411–422.
34 Daud–Yusoff 2011: 17–22.
35 Sila 2007: 83–109.
36 Georgiev–Ohtaki 2020: 473–498.

involvement and leadership, quality policy and strategy, middle management involvement and support, employee involvement and empowerment, teamwork, training and education, staff evaluation, reward and recognition, communication management, customer focus, supplier management and CSR focus. Furthermore, the soft TQM aspect has proven to have a significant impact on organisations and innovation performance in both the private and public sectors.[37]

Soft TQM

Almost all definitions of TQM refer to its soft and hard sides.[38] The soft side is associated with management concepts and principles such as top management commitment, leadership and employee involvement.[39] Meanwhile, the hard aspect refers to quality improvement tools and techniques.[40] Management philosophy and intangible components are the main focus of the soft TQM dimension.[41] The soft side of TQM usually deals with long-term issues that require an organisation's attention,[42] including social and behavioural patterns and organisational aspects such as human resources development, employee empowerment, top management commitment/leadership, customer focus, education and training, strategic planning and people management.

To investigate the effectiveness of soft TQM aspects, extensive studies of various organisations in both the private and public sectors have been conducted, and these have proven that soft TQM practices have a positive impact on the organisation's innovation and performance (see Table 1). Table 1 illustrates that most studies on soft TQM aspects have focused on the private sector; only three studies, by Daud and Yusoff,[43] Gomes et al.[44] and Sciarelli et al.[45] were conducted in the public sector context. Hwang et al.[46] investigated the effects of soft TQM practices on employees' readiness for change. Data were collected from 8,417 survey responses from large IT service firms in South Korea. The findings suggested that soft TQM practices such as employee empowerment, teamwork, communication, employee training and appropriate leadership by top management enhance employees' readiness for change.

37 Ali–Johl 2022: 608–620; Gomes et al. 2019: 207–228.
38 Fotopoulos–Psomas 2009: 150–163.
39 Fotopoulos–Psomas 2009: 150–163.
40 Daud–Yusoff 2011: 17–22.
41 Georgiev–Ohtaki 2020: 473–498.
42 Fotopoulos–Psomas 2009: 150–163.
43 Daud–Yusoff 2011: 17–22.
44 Gomes et al. 2019: 207–228.
45 Sciarelli et al. 2020: 1349–1372.
46 Hwang et al. 2020: 147–158.

Consequently, properly implementing TQM will increase organizational commitment and reduce employee turnover intention. Moreover, Dubey and Gunasekaran[47] conducted an empirical study to explore the soft TQM dimension and its impact on the performance of 220 cement manufacturing firms. The studies confirmed that soft TQM dimensions, including human resources, a quality culture, motivational leadership and relationship management significantly impact the performance of firms in the cement industry in India. Additionally, Ali and Johl[48] performed a study on Malaysian small and medium (SMEs) manufacturing companies to investigate the relationship between digital TQM or Quality 4.0 on the sustainable performance of the enterprises. The researchers found that soft TQM practices such as top management commitment/leadership, customer focus/ customer involvement, and employee education and training positively influenced the sustainable (financial, social and environmental) performance of Malaysian small and medium (SMEs) manufacturing companies.

Table 1: Soft TQM studies

Authors	Context	Soft TQM variables	Dependent variable
Hwang et al. (2020)	IT service firm	Employee empowerment Communication Training Top management and leadership	Employees' readiness to change
Dubey and Gunasekaran (2015)	Manufacturing firm	Human resources (training) Quality culture Leadership Relationship management	Firm performances
Ali and Johl (2022)	Small and medium (SMEs) manufacturing firms	Top management commitment and leadership Customer focus Education and training	Sustainable performances
Fotopoulos and Psomas (2009)	ISO 9001:2000 certified company	Top management commitment Strategic quality planning Employee involvement Supplier management Customer focus Process orientation Continuous improvement Fact-based decision making Human resource development	Quality management result
Boon et al. (2005)	Semiconductor company	Top management Customer focus Education and training Organisation culture Employee participation Teamwork	Employee attitude

[47] Dubey–Gunasekaran 2015: 371–382.
[48] Ali–Johl 2022: 608–620.

Authors	Context	Soft TQM variables	Dependent variable
Daud and Yusoff (2011)	Government-linked companies	Top management leadership and commitment Strategic planning Customer focus Human Resource Management Supplier management	Knowledge management
Sciarelli et al. (2020)	Higher education institution	Top management Strategic planning People management Supplier management Student (customer) focus	Innovation and organisation performance
Aoun and Hasnan (2017)	Hospitals	People-based management Continuous improvement	Innovation skills
Gomes et al. (2019)	Local public sector municipalities	Customer focus Employee involvement Continuous improvement	Public sector project implementation
Kanapathy et al. (2017)	ISO 9000-certified manufacturing firms	Top management support Employee training Employee involvement	Innovation performances

Source: Compiled by the authors.

In a similar vein, Fotopoulos and Psomas[49] conducted an empirical study on 370 Greek companies to explore the roles of soft and hard TQM on quality management results. Their findings indicate that soft TQM elements such as top management commitment, strategic quality planning, employee involvement, supplier management, customer focus, process orientation, continuous improvement, fact-based decision-making and human resource development significantly influence quality management results compared to hard TQM practices. Another study, by Boon et al.,[50] investigated the effect of soft TQM practices on employees' attitudes within a large Malaysian semiconductor organisation. The findings revealed that soft TQM practices such as engagement by top management, customer focus, education and training, organisational culture, employee participation and teamwork positively influenced employees' attitudes, such as job involvement, career satisfaction and organisational commitment.

In addition, Daud and Yusoff[51] performed a study to investigate soft and hard TQM practices on knowledge management processes in government-linked companies. Their findings showed that soft TQM aspects such as top management leadership and commitment, strategic planning, customer and market focus, HRM and involvement, and supplier management contribute more to knowledge management processes and consequently enhance the performance of organisations. Another study, by Sciarelli et al.[52] explored the effect of hard and soft quality management on innovation and organisation performance

[49] Fotopoulos–Psomas 2009: 150–163.
[50] Boon et al. 2005: 279–289.
[51] Daud–Yusoff 2011: 17–22.
[52] Sciarelli et al. 2020: 1349–1372.

in higher education institutions in Naples, Italy. The academic institutions adopted soft quality management practices such as top management support (the director's long-term commitment to QM philosophy), strategic planning (vision, mission and objectives align with needs and different expectations from different stakeholders), people management (recognising staff performance on quality, teamwork, training, staff involvement in the quality decision), supplier management (work closely and cooperatively with suppliers), and taking a student-focused approach (determining student needs and expectations and then fulfilling them). Based on the data collected from 356 respondents and analysis made using partial least squares structural equation modelling techniques (PLS-SEM), the findings of the research indicate that soft QM practices are related to hard practices. Moreover, soft TQM practices have a stronger impact on administrative innovation compared to hard ones. Both soft and hard QM practices positively affect performance.

Another study, conducted by Aoun and Hasnan,[53] examined the influence of soft TQM on the innovation skills of employees in Lebanese hospitals. The findings revealed that soft TQM influenced innovation skills through people-based management but not through continuous improvement. The researchers empirically proved that soft TQM is a significant tool that can be used to enhance innovation through the successful implementation of people-based management. Likewise, Gomes et al.[54] performed an empirical study on the key components of TQM, such as customer focus, employee involvement and continuous improvement. Data were collected from 211 Portuguese public officials with public-sector project management experiences. Their findings concluded that TQM components are beneficial during the planning and implementation stages of projects in the public sector.

Furthermore, Kanapathy et al.[55] studied 106 ISO 9000 manufacturers to explore the impact of soft and hard TQM practices on innovation performance. Their findings demonstrated that soft TQM plays a significant role in positively enhancing the innovation process, while the role of hard TQM was found to be insignificant. However, the hard TQM aspect makes a sufficient contribution to implementing process innovation. On the other hand, one study by Ong and Tan[56] investigating how soft TQM, agility and knowledge management are aligned to increase the organisational performance of electrical and electronics manufacturers in Malaysia came to different conclusions. Their findings revealed that soft TQM has no significant direct effect on organisational performance but has a strong relationship when mediated with knowledge management. Based on the literature review, we can conclude that the soft TQM aspect is a critical success factor (CSF) in enhancing the performance of an organisation (see Table 2).

[53] Aoun–Hasnan 2015: 1–11.
[54] Gomes et al. 2019: 207–228.
[55] Kanapathy et al. 2017: 429–461.
[56] Ong–Tan 2022: 28–47.

Table 2: Soft CSFs of TQM

References	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Hwang et al. (2020)	X		X										X	X	
Dubey and Gunasekaran (2015)	X		X		X		X								
Ali and Johl (2022)	X	X	X												
Fotopoulos and Psomas (2009)	X	X		X	X	X		X		X		X			X
Boon et al. (2005)	X	X	X	X			X				X				
Daud and Yusoff (2011)	X	X			X	X				X					
Sciarelli et al. (2020)	X	X			X	X			X						
Aoun and Hasnan (2017)								X	X						
Gomes et al. (2019)		X		X				X							
Kanapathy et al. (2017)	X		X	X											

Note: 1 = Top management commitment and leadership; 2 = Customer focus; 3 = Training and education; 4 = Employees involvement; 5 = Supplier management; 6 = Strategic planning; 7 = Teamwork; 8 = Continuous improvement; 9 = People based management; 10 = Human resource development; 11 = Organisation culture; 12 = Process orientation; 13 = Communication; 14 = Employees empowerment; 15 = Fact-based decision making
Source: Compiled by the authors.

METHODOLOGY

Searches for relevant documents were conducted using main and enriched keywords such as *quality management, quality management in public sector, total quality management, total quality management in public sector, total quality management and public sector, TQM and e-government, TQM in public sector, TQM and public sector, digital transformation, digital transformation in public sector, soft TQM, Quality 4.0, Quality 4.0 and public sector.* The search process was run on selected leading databases (Scopus) and supporting databases (Google Scholar) based on the identified keywords. The Scopus database provides a comprehensive source of data (indexing more than 5,000 publishers), ensures the articles' quality, and has a multidisciplinary focus field.[57] Meanwhile, Google Scholar has the ability to produce enormous numbers of search results, and it is worth noting that there are 389 million documents available in the Google Scholar databases.[58] Moreover, only articles published in English are incorporated in the review to avoid confusion in understanding. The review documents comprise a wide range of documents, including books, chapters in books, journal papers and conference proceedings.

[57] Gusenbauer–Haddaway 2020: 181–217.
[58] Gusenbauer 2019: 177–214.

The data obtained were analysed based on deductive thematic analysis. According to Braun and Clark,[59] thematic analysis is described as a method for identifying, analysing and reporting data patterns (themes). It helps to organise and describe the selected data set in a detailed and rich manner. Thematic analysis is based on two approaches, inductive and deductive thematic analysis.[60] This study deployed a deductive or theoretical thematic analysis, whereby a deductive approach involves approaching the data with some preconceived themes expected. It is more explicitly analyst-driven and is driven by the researcher's theoretical or analytic interest in the area.

RESULTS

Quality management has become established as one of the most important discussion topics in modern management. Based on the literature review and a deductive thematic analysis conducted, we identified several significant aspects of soft TQM for the digital transformation process in the public sector, which are outlined below.

Top management commitment and leadership

Among the critical factors for the success of quality management programs, leadership is one of the most cited factors.[61] Support by the leadership and top management, and their understanding of the digital transformation process, along with the extent to which they are willing to support its implementation within the organisation are essential to digital transformation. A study by Alshourah[62] confirmed that leadership commitment and support for quality were found to have a significant effect on performance in Jordanian public hospitals. Leaders do not have to be technological wizards, but they must understand what can be accomplished at the intersection of the public sector and technology. They must be prepared to lead the way in conceptualising how technology can transform public sector strategy. The change produced by adopting digital technology will be rapid and intense, and the right leaders can boost the organisation's ability to advance in the digital transformation process.

Top management support is believed to be a vital factor in improving a system's usability by providing proper resources and acting to optimise the system in response to the feedback of the end-users.[63] Furthermore, we cannot deny the importance of management commitment because firms need the commitment and involvement of a manager to

[59] Braun–Clarke 2006: 77–101.
[60] Braun–Clarke 2006: 77–101.
[61] Barbosa et al. 2017: 438–449.
[62] Alshourah 2021: 67–76.
[63] Abu-Shanab–Bataineh 2016: 32–46.

actively encourage change, implement a culture of trust, and commit to change to "best practice".[64] It can be argued that support from organisations makes employees feel fulfilled and satisfied with their jobs, and consequently, they tend to perform better in achieving customer satisfaction and winning customer loyalty.[65]

Leadership, in this context, also refers to the ability of public managers to recognise the importance of organisational transformation in the successful implementation of new technologies, to understand its dimensions and support the necessary changes.[66] For instance, a successful e-government initiative in the public sector requires the commitment of political and administrative leaders to create a short and long-term e-government strategic plan, which involves a planning how to build a relationship with citizens and partners.[67] On top of that, top management leadership's role as a helper in supporting knowledge management (KM) processes is vital for the development and enhancement of the collective learning ability in the organisation.[68] Kupper et al.[69] noted that the most important skills for quality management leaders today and in the future to enable the success of Quality 4.0 include competencies related to communication, change management, and strategic and long-term planning. Quality leaders also need soft interpersonal skills, like communication and social skills.[70] These skills reflect a leader's essential role in creating a quality-centred culture across the organisation.

Furthermore, Kane et al.[71] discovered that in a digitally maturing company, the employees are highly confident in their leader's digital fluency. Digital fluency, in this case, does not demand a mastery of technologies. Instead, it requires leaders to have the ability to articulate the value of digital technology to the organisation's future.

Sony and Douglas[72] argue that Quality 4.0 requires more than transformation leadership. Instead, it requires a knowledge-oriented leadership which is keen on the learning and innovation concept. Abbas and Kumari[73] also noted that knowledge-oriented leaders could help to promote knowledge management practices in their organisations. That being said, top management should promote the culture of knowledge sharing and application without hesitating due to fear of losing their influence or power. Yussof[74] emphasised that management is responsible for training and retraining employees in new skills to keep pace with changes in the workplace.

64 Carvalho et al. 2021: 341–346.
65 Fei et al. 2019: 995–1020.
66 Carvalho et al. 2021: 341–346.
67 Apriliyanti et al. 2021: 440–460.
68 Daud–Yusoff 2011: 17–22.
69 Kupper et al. 2019.
70 Kemenade 2014: 650–657.
71 Kane et al. 2015: 1–25.
72 Sony et al. 2020: 779–793.
73 Abbas–Kumari 2023: 426–451.
74 Yussof 1996: 31–49.

Training and education

In the TQM context, employees need to acquire relevant knowledge and skills through appropriate training.[75] Furthermore, Quality 4.0, as an emerging concept in QM studies, emphasises the need for transformational skills such as critical thinking, creativity, adaptability and social skills, including teamwork and knowledge transfer. Sony and Douglas[76] stressed the importance of training, which plays a vital role in successfully implementing Quality 4.0. Ali and Johl[77] agree that employee training and learning play a crucial role in adopting and implementing digital TQM. They argue that Industry 4.0 involves the use of a wide range of technology, which requires employees to be equipped with technical and transformational skills. In the context of the public sector, training will lead to the overall success of the e-government program.[78] Training will provide the employees with the necessary skills to use the technology that is introduced. Thus, it will increase the e-government diffusion rate among them.

Employees involvement

A successful quality management process emphasises that employees at all levels inside an organisation must engage with and participate in enhancing the organisation's capabilities to create and deliver value to the citizens. Soft TQM practices emphasise the idea that all employees within an organisation are responsible for quality.[79] Employees' involvement is related to employees' flexibility, multiple skills, training and capacity to solve problems.[80] Beyond ICT infrastructure and technologies, adopting technology requires a high level of human resources management. From a public sector perspective, human resources, i.e. government employees may have a significant impact on the spread of digital government. Human variables affecting digital government development include technical and technological know-how, IT skills and capacity. Employees' levels of commitment influence their actions and attitudes toward digital technology reform. The success of e-government may be contingent on the continued commitment of capable government personnel who are enthusiastic and willing to accept reforms and new ideas and to participate in implementing new programmes.[81]

75 Hwang et al. 2020: 147–158.
76 Sony et al. 2020: 779–793.
77 Ali–Johl 2022: 608–620.
78 Apleni–Smuts 2020: 15–27.
79 Hwang et al. 2020: 147–158.
80 Carvalho et al. 2021: 341–346.
81 Apriliyanti et al. 2021: 440–460.

Citizen focus

One of the fundamental elements of QM is customer focus. Customer focus, as a key pillar of TQM aims to show the commitment of the organisation's leadership to fulfil and strive to exceed customers' needs and expectations, while ensuring consistency with regulatory and statutory requirements, identifying risks and opportunities that can affect customers' conformity of use and customer satisfaction, and ensuring that this customer-focused approach is sustained and continuously maintained.[82] In the private sector, TQM focuses on the end-user of the product or service. In the public sector, in contrast, the focus of TQM has shifted to the role of citizens. The varying positions of the citizens must also be considered, as different sections of the population have different interests in government programmes.[83] Accordingly, their interests should be well addressed by governmental digital strategies.

Hence, the development of digital services provided by the government must be based on the actual demands of citizens. For example, in e-government, the ability of users, including citizens and civil servants, to use and cope with new technology must also be considered.[84] Furthermore, the e-services provided should be more efficient, effective and ready to eliminate bureaucracy with multiple service providers in order to spark interest in the users. Thus, in order to design services that work for citizens, governments must first understand their needs. This can be accomplished by researching a diverse group of users in a variety of settings and the results of this research will influence service design and delivery. Intelligent services may also be implemented to improve the user experience and to create a new digital ecosystem for citizens. The government should provide a safe and secure platform for residents and businesses to communicate with the government to increase their involvement.[85]

Continuous improvement

According to Jurburg et al.,[86] continuous improvement refers to "the inter-related group of planned, organized, and systematic processes of constant change across the whole organization, focused on engaging everyone within the organization into achieving greater business productivity, quality, safety, ergonomics, and competitiveness". Continuous improvement is a strategy whereby all employees at all levels inside the public sector work together proactively to achieve regular incremental improvement to realise the digital transformation process. In such ways, it combines a company's collective talents to form

[82] Sader et al. 2019: 131–140.
[83] Nour 2018: 1–15.
[84] Apleni–Smuts 2020: 15–27.
[85] Othman et al. 2020: 2864–2876.
[86] Jurburg et al. 2019: 359–376.

a powerful engine for improvement. It has become clear that merely satisfying customers is not enough. Quality must also focus on continuous improvement, which involves commitment from employees.[87] It is also emphasised that continuous improvement of an organisation's overall performance should be a permanent objective of the organisation.[88]

CONCLUSIONS

Based on the aforementioned soft TQM elements, this paper aimed to contribute to a better understanding of how soft TQM practices can be applied to digital transformation efforts in the public sector through five elements of soft TQM practices, comprising: 1. top management commitment and leadership; 2. training, and education; 3. employee involvement; 4. citizen focus; and 5. continuous improvement practices. Soft TQM focuses more on the need for human factors rather than technical developments. Human factors, which largely depend on leaders and employees, play a crucial role in managing and implementing digital transformation in an organisation. Without them, public sector digitalisation efforts cannot move forward or achieve their objectives, even if they have advanced technology or knowledge. It is hoped that this paper has shed some light on the practical implications for government agencies, demonstrating that there is a need to pay more attention to soft TQM factors to ensure the successful adoption and implementation of new technology in their organisations.

Several limitations were identified. This paper is limited to a literature review based on databases searched in Scopus and Google Scholar. Second, only English language literature was included in the review. Several recommendations can thus be made. Future reviews can be carried out using additional leading and supporting databases such as Web of Sciences, ScienceDirect, Dimensions, DOAJ, Myjurnal, Econbiz and EbscoHost to enhance the search strategies. Second, literature in other languages should be included, which could improve the variation in literature. Third, the suggested soft TQM elements can be tested empirically in the public sector to test their effect on the digital transformation process.

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[87] Kemenade 2014: 650–657.
[88] Berényi 2013.

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THE ROLE OF FINANCE IN EU CLIMATE RESILIENCE[1]

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This paper examines the essential financial instruments as the pillars of the climate resilience of the European Union. The research is based on qualitative methodology, i.e. the analysis of relevant policy documents, budgetary documents and legal sources, as well as the review of relevant literature. In order to emphasise the importance of the issue discussed, first of all the relevant terms and definitions such as climate risk and climate resilience are set out, and the whole issue of climate change is briefly outlined. After that, the two main sections of the article are structured as follows. First the role of the budgetary tools of the EU is discussed – including the latest facilities such as the 2021–2027 MFF, NextGenerationEU and RRF. The second main point is established around the role of the central bank system – including the European Central Bank and the central banks of the member states – in climate resilience. The last chapter before the final discussion briefly sketches the experimental co-financing tools – mostly pilot projects – which are aimed at the energy efficiency of the infrastructure.

Keywords:
central banks, climate finance, EU ETS, European Central Bank, European Commission, MFF 2021–2027, NextGenerationEU, project finance, RRF

INTRODUCTION

Climate change is recognised as an imminent threat globally, and Europe is no exception to this. A longstanding objective of the European Union (EU) is to change Europe in such

[1] TKP2021-NKTA-51 has been implemented with the support provided by the Ministry of Culture and Innovation of Hungary from the National Research, Development and Innovation Fund, financed under the TKP2021-NKTA funding scheme.

a manner as to reduce or deflect the impacts of the climate change as much as possible. This attitude was strengthened by the Paris Agreement on climate change and by the UN 2030 Agenda for Sustainable Development in 2015.

This article undertakes to examine the EU's climate resilience from a financial perspective. This involves both the funding of programmes related to the climate resilience programmes of the EU and the actions taken by the EU in order to make the whole European economy greener. The first chapter will briefly introduce the phenomenon known as climate change and the term 'climate resilience' along with some climate specific financial challenges by identifying the main types of climate risks. In connection with this, the reform of the EU Emission Trading System will be briefly summarised. Subsequently, the article will be structured around three pillars.

The first pillar is dealt with in the section which focuses on the structure of the EU budget, and highlights the aspects of the 2021–2027 Multiannual Financial Framework (MFF), the NextGenerationEU and the Recovery and Resilience Facility (RRF) which are relevant to the topic of this paper. A short sub-section will be devoted to one of the most interesting phenomena linked to the contemporary EU policy making, which is the ever more present (soft) requirement of the horizontal presence of green and digital solutions.

The second pillar focuses on the role of the European Central Bank (ECB) and the European System of Central Banks (ESCB) in the EU's climate resilience, along with the role of the national central banks of the EU member states, since there is a significant relationship between the supranational and the national level. This section also discusses the relevant actions of other EU institutions and agencies, such as the European Commission or the European Banking Authority (EBA).

Finally, for the third pillar of the article, the last question analysed concerns whether the so-called smart finance is relevant to EU climate resilience, focusing on both already existing good practices and future possibilities. In the last section, entitled 'Discussion' the main points made in the article are summarised along with an outline of the questions which are in need of further research and discussion.

Regarding methodology, the article is based on qualitative methods, mainly on the analysis of the relevant strategic documents, budgetary documents reports, laws and soft law. The author drew mostly on legal material – including soft law documents – such as official communications, press releases, presentations, etc. issued by the European Commission, the European Central Bank and other institutions and agencies of the EU.

The reader may find that the article covers rather too many issues and in places does not go into as much detail as one might desire. This is intentional, as the author would like to provide an overview of the abovementioned three pillars, which he identified as the most important parts of the field specified in the title of the article, while not exceeding the recommended length of a journal article.

IMPACTS OF THE CLIMATE CHANGE ON THE EUROPEAN UNION

The *Joint Research Centre of the European Commission (JRC)* conducted a study in 2020 with the title *Climate Change Impacts and Adaptation in Europe* and presented its results in an extensive report using the acronym *PESETA IV (Projection of Economic Impacts of Climate Change in Sectors of the European Union Based on Bottom-up Analysis No. IV).*

This study[2] presented many shocking conclusions – including but not limited to the following. (This model is based on the worst-case scenario – i.e. what would happen without climate adaptation and mitigation resulting in a warming of 3.0 °C or more. Hopefully, and based on current global and EU practice, this is just a theoretical scenario, and the warming will not exceed 1.5 °C.) In the event of a rise in temperatures of 3.0 °C or more:

- The *exposure of the population of the EU and the UK to the elements of nature* would rise dramatically: e.g. 300 million citizens would be exposed to extreme heatwaves; the number of citizens exposed to wildfires would increase by 15 million for at least 10 days per year.
- *Drought and (river and coastal) flood losses* would increase in an extreme way, both in financial terms and by the number of exposed citizens, e.g. by 2100 the coastal flood losses would amount to €250 billion/year, effecting a population 22 times larger than the population affected today.
- Calculated in comparison with today's economy, annual *welfare loss* in the EU and UK could represent 1.4% of GDP.
- *Ecological domains would shift northwards,* resulting in severe changes of the prevailing domains in southern Europe and the boreal areas, and the encroachment of the tropical domain into Europe.
- The burden of climate change shows a clear *north–south divide,* with southern regions in Europe impacted more than northern areas (by a wide spectrum of impacts ranging from drops in wheat and maize yield by more than 10% and a reduction in hydropower output to much more frequent heatwaves and considerable welfare losses in general).

In order to prevent the realisation of this worst-case scenario effective and rapid action has to be taken in the fields of climate mitigation and adaptation. In general, the climate resilience of the EU has to be established and maintained. It is obvious that Europe alone cannot prevent any of this, but Europe plays an important role as an international actor influencing almost the whole global community on issues like this (see below).

[2] Feyen et al. 2020.

What does the term 'climate resilience' mean?

The definition of climate resilience is best approached through the lens of international actors. The largest global actor in this field is the United Nations, especially its *Bureau of the UN Framework Convention on Climate Change (UNFCCC),* which publishes annual reports entitled *Climate Action Pathway – Climate Resilience* whose executive summaries of the 2020 and 2021 editions will be used for this article.

UNFCCC states that climate resilience can be achieved through working towards three separate but connected goals: 1. Resilient people and livelihoods; 2. Resilient Business and Economies; and 3. Resilient Environment Systems, and puts the emphasis on people.[3] On the other hand, UNFCCC balances the focus between people and nature, and introduces another trichotomy based on the *Race to Resilience* campaign: 1. Urban resilience; 2. Rural resilience; and 3. Coastal resilience.[4] However, both reports agree that building climate resilience requires mitigation and adaptation actions that must be combined to tackle the current and future impacts of climate change.[5] To understand the approaches recommended in these reports, it is therefore first necessary to define the terms 'mitigation' and 'adaptation'.

According to NASA, *mitigation* – reducing climate change – involves reducing the flow of heat-trapping greenhouse gases into the atmosphere, either by reducing sources of these gases (for example, the burning of fossil fuels for electricity, heat, or transport) or enhancing the 'sinks' that accumulate and store these gases (such as the oceans, forests and soil). *Adaptation* – adapting to life in a changing climate – involves adjusting to actual or expected future climate, with the goal of reducing our exposure to the risks from the harmful effects of climate change, including making the most of any potential beneficial opportunities associated with climate change.[6]

At this point the most important strategic document of the EU climate resilience is probably the *European Green Deal.* The European Green Deal traces a pathway to climate change neutrality and sustainable development, by transforming the EU into a low-carbon, resource-efficient and prosperous society and economy *(i.e. mitigation),* and includes a new and revised *EU Adaptation Strategy.*[7] Furthermore, although the European Environmental Agency (EEA) is a decentralised agency with somewhat restricted competences, lacking any sort of direct powers – focusing on mostly methodological, statistical, supportive and advisory tasks and networking activities (see 401/2009/EC Regulation, especially Articles 2–5) – the *Climate-ADAPT* system was established as a partnership between the Commission (to be precise its DG CLIMA) and the EEA. The Climate-ADAPT includes

[3] UNFCCC 2020.
[4] UNFCCC 2021.
[5] See UNFCCC 2020; 2021.
[6] NASA 2022.
[7] European Commission 2020b.

a wide range of subjects related to climate adaptation, from knowledge management and sharing to policy-making.[8]

It is important to note that the EU considers itself a global actor in this field, which means it tries to shape the global trends related to climate resilience. These solutions belong to the field of *soft power,* which is increasingly important in the European policy mix.[9]

Climate specific challenges in finance

Climate risks can be divided into two main groups: 1. physical risks; and 2. transition risks. *Physical risks* involve financial losses/increased costs from the impact of chronic and acute physical events. *Transition risks* arise from the costly adjustment towards a low-carbon economy and it is typically prompted by changes in climate and/or environmental policy, technological advances, and/or shifts in public preferences.[10]

A significant share of the market is exposed to these risks, especially to transition risk. According to Ozturk et al. the emergence of environmental policies to control and reduce greenhouse gas emissions has exposed firms in energy intensive industries to significant transitional climate risks due to the potential costs involved in adjusting their business operations to a heavily regulated, low carbon economy.[11] One way to handle this exposure is the use of emission trading systems. Carbon emissions trading schemes offer a relatively cost-effective alternative for such firms as these contracts allow them to trade emissions allowances, thus offering a tool to manage emission-related costs internally. Such a system has existed in the EU since 2005.

The author has no intention to deeply analyse the emission trading system of the *European Union (ETS)* in the present article, although it is worth briefly discussing some currently ongoing amendments to the system. An ordinary legislation procedure is in progress, which aims at making the rules of the ETS much stricter through the following provisions: 1. a reduced cap and a more ambitious linear reduction factor for GHG emissions; 2. revised rules on the free allocation of allowances and the market stability reserve; 3. extension of the ETS to maritime transport; 4. a separate new ETS for buildings and road transport; 5. an increase in the Innovation and Modernisation Funds and new rules on using ETS revenues. The proposal is currently being negotiated by the European Parliament and the Council, but according to the timeline, the end of the procedure is to be expected soon.[12]

In addition to this, a new regulatory framework is being introduced called the *Effort Sharing Regulation (ESR).* The ESR, adopted in 2018, sets national targets for emission reductions from road transport, the heating of buildings, agriculture, small industrial

[8] EEA 2022.
[9] European Commission 2020b; European Commission 2020a; Tocci 2020: 176–194.
[10] Bua et al. 2022.
[11] Ozturk et al. 2022.
[12] European Parliament 2022.

installations and waste management. These sectors – which had not been previously included in the EU Emissions Trading System (EU ETS) – currently generate about 60% of EU greenhouse gas emissions.[13]

However, as the idea behind all emission trading systems is that the tradeable amount of emission has to be gradually reduced, a long-term solution would instead be the 'greening' of the asset portfolios of banks and companies. The section below will examine how the central banks and financial supervisors can stimulate the latter.

GOALS REFLECTED IN THE EU BUDGET

This section will examine the strictly interpreted budgetary aspects of the topic under discussion, through the relevant budgetary documents. Conclusions are drawn in relation to the present role of the 'green' requirements of contemporary EU policy-making, especially its budgetary impact.

The 2021–2027 MFF and the NextGenerationEU

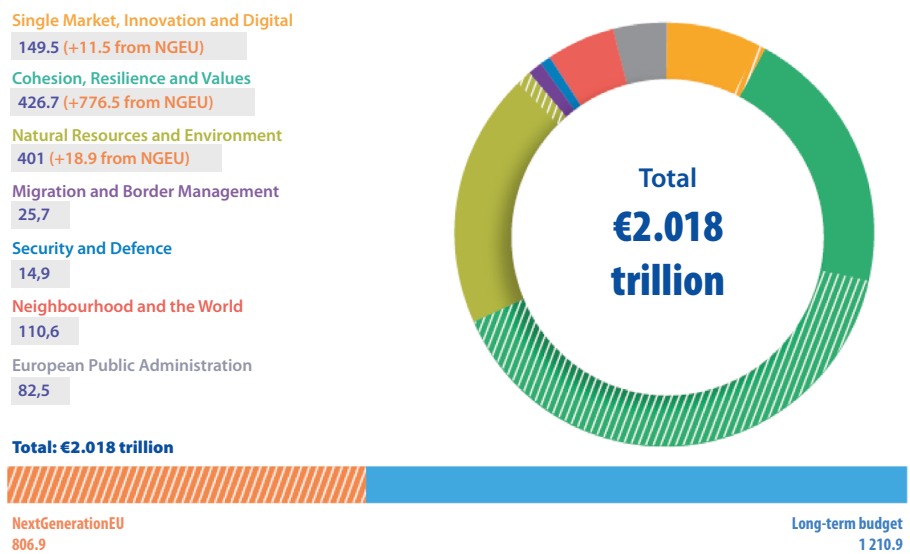

Figure 1: The NextGenerationEU in the climate finance
Source: European Commission 2021b: 6

[13] European Commission 2021a.

The Covid-19 pandemic created a formidable challenge for the European Union. However, it also represented an opportunity, and the crisis management on the part of the EU included a huge injection of extra resources under the umbrella of *NextGenerationEU* recovery package, almost doubling the original budget of the 2021–2027 MFF (see Figure 1), as well as adding extra resources for the purposes of 'Natural Resources and Environment', – although this particular field received only around 5% extra compared to the original budget. The total value of the *NextGenerationEU* package is €806.9 billion, of which €723.8 billion is the *Recovery and Resilience Facility (RRF)* – €338.0 billion is provided as grants, while another €358.8 billion is provided in the form of loans.[14]

The set of priorities of the 2021–2027 MFF and the NextGenerationEU places a special emphasis on environmental and climate-related issues, along with digitalisation. 50% of the resources are allocated to: 1. research and innovation; 2. climate and digital transition via the Just Transition Mechanism (see below); and 3. for recovery, preparedness and health issues – another type of resilience the EU is in desperate need of. Another 30% will be spent entirely on fighting climate change – the highest share that this field has ever received in any EU budgets. The remaining 20% is allocated to digital transformation. Additionally, in the years 2026 and 2027, 10% of the annual budgets will be spent on the preservation of biodiversity.[15]

"The *programme for the environment and climate action (LIFE)* aims to facilitate the shift towards a sustainable, circular, energy-efficient, renewable energy-based, climate-neutral and climate-resilient economy. LIFE will contribute to reduce greenhouse gas emissions and our vulnerability to the harmful effects of climate change to protect, restore and improve the quality of the environment – including air, water and soil – and to halt and reverse biodiversity loss. Moreover, it will tackle the degradation of ecosystems, including through supporting the implementation and management of the Natura 2000 network, thereby contributing to sustainable development."[16] As Figure 2 shows, this programme lacks NextGenerationEU funding.

"The *Just Transition Mechanism* has been proposed as part of the European Green Deal investment plan to make sure that no one and no region is left behind in the transition to a climate-neutral economy. The primary goal of the mechanism is to provide support to the most negatively affected regions and people and to help alleviate the socio-economic costs of the transition."[17] In contrast to the LIFE programme, the Just Transition Mechanism receives more than half of its funding from the NextGenerationEU budget (see Figure 3).

14 European Commission 2021b.
15 European Commission 2021b.
16 European Commission 2020a.
17 European Commission 2020a.

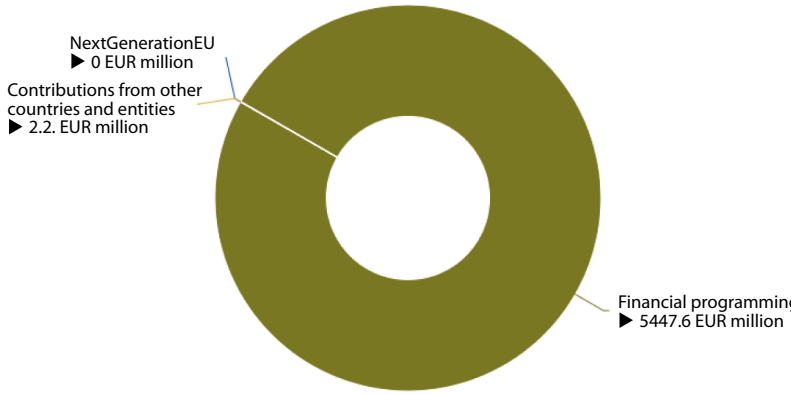

Figure 2: LIFE and the NextGenerationEU
Source: https://commission.europa.eu/strategy-and-policy/eu-budget/performance-and-reporting/programme-performance-overview/life-performance_en#programme-in-a-nutshell

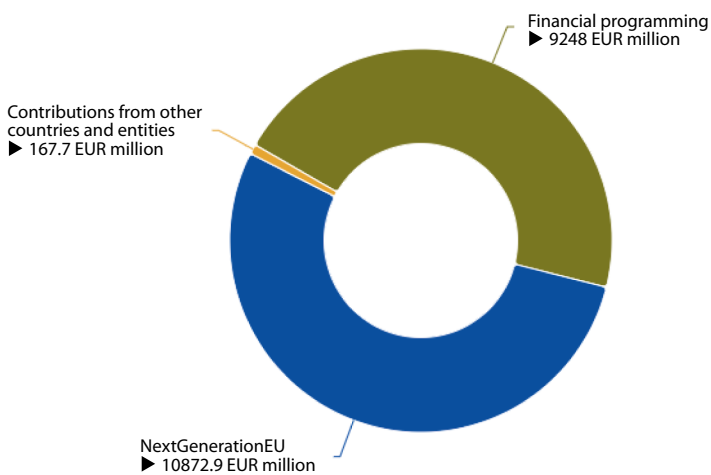

Figure 3: Just Transition Mechanism and the NextGenerationEU
Source: https://commission.europa.eu/strategy-and-policy/eu-budget/performance-and-reporting/programme-performance-overview/just-transition-mechanism-performance_en

The annual budget for the financial year 2022

Table 1 shows that beyond the LIFE programme, the Just Transition Mechanism (and Fund) and the support administrative expenditures, there are two further relevant contributors to EU climate resilience, namely the decentralised agencies and the pilot projects (and preparatory actions).

Table 1: Climate action in the 2022 annual budget of the EU

General summary of appropriations (2022 and 2021) and outturn (2021)

Title chapter	Heading	Appropriations 2022		Appropriations 2021		Outturn 2020	
		Commitments	Payments	Commitments	Payments	Commitments	Payments
09 01	Support administrative expenditure of the 'environment and climate action' cluster	23 529 592	23 529 592	20 670 583	20 670 583	10 532 177,14	10 532 177,14
09 02	Programme for the environment and climate action (life)	732 015 892	505 003 984	717 877 237	350 843 819	579 020 837,52	405 961 552,87
09 03	Just transition fund (JTF)	1 159 748 744	1 315 000	1 136 966 552	p. m.		
09 04	Public sector loan facility under the just transition mechanism (JTM)	p. m.	p. m.	p. m.	p. m.		
09 10	Decentralised agencies	54 147 639	54 147 639	50 761 533	50 761 533	44 753 257,–	44 753 257,–
09 20	Pilot projects, preparatory actions, prerogatives and other actions	8 121 000	10 848 233	3 500 000	9 273 323	16 025 862,–	5 613 986,23
	Title 09 – Total	**1 977 562 867**	**594 844 448**	**1 929 775 905**	**431 549 258**	**650 332 133,66**	**466 860 973,24**

Source: European Commission 2022: 2

Two *decentralised agencies* are entitled to funding under Title 09, and these are the *European Chemicals Agency (ECHA)* and the *European Environment Agency (EEA).* According to the explanation in the document, in case of the ECHA, the appropriation is intended to cover staff, administrative and operational expenditures for the activities of the agency related to the implementation of legislation on the export and import of hazardous chemicals, on persistent organic pollutants, on waste and on the quality of water intended for human consumption. The EEA is organically linked to Title 09. Both agencies also receive funding from the European Free Trade Agreement (EFTA), and the EEA also receives funding

from candidate countries as well as from potential candidate countries from the Western Balkans.[18]

Appropriations for 'Pilot projects' are aimed at testing the feasibility and usefulness of these projects of an experimental nature, and appropriations for 'Preparatory actions' are for financing the implementation of preparatory actions in the field of applications of the Treaty on the Functioning of EU and the Euratom Treaty, designed to prepare proposals with a view to the adoption of future actions.[19]

Digital and Green: The new informal horizontal requirements in EU policy-making

It cannot be overlooked that in EU policy-making nowadays two aspects are always taken into consideration, and the policy solutions chosen always try to meet these two criteria, with the intention of making everything as 'green' and 'digital' as possible. This is confirmed by examining policy-shaping in three very different fields in the past few years – and further examples can easily be found elsewhere.

The EU's new Industrial Strategy, introduced in 2020 has three key priorities, two of which are: "making Europe climate-neutral by 2050 and shaping Europe's digital future."[20] Among the five key priorities of the Erasmus+ Implementation Programme, the first is: "Making Erasmus+ a more environmentally sustainable programme and fostering sustainable behaviours" and the third is: "Promoting the use of digital tools and the development of digital skills."[21] Even for the Data Act, which is *per definitionem* a digital development, it is emphasised that: "By having more information, consumers and users such as farmers, airlines or construction companies will be in a position to take better decisions such as buying higher quality or more sustainable products and services, contributing to the Green Deal objectives."[22]

This clearly suggests that, with the current post-European Green Deal policy-making attitude, virtually any policies made and funded by the EU contribute to the green and sustainable (and digital) development of Europe, therefore from a financial aspect, the funding of almost all policies should be considered indirect funding of a greener and more sustainable (and more digital) Europe.

18 European Commission 2022.
19 European Commission 2022.
20 European Commission 2020c.
21 Arroyo 2020.
22 European Commission 2020d.

THE ROLE OF THE ECB AND THE CENTRAL BANKS OF THE MEMBER STATES

Greening the economy is a rather resource-intensive task, and one of the most important of the resources required is an appropriate means of financing. This is not surprising, considering that in order to make the economy gradually more sustainable, whole sectors with a serious history and even, *ad absurdum,* whole geographical regions must be excluded from the *asset portfolios,* especially those whose products/services can be replaced with sustainable alternatives. This is a serious challenge, making green finance solutions indispensable. Accordingly, credit institutions play a crucial role in the transition to a low-carbon and climate resilient economy. However, the inclusion of central banks in the fight against climate change poses another challenge, as contradictions can arise between the classical main target of price stability and the green mandate of present requirements. Climate change contributes to the volatility of inflation as well as to increases in the price level itself.[23] (The so-called 'green inflation' means three different types of inflation, namely: 1. *climateflation* – which is caused by the physical impact of climate change, which is a physical-type risk; 2. *fossilflation* – which is caused by our global exposure and dependence on the hydrocarbons; and 3. *greenflation* – which primarily affects the raw materials necessary for the transition risks, i.e. it is a transitional risk.[24])

According to Schmidt (2021), when it comes to sustainability, the ECB has so far displayed varying degrees of ambition, and should expand its commitment within its mandate. The problem with the latter requirement is that the mandate of the European System of Central Banks (ESCB), including the ECB covers issues of sustainability in a rather indirect and implicit way.[25] According to the first sentence of Article 127 para (1) of the Treaty on the Functioning of the European Union (TFEU), the primary mandate of the ECB – as is usual for the central banks of European countries – is maintaining price stability. The second sentence of Article 127 para (1) TFEU adds: "Without prejudice to the objective of price stability, the ESCB shall support the general economic policies in the Union with a view to contributing to the achievement of the objectives of the Union as laid down in Article 3 of the Treaty on European Union [TEU]." The second sentence of Article 3 para (3) of TEU declares: "It [i.e. the EU] shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment." The latter provision explicitly declares sustainability to be a value of the EU that should be promoted by the EU, but as was mentioned before, from the aspect of the ECB/ESCB there is no explicit delegation of any kind of its tasks and/or competences in this regard.

[23] Kolozsi et al. 2022: 7–28.
[24] Nagy–Sereg 2022.
[25] Schmidt 2021: 39–42.

This does not mean, however, that the ECB does not have contributions to make in the field, but rather that this contribution is theoretical at this point. The ECB follows the relevant action plan of the Commission[26] which sets the three following goals for sustainable finance:

- "reorient capital flows towards sustainable investment in order to achieve sustainable and inclusive growth;
- manage financial risks stemming from climate change, resource depletion, environmental degradation and social issues; and
- foster transparency and long-termism in financial and economic activity."

In December 2019, the European Banking Authority (EBA) issued its own sustainable finance action plan. It explicitly aimed at incorporating the ESG approach into its everyday life – here strictly focusing on banking operations. A large part of the document deals with the management of ESG-related risks, discussing related expectations and instructions.[27]

In July, 2021[28] the ECB issued a press release setting some more specific goals, stating that the ECB Governing Council is committed:

- "to further incorporating climate change considerations into its monetary policy framework;
- to expanding its analytical capacity in macroeconomic modelling, statistics and monetary policy with regard to climate change;
- to including climate change considerations in monetary policy operations in the areas of disclosure, risk assessment, collateral framework and corporate sector asset purchases;
- to implementing the action plan in line with progress on the EU policies and initiatives in the field of environmental sustainability disclosure and reporting."

Beyond the above commitments, a "systemic climate stress test" was carried out in 2021, which made two major contributions: 1. It started the tradition of ECB climate stress tests. 2. It found and emphasised that acting early – which in this context means pre-dominantly taking mitigation measures – is crucial, especially for and because of those banks and companies which are more exposed to the impacts of climate change.[29]

In preparation for the 2022 climate stress test, the ECB accepted the Network for the Greening of the Financial System (NGFS) model of scenarios, which takes into consideration both transition risks (long- and short-term) and physical risks. For the long-term transition risks the so-called *NGFS Phase II trichotomy model* was accepted, containing scenarios named 'Net Zero 2050', 'Delayed Transition' and 'Current Policies' whose conclusions ranged from optimistic to pessimistic. Short-term transition was deemed to be a median

[26] European Commission 2018.
[27] EBA 2019.
[28] ECB 2021b.
[29] ECB 2021a.

'Delayed Transition' scenario. In terms of physical risks, the document distinguished drought and heat risks from flood risks.[30]

The key findings of the actual ECB 2022 climate stress test were – including but not limited to – the following: 1. "It was a useful learning exercise for banks and supervisors […]. 2. Banks have made considerable progress with respect to their climate stress-testing capabilities, (but there are still) many deficiencies […]. 3. Climate risks are relevant for the large majority of significant institutions directly supervised by the ECB. 4. Many banks appear to lack clearly defined long-term strategies […]." 5. Physical risks and short-term transition risks can also do considerable damage. 6. "Banks have started to integrate climate risk into their stress-testing frameworks", and some of them have developed their own climate stress tests.[31]

The ECB indisputably does what it can do within its mandate, which is rather restricted as was illustrated above. Therefore, the role of the national central banks and their initiatives cannot be overstated. It was not long ago that central banks started to realise that they too have a role in building a climate resilient economy. Parallel to that, many governments also realised the same, which influenced the shaping of the secondary mandates of central banks, since the so-called 'sustainability mandates' have a certain importance as a commitment and also expectation from the national legislator and the government towards the national central bank regarding the importance of the fight for sustainability with financial instruments.

Dikau and Volz (2021) found in there comprehensive research – based on the *IMF Central Bank Legislation Database* – that among the 135 investigated central banks 70 have a sustainability mandate, although among these only 15 countries and one monetary union have so-called *explicit (or direct) sustainability mandates,* meaning that only in these countries are the central banks charged with mandates that include an explicit objective for the bank to assist in the promotion or support of sustainable economic growth or development.[32] (For instance, with effect as of 2 August 2021, Article 3 para (2) of Act CXXXIX of 2013 on the Hungarian National Bank [Magyar Nemzeti Bank – MNB] was amended as follows: "Without prejudice to its primary objective, the MNB shall support the maintenance of the stability of the system of financial intermediation, the enhancement of its resilience, its sustainable contribution to economic growth; furthermore, the MNB shall support the government's economic policy *and its policy related to environmental sustainability,* using instruments at its disposal.")

Implicit (or indirect) sustainability mandates are those cases where the other secondary mandates shall be interpreted in the context of the goal of sustainable development. The aforementioned 15 countries with explicit sustainability mandates include only two EU member states (the Czech Republic and Hungary) and the aforementioned monetary union is not the Eurozone (it is the West African Monetary Union). On the basis of this, it can be

[30] ECB 2022a.
[31] ECB 2022b.
[32] Dikau–Volz 2021: 1–20.

concluded that the West European central banks do not have sustainability mandates, but this does not mean that they would not fight to achieve such goals.[33]

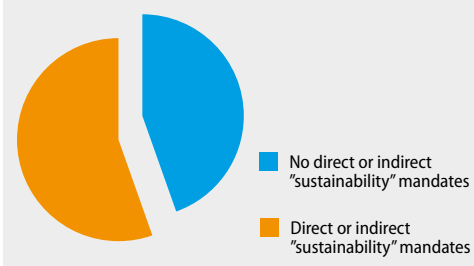

Fig. 1. Central Bank with and without "Sustainability" Mandates.
Note: Out of a total of 135 investigated central banks.
Source: Complied by authors.

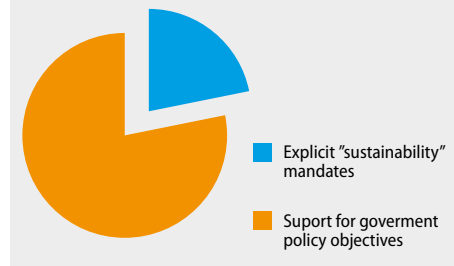

Fig. 2. Explicit and Potential Sustainability Objectives.
Note: Out of the 70 central banks with a 'direct' or 'indirect' sustainability mandate.
Source: Complied by authors.

Figure 4: Central bank sustainability mandates globally
Source: Dikau–Volz 2021: 9

Bergius (2021) puts emphasis on the importance of the *Network for Greening the Financial System (NGFS).*[34] This is an international network founded in 2017, which consists of central banks and financial supervisors – at the moment it has 116 members and 19 observers – who are committed to the fight for sustainable finances. The ECB and many national central banks in the EU are members of this network. In fact, the initiative to establish the NGFS came from the Swedish *Riksbank* and it was realised with the active help of the *Banque de France*.

According to Bergius (2021), the two greatest innovators among the European central banks in the field of sustainable finances are *De Nederlandsche Bank (DNB)* and the *Banque de France (BdF).* Beyond their participation in the NGFS, these banks are the key initiators of the *TCFD (Financial Stability Board's Task Force on Climate-Related Financial Disclosures)* reporting, which became a standard in climate-risk-related reporting. The DNB hopes to "inspire other central banks as well as the financial sector" and engages in discussion with the risky issuers. In 2016 a sustainable financing platform was launched by the DNB which became involved in the Dutch Climate Agreement of 2018, and in 2019 most of the Dutch financial sector started to implement its methods of measuring the carbon footprints of investments and loans. The BdF accepted its own Responsible Investment Charter back in March, 2018, which is a key document of ESG integration in investment policies as a contribution to sustainable finance.[35]

[33] Dikau–Volz 2021: 1–20.
[34] Bergius 2021: 55–73.
[35] Bergius 2021: 55–73.

Some other examples that Bergius (2021) mentions as good examples are the central banks of countries which are not members of the EU (Norges Bank, Schweizerische Nationalbank) or which are no longer members (Bank of England), but still part of the European financial sector and of the NGFS. Interestingly, the Deutsche Bundesbank is a rather controversial actor.[36] On the one hand they have been trying to implement ESG aspects since 2007, but on the other hand their infamously conservative attitude towards the role of central banks is an obstacle in the way of progress. Even recent leaders, like Governor Jens Weidmann (2011–2021) openly stated that monetary policy and environmental issues should not be mixed.[37]

Regarding the Hungarian National Bank, it has to be mentioned that the MNB does exemplary work in the field of green finances, beside and beyond its explicit sustainability mandate, and its activities in this regard began years before the aforementioned mandate was provided. The MNB Green Program was published on 11 February 2019, introducing an elaborate three-pillar structure for the realisation of sustainable convergence both in the Hungarian economy and in the framework of the MNB.[38] These pillars are: 1. Financial sector related program points; 2. Social and international relations; and 3. Green transition and operation of the MNB. The so-called Green Recommendations ("on climate-related and environmental risks and the integration of environmental sustainability considerations into the activities of credit institutions") are also proof of the early awakening of the MNB.[39]

EXAMPLES OF INNOVATIVE FINANCING SCHEMES IN THE EU

According to the dictionary of the Law Insider (2022), *smart financing* means that "the interventions that are proven to be the best value for money are financed and delivered efficiently, with a focus on results", e.g. 'Smart financing for smart buildings' means 'sustainable energy renovation in buildings', which "is an area where pooling of projects and public guarantees can make a huge difference".[40] The definition of the somewhat different concept of *innovative finance,* according to the ILO (2022) is "a set of financial solutions and mechanisms that create scalable and effective ways of channelling both private money from the global financial markets and public resources towards solving pressing global problems".[41]

Smart/innovative finance can be a key approach for sustainability issues. Robinson and Gnilo (2016) examine two projects, one in the Philippines (managed by UNICEF) and one in Cambodia (managed by World Bank), both cases related to rural sanitation issues, namely

[36] Bergius 2021: 55–73.
[37] Bergius 2021: 55–73.
[38] See MNB 2019.
[39] See MNB 2021; MNB 2022.
[40] Law Insider 2022.
[41] ILO 2022.

to improve the situation caused by open air defecation.[42] In this case, the poorest often suffer the highest sustainability losses in post-ODF (open defecation free) communities – since the commitment and investment needed is often unaffordable for them. Therefore, smart finance framework has to be designed in a way that encourages upgrading and improvement to more durable and resilient toilets, and other higher sanitation and hygiene outcomes, without undermining demand creation and sanitation marketing activities that rely on household commitment and investment.[43] Huston et al. (2015) discuss the concept of a *smart and sustainable urban regeneration (smart-SUR)* framework, emphasising the importance of a common vision and partnership management – meaning the public–private partnership – including in the context of the financing aspect.[44]

The European Union also have certain innovative financing schemes. Jahn et al. (2020) mention the most relevant ones in their presentation related to the energy aspects of the Horizon 2020 on behalf of the Executive Agency for Small and Medium-sized Enterprises (EASME), which – as an executive agency – is part of the organisation of the European Commission. The establishment of new innovative, operational financing schemes is the declared aim of the EU decision-makers.[45]

The ICPEU and I3CP projects aim at the proliferation of *energy efficient buildings,* boosting investor confidence, creating finance sector protocols for data management. Another two projects, the Energy Efficiency Mortgage action plan (EeMAP) and data protocol (EdDaPP) aim to create a standardised *energy efficient mortgage,* for building owners to improve energy efficiency or acquire an already energy efficient property by way of preferential financing linked to the mortgage, in a pilot project being tested by 45 banks.[46]

Some further projects which are worth mentioning include:[47]

- CITYnvest: Introduction of "innovative financing schemes (revolving funds, EPC, third party financing, cooperative models, etc.) in 3 pilot regions (Belgium, Bulgaria, Spain)".
- TrustEE: Securitisation scheme for industrial energy efficiency.
- ESI Europe: Energy savings insurance scheme for Small- and Medium-sized Enterprises.
- EuroPACE: Supports energy renovations of buildings by linking the debt to the property and collecting it through property taxes.
- E-FIX: Aims at Capacity building and roll out of operational innovative financing schemes in the Eastern Europe/Caucasus regions, including crowdfunding solutions.

[42] Robinson–Gnilo 2016: 225–244.
[43] Robinson–Gnilo 2016: 225–244.
[44] Huston et al. 2015: 66–75.
[45] Jahn et al. 2020.
[46] Jahn et al. 2020.
[47] Jahn et al. 2020.

These programmes generally function on a project finance basis. *Project finance* – generally – is the funding (financing) of long-term infrastructure, industrial projects and public services using a non-recourse or limited recourse financial structure. The debt and equity used to finance the project are paid back from the cash flow generated by the project.[48]

CONCLUSION

The European Union has taken serious action to combat climate change and build climate resilience. Climate resilience, as the sum of the climate adaptation and climate mitigation measures, cannot be overemphasised these days, when – according to the *communis opinio* of the scientists – we are in the last decade in which we can change the course of the events.

It is praiseworthy that in 2022 all the relevant budgetary documents of the EU include some kind of response to the issue of climate change. There are elaborated programmes, such as the LIFE programme or the Just Transition Mechanism, which are explicitly aimed at combatting climate risks including transition risks which is the most prevalent and perhaps the most hidden form of risk in the portfolios of the banks and companies. It is also noteworthy, however, that the NextGenerationEU, which added enormous additional resources for environment and climate action, does not include the LIFE programme, but doubles the budget of the Just Transition Mechanism. It should also be recalled that references to the 'green and digital transition' are included in an almost horizontal way across the whole spectrum of the sectoral policies of the EU.

The picture is somewhat more complex when we look at the field of monetary policy. The main conclusion at the moment is that the European Central Bank in itself does not possess the necessary means to be effective in the climate combat as an independent actor. There is no doubt that the commitment is there – see the relevant programmes and reports cited above – but the ECB must be interpreted on the one hand in the context of some other actors at the supranational level, especially the European Commission and the European Environmental Agency – and on the other hand in the context of the central banks of the member states, which depend on other international actors such as the NGFS. Most of the Western European central banks (especially the Dutch, French and English banks) do exemplary work in this field, while some central banks of the CEE region are also very active – including the Hungarian National Bank.

It would seem reasonable to continue this discussion around one basic question: Will this be sufficient to defend the EU from the harmful effects of the climate change? A related problem, of course, is that Europe alone is too small an actor to combat a global risk like that alone, but still, not only is the struggle a noble one, but also the example the EU sets can guide the world.

[48] Investopedia 2022.

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THE CONSEQUENCES OF THE PANDEMIC IN THE HUNGARIAN PENITENTIARY SYSTEM

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The Covid-19 epidemic put significant pressure on national penitentiary services all over the world to control the impacts of the pandemic on closed prison environments. The prison services of the member states of the Council of Europe responded with incredible speed and effectiveness with preventive and administrative measures to prevent the spread of the virus. The objective of the Council of Europe, EuroPris and other international organisations, was to support the member states' responses to the situation in prisons by facilitating the exchange of information and best practices. The present study examines and analyses the statements and recommendations of the most important bodies and committees of the Council of Europe, in parallel with measures and solutions implemented in Hungary, in the light of international recommendations.

The paper is based on a descriptive analysis of the Council of Europe expectations and recommendations and their applicability in the Hungarian prison system.

Hungary has successfully processed and incorporated almost all of the expectations of the international parties, in fact, the country took further steps to make the pandemic's outreached contacts of prisoners and relatives more colourful and active.

Prevention and control measures adopted in a timely manner were effective both in Hungary and in other Council of Europe member states. This study highlights the critical importance of rapid and appropriate actions by international control bodies and the open and cooperative response of the national prison services.

Keywords:
pandemic, Council of Europe, prison, detention, epidemiological measures

INTRODUCTION

On 30 January 2020, following the recommendations of the Emergency Committee,[1] the World Health Organisation (WHO), the Director General of the WHO declared that the SARS-CoV-2 coronavirus disease constituted a Public Health Emergency of International Concern. Soon afterwards, on 11 March 2020, due to the rapid increase in the number of cases outside of China, the WHO Director General announced that the outbreak should be considered a global pandemic. This development brought about significant changes in everyday life both in the free society and in our prison facilities.[2]

The Covid-19 epidemic also put serious pressure on national penitentiary institutions that endeavoured to control the impacts of the outbreak within closed prison environments. In addition, the epidemic burdened the police with a number of additional tasks.[3] The penal organisations in the member states of the Council of Europe (CoE) responded incredibly rapidly to block the spread of the virus by implementing both preventive and administrative measures. Various international actors, concerned with protecting the rights of people in detainment and those deprived of their liberty, also issued immediate responses to the news of the pandemic. The objective declared by the Council of Europe and its cooperative organisations was to support the reactions to the pandemic that endeavoured to deal with the situations within prisons by facilitating the exchange of information and best practices. The practice, that is still in operation, was that the organisations of the CoE: *European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment* (CPT), the CoE Commissioner for Human Rights, as well as the *Working Group of European Prison Cooperation Committee* (PC-CP WG) issued declarations and statements as advocates of human rights that are also of fundamental significance during a pandemic. Furthermore, several partner organisations also addressed the pandemic situation in prisons in their communications: the directives of Innovative Prison Systems (IPS),[4] the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT),[5] the information platform of the Association for the Prevention of Torture (APT),[6] the regular publications issued by the Penal Reform International, the temporary guidelines of the European Regional Office of WHO, along with the network of European non-government organisations, and the interactive pandemic chart created by the European Prison Observatory (EPO) on its information network, as well as its reports, all contributed to the efforts of the penitentiary organisations in the member states of the CoE to meet the needs of detained communities during the

1 International Health Regulations.
2 Lippai–Kaczvinszki 2021: 93–104.
3 Nyitrai 2021: 339–345.
4 Apóstolo et al. 2020.
5 United Nations 2020a; 2020b.
6 The Association for the Prevention of Torture created such an informational platform, that summarises and organises the data related to imprisonment and Covid-19.

pandemic in the most effective and humane manner. The objective of this present study is to describe – due to size limitations, in a non-exhaustive manner – the directives of the penitentiary committees of CoE and their supervisory bodies, as well as the manifestos, statements and conclusions of their international joint organisations concerning the Covid-19 pandemic.

The penitentiary committees, as well as the experts of the Council of Europe (CoE) – immediately stepped up following the announcement of pandemic situation on the 11th of March, and started to formulate their helping and supportive Statements and Recommendations.

On 7 April 2020, the Secretary General of the Council of Europe issued a statement entitled *Respecting Democracy, Rule of Law and Human Rights in the Framework of the Covid-19 Sanitary Crisis: A Toolkit for Member States*. According to the Secretary General: "The virus is destroying many lives and much else of what is very dear to us. We should not let it destroy our core values and free societies." The toolkit it proposed was intended to guarantee that the measures which the member states implemented during the epidemic would not be disproportionate to the hazardousness of the situation and would only last as long as it is necessary. The document focused on four key areas: the interpretation of the derogations from the European Convention on Human Rights in time of emergency; respect for the rule of law and democratic principles in times of emergency, including the limitations concerning the scope and duration of the emergency measures; as well as the respect of human rights including the freedom of speech, the right to data privacy and the prohibition of discrimination against disadvantaged groups and the right to education. Finally, the last key area it dealt with was the protection from crime and the protection of victims of crime, with a special focus on sexual and gender-based violence.[7]

STATEMENTS OF THE COMMITTEE OF THE PREVENTION OF TORTURE

Meanwhile, the experts of the CoE committees dealing with the rights of people deprived of their liberty tirelessly worked on the formulation of recommendations concerning the situation of the group of people they represent. The first organisation to issue a statement of principles concerning the treatment of persons deprived of their liberty in the context of the global pandemic was the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).[8] In their statement, besides recognising the necessity of effective measures against Covid-19, the CPT reminded the member states about the complete prohibition of torture and inhuman or degrading treatment. According to the statement, protective measures must never result in the inhuman or degrading

[7] Farkas–Sallai 2021: 273–279.
[8] CPT 2020.

treatment of persons deprived of their liberty. In this vein, the statement contains an appeal for the WHO guidelines on fighting the pandemic as well as national health and clinical guidelines in line with international standards to be respected and implemented fully in all places of detention. At the same time, staff availability should be reinforced, and the staff should receive all the professional support, health and safety protection and training necessary for them to be able to continue to fulfil their tasks in places of detention.

Regarding the pandemic, the CPT also emphasised that any restrictive measure taken vis-à-vis persons deprived of their liberty with the aim of preventing the spread of Covid-19 should have a legal basis and be necessary, proportionate, respectful of human dignity and restricted in time. It is especially important for persons deprived of their liberty to receive comprehensive information, in a language they understand, about any such measures. The CPT statement also addressed the situation of detainees with special needs, highlighting that special attention needs to be paid to the specific needs of certain detained persons, with particular regard to vulnerable groups and/or at-risk groups, such as older persons and persons with pre-existing medical conditions. This includes, inter alia, screening for Covid-19 and pathways to intensive care as required.

The CPT statement also recommended that persons deprived of their liberty should receive additional psychological support at this time. In cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by the SARS-CoV-2 virus, the person concerned should be provided with meaningful human contact every day.

The statement considers that although it is legitimate and reasonable to suspend nonessential activities in prisons, the fundamental rights of detained persons during the pandemic must still be fully respected. This includes in particular the right to maintain adequate personal hygiene and the right of daily access to the open air. Furthermore, any restrictions on contact with the outside world, including visits, should be compensated for by increased access to alternative means of communication. The statement also contains recommendations regarding further areas of jurisdiction, namely that concerted efforts should be made by all relevant authorities to resort to alternatives to the deprivation of liberty. The CPT's statement stressed that such an approach is imperative, particularly in cases of overcrowding. Furthermore, the authorities should make greater use of alternatives to pre-trial detention, commutation of sentences, early release and probation. Fundamental safeguards against the ill-treatment of persons in custody must also be seamlessly provided. Similarly, monitoring by independent bodies remains an essential safeguard against ill-treatment. States should continue to guarantee access for monitoring bodies to all places of detention, including places and persons that are kept under quarantine or other kind of isolation.

After the issue of the Statement on 20 March, on 9 July a follow-up statement was issued, in which the CPT gave particular thanks for the constructive cooperation of member states in which they paid attention to each detail. The Committee noted that the member states had implemented particularly significant changes concerning the provisions that demanded deprivation of liberty, as several states used the diversionary or postponing arrangements

recommended by the CPT. At the same time, the CPT welcomed the measures introduced by the member states which eased, facilitated and supported keeping in contact for detained persons. The follow-up statement also highlighted that several countries had paid special attention to the improvement of sanitary measures and practices, not only in relation to the pandemic, but obviously inspired by it. The CPT drew the attention of the member states to the fact that the pandemic provided excellent opportunities for implementing several recommendations already suggested by the Committee. They particularly referred to their observations regarding the elimination of the causes of overcrowded conditions, while emphasising the relevance of reviewing certain legal institutions. Furthermore, they noted that every limitation connected to the pandemic could only be valid as long as it is necessary. This was especially emphasised with regard to the detainees' contact with the outside world and other activities that help their reintegration.

Besides recognising the necessity of measures to combat the epidemic, both the original and the follow-up statement of the CPT attributed special importance to the absolute prohibition of torture, inhuman or degrading treatment. Both statements emphasised that no protection measure should result in the inhuman or degrading treatment of persons deprived of their liberty.

STATEMENTS OF THE COUNCIL OF PENOLOGICAL COOPERATION OF THE COUNCIL OF EUROPE (PC-CP)

After the statements of the CPT, the Commissioner of Human Rights and the Secretary General of the Council of Europe, the Council of Penological Cooperation of the Council of Europe (PC-CP)[5] also issued a statement on the response to the Coronavirus pandemic. It is important to note that within the Council of Europe, the European Committee on Crime Problems (CDPC)[6] and the Council of Penological Cooperation of the Council of Europe are the bodies responsible for upholding the principles of the humane treatment of persons deprived of their liberty as well as for the representation of the role of prison staff and for promoting effective and modern methods of prison government. These two professional bodies created the opportunity for international cooperation and the necessary professional and technical background within the framework of the Statutes of the Council of Europe and under the supervision of the Committee of Ministers.[9] On 17 April 2020, and on two later occasions, the PC-CP issued follow-up statements, in which they endeavoured to lay down guidelines concerning the physical and mental health of detained people and their keeping of contacts. They also raised awareness of the negative impacts of isolation while outlining the tools available for reducing these effects, as well as formulating practical recommendations for preventing and containing virus outbreaks.

[9] Vókó 2010.

The first Statement was basically a joint resolution issued by the PC-CP, EuroPris (the European Organisation of Prison and Correctional Services) and the CEP (Confederation of European Probation) together. In the framework of this declaration, the three professional bodies drew attention to the statements and recommendations of the Council of Europe, issued a few days earlier, as well as to the standards and practices which could help the detention institutes and probation services deal with the coronavirus epidemic while honouring the principles of the rule of law and respecting human rights. The statement sets out the principles that should guide the detention institutes of the member states in the introduction of pandemic limitations, and in the maintenance of these restriction as long as necessary. The resolution states that detention places need to provide the same quality of medical and health services that the rest of the members of a free society receive. On the basis of this principle, specific recommendations are also formulated, for example, as a part of the admission procedure, each detainee has to undergo a medical examination – maintaining medical confidentiality – in order to detect any illness, including treatable contagious diseases that they may be suffering from. However, the isolation of a detained person with a contagious disease can only be considered justifiable if such isolation would also be applied in the free society for sanitary reasons. The isolation or quarantine of healthy detainees could only be legitimate if their own health status – especially in cases of the weakness of the immune system – is threatened to a level where isolation is unavoidable. Detainees with severe musculo-skeletal disorders, end-stage illnesses and elderly people require special treatment; in their case the options of amnesty for medical reasons as well as early release from custody have to be taken into consideration. Similarly, special attention has to be paid to detainees in disciplinary confinement; the provision of daily health checks by staff and, if necessary, the provision of immediate aid for the duration of the isolation is obligatory. The statement emphasises that although visits and other forms of contact could be limited due to the pandemic, a mandatory minimum still has to be secured; the prison staff has to make sure that the detainees have an appropriate level of contact with the outer world. Regarding contacts, if a detained person is injured, falls seriously ill, or requires hospital care – unless the detainee declares in written form that it is against his will – a contact person (spouse, partner, or closest relative) has to be notified. In cases of discharge from detainment, the detained person has to undergo a medical examination, paying special attention to any mental or physical illnesses that may require further treatment. In case of any contagious illnesses, the detainment facility must contact an outside healthcare institution, in order to continue monitoring or isolation of an inmate after release if necessary.

In the framework of their shared statement, the PC-CP, EuroPris and CEP raised the awareness of the member states to the fact that clear information has to be provided orally and, if possible, also in writing to all inmates and their families as well as to staff and that all efforts must be made to provide the necessary explanations in relation to the pandemic and the measures related to it. The publication of FAQs on prison service websites and/or establishing a helpline to answer questions from the families of inmates was recommended. It was also emphasised that on admission and before release inmates should be accommodated in single cells. Obviously, accommodation in single cells

was a general recommendation for every inmate and should be provided when possible. The transportation of inmates to other institutions can only be carried out if strictly necessary for security or other well-founded reasons.

Concerning the reintegration of the inmates, the PC-CP also formulated some specific recommendations. According to these, in prison facilities where family visits are cancelled due to the pandemic, the prison services should provide free-of-charge alternative arrangements for phone or video calls or other means of contact and correspondence. In countries where inmates can no longer work and earn money due to the pandemic, they should be paid compensation for the loss of income. Where collective recreational or sports activities are cancelled, they are to be replaced by additional TV and other electronic entertainment options and additional out-of-cell activities while respecting social distancing. Concerning the education of detainees whose final exams are scheduled, or who are approaching the end of a special training course, educational courses should be offered through online media. This is especially important for juvenile inmates.

According to the CEP, if probation offices are forced to cancel personal visits to the facility due to pandemic limitations, internal probation staff should take over their responsibilities towards vulnerable inmates. In detainment facilities where specific forms of visits are allowed (visits of lawyers, probation services or family visits to juveniles), the required distance and other protective measures are to be respected. Moreover, the statement goes on to specify the CEP's recommendations concerning probation staff. The statement specifies in detail that if there is no opportunity for screening within the facility, the inmates are to be escorted to outside medical units for Covid-19 tests in case of requests or indication of contamination. Disinfectants and other sanitary equipment are to be provided and the staff have to wear masks, gloves and sometimes other protective equipment as necessary. At this point, the body temperature of inmates, visitors and staff is to be taken on a daily basis. In order to minimise the chance of outbreaks, the Statement also recommends that the staff should be divided into shifts/teams in such a manner that the different teams/shifts do not come in contact with each other, and the duration of the shifts is to be shortened. Besides these measures, it strongly recommended providing additional support by staff psychologists and offering counselling to all staff if needed. Finally, as a closing thought, it draws the attention of the stakeholders to the fact that a number of countries have introduced emergency measures aimed at decreasing prison numbers and reducing prison overcrowding, and that – in case of inmates who are deemed to be suitable for such – alternate ways of sanctioning were preferred in the course of the sentencing process.

In September 2020, in the framework of an online conference, the workgroup of the PC-CP analysed the impacts that the six months since the start of the pandemic had on the penitentiary system, as well as the observations made during the visits of the CPT and EuroPris. The conference concluded by issuing a follow-up statement on 28 September, in which – considering that the pandemic will be present in the life of the member states for a longer period of time – they formulated some key principles and recommendations for dealing with the long-term impacts of the pandemic. The follow-up statement welcomed

the efforts of the member states, recognising that in spite of the serious pandemic situation they had been able to take early and proportionate action by trying to restore previous good practices, and by offering new arrangements to meet the challenges raised by the novel situation.

The statement highlighted that the pandemic had revealed how important it is to provide high quality healthcare conditions and provision in prisons and therefore these standards should also be maintained after the pandemic. The training of sanitary staff, ensuring sufficient stocks of necessary hygienic items and following the general healthcare rules were all found to require special attention. The Council viewed the introduction of new technologies in prisons and by the probation services as a positive trend, which needs to be further evaluated and supported.

The follow-up statement lists in detail the advances and the recent examples of best practices that have been introduced in an incredibly rapid and effective manner in the prisons of several countries. Such measures include the compensation of prisoners with free-of-charge phone calls and other means of communication, which according to the PC-CP should remain in place as a complement to normal face-to-face contacts even after the pandemic. The follow-up statement also refers to the recently revised and updated (on 1 July 2020) European Prison Rules, with a special focus on points 53 and 60.6, which recommend paying extra attention to the mental and physical health of inmates who are in solitary confinement for disciplinary or other sanitary or safety reasons, while recommending that any such confinement should be coupled with counterbalancing activities, such as an increased number of free-of-charge phone calls, increased access to books and other reading material, as well as TV and other media, in-cell educational, training and recreational activities and others. The PC-CP emphasised that such periods of solitary confinement should end immediately upon the end of the reason for their imposition. As a general rule, the PC-CP wishes to underline that any such restrictions on the rights and freedoms of persons under the supervision of prison or probation services should be temporary only and should be proportionate to the severity of a crisis, as well as to its impact and time span, and should be lifted as soon as the source for their introduction has ceased to exist.

Another remarkable impact of the pandemic was the decrease in the number of detainees in the member states. This result was achieved by different early release schemes (releases on parole, custodies to help reintegration), the release of the perpetrators of minor acts of crime, change of judicial practices, applying the legal institutions of postponement and the interruption of prison sentences as well as more frequent community sanctions. Although according to the PC-CP this trend should be welcomed and maintained in the future, it should also be noted that this has led in many countries to pressure on the caseload of the probation services. The PC-CP WG therefore urged the national authorities to evaluate the impact of such measures on the work of the prison, probation and police services and to ensure sufficient staffing levels and other resources, as well as implementing other necessary measures, in order to allow these services to work effectively in the interest of public safety and reduction of crime levels.

During the pandemic, a general rise in suicide, domestic violence, sexual assaults, as well as crimes related to substance misuse and addiction could be observed. In several member states, there was a corresponding increase in the number of these acts in the prison population and among those under probation supervision. The PC-CP WG therefore urged the prison and probation services to pay specific attention to dealing with these problems, by making additional resources available, including offering services for victims, as well as providing medical and psychological treatment, cognitive behaviour therapy, addiction therapy and other interventions as appropriate, for offenders.

Finally, in the follow-up statement, the PC-CP WG urged the national prison and probation services, if they have not yet done so, to evaluate the experiences they have had so far in fighting this pandemic and to agree on and adopt crisis management plans which would help them to deal with similar crises in the future in a coherent manner while fully respecting human rights and the rule of law. These plans should provide for the specific training of staff, the appointment of a reference member of staff responsible for dealing with such situations and the establishment of decision-taking procedures. The working group also urged the development of a strategy for dealing with the media, including appointing and training staff members responsible for public relations and for providing transparent and regularly updated information to offenders and their families on the crisis situation.

Soon after the publication of the follow-up statement, on 14 October 2020, the PC-CP issued a revised version. In this issue, one recommendation – no. 14 – was modified, which dealt with the practice of quarantining new arrivals in the course of the reception process, and with soon-to-be-released detainees during the process of release emphasising that this measure is only due to the pandemic, and should not last longer than strictly necessary.

INTERNATIONAL RECOMMENDATIONS, DOMESTIC IMPLEMENTATIONS

The outbreak of the coronavirus also confronted the Hungarian penitentiary system with a situation of extreme challenges, as within a couple of weeks of the start of the pandemic crisis several decisions had to be made and implemented, which the Hungarian penitentiary system had neither theoretical nor practical experience of. The Head Office of the National Prison Services continuously introduced preventive and limitation measures, which were adjusted to correspond with the spread and the characteristics of the epidemic, while, alongside the protection of human life, they constantly focused on maintaining safe detention services and securing the rights of the detainees. Last, but not least, the organisation attributed special importance to risk-mitigating measures aiming at the direct protection of the health of prison staff and the detained population. Since more than a year has passed, we can safely declare that the recommendations and measures included in the statements above introduced were implemented satisfactorily in the Hungarian penitentiary sector during its management of the effects of the pandemic. Five action plans and their amendments were issued by the Operative Staff of the penitentiary system,

that pertained to all penitentiary organisations, complemented by several letters that imposed certain tasks for specialised areas, as well as methodological guides and protocols intended to facilitate their implementation, and information materials for the detainees and their contacts. These often predated the statements of international professional bodies and endeavoured to address the sensitive areas affected by the pandemic, adopting novel approaches and implementing temporary arrangements in accordance with international expectations.

For example, since the first appearances of Covid-19 in Hungary, the penitentiary system attributed special importance to providing information to detainees and their contacts, making use of up-to-date technical possibilities. Informal posters were created, video materials – created with the cooperation of detained participants – were aired through the closed prison video networks, and besides the national central homepage, every penal institute continuously raised awareness of the importance of preventive measures against the disease on their own homepages, while also providing information about the safety measures that had been implemented. Furthermore, the penitentiary system created a so-called call centre, which provided authentic and up-to-date information on a daily basis for those who called, about the actual measures related to the pandemic situation.

International recommendations also stress the importance of keeping track of the detainees' morale and providing counselling where appropriate. In Hungary, the pandemic situation and the measures taken to combat it had a negative impact on the inmates' morale, which required – simultaneously with dealing with the epidemic – immediate action. Not only was the inmates' morale affected, but also the criminals' morals, since new types of crimes emerged, which became known as epidemic crime. The area in which the pandemic affected the inmates' life the most was in keeping contact with the outside world. The pertinent legal regulations – subject to certain conditions – normally allow for the inmates to keep contact with their registered contacts in six different ways, which even include leaving the penitentiary institution. The protection measures that were taken due to the pandemic terminated these, so it became necessary to find a solution to address this issue during the emergency period. In order to reduce the negative impacts of the limitations arising from the health crisis, the Commander of the National Penitentiary Organisation ordered that the inmates be allowed to use every available electronic form of keeping in contact, regardless of their regime. The detainees were also allowed to initiate phone calls at a frequency and of a duration that exceeds the permitted limits under the usual regime of their prison sentence. Moreover, if they do not possess the necessary financial deposit, upon request the penitentiary institute can cover the costs of the phone call at its discretion; besides this, they can receive or send parcels on several occasions per month.[10] The new measures provided compensation for the inconvenience and distress suffered by inmates under the pandemic measures by extending the permitted length and frequency of phone calls and allowing them to send and receive more parcels, and also

[10] Kovács 2021.

by loosening the conditions of keeping contact through Skype – as the latter had only been available for detainees with irreproachable conduct and performance as well as a low security risk classification. Regarding contacting through Skype, it is worth mentioning inmates contact with their advocates, as Skype facilitated the full compliance of procedural rights concerning the keeping of contacts with these advocates.

Another important and regularly raised point in the international statements concerned cooperation with partner organisations, and the creation of appropriate sanitary and hygienic conditions. In the course of their continuous evaluation and analytical activities, the Hungarian penitentiary organisation attributed special importance to making contact with the competent judicial, defensive and other partner organisations, which they were able to do shortly after the outbreak of the pandemic. Several sanitary measures became immediately operative, such as the 14-day isolation of new arrivals, the mandatory wearing of masks outside prison cells, the isolated joint allocation of inmates who are above 65 years of age, pregnant, or vulnerable due to their sanitary or mental conditions, regular disinfections and several other sanitary measures.

In the light of the international recommendations outlined above, the Hungarian judicial authorities also considered introducing various alternative measures to contain the spread of the virus. It is not hard to envisage that this epidemiological situation will also accelerate the development of the criminal sanctions system, so that alternative forms of punishment may take precedence over traditional penalties in future.[11] Thus, the *ex officio* investigation of the application of custody for reintegration in order to reduce the number of inmates and thus the chance of infection, and the delay of new arrivals all contributed to the reduction of possible sanitary and safety risks. Furthermore, in order to reduce the load on the endpoints in the case of distant trials and to minimalise the risks of the transportation of inmates to judicial trials and police interviews, meeting rooms were developed in several correctional facilities, while the existing ones were put into service.

Naturally, the field of probation services was also affected by the new regulations. Electronic administration became a new, dominant form of contact, by which probation staff were able to stay in contact with competent professional bodies, organisations or institutions in order to fulfil their responsibilities.

After the declaration of a pandemic emergency in Hungary, electronic requests to the police also came to the fore.[12]

CLOSING THOUGHTS

Early on in the pandemic, the potential risk of Covid-19 outbreaks occurring inside prisons was highlighted. Indeed, owing to overcrowding and structural issues people

[11] Vári 2019: 52–61.

[12] Nyitrai–Rucska 2020: 1.

in detention (PiD) and prison officers (POs) were considered at higher risk of acquiring Covid-19 infection.

The impacts of the coronavirus epidemic on the operation and the legal framework of European penitentiary organisations as well as on prison population will remain in the crosshairs of researchers, analytics and legislators for a long time to come. From March 2020 onwards, the penitentiary organisations of the member states of the Council of Europe introduced several legal institutions while also making amendments to some existing ones. Although these amendments and innovations were due to the pandemic, they also led to new discoveries. The choice of tools and methods for online communication also had to take into consideration information and cybersecurity requirements.[13] However, online methods of staying in contact became widely used with notable success, and vast e-learning possibilities became available in prisons. The sanitary support and toolkit of penitentiary facilities went through significant improvements, while the experience of the pandemic proved the viability of several alternative judicial arrangements to offer practical and permanent solutions for overcrowding in prisons.

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[13] Bányász et al. 2019: 12–37.

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THE EU'S REGIONAL REFUGEES APPROACH: A DOUBLE-EDGED, BUT PROMISING APPROACH

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The European Union has drawn on its migration policy in the Middle East and North Africa as a method of region-building that takes resilience as its "Governing Principle" when responding to crises. The central theme of resilience is to keep refugees closer to their home instead of flowing into Europe. This approach might be promising, yet it has both positive and negative effects. In the absence of adequate resources, resilience building may exacerbate the economic, political and social vulnerabilities already existing in these countries. In addition, resilience does not seem to put an end to the refugees' suffering which, in turn, leads to increasing demands for better services, which could ultimately lead to violent riots that endanger the security of these states. Hence, resilience may seem to jeopardise rather than safeguard the security of these hosts. However, considering the case of displacement from Syria, the article focuses on the EU's approach to refugees in its neighbourhood, and attempts an in-depth analysis of the EU's refugee cooperation with Jordan, one of the key regional hosts, to argue that while resilience might be an approach with opposing effects, the EU and Jordan are working to make it a promising one. Their focus is to maintain a balance between the interests of refugees and of local communities. More importantly, the role of resilience in preserving Jordan's economic and social stability and its social cohesion makes it a more promising approach than simply providing humanitarian assistance.

Keywords:
migration policy, regional refugee approach, resilience, security, the Syrian refugee crisis

INTRODUCTION

After twelve years of brutal war in Syria, the Syrian people continue to endure unimaginable levels of suffering with a very high human cost. The war has not only left the country completely ruined, but additionally, 400 thousand people have been killed and 13 million people have become internally displaced, of whom 5.6 million people are

registered with the United Nations High Commission of Refugees (UNHCR) while an estimated 7.1 million refugees have left the country and sought shelter elsewhere, primarily in the neighbouring Turkey, Lebanon and Jordan. This figure includes 5.5 million registered Syrian refugees across the region.[1]

These figures make the Syrian crisis one of the largest displacement crises in the world with a significant impact on the whole region, including Jordan. Jordan, which has always been a safe haven for refugees, continues to be the second largest host country of refugees per capita in the world and is currently home to over 750,000 registered refuges including Iraqis, Palestinians and Syrians.[2] For the EU, the Syrian crisis contributed to the 2015–2016 Migrant Crisis in Europe. In 2015 alone, the EU received almost 1.2 million asylum seekers of whom 334,820 were Syrians. Syrians thus represent 28% of all asylum seekers arriving in the EU.[3]

The inadequacy of the EU's migration policy, which seemed unable to respond to such a crisis, required a different approach.[4] Consequently, the EU has changed its external migration policy and redrawn it as a region-building approach with resilience as its main focus. Resilience building in these countries which host refugees aims to mitigate the effects of the mass influx in these states and keeps the refugees closer to their home, to secure the EU's borders. Hence, in 2016, within the framework of the European Union Global Strategy (hereinafter: EUGS), fostering resilience became the pivotal instrument in the pursuit of effective global action and the new governing rationale for responding to forced displacement crises including Syria. Resilience, as defined by the Commission, is "the ability of states and societies to reform, thus withstanding and recovering from internal and external crises".[5]

However, this approach may seem to have both positive and negative effects for Jordan, as a host. Some scholars, such as Giulia Sinatti and Rosanne Anholt argue that the EU, with its focus on resilience building of the country hosts, could jeopardise the stability of those states.[6] The existence of refugees has intensified the socio-economic strains which already exist in these host countries. Moreover, refugees are facing many difficulties regarding employment, education and medical care. This in turn motivates them to demand better services and greater rights, which could ultimately lead to violent riots. As a result, while the EU resilience building in theory aims to enhance Jordan's capacity to tackle the Syrian refugee crisis, in practice it does not seem to be capable of doing that and that is at odds with the EU's Regional Refugees Approach.

1 Syria 2022.
2 United Nations Jordan 2021.
3 Eurostat 2017.
4 Ripoll Servent 2019: 178–210.
5 European Union External Action Service 2016.
6 Anholt–Sinatti 2020: 311–335.

For this reason, the paper attempts to answer the following questions:

- How does the EU's regional refugee approach, built on resilience, have opposing effects in the country hosts of the Syrian refugees, in the case of Jordan?
- How are the EU as a donor and Jordan as a host working together to make resilience viable?

To be able to answer these questions, the paper will proceed as follows. First, the conceptual and theoretical frameworks will be presented and compared before a discussion of the magnifying effect of context-specific risks in Jordan resulting from massive inflows of Syrian refugees. The following section deals with the policies followed by Jordan to respond to these massive inflows. The next section presents a case study of Jordan's engagement with the EU's regional refugee approach and its goal of resilience building in Jordan. The paper then proceeds to illustrate the dark side of the EU's goal of building resilience and its implications for Jordan. Next, it will outline the benefits of the EU's approach and consider how cooperation between Jordan and the EU can be made achievable.

Finally, it will draw conclusions, identify implications for policy-makers and outline the upcoming research into resilience building.

Starting from the assumption that the regional impact of EU external migration policy can be better understood by exposing its dynamics with individual countries,[7] the article employs in-depth insights into the EU's refugee cooperation with Jordan, one of the key host states for displaced Syrians. It examines their cooperation and illustrates how Jordan and the EU have sought to tackle the challenges facing EU regional refugee initiatives related to resilience building.

The aim of this case study is two-fold. First, it contributes to the debate on how "trans-regional power dynamics flowing 'from beyond'" cooperate with and understand local dynamics. Secondly, it generates insights into the bright and dark side of resilience and its implications for policy making,[8] demonstrating that better application of resilience, as a regional building approach, requires a better understanding of the local context of the specific country hosts.

The value added by this paper is its contribution to the current debate about the role of resilience as a region-building approach. The author's main argument is that the EU's resilience building, especially in response to the migrant crisis, is more viable than presenting humanitarian aid, as it bridges the gap between the humanitarian development nexus, hence, it is more *sustainable* and promising. Further, resilience building in host countries mitigates the risks of the mass influx of migrants into these states and keeps the refugees closer to their homelands. This in turn contributes to the security both of the country hosts and the EU.

[7] Wunderlich 2010: 249–272.

[8] Bourbeau 2015: 374–395.

As for the methodology employed, this in-depth analysis of the EU's strategic cooperation with Jordan builds primarily upon primary sources including documents by the European Commission, the Council and the Jordanian Government, including their bilateral and multilateral agreements. It also employs textual analysis of secondary literature from official European and Jordanian websites, news reports, and scholarly literature on resilience.

THE THEORETICAL FRAMEWORK

The history of the EU's engagement in the Middle East and North Africa (MENA) region can be traced back to the 1970s. Back then, the founders of the EU started to design various processes to guide their relationships with Mediterranean countries, including Jordan. These processes were implemented through several policy frameworks including the Global Mediterranean Policy of 1972, the Euro–Arab Dialogue of 1973, the Euro Mediterranean Partnership and the European Neighbourhood Policy (ENP) of 2004 and its reviews.[9]

These frameworks regulate their collaboration on trade, governance, migration and security at the multilateral level.[10] In parallel, their bilateral cooperation has been regulated within the ENP framework. The EU has concluded bilateral agreements with most of its southern partners. These partnership agreements represent a key vector for regional governance that aim to enhance their economic, social and political cooperation.

With regards to migration policy, the broad EU approach in the MENA has always had migration as a core theme. As migration from the MENA is not a new phenomenon, the EU has pursued various initiatives that have enabled it to influence the governance of migration. The migration policy initiatives link EU–MENA cooperation with border-making and mobility partnerships that align visa liberalisation regimes with fighting irregular migration.[11]

When it comes to the analysis of EU policies towards the MENA, most of the literature is characterised by an assessment of the EU policies and instruments, often combined with an evaluation of the nature of EU power. Several studies have attempted to investigate its nature, especially within the context of the 2011 regional uprisings, their spillover effects and the EU's response to them. While most authors presented an interest-driven narrative of the EU policies towards the region, in which security and economic concerns prevail,[12] other literature considers the idea of 'normative power Europe'[13] with an interest in promoting democracy, rule of law and human rights.

Undoubtedly, the idea of normative power Europe raises many questions in the literature, as it has dominated the EU foreign policy discourse. This idea is framed within the narrative

9 Youngs 2016.
10 Bicchi 2006: 286–303.
11 Cassarino – Del Sarto 2018.
12 Seeberg 2009: 81–99.
13 Manners 2003: 235–258.

of duty or responsibility which has shaped various EU policies. In the European Security Strategy (ESS) of 2003 and the 2004 ENP, and even during the initial response to the Arab uprisings, as emphasised by the first review of the 2011 ENP,[14] the EU's policy frameworks championed the EU, portraying it as a normative power whose impact rendered it an exemplary source of peace, wealth and democracy. The EU, reflecting on itself, saw the usefulness of its norms and values, and consequently, wanted to export them to its southern neighbours in the common interest of both sides.[15] Both the ESS and ENP aimed to present a bespoke policy to stabilise the EU's southern neighbours by exporting EU norms. Thus, in parallel to these themes, the first review of the 2011 ENP, and its so-called 'strategic option' emphasise its support for the Arab uprisings.[16]

However, internal and external developments within the EU, including Brexit, the Russian annexation of Crimea, an authoritarian regime in Belarus, the Arab uprisings and the EU 2015 migration crisis led the EU to embrace the insecurity narrative and the inevitability of crises.

As a result, a shift in the EU's view of itself, the neighbouring regions and the whole world[17] has transformed the EU's feeling of duty/responsibility into a threat/responsibility narrative. For this reason, the review of the 2015 ENP became a turning point for EU–MENA relations that demonstrated the de facto abolition of the EU's long-standing ambition of pursuing a values-based agenda in favour of promoting democracy in the EU's southern neighbourhood.[18]

In the area of foreign policy, the review of 2015 ENP is one of the first documents to introduce resilience building as a foreign policy goal for the EU. The document states that "[t]he measures set out in this Joint Communication seek to offer ways to strengthen the resilience of the EU's partners in the face of external pressures and their ability to make their own sovereign choices".[19] Moreover, stabilisation became a main priority guiding the EU's new strategy for security and prosperity, as confirmed by the promise that "the new ENP will take stabilization as its main political priority".[20]

Consequently, the new ENP seeks to work on conflict prevention through early warning, and by increasing partners' capacity. Furthermore, instead of presenting a one-size-fits-all policy, the reviewed ENP acknowledges the significance of considering each partner's capacities and needs through introducing the differentiation principle.[21]

14 Youngs 2016.
15 Manners 2003: 240.
16 European Commission 2011.
17 A more detailed illustration about the shift in the EU's vision of itself and the world, the invertibility of crises can be stemmed from the Global Strategy for the European Union's Foreign and Security Policy of 2016 (see European Union External Action Service 2016).
18 Delcour 2015.
19 European Commission 2015: 4.
20 European Commission 2015: 2.
21 Schumacher 2017.

It is also worth noting that the latest ENP review was concluded in November 2015, eight months before the adoption of the EUGS. In that respect, it was closely associated with the deliberations leading to the EUGS. The Global Strategy was presented in June 2016, after a comprehensive review of the EU's priorities for the EU, the region and the world. The EUGS mentions its commitment to state and societal resilience, to its eastern and southern neighbours, as one of the five new priorities of the EU. In this regard, the 2015 ENP paved the way for resilience to become a main priority for the EU foreign and security policy in the latter EUGS.

Based on this, the EU reframed its governance agendas relating to its neighbourhood, positioning 'resilience building' as a core narrative of region support[22] or a "guiding rationale in EU-Southern neighbourhood relations".[23] This in turn has led to a new partnership framework with countries in the MENA on the topic of migration. In line with the 2015 European Agenda on Migration and the 2016 European Union Global Strategy, these partnerships aim to build greater coherence between the EU's migration policy, its external actions, and "immediate challenges".[24]

As a result, through this refinement, the EU has drawn up its external migration policies as an instrument "embarked upon region-building",[25] through which the EU uses different means, policies and strategies, including resilience, to redesign or reshape its neighbouring countries with the aim of keeping refugees closer to their home and in the neighbouring host countries, to secure Europe borders.[26]

This leads us to the second concept, that this paper will be built upon, which is resilience. Resilience is a concept that is applied in several disciplines, including psychology, ecology, criminology, engineering sciences, human resources studies.

Within each field, the scholars have their own understanding of resilience, leading to different meanings and interpretations. However, a common ground in all these understandings is the notion of 'bouncing back'. After all, the English word 'resilience' originating from the 16th and 17th centuries, stems from the verb 'resile', which in turn was drawn from the Latin verb 'resilire', meaning to 'jump back'.[27] As a result, understanding the ability of an entity to recover from adversity and its ability to adapt is a central theme of studies of resilience.[28]

Starting in the first decade of this century, resilience gained currency in security studies and the broader field of global governance, particularly in connection with terrorism, migration and other issues related to security studies.[29] Many states, international organisations and institutions, including the EU, began to formulate their own written

22 Anholt–Sinatti 2020: 320.
23 Badarin–Schumacher 2020: 63–84.
24 European Union External Action Service 2016.
25 Bicchi 2006: 288.
26 Fakhoury 2021: 2908–2926.
27 Bourbeau 2013: 50–65.
28 Walker–Cooper 2011: 143–160.
29 Aradau 2014: 73–87.

strategies for resilience, in several foreign policy subfields such as the state and peacebuilding processes, and in development and humanitarian aid.[30]

Scholars of international relations seek to theorise and conceptualise resilience with respect to international security studies. They attempt to answer various questions, but are mainly concerned with what resilience means, how it is practiced, why it is good or bad to be resilient, considering "resilient of what?" and against what and identifying where resilience is found.

Turning to the first question, conceptualising resilience attempts to deal with the confusion related to it.[31] This confusion, which arises between the abstraction and operationalization of the concept,[32] divides scholars between two approaches: one approach focuses on the different qualities of an entity, including their resistance to change, as well as its opposite, their adaptability, reflexivity and responsiveness to change.[33] The second approach argues that in a world of ambiguity and uncertainty, it is inefficient to focus only the quality of an entity, rather, the main focus should be on the process of adaptation and self-governance.[34]

The questions of how and why are concerned with the operationalization of resilience. The proliferation in the use of the term resilience has prompted scholars to analyse the practice of many policies, to understand how resilience is understood and implemented through them. Some policies introduce resilience as their ultimate goal,[35] aiming at enhancing local communities, to allow them to be capable to respond to crises.[36] Other policies introduce resilience as an instrument, in a progressive process that never comes to an end, since it is an endless process of adaptation.[37] Other scholars challenge the idea of building societal resilience as an instrument to respond to crises. They argue that the unpredictability of crises makes adapting difficult to achieve through resilience policies.[38] This debate illustrates the difficulty scholars have in evaluating the suitability of resilience to respond to crises in a world of complexity and uncertainty.

The last question the international relations scholars attempt to deal with concerns the agent of resilience. This question investigates the level of the state or society that is capable of producing resilience. In order to understand resilience, as a fully comprehensive approach capable of achieving its potentials of development and peace, some scholars argue that the concept "needs to be broken down, both in terms of the capacities it describes and the levels at which it is mobilized".[39] Thus, Walklate et al. propose a typology of resilience with multiple levels, namely the individual, familial, communal, institutional, national, regional

30 De Coning 2016: 166–181.
31 Chandler 2014.
32 Istanabi 2020: 1–10.
33 Seligman–Csíkszentmihályi 2000: 5–14.
34 Comfort et al. 2010.
35 Korosteleva–Flockhart 2020: 153–175.
36 Tocci 2019: 176–194.
37 Bargués–Schmidt 2021: 197–223.
38 Grove–Chandler 2016: 79–91.
39 Walklate et al. 2014: 410.

and global levels.[40] Furthermore, they argue that these levels do not operate separately, but complement each other. This understanding of the multiple levels of resilience points to the fact that there is a wide variety of actors, with veto power or influence, who are capable of achieving resilience.

In summary, scholars of international relations aim to present a mature theory about the conceptual, theoretical and empirical approaches of resilience. This in turn leads us to the theoretical approach of this paper. Philippe Bourbeau's conceptual and theoretical approach of resilience and its typology will be a cornerstone of this paper.

The theoretical framework of this paper is built upon Bourbeau's understanding of resilience and its typology in the International Relations (IR). After studying resilience in international relations, he defines it "as the process of patterned adjustments adopted by a society or an individual in the face of endogenous or exogenous shocks".[41] This definition presents resilience as a process of adjustment. It is a dynamic process that makes resilience a systemic way of thinking when facing internal and external risks. This definition is an apt one for this paper, as the present author also believes that resilience is a continuous process of adjustment that aims to foster the capacities of individuals, communities or states before, during or after crises. This would perfectly suit the context of this paper as it attempts to provide empirical insights into resilience building in response to the Syrian refugee crisis and how it aims to enhance the capacities of refugees and the most vulnerable of the Jordanian communities during the crisis.

Bourbeau not only defines resilience, he also develops a typology of resilience.[42] These types represent the ways in which societies and policy-makers respond to crises. He distinguishes three types of resilience: the first type is related to engineering a form of resilience called Maintenance. In this type, the society strives to maintain the existence of equilibrium and preserve the status quo. As a result, the main goal is to ensure that the system can bounce back to its original equilibrium state after a crisis. In order to highlight how important preserving the status quo is and how threatening the crisis is, there is a possible alignment between security discourses and security practices.[43]

The second type, related to ecological resilience, is Marginal Resilience. It refers to the ability of a society to adapt after crises. The adaptation process enables the society to accept the existence of the crisis and the changes needed to keep the system functioning properly. This type is characterised by responses that lead to changes at the margins, but which do not contradict the basis of the policy. Resilience in this sense entails responding within the boundaries of the current policy.[44] This type is called marginal because it recognises the challenge that an entity is facing and acknowledges that marginal adjustment is needed. The

[40] Walklate et al. 2014: 408–427.
[41] Bourbeau 2013: 53.
[42] This typology is a development of John W. Handmer and Stephen R. Dovers' work (see Handmer–Dovers 1996: 482–511).
[43] Bourbeau 2013: 56.
[44] Bourbeau 2013: 58.

marginal adjustments are minor changes implemented within the main policy, although such marginal adjustments made at one point might become extremely important and influential at another point in time and thus no longer be regarded as marginal.

Considering the difference between this type and the first one, the problem in this type is presented as less threatening than in the first one hence discourse practices and security practices are unaligned.[45]

Even though a problem may be less threatening, the challenge remains of how to go beyond theory to apply adaptation thinking. Within the literature, adaptation is taken to refer to decision-making processes, sets of actions, and associated capacities for dealing with changes to systems.[46] Achieving this requires adopting various policies. Many initiatives need to be integrated to enhance the capacities for adaptation. A report by the Young Foundation organisation suggests some such initiatives. For instance, introducing resilience classes into the school curriculum; integrating resilience thinking into the work of agencies that help in finding jobs; or integrating it into health care.[47] Moreover, since resilience is a multi-level concept and can also be enhanced within these levels, the adaptation process should take place on all these levels, from the individual to the global level.

Another type of resilience is Renewal Resilience, which is linked to socio-ecological resilience. This type is characterised by responses that alter basic policy assumptions and potentially remodel social structures. It implies fundamentally changing existing policies and setting new directions for governance. In this type of resilience, some crises are seen positively with the aim of building the capacities of local communities.[48]

In this paper, however, the author argues that resilience building does not only fall into the Maintenance, Marginal or Renewal categories, but that several types of resilience can exist at the same time. In Jordan, the paper argues the EU's resilience building is not only one of these types, but all three or at least two of them together. The EU's resilience building aims to preserve and maintain the social cohesion and the political, social and economic stability of the country. Hence, it can be characterised as Maintenance resilience. Moreover, it also seeks to renew the policies dealing with refugees.[49] Thus, Renewal Resilience is also present. At the same time, it might also be regarded as Marginal, as it aims to bring about marginal changes to some of the already existing policies. Before proceeding to illustrate this, the implications of the Syrian refugee crisis for Jordan must be illustrated in order to understand why Jordan and the EU adopted resilience in the first place.

45 Bourbeau 2013: 60.

46 Nelson et al. 2017: 397.

47 Young Foundation 2012.

48 Bourbeau 2011.

49 The EU–Jordan Compact is considered a cornerstone for the EU resilience building and it does not only aim to renew policies in Jordan, what is more, it is recognised to be a relevant model that can be exported to other refugee hosting nations (see Temprano Arroyo 2018).

THE CONTEXT-SPECIFIC RISKS IN JORDAN

Understanding the specific context of Jordan makes the selection of the Jordanian case of a great interest. Lying in the heart of the Middle East, surrounded by Israel, Syria, Iraq, Saudi Arabia, Jordan is a middle-low ranked country economically with an increasing rate of poverty and unemployment affecting almost 25% of the whole population.[50] It has limited natural resources, especially in terms of water, as Jordan is currently second in the list of the world's water-poorest countries,[51] while regarding energy needs, Jordan mainly depends on imported oil and gas.

The geopolitics of Jordan makes this relatively small country a key partner in preserving the region's stability, hence the international community has a great interest in preserving Jordan's stability. Jordan's moderate policies make it a great ally for many regional and international actors. To support the country in preserving its security, the United States and, to a smaller extent, Saudi Arabia are considered the security providers for Jordan.[52] The United States is Jordan's single largest provider of bilateral assistance. In 2021 alone, it gave Jordan $1.65 billion, distributed between over $1.197 billion in fiscal support and $425 million in military aid.[53] To highlight the significance of the role of Jordan, it is worth mentioning that Jordan receives the third largest U.S. foreign aid, preceded only by Afghanistan ($4.89 billion) and Israel ($3.3 billion).[54] While Afghanistan receives this share because the country is recovering from war, Jordan and Israel receive it as strategically important partners for the U.S.[55]

As for Saudi Arabia, it is in the interest of the kingdom to maintain a stable Jordan. They do not only have much history and geography in common, but also share common interests.[56] The two countries have long had a similar political position with regards to regional and international issues, including on Palestine, Iran, Iraq, Syria and Yemen. This includes terrorism, and more recently, illicit drug trafficking from Syria.[57] To give an idea of the Saudi role in Jordan, it is worth mentioning that it is Jordan's largest economic partner, with investments of more than $13 billion. Further, trade between the two nations reached $5 billion in 2021.[58]

Besides the U.S. and Saudi Arabia, the EU also has interests in Jordan. Its interests in Jordan mainly stem from three main aspects. The first aspect is related to the Arab–Israeli conflict. In this regard, Jordan was among the first Arab countries to sign a peace treaty

50 The World Bank 2021b.
51 Al-Junaidi 2021.
52 U.S. Department of State 2022.
53 U.S. Department of State 2022.
54 World Population Review 2023.
55 World Population Review 2023.
56 Omari 2022.
57 Saudi Gazette 2022.
58 Omari 2022.

with Israel and is a key player in the Middle East Peace Process as it supports the two states solution, as the only possible path for a lasting peace in the region.[59]

The second aspect is its role as a host for refugees. Despite being located amid a region of turmoil, Jordan has always been a safe haven for refugees. Although Jordan is not a signatory of the 1951 Refugees Convention and its 1967 Protocol, the country has received different waves of refugees. First, there were the Palestinians, whom Jordan has received since the first Arab–Israeli war of 1948. The Second wave was made up of Lebanese refugees, who came during the civil war of 1975. The Iraqis came in two waves; after the 1991 Gulf War and after the American invasion in 2003, and finally, there were the Syrian refugees.[60] As a result, this relatively small country continues to be the second largest host country of refugees per capita in the world.[61]

The final aspect is its role in fighting terrorism; as a member of the international campaign against terrorism, Jordan has played an active role in the United States-led Global War on terror.[62] It has also proved to be a heavyweight in the fight against the Islamic State in Iraq and the Levant (ISIL) and an active partner in the international-led coalition to combat ISIL fighters. These aspects illustrate the urgent need to support such a significant partner. To ensure this, the EU Delegation for Jordan works on the implementation, the following up and the advancement of their bilateral relations in various different fields.

Regarding the Syrian refugees, by September 2021 the UNHCR had registered 670,637 Syrian refugees and asylum seekers in Jordan. However, the total number of Syrian refugees is estimated at 1.3 million, taking into consideration the unregistered refugees.[63] In terms of distribution, those refugees are mainly housed outside the Syrian refugees' official camps: Zaatari, Margeeb Alfhood and Azraq, as the figure below shows.
The fact that the majority of those refugees are within local communities and not in the Syrian main camps makes those refugees a greater challenge to the country's social cohesion.

The mass flows of refugees exacerbate the economic, political and social vulnerabilities which already exist in Jordan. These refugees have slowed Jordan's economic growth and increased the challenges facing it. Today, the country is struggling to provide housing, water, education, healthcare and jobs to its increased population and this huge number of Syrian refugees.[64] In addition, refugees have become a major competitor to Jordanians within the labour sector.[65] Above all, there are political and security challenges: Jordan is a main member of the international coalition to fight ISIL, while at the same time it combats extremist radical ideologies. Consequently, the country has always been a target

[59] El-Khazen 2021.
[60] Alougili 2019: 83–99.
[61] United Nations Jordan 2021.
[62] Opall-Rome 2016.
[63] Operational Data Portal 2021a.
[64] Alsoudi 2020: 1–23.
[65] Seeberg 2009: 90.

for radical groups. This was the case in 2016, when the country suffered from an attack on the border between Jordan and Syria, known as the al Rukban attack.[66] However, this is not the only terrorist attack to have occurred in Jordan. As a result, Jordan has adopted a flexible and reflexive approach, enabling the country to respond to these challenges.

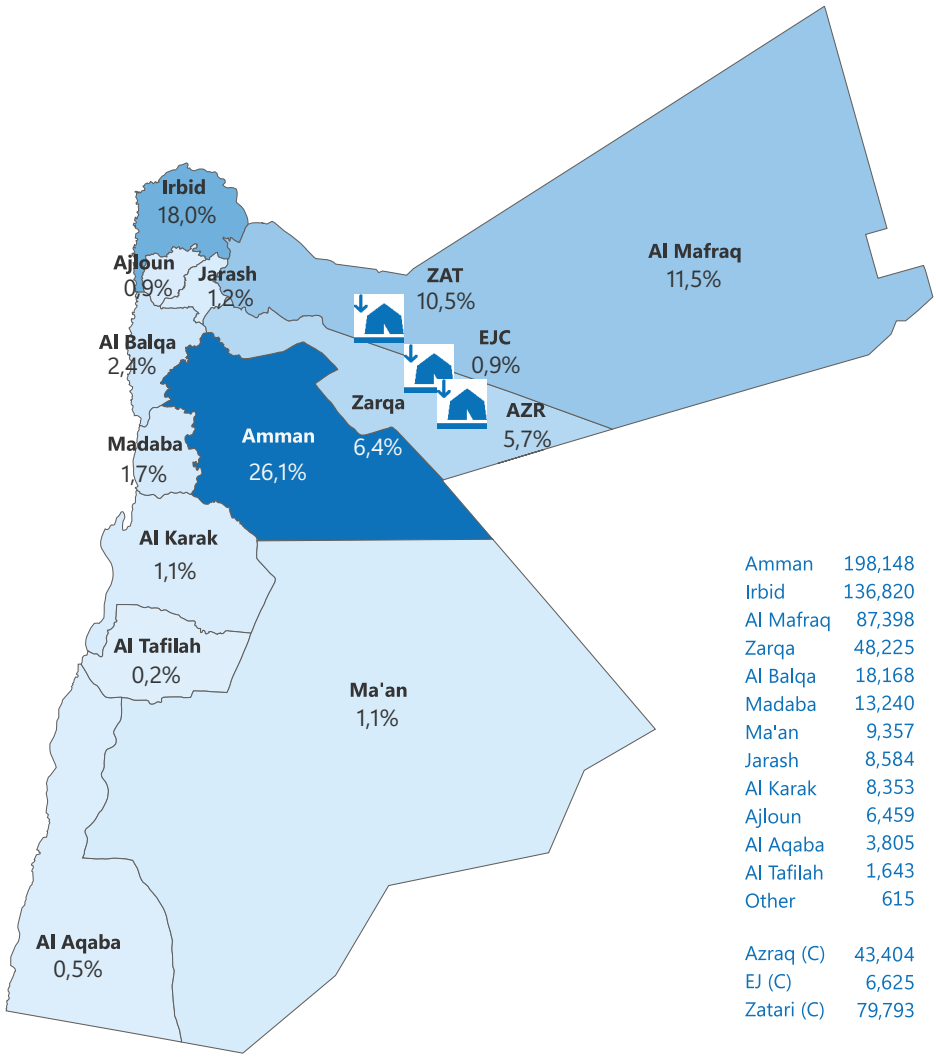

Figure 1: UNHCR registered persons of concern – refugees and asylum seekers in Jordan
Source: Operational Data Portal 2021a

[66] BBC News 2016.

To sum up, the specific context of Jordan, particularly, its relationship to refugees is the basis for the selection of the Jordanian case. There are two main aspects to this. The first aspect is its role as a host for refugees, since it continues to be the second largest host country of refugees per capita in the world, as mentioned above. Second, it plays a significant role in fighting terrorism. As a member of the international campaign against terrorism, Jordan has been playing an active role in the United States-led Global War on terror. It has also proven its worth in the fight against the Islamic State in Iraq and the Levant (ISIL), and has been an active partner in the international-led coalition to combat ISIL fighters.

JORDAN'S POLICIES IN RESPONSE TO THE SYRIAN REFUGEE CRISIS

The scholarship on the governance of refugees has analysed the issue through various lenses in an attempt to understand the determinants shaping the refugee policies of the country hosts. It is beyond the scope of this paper, of course, to analyse the governance of refugees in general. However, remaining within the scope of this paper, the analysis of Jordan's policies in response to the Syrian refugees will be built on the framework of policy legacies and policy memories.

While the term "policy legacies" highlights the structural dimension, "policy memories" reflects the role of actors in making sense of the past, and in mobilising different narratives about it with a view to the present.[67] This framework perfectly suits the aims of this paper as it illustrates Jordan's reflexive approach to the Syrian refugee inflows. This framework enables Jordan to preserve its stability, as it has been doing for decades. This stability, maintained despite the country's limited economic advantages, a volatile neighbourhood and successive refugee inflows, stems from two factors: international support, including from the EU, which will always be important in underpinning the kingdom's stability[68] and its reflexive, flexible approach.

Jordan's approach in response to the inflows of Syrian refugees is shaped by policy legacies and past memories.[69] Policy legacies can derive from multiple and overlapping regimes or policy fields, or from the history of single elements, or paradigms that have developed a life of their own, and which policy-relevant actors draw on in processes of construction. Thus, past policies affect the composition and shape of current ones.[70]

Past memories involve the personal histories of policy-relevant actors, or the ways in which they (selectively) remember past events or procedures when framing or implementing

[67] Lenner 2020: 273–298.

[68] Bertelsmann Stiftung 2022.

[69] It is important to emphasise that Jordan's migration legacy is not only shaped within the frame of waves of refugees, but also of regional political and economic developments, together with the country's geographical location and its historical process of state building, which largely explain the migration legacy in Jordan. These factors explain Jordan's position as a source of highly-skilled emigrants and a home for foreign labour immigrants and refugees (see Al Husseini et al. 2017).

[70] Freeman 2007: 476–496.

policies. Hence, they highlight the subjective dimensions of policy legacies. Regarding refugees, memories of the reception afforded to refugees in the past is crucial for the way the various actors and agencies involved design their strategies.

These memories may shape red lines and the constraints of policy-shaping either directly or indirectly. Thus, in the context of the governance of Syrian refugees in Jordan, policy legacies and past memories are significant in policy-shaping processes. After all, Jordan has a long history of hosting different waves of refugees. In terms of size and presence in Jordan, the Palestinian and the Iraqi influxes are the most relevant when it comes to policy legacies and memories. However, their presence has different characteristics and has been subject to different governing policies.[71]

The mass inflows from Iraq to Jordan are a relatively recent phenomenon. A number of policy-makers responsible for the response to Syrian refugee inflows in the country, at least in the first years of the response, had also been involved in governing the Iraqi refugees in Jordan. Some policy-makers hence have personal memories and professional experiences of governing Iraqi displacement. This, in turn, resulted in a rationale that somehow shaped the response to Syrian refugees in a similar vein to the response to the Iraqis earlier.

On the other hand, the Palestinian influx is governed differently. The demographic composition of Jordan, where the Palestinians are the main component and their status as refugee-citizens,[72] have shaped political discourses and policies about refugees in the country. Jordan is not only home to millions of Palestinian refugees, but also around half of the population of Jordan is of Palestinian descent.[73]

Keeping this in mind, Jordan's policies aim to preserve the status quo in Jordan, where only Palestinians enjoy a permanent presence.[74] This, in turn, leads Jordan to adopt a reflexive flexible approach in response to the Syrian inflows, based on each phase of the conflict in line with Jordan's interest.

Accordingly, at the outbreak of the conflict in Syria, Jordan welcomed refugees and adopted an open door policy. It built official camps for Syrian refugees; first, it opened Al Za'atari, in July 2012, then, Mrajeeb Al Fhood in April 2013 and Al Azraq were opened in April 2014.[75]

However, the escalation of the conflict and the continuous inflows of refugees have made Jordan adopt a securitised approach to Syrian refugees, from 2013. According to the Securitisation theory, an issue is securitised once it is presented as a threat to national security. In order to emphasise how threatening the issue is, there will be a harmonisation between security actions and security discourse.[76]

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71 Lenner 2020: 273–298.

72 Gandolfo 2012.

73 The Palestinians in Jordan are recognised as a major contributor to the Jordanian economy. Among the wealthiest families in Jordan who have a control over the banking sector and dominance in the private sector are families of Palestinian descent (see Reiter 2004: 72–92).

74 Lenner 2020: 273–298.

75 Beaujouan–Rasheed 2020: 47–65.

76 Eroukhamanoff 2018.

The implication is that those refugees are viewed as a threat to Jordan, and that has been demonstrated by the government discourse, which began to emphasise that Jordan should not be left alone to face such a challenge.[77]

Representing the Syrian refugees as a challenge is understandable considering how those socio-economic strains challenge Jordan's economic and social security. This challenge can be seen in light of the dimensions of security. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) clarifies these dimensions, explaining that security goes beyond military protection to a wider dimension engaging threats to human dignity. As a result, security is expanded into a wide range of areas: Economic security, including the creation of employment and measures against poverty; Food security, comprising measures against hunger and famine; Health security: measures against disease, unsafe food and lack of access to basic health care; Environmental security: measures against resource depletion, natural disasters and pollution; Personal security: measures against physical violence, crime, terrorism, domestic violence and child labour; Community security: measures against interethnic, religious and other identity tensions and Political security: measures against political repression and human rights abuses.[78]

The expansion of the meaning of security, to integrate these dimensions, indicates that security threats are not restricted only to military threats, but there are various types of social, political, economic or environmental threats facing states. For this reason, securing external sources of income from international donors is a fundamental item on the Jordanian security agenda. In that respect, Syrian refugees may actually represent a valuable economic instrument to obtain such income.[79] Even building the camps for Syrian refugees can be interpreted as a means of shedding light on those refugees' suffering. Camps are built in order to make the world understand the crisis Jordan is going through, in the hope of greater international assistance.[80]

Another reason for securitising refugees is the refugees' mobilisation to demand better services. The level of mobilisation within the Syrian camps is varied. However, in Al Za'atari, this level has been relatively high. Conflicts between refugees and the authorities have been frequent and determined, creating a chaotic and tense environment.[81] The persistent protests made those camps highly securitised environments. For this reason, the government established the Syrian Refugee Camp Directorate in 2014, a branch of the Jordanian police responsible for security in the camps. The main goal of this directorate is to control the refugees' movements inside and outside the camps.

However, establishing this directorate was in line with Jordan's legal framework for dealing with refugees. This framework is built on the Jordan–UNHCR 1998 Memorandum of Understanding which was renewed in 2014. The essence of this memorandum is

77 Crone–Falkentoft 2017.
78 Osisanya 2020.
79 Lenner 2020: 273–298.
80 Ali 2023: 178–201.
81 Clarke 2017.

that Jordan acknowledges the definition of "refugee" and their rights as stated in the 1951 Convention and its 1967 Protocol.[82] Based on this, registered Syrian refugees in Jordan have some rights including food assistance, subsidised healthcare and limited access to state educational institutions for an initial six months.[83] However, Syrian refugees are not allowed to make a legal claim to these services after the six-month period. Moreover, the Jordanian authorities can expel the refugees after their six-month protection status expires. Although the government has done so in only very few cases so far, it leaves Syrian refugees in an endless condition of uncertainty.[84]

For this reason, in order to avoid such uncertainty and in an effort to protect Jordanian infrastructure while responding to these drastic inflows, in June 2014, the National Resilience Plan was launched, which is a three-year programme of high priority investments. In adopting this plan, Jordan committed itself to investing US$2.41 billion in local institutions and host communities' various sectors, including health, education, employment, energy and housing.[85]

Another plan from later the same year was the Jordan Response Plan (JRP). This was launched in December 2014, as a one-year co-operative programme between the Ministry of Planning and International Cooperation and the United Nations Development Program.[86] This plan constituted a shift in the nature of the response to the crisis. Previously, the main goal of the Jordanian Government had been providing humanitarian relief while, from 2014, resilience building of refugees and local communities became the main theme. It aims at achieving long-term sustainable development, social integration and capacity building.

The continuous inflows of refugees emphasise the urgent need for more long-term resilient planning. For this reason, the JRP was extended until 2020 in two phases: from 2016–2018 and 2018–2020. It was subsequently renewed for an additional two years. The extension of the JRP for a further two years represented a shift from emergency intervention to a more sustainable approach to long-term resilience planning.

In addition, to avoid tension between the refugees and local communities, this plan was expanded to cover two pillars instead of one, having both refugee and resilience pillars. The first pillar addresses the need of the refugees while the second pillar addresses the need of the most vulnerable Jordanian communities.[87]

Moreover, Jordan joined the Refugee Resilience and Response Plan (3RP). This is one of the most prominent policy instruments for regional cooperation for forced migration governance in the region. It was established in 2015 in order to facilitate collaboration and coordination between international organisations, states and non-state actors in Turkey,

82 Law Library of Congress 2016.
83 Bank 2016.
84 Carrion 2016.
85 U.S. Aid Jordan 2014.
86 Beaujouan–Rasheed 2020: 60.
87 U.S. Aid Jordan 2014.

Jordan, Lebanon, Egypt and Iraq. The 3RP aims to establish a comprehensive approach to forced displacement which includes promoting access to national systems and supporting national ownership.[88] The essence of this plan was the surge in regional policy initiatives to support resilience through regional cooperation. However, similarly to other initiatives, these regional practices were only able to generate a medium level of societal resilience in host countries. What is more, even this medium level has since become harder to achieve, considering the risk context in each host country, the surge of Covid-19, and the current gap of funding between what is needed and what has been pledged by the international donors.[89]

This represents a challenge for the EU, as a major external actor and a significant donor. In addition, it illustrates the limitations of such an approach. However, a deeper understanding of the empirical insights which the EU gained from its resilience building in Jordan can better illustrate this limitation, as it demonstrates the disconnect between a theoretical understanding of resilience and what it is empirically capable of on the ground.

THE EU'S REGIONAL REFUGEE APPROACH AND RESILIENCE BUILDING IN JORDAN

Jordan and the EU enjoy a strategic partnership within the framework of the Euro-Med Partnership of the Barcelona Process and the European Neighbourhood Policy. Jordan's geopolitical situation and the crucial role Jordan plays in promoting stability, moderation and inter-faith tolerance in the region have enhanced this strategic partnership.

Since the establishment of their Association Agreement in 2002, the EU has been working to support Jordan in various sectors. To ensure this, the EU Delegation for Jordan works on the implementation, following up and advancement of their bilateral relations in several fields, including politics, economy, trade and security.[90] The significant role played by Jordan made it the first Mediterranean partner to conclude technical negotiations leading to an "Advanced Status" with the EU in 2010. In addition, within the framework of the European Neighbourhood Policy of 2015, the EU and Jordan have adopted the EU–Jordan Partnership Priorities. The Partnership Priorities are structured around three mutually reinforcing objectives: 1. macro-economic stability and sustainable and knowledge-based growth; 2. strengthening democratic governance, the rule of law and human rights; and 3. regional stability and security, including counterterrorism.[91]

In the context of the Syrian refugee crisis, the EU's support is expressed in line with the partnership's priorities and the revised ENP that aim to promote Jordanian resilience, enhance its capacities and realise its needs. For this reason, EU support is channelled in

[88] Ozcurumez 2021: 1302–1318.
[89] Operational Data Portal 2020.
[90] EEAS 2021.
[91] EEAS 2021.

two different directions: politically and economically. In the first aspect, the EU plays a significant role in increasing the international community's support for Jordan. To that end, the EU has been co-hosting Brussels Conferences for Supporting the Future of Syria and the Region since 2017. In these conferences, the EU has always emphasised that Jordan should not be left on its own and that the international community has a duty toward such a major host country. More importantly, these conferences not only represent an arena for fund raising, but also aim to set and implement plans that decrease the dichotomy between the humanitarian and development nexus.[92]

In terms of economic support, the EU is one of the main donors supporting Jordan. Since 2011, it has pledged nearly €3.2 billion through various instruments; humanitarian aid (€402 million),[93] bilateral assistance (€1,080 million)[94] and resilience assistance (€1,728 million) as the figure shows.

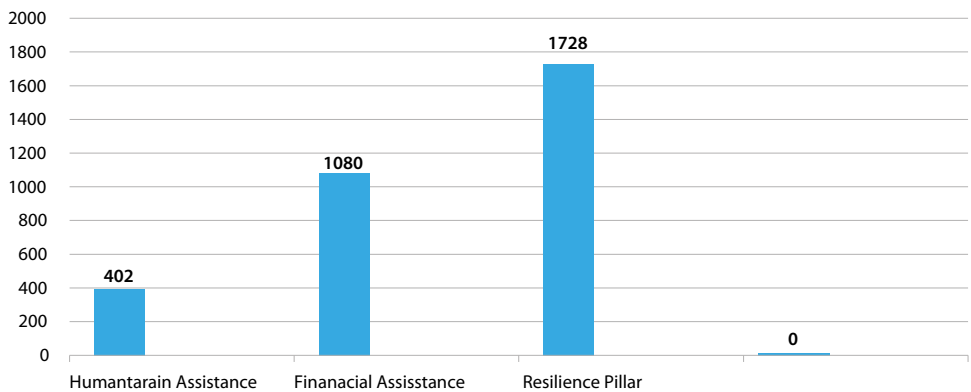

Figure 2: EU financial support to Jordan in response to the crisis since 2011 in million €
Source: Compiled by the author.

Regarding humanitarian aid, it addresses basic needs such as healthcare and food for refugees and for the most vulnerable Jordanian families. However, in line with the shift in focus from the humanitarian to the development nexus and in order to bridge the gap between them, the EU created the Regional Trust Fund in Response to the Syrian Crisis MADAD in 2014. This instrument mainly tackles longer term resilience. It is directed to support Jordan, Lebanon, Turkey, Egypt, Iraq, Armenia and the Western Balkans. Considering Jordan, the EU has committed €300 million in resilience support for Jordan since its establishment. The long-term aim of this fund, through focusing on education,

92 Council of the EU 2017.
93 ECHO s. a.
94 European Commission 2021.

livelihood, water and health, is to achieve sustainable development goals for refugees and vulnerable Jordanians so that they can have a dignified life.

In addition, preserving Jordan's stability requires fighting poverty and unemployment. To that end, the EU mobilises its support through the Macro Financial Assistance (MFA) instrument, within the context of bilateral assistance. This seeks to foster Jordan's economic growth and support its economic reforms. To date, the EU has mobilised this program for Jordan three times; the first MFA was signed in March 2014, in a programme worth €180 million. The MFA II was renewed in September 2017 to pledge an additional €200 million. Finally, the MFA III, totalling EUR 500 million, was adopted on 15 January 2020.[95]

Moreover, as Covid-19 added new strains, the EU approved another MFA programme, pledging EUR 200 million to reinforce the resources available under MFA III. This aims to help Jordan deal with the economic fallout of the pandemic. As of November 2020, the EU had pledged EUR 250 million of macro-financial assistance, with EUR 150 million coming from this programme.[96]

A fundamental tool the EU has been using to support the country hosts are the agreements known as EU compacts. These compacts acknowledge that different partners face different challenges and aim at stabilisation, supporting the host countries, and building refugees and local communities' capacities in line with the goals of sustainable development.[97] The EU signed such a compact with Jordan in 2016 following the London Conference for Supporting the Future of Syria and the Region. For the first time, this instrumentalised refugees as a development opportunity that could contribute to their self-reliance and their development, along with the host communities. Through it, the EU commits to pledging multi-year grants and concessional loans comprising $700 million as an annual grant for three years, and concessional loans of $1.9 billion.[98]

In addition, to support Jordan's trade and facilitate its access to EU markets, the parties agreed on a special trade regime that simplifies the rules of origin for 52 Jordanian product categories. This scheme has motivated Jordanian companies to diversify their products and to create decent jobs for Jordanians and Syrians. For this reason, as of 2016, 15 companies have applied to benefit from this agreement. 13 companies have already obtained approval for exporting to the EU, 6 of which have exported goods to a value of €19.26 million.[99]

In return, Jordan has to meet certain targets connected to refugees. The first target is related to their labour market access, which Jordan agrees to facilitate. To do so, it has to issue 200,000 work permits for refugees in specified sectors, commits to employing certain quotas of refugees in various businesses, work on the investment climate, and legitimise Syrian businesses in the country. The second target is related to their education, with

95 European Commission 2021.
96 European Commission 2021.
97 Barbelet et al. 2018.
98 Barbelet et al. 2018.
99 EEAS 2021.

Jordan committing to increase the enrolment of Syrian children at state schools and to increase their work training opportunities.[100]

Three implications can be derived from this compact. First, it changes the nature of the response from humanitarian aid to the development nexus. Second, it demonstrates a belief that facilitating refugees' access to the labour market contributes to their self-reliance and to the host communities' development.

The third implication is related to the type of resilience integrated within this compact. These initiatives can be categorised within the framework of Bourbeau's typology. In the context of maintenance resilience and preserving the status quo, the initiative aims to foster collaboration and expand international support for inclusive growth in Jordan. Considering the fact that Jordan is a key pillar of regional stability, the compact recognised the need to enable Jordan to meet its commitments as a host country and geostrategic partner.[101] Moreover, to avoid tensions within the Jordanian labour market and preserve social cohesion, the compact encourages the creation of special economic zones that can create job opportunities for the Syrians with the emphasis on the need to employ certain quotas of refugees in different businesses.

Within the framework of renewal resilience, the compact was game changing regarding how host countries and the international community respond to refugee situations. This compact made Jordan the first country in the Arab world to facilitate Syrian refugees' access to the labour market.[102] The Compact included concessional financing and trade concessions that relaxed rules of origin (ROO) for exporting goods to Europe and to supporting inclusive growth for Jordanians and Syrian refugees alike.[103]

Achieving the full potential of the incentives within the compact required Jordan to adjust existing policies and make policy changes to benefit Jordanian host communities.[104] For example, reforms included measures that improve Syrians access to and ability to register businesses among the Jordanians, to improve the business environment, to ease procedures, to waive the fees for obtaining work permits in selected sectors and to allow Syrians residing in the camps access to jobs in host communities. Furthermore, access to skills and vocational training opportunities and job-matching services for both Jordanians and Syrians have also been enhanced.[105]

These EU instruments aim to contribute to Jordan's security in the light of the OCHA dimensions, especially after the influx of refugees. The humanitarian aid assistance and MADAD funding seek to strengthen food, health, environment, personal or community security. To promote food security, the fund has financed projects that promote sustainable

100 Barbelet et al. 2018.
101 Huang–Gough 2019.
102 ILO 2019.
103 Huang–Gough 2019.
104 Seeberg 2020: 192–211.
105 ILO 2019.

agricultural development.[106] Regarding health security, there have been projects that aim to facilitate access to quality and equitable health care services for refugees and vulnerable Jordanians by reinforcing the health system and improving service delivery, especially in the context of the Covid-19 outbreak.[107] Preserving Jordan's resources and facilitating its transition to a green economy are at the heart of the environmental security goals. For this reason, the EU is promoting green investments in the private sector Jordan, by introducing the first internationally supported comprehensive green economy programme in the country.[108] In parallel, macro-financial Assistance and the Compact attempt to enhance the country's economic resilience with their focus on supporting economic growth and creating job opportunities.

Despite these efforts in several directions, many challenges still remain for Jordan as a host. The following section addresses these challenges and how Jordan and the EU cooperate to tackle them.

The limitations and achievements of resilience building in Jordan

Since resilience has become the governing rationale in response to the crisis, it was expected that it would contribute to the refugees' and the host communities' development, but nobody had any illusions that the road would be an easy one, as many challenges still remain.

Despite adopting resilience, this approach is incapable of solving the country's problems. Economic and social strains and dissatisfaction with the government's policies have put the country's social cohesion at risk. The level of dissatisfaction has made even the king himself subject to criticism, for being so generous with refugees at the expense of his people.[109]

More importantly, the country is incapable of fully meeting its commitments under the compact. That is not to say that no progress has been made, but challenges remain. In education, of 238,038 refugee children at school age, only 143,765 are enrolled in formal education.[110]

Regarding access to the labour market, the government has issued more work permits and achieved major progress in Jordan in including Syrian refugees in the country's labour market. In 2021 alone, a record 62,000 work permits were issued to Syrians. However, even with laws allowing refugees to work, with the country's unemployment rate standing at 23%, many refugees who hold work permits still struggle to find jobs and they are entitled to work only in certain closed sectors.[111]

106 FAO 2021.
107 European Commission 2020.
108 DARPE 2021.
109 Harpviken–Schirmer-Nilsen 2021.
110 The UN Refugee Agency 2021a.
111 The UN Refugee Agency 2022.

The benefits of resilience building in Jordan

Jordan has been at the forefront of global efforts to support refugees, in line with the Global Compact on Refugees (GCR). Its efforts pursue different directions to make resilience viable. For Jordan, its social cohesion has always been a priority; to that end, many initiatives aim to address this issue. In education, for instance, many projects work towards this aim. One of these initiatives is Generations for Peace, launched in 2015, to reduce violence at schools. It organises many informal after-school activities that bring Syrian and Jordanian students together.[112]

In addition, to decrease the competition between refugees and local communities, Jordan requires aid organisations to target both refugees and host communities. In this vein, the official approval for any project requires that at least 30% goes to vulnerable host peoples (Jordanian) under the resilience pillar, and at least 30% refugees under the refugee pillar.[113]

Alongside these initiatives, Jordan has shown a unique example of leadership in hosting refugees, especially during the Covid-19 pandemic. The country was one of the world's first countries to give Covid-19 vaccinations to every UNHCR-registered refugee, including Syrians. Thanks to this, the proportion of the refugees affected by Covid-19 remained low.[114] The implication of such a step is that Jordan does not deny its refugees the right to health care and is trying to ensure that they have the same rights as Jordanians.

Furthermore, to maximise the benefits under the scheme of relaxed rules of origin, the government has established 18 special economic zones to create jobs for refugees and Jordanians. As a result, several companies have benefited. There has been an increase in Jordan's exports to the EU, with a total value of €56 million in 2019, in comparison with 19.2 million in 2016.[115] In addition, the government is working to encourage small and medium enterprises to be more involved in the scheme.[116] Thus, the implementation of the compact is a clear demonstration of the value of refugees as a development asset.

The 'jobs for refugees' experiment through the compact in Jordan has proven to be the most promising approach for decades.[117] Despite slow progress, there is always a room for improvement. The government has removed many obstacles that were hindering the compact.[118] One of these obstacles is related to work permit fees.

Prior to the agreement, refugees were dealt with like any labour migrant, and were obliged to pay almost €900 annually for a work permit. This high fee, along with lengthy administrative procedures and a lack of official documentation for refugees, resulted in only around 3,000 permits being issued before 2016. However, Syrians now pay only

[112] Salem–Morrice 2019.
[113] Beaujouan–Rasheed 2020: 60.
[114] The UN Refugee Agency 2021b.
[115] Al Nawas 2020.
[116] EEAS 2021.
[117] Huang–Ash 2018.
[118] Barbelet et al. 2018.

a JD10 (12 €) administration fee for their work permits. This has led to a tremendous increase in the number of work permits issued. While in 2017 only 46,000 work permits were issued, this figure increased dramatically to 239,024 as of June 2021.[119]

Another area where progress has been made is in the range of sectors where Syrian refugees can work. Previously, Syrian refugees were mostly permitted to work only in closed sectors including agriculture, construction and manufacturing. However, since July 2021, Syrian refugees have been authorised to obtain work permits in all sectors open to non-Jordanians. This means they can now work in new sectors, including services, sales and crafts.[120]

With respect to the Syrian children's right to education, Jordan has pledged an investment of $97.6 million to establishing an additional 102 double shift schools.[121] This investment aims to expand the use of double shift schools, with the first morning shift for the Jordanian students, and the afternoon shift mainly for the Syrian pupils. The result, as of April–June 2021, was that 143,765 Syrian children of school age were enrolled in public schools out of 238,038. This constitutes 60% of all registered Syrian children.[122] This can be seen as considerable progress, in comparison with the situation prior to the compact.

Moreover, the 3RP response to the Syrian crisis is harmonised with another national policy, *Vision 2025,* which was launched in 2015 to achieve sustainable and inclusive growth.[123] This was adopted to ensure coherence between the 3RP and those plans and to avoid wasting time and resources. All these steps help to make the compact feasible and set the government on the right path to tackle the challenges related to resilience.

The EU, on the other hand, is working to meet these challenges through various schemes. One scheme work to foster Jordan's macroeconomic stability. The EU's macro-financial assistance has played a key role in reducing Jordan's Central Government debt, which stood at 109% to GDP in 2021.[124] Moreover, the EU contributes to fostering Jordan's economic resilience. Instruments like the European Investment Bank (EIB) and the European Bank for Reconstruction and Development have played a great role in supporting Jordan. The EIB, for instance, helps to improve the socio-economic infrastructure in the country. Since the signing of the EU–Jordan compact, its support has increased to €2.14 billion. Currently, its support covers 73 projects in various sectors including water and energy.[125] This represents an acknowledgement of the challenges posed by refugees and the importance of helping Jordan to meet its commitments.

Jordan is also addressed by the Economic Resilience Initiative (ERI), which the EU launched in 2016. The objective of this instrument is to enhance the EU's Southern

[119] Operational Data Portal 2021b.
[120] The UN Refugee Agency 2022.
[121] Badarin–Schumacher 2020: 75.
[122] The UN Refugee Agency 2021a.
[123] Beaujouan–Rasheed 2020: 63.
[124] The World Bank 2021.
[125] European Investment Bank 2021.

Neighbourhood and the Western Balkan countries' ability to withstand shocks and to improve their economic resilience. In Jordan, it has funded projects in various fields. In water and sanitation, for instance, in 2019 it approved a €65 million financing agreement. The project's goal is to improve the water supply systems in "Deir Allah and Al-Karamah" in the Jordan valley, serving almost 85,000 people in that region.[126]

To help Jordan meet the challenges facing it in the energy sector, the ERI seeks to ensure that Jordan has green and sufficient energy. Its efforts are particularly directed towards supporting the Jordanian governates which host the highest share of refugees. Thus, the EIB's last loan in this sector provided €45 million to Cities and Villages Development Bank, to support municipalities' investments in energy efficiency infrastructure.[127]

The role of the private sector, particularly SMEs, in achieving inclusive and sustainable growth cannot be ignored. Accordingly, the ERI has funded many projects supporting SMEs. One of these initiatives is Jordanian Action for Development of Enterprises (JADE), a 3-year project that was launched in 2017. Its aim is to support over 160 SMEs, start-ups and entrepreneurs and to create new employment opportunities for Jordanians.[128]

Since the Covid-19 pandemic, backing the private sector has become even more important. For this reason, the most recent EIB investment provided €24 million to enhance the economic resilience to Covid-19 of the companies most impacted by the pandemic.[129]

The Regional Trust Fund also plays a vital role in developing resilience in Jordan. Since its establishment, it has financed 36 projects in various sectors in Jordan: in education, 111,253 girls and boys have gained access to primary education; 45,551 more Syrians and Jordanians now have access to improved water services; 223,061 benefit from livelihoods and resilience support; 37,185 have benefited from protection services; 162,842 have gained access to medical care; 1,934 have access to higher education or vocational training and finally, 316,507 have been granted access to social cohesion services.[130]

CONCLUSIONS

This article has specifically focused on the EU's approach to the influx of refugees. Using an in-depth case study to challenge the claim that EU resilience building is only maintenance, marginal or reflexive in nature, it has argued instead that more than one type of resilience can be found together, with at least two types being built in Jordan. The EU–Jordan compact is an example of Reflexive Resilience that transforms the policy completely, leading to the creation of a new policy. For the first time, this policy regards refugees as a development

126 Auguin 2019.
127 Elnimr 2019.
128 JADE 2017.
129 Auguin 2022.
130 Particip Consortium 2021.

asset rather than merely a problem to be addressed, although more research is needed to show how they can really contribute to the development of local communities.

Maintenance resilience can also be found in Jordan. Various initiatives are currently contributing to Jordan's social cohesion and its stability. These can be characterised as Maintenance Resilience that aims to preserve the status quo. This type of resilience has enabled Jordan's institutions to function properly and preserve its stability.

The paper also illustrates the difficulties and benefits of resilience as a region-building initiative and concludes that, although Jordan and the EU continue to face challenges related to resilience building, yet, both sides are trying to tackle them and make it feasible. The final section of this paper suggests some scenarios that can make resilience more viable.

RECOMMENDATIONS

The final remarks in this paper suggest different approaches that the policy-makers in Jordan or the EU can adopt to make resilience more viable. The first approach is related to Jordan and envisages the relaxation of trade regulations. As outlined above, this scheme has contributed to increasing Jordan's exports to the EU market, although to reach its full potential, Jordan needs to raise the awareness of the business community of the scheme, particularly for manufacturers in remote areas.

The second scenario has Jordan working to take advantage of its stability within the region. This stability is a main factor in attracting local and external investment, although, high taxes discourage investors, who prefer other destinations like Turkey or Egypt. Hence, if Jordan identifies and addresses the challenges facing businesses, it would enjoy many benefits, for instance, decreasing taxes or improving infrastructure would be of a great interest to investors and would eventually lead to growth.

The final approach is for the EU to balance its humanitarian and political efforts in the region. This is not to say that it is the EU's responsibility alone to bring an end to the conflict. Doing so, however, would certainly make its resilience building in the region more viable.

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A REVIEW ON GLOBAL HOMELESSNESS: AN ATTEMPT TO UNDERSTAND THE PHENOMENON IN THE NIGERIAN CONTEXT

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This paper examines global perspectives on homelessness and contributes to scientific knowledge in this area. The work is motivated by my academic and research background particularly my doctoral dissertation. It examines the concept, nature and theories of homelessness from a global perspective to create an understanding of the phenomenon in the Nigerian context. The study reflects the conceptual complexity of homelessness in the light of the criteria that are used to define adequate housing worldwide. It reflects different theoretical dimensions of the study of homelessness including homelessness as a personal pathology, homelessness as a structural dysfunctionality and homelessness as a combination of both. It emphasises the importance of field, recognition and structuration theories in understanding homelessness. It also highlights the importance of the five structures of 'relational model' and 'critical realism' in understanding the mechanism of the emergence of homelessness in Nigeria and concludes with some relevant facts and findings.

The study examines homelessness in global and local contexts to examine the conceptualisation and theoretical framework of homelessness along with related findings in a multifaceted sense to understand the phenomenon from different perspectives. The literature is reviewed considering the relevant conceptual background, applied theories, arguments and relevant findings. The study reveals the conceptual and theoretical diversity and reflects on the complexity, heterogeneity and dynamics of the phenomenon around the globe. The conceptual diversity of the phenomenon is a factor of the dynamic theoretical frameworks. They range from personal pathologies to structural dysfunctionalities to new orthodox and critical realism. In Nigeria, the problem is more structurally influenced than personally influenced. The duality of agency in structuration theory, the (4) model structure and the field of structural relations expand the understanding of the causes of homelessness in Nigeria. The problem of homelessness involves an interplay between complex factors including housing related problems, developmental, policy issues, socio-economic issues, human rights issues, religio-cultural ideologies, abject poverty, gross insecurity and natural disasters.

Keywords:
extreme poverty, homeless, insurgencies, internally displaced, rough sleepers, street children

THE GLOBAL AND LOCAL CONCEPT OF HOMELESSNESS

Homelessness is a prevalent phenomenon across the globe and has become a topical issue of concern and the subject of scholarly discussion in Europe, America, Australia, Asia, Africa, and the world over. Over the years, many research papers and conferences have been devoted to the investigation and evaluation of homelessness. Even now, studies are being undertaken to establish a clear understanding of the nature and meaning of the phenomenon in order to address the problem of homelessness more effectively across the globe. Many factors have contributed to the rise of homelessness around the world, but there is no generalised definition of the phenomenon, as meanings are ascribable to it based on the contextual understanding of those studying, discussing, or experiencing homelessness. The main cause of homelessness is not clear. Studies have shown that the phenomenon may be due to personal pathologies or structural dysfunctionalities, or caused by both.[1] Homelessness is a complex phenomenon and may be either a factor or a consequence of extreme poverty, unemployment, migration and housing deficits and eviction among other things. It may be politically, socio-economically and structurally motivated. The concept of homelessness is a difficult phenomenon to grasp, which has been given different meanings and definitions from the different perspectives of those studying it.

The nature of the phenomenon of homelessness is not stable and unchanging, but instead dynamic or non-static, as noted by Fitzpatrick (1999). Moreover, it is a phenomenon which has been interpreted in a variety of ways, as different people attribute different meaning to it.[2] There is no generalised definition of the term and the defining criteria for homelessness in developed regions such as the EU, United States, the U.K., Canada and Australia may not serve the same purpose in understanding the phenomenon if they were applied in most developing countries in Asia and Africa.[3] The reason for this is not difficult to grasp. Most countries in Asia and Africa are still in their developing phases in comparison to the advanced countries in the EU and North America where the social policy systems are well established.

In the EU, for instance, the European Federation of National Organisations Working with the Homeless (FEANTSA) laid down a standard in 1999 for defining an adequate home as a place which satisfies the physical, legal and social needs of the household. Based on this standard, the ETHOS framework was developed in 2005, which distinguishes between 4 main categorisations of homelessness including rooflessness, houselessness, living in insecure housing and living in inadequate housing which became the definitive departure point for many European countries when addressing the problem.[4]

Moreover, the Institute of Global Homelessness IGH (2015) assembled a committee of scholars including Volker Busch-Geertsema, Dennis Culhane and Suzanne Fitzpatrick

1 Pleace 2016: 20–21.
2 Springer 2000: 478–479.
3 Tipple–Speak 2006; 2009.
4 Pleace et al. 2011: 13–14.

who, in cognisance of their scholarly experience in the field of homelessness, were given the responsibility for drafting a framework for a global definition of the phenomenon. According to this committee, three areas are important in ascertaining whether a person or persons lack 'access to minimally adequate housing': the 'security domain,' the 'physical domain' and the 'social domain'. In this framework, a lack in any of the three domains indicates such a lack.[5]

Interestingly, both the FEANTSA criteria for defining homelessness and those of the institute of global homelessness do not remove the need for the contextualisation of homelessness; as the definition of homelessness among the developed countries still varies based on their national policies, social economic structure and political system among other things. It is clear, however, that the so-called social, legal and physical standard in the case of FEANTSA criteria for defining homelessness or the physical, social and security criteria in the case of the institute for global definition of homelessness do not fully reflect the need for the contextualisation of the phenomenon.

The criteria omit the position and understanding of the homeless persons themselves when it were formulated, which raises question marks over the credibility and general dependability of that standard or criteria. Also, the pace of development in advanced regions such as Western Europe, North America and Australia supersede those of most developing countries in Asia and Africa and their standard of living and social political and economic systems are well established and stronger unlike those of their developing counterparts. Thus, even if the criteria really reflected the state of the phenomenon in the developed regions, which is doubtful, it could still be inappropriate as a standard for defining homelessness in developing areas of Asia and Africa where the basic social amenities and infrastructural facilities like water, electricity, internet connection and road networks are still inadequate, yet are not considered serious issues.

One of the aims of a national census held across the EU in 2011 was to gather statistical data on homeless people in the region. The MPHASIS project from 2007–2009 also collected and analysed data on homelessness using the EC guidance of 2005 on defining homelessness. This brought about the classification of the phenomenon into primary and secondary homelessness for the purpose of the national census.[6]

In addition, a Comparative study on Homelessness conducted in the EU by FEANTSA alongside the European Observatory on Homelessness (EOH) recommended using ETHOS and ETHOS Light as a framework for establishing shared understanding and guidance for defining homelessness across the EU.[7]

It is important to underline the fact that this shared understanding will not end the conceptual and definitive variations of the phenomenon in Europe and other parts of the world. The definition and understanding of homelessness is determined and born out of the political and social policies operating in various regions or nations of the world. As

5 Busch-Geertsema et al. 2016: 124–132.
6 Baptista et al. 2012.
7 OECD 2017.

a result, the discourses on the phenomenon remain heterogeneous rather than homogenous in nature. Even within the same nation, there are variations in the understanding of the concept by the various agencies addressing homelessness, as in the case of the Australian Bureau of Statistic ABS and the Specialist Homelessness Services SHS, among others.

As a point of fact, none of the criteria are fully suitable for describing homelessness in Africa because many households in Africa in any case lack the basic amenities that could make a home physically, socially and legally suitable for human habitation, while that does not necessarily suffice to define their inhabitants as homeless.[8] Indeed, Tipple and Speak (2006) note that even though a huge percentage of households in developing countries dwell in 'inadequate housing' not all of them are necessarily perceived as undergoing homelessness.[9] And of course, if any of the FEANTSA (1999) and IGH (2015) criteria were strictly applied as a definitive yardstick for homelessness in Africa, a great percentage of the inhabitants could be unjustly recorded as homeless, because many African countries still face gross shortages of basic amenities like water and stable electricity supply, along with a poor infrastructure among other problems.

In Australia, the conceptualisation of homelessness may be traced to Chamberlain and Mackenzie (1992), who proposed three conceptual categories of the phenomenon namely, primary, secondary and tertiary homelessness.[10] Currently, the two main agencies determining the definition of homelessness across the region are the Australian Bureau of Statistics (ABS) and Specialist Homelessness Services (SHS). The Australian Bureau of Statistics definition was intended for the purpose of Population Census and Housing, and views homelessness as "the lack of one or more elements that represent home". In this case, someone is regarded as homeless if he or she has no suitable living alternatives than living in inadequate settings, without a contract, with a short and unextendible tenure of house contract or in living settings where he or she has limited control and access to space for social relations.

On the other hand, the Specialist Homelessness Services, SHS, which spearheads the gathering of the national datasets on various specialist support rendered to homeless and vulnerable Australians defines someone as homeless if he or she lives in a non-conventional, short-term or an emergency accommodation.[11]

According to U.S. Code Title 42, Chapter 119, Sub-chapter 1, Section 11302, a broad definition is given to the term homelessness. Under this regulation, homelessness involves sleeping rough on the streets, in parks, railway stations or airports; in inhabitable places, under the threat of eviction, without a valid house contract, living in shelters and people who are continuously vulnerable to homelessness due to disabilities and other health conditions, among others.

8 Levinson–Ross 2007.
9 Tipple–Speak 2006; 2009.
10 Pawson et al. 2018.
11 AIHW 2019.

It is worth noting that the U.S. Code's (1994) definition may have served as a modelling framework for other subsequently crafted definitions of the phenomenon by various agencies and academic institutions in the USA. This is because a critical examination of those contemporary definitions shows probable connections with the USC definitive stance which is also probably the earliest established definition coined for homelessness in that region.

However, the U.S. Department of Housing and Urban Development in 2018 groups Homelessness into 4 main categories: persons who are 'literarily homeless', those at 'imminent risk of homelessness', persons who are 'homeless under federal statutes' and those who ended up homeless because they are 'fleeing or attempting to flee domestic violence'. In addition, the U.S. Department of Education also issued a guideline on homelessness which takes into consideration homeless children and youths as well as their challenges, pathways and the processes they encounter within the framework of formal education reception.[12]

In Canada, the definition of homelessness arose from the work of the Canadian Observatory on Homelessness (COH), previously known as the Canadian Homelessness Research Network CHRN. In 2012, the COH, in collaboration with leaders from the field of research, practice and policy came up with a definition which views homelessness as "the situation of an individual, family or community without stable, safe, permanent, appropriate housing, or the immediate prospect, means and ability of acquiring it […] the result of systemic or societal barriers, a lack of affordable and appropriate housing, the individual/household's financial, mental, cognitive, behavioural or physical challenges, and/or racism and discrimination […] a range of housing and shelter circumstances, with people being without any shelter at one end, and being insecurely housed at the other".[13]

Meanwhile, the definition of homelessness in the U.K. has its roots in the 'Housing Act' (1977) which stipulates 3 main criteria for defining a person as homeless. It also provides a description of the conditions under which a homeless person can be regarded as being in priority need of accommodation and outlines the duties of the housing and local authorities in responding to homelessness or threat of homelessness in their region. Although there was some degree of disparity and a huge similarity in the housing legislation, the Housing Act (1977) was operative in the U.K. for England, Wales and Northern Ireland apart from Scotland; and it lasted until 1996 when it was amended. It was the first major legislation to address homelessness in the U.K. especially across England, Wales and Northern Ireland. According to the text of this Housing Act, homelessness involves both the lack of accommodation as well as the ownership of accommodation officially found to be unreasonable for continual habitation by its bearer.[14]

In the amended version, the Housing Act (1996), Annexes B1 and B2 clearly spell out the description and categories of priority need of accommodation by the homeless

12 USICH 2018.
13 Gaetz et al. 2012.
14 GSS 2019.

or those under the threat of homelessness in a more comprehensive way. Homelessness in the U.K. is classified into 3 major categories: those sleeping rough (on the streets, in garages, walkways and other places not meant for human habitations); statutorily homeless persons (those who are accepted to benefit from the state housing services, shelters and temporary accommodation provided by the local government for people in priority needs of accommodations) and the hidden or unsheltered homeless (those whom either did not register themselves with the homeless institution or/and those who were disqualified from assessing and benefiting from the statutory housing service.[15]

In Nigeria, in contrast, there is no national definition of homelessness apart from the conceptualisations formulated by some past scholars and writers in the fields of homelessness and housing. In most cases, the ascribed meanings are linked to or similar to those in ETHOS. In other cases, some scholars are tempted to reduce the conceptual scope of the phenomenon to the so-called developing or third world nations. For instance, in 1989 Olusola Adebola Labeodan published a paper in *Habitat International* which claimed that homelessness is "a phenomenon associated with cities of the Third World, where resources are too limited to supply decent shelter for everyone".[16] In actual fact, homelessness is a general phenomenon that is not just associated with the cities of the third world or developing countries but is common across the globe, mostly in the urban cities of both the developed and developing countries. Forrest (1999), notes that homelessness has always existed as a phenomenon, and the only new development is how its extent or degree is understood and visualised. Meanwhile, Toro (2007), states that homelessness is now a significant issue of concern in most of the developed nations of the world.[17]

On the other hand, some western scholars writing about the African context were quick to ascribe meaning to the phenomenon without clear cognisance or understanding of the cultural settings preceding the problem in the region. For instance, as reflected in the earlier noted position of Tipple and Speak (2006, 2009), a lot of householders especially in the northern parts of Nigeria (a developing country), live in traditional or primitive kinds of homes like huts without electricity, tap water and other basic amenities of formal housing, yet these people are not necessarily poor nor homeless. Informal or primitive housing is very much in use in some remote villages of Nigeria where the villagers' primary occupations are still peasant agriculture and animal husbandry.

Furthermore, Speak (2019) claims that homelessness in the context of developing countries is mostly associated with the failure of the housing system to provide for the needs of the fast-rising urban population due to the influx of migrants fleeing from rural poverty in rural areas to urban cities. This definition is not only narrow in scope but also reduces the multidimensional nature of the causes of the phenomenon to an inadequate supply of housing in the urban areas. People migrate for various reasons, not necessarily because of 'rural poverty' but also for several other reasons like exposure, better social

[15] GSS 2019.
[16] Labeodan 1989: 75–85.
[17] Minnery–Greenhalgh 2007: 643.

connections, a change of environment, escaping from imminent violence like terrorism, for job posting, for family reunion and in the hope of a better standard of living, etc.

Rough sleepers or what the CARDO study identified as 'street homelessness' may better fit the visualisation or conception of what most Nigerians understand as homelessness. This is because the average Nigerian usually conceives of homeless people as people who are obviously and visibly homeless, e.g. rough sleepers or people sleeping on the streets, under bridges, in uncompleted or dilapidated buildings, or street children, "almajiri kids", beggars and persons with mental insanity who mostly wander about on the streets.

Despite these differences between contexts, the ETHOS roofless category, the EU 2011 census category of 'primary homelessness', Mackenzie and Chamberlain's primary homeless category in Australia and the U.K. and U.S. roofless category are all relevant for understanding the concept of homelessness in Nigeria. Unlike in most of the developed regions, there are no established homeless shelters, temporary accommodation for homeless, homeless institutions or other services providing care for homeless and vulnerable persons in Nigeria. The focus of the developed nations in conceptualising the phenomenon differs from those of the developing countries like Nigeria. Vulnerability to homelessness in Nigeria is exacerbated by the violence and threat of violence in the country, the threat of eviction, natural disasters like floods, extreme poverty, clashes between religio-cultural ideologies, extreme polygamous practices especially in the North and high birth rate with little or no resources to cater for them.

THEORETICAL FRAMEWORK

Pawson et al. (2018) in the *Australian Homelessness Monitor* describe 'homelessness' as a complex phenomenon which may result from different factors including structural, systemic and individual causes. Referencing the *U.K. Homelessness Monitor* he notes that historically, theoretically and internationally, studies have indicated that the causation of homelessness is complex, and no single factor is exclusively responsible for the phenomenon. Rather, many factors such as individual, interpersonal and structural aspects collectively interact to create or cause homelessness in a society.[18]

According to Forest (1999), homelessness is experienced differently by different people. It can be episodic in nature for some persons, whereas it may be a chronic or long-term experience for others. The causes of homelessness are not only important to researchers but also to the policy making community because, apart from helping researchers to establish a clear understanding of the phenomenon, identifying the causes of homelessness also helps policy makers to develop approaches to deal with it.[19]

[18] Pawson et al. 2018: 17.

[19] Minnery–Greenhalgh 2007: 643.

Many studies and scholars have applied various theories or theoretical approaches to the study of homelessness around the world. Depending on the viewpoint from which they wrote, they develop different understandings and arrive at conclusions regarding the state of homelessness. Smelser and Badie (1994) notes that the sociological study of homelessness could embrace the concept of culture, social interaction, socialisation, social structure, organisation and other aspects. As such, there is disparity in viewpoints both conceptually and theoretically. Some theoretical approaches view homelessness as being caused by individual pathologies, some see it as a structural dysfunction while others conceptualise it as a normal part of a functional society.

Pleace (2016) indicates that there has over the years been a conceptual and theoretical shift with respect to the nature of homelessness and its causes. He emphasises that homelessness had previously been studied in terms of an 'individual's pathologies' where it was attributed to individual qualities or personal traits. It is viewed by others as the product of 'structural dysfunctions' including structural problems, systematic errors and a lack of or paucity of social welfare services, among other structural factors. Thereafter, the phenomenon began to be studied using the 'new orthodoxy' whereby homelessness is conceptualised with a cognisance both of the personal qualities and the structural orientation of the social system.[20]

In response, Fitzpatrick (2005) notes that even though the 'new orthodoxy' gave a more satisfactory explanation for homelessness than both the 'personal' and 'structural' frameworks that preceded it, it lacked a proper theoretical grounding. She also criticised positivist approaches which attempt to explain homelessness based on the necessity of its 'empirical regularity'. She believes that establishing causality should not only be statistically satisfying but must also involve a complete correlation between the causes and the phenomenon. In this vein she argues that the "realist's pathways approach is more reliable in the sense that it embodies the tendencies to look at different patterns or dimensions to the root of homelessness".[21]

Meanwhile, constructionists and interpretivists visualise homelessness as a socially constructed phenomenon which can be understood by taking into account the meanings and interpretations every individual arrives at from their own experiences. Auston and Liddiard (1994) recommend that rather than treating phenomena such as homelessness as 'objective facts' the focus should be on the meanings and interpretations accorded it by the agents with practical experience of it.[22]

However, Jacobs et al. (1999) notes that the conceptual struggle between those who visualise homelessness as a structural problem and those who see it as the result of personal pathologies depends on policy interest. Therefore, the way in which social phenomena such as homelessness are conceptualised and explained has inherent 'real' impacts on social policy and influences the level of vulnerability to homelessness. In other words, the

[20] Pleace 2016: 20–21.
[21] Fitzpatrick 2005: 7–9.
[22] Fitzpatrick 2005: 7–9.

discursive status of the phenomenon is based on the meaning ascribed to it by those in authority and which fits their political agenda. It is in cognisance of this that realists as much as interpretivists accept the idea of the social constructionism of homelessness as a socially constructed reality.[23]

Many scholars have affirmed the validity of conceptualising and theorising homelessness in a variety of ways. Ritzer (2002) notes that homelessness can be studied from the perspective of social facts, social definition and social behaviours, among others. He added that while treating homelessness as a social fact may form a basis for theories regarding functionality, conflict, and systems, other perspectives such as phenomenology, symbolic interactionism, existentialism and ethnomethodology would better fit a social definition of the phenomenon.

From the above it is important to establish the fact that no theory or theoretical perspective alone can satisfactorily address the issue of homelessness due to the complexity of the phenomenon which reflects its multidimensional, heterogeneous, dynamic and contextual nature. The personal pathology of the victims, the structural dysfunction of a society and the new orthodoxy are all applicable to the discourse of the phenomenon. However, it should be recognised that homelessness is also caused by deficiencies in the choice and implementation of public policy, economic disorientation and socio-cultural imbalance among other things. The nature of the victim, similarly to the debate on homelessness itself is not stable. This dynamicity in concept, experience and nature of the phenomenon is a result of the difficulties of theorising it.

Field theory and homelessness (Lewin and Bourdieu)

The 20th century German psychologist and founder of social psychology, Kurt Lewin (1939) describes field theory as a "method of analysing causal relation and of building scientific constructs", proposing it as a dynamic model which analyses individual and social behaviours. The idea of field, as coined by Lewin, came from physics and represents the life space in which everything is viewed from the dimension of internal and external environments. He considers individual and group behaviour as a function of people and their environment [B = f (P, E) = f(LSp)].[24]

Lewin used this theory to explain the developmental gap or space a child faces as he or she grows, progressing from stage to stage in a social world. He notes that the social agent relies on the acceptance or rejection of other social agents within the social world in order to move or relocate from one stage to another, because some subfields are accessible to certain classes of people but not to others.[25]

[23] Fitzpatrick 2005: 7–9.
[24] Kaiser–Schultze 2018: 60–65.
[25] Lewin 1939: 868–872.

Hence, the stagnancy, unacceptability, or rejection of social agents in the society may manifest itself in feelings and practical experience of disconnection, relegation, denigration and exclusion from mainstream society. By implication, homeless people and precarious or vulnerable youths in the social field contend with some degree of social exclusion, criminalisation and denigration from other agents in the society. There is no doubt that as a social phenomenon, homelessness is associated with different elements of the social world such as poverty, addiction, conflicts, crime, criminalisation and abuse among other things.

In another vein, Bourdieu (1993) views the world as a relational space where objective relations exist among the social actors. He recognises each subfield within the global space as a distinct field or relational space in itself, each dedicated to a particular activity. As such, each field is an autonomous domain of activity responding to functioning regulations and specific institutions which define the relations between agents, while the political field or the government maintains a close relationship with the individual external to the field.[26]

Therefore, the interplay of struggle between the dominant and dominated class is inevitable because a network of objective relations or conflicts exist between the social actors and institutions which aim to maintain and enhance their respective stances in the social field. The dominant class is more autonomous and influential with the tendency to exploit the dominated class as it can easily undermine or reverse the regulating principles in the field. The dominant field possesses huge economic and social capital which emboldens and empowers them to influence the political field and together dominate, oppress and subjectify the dominated in the social field.[27]

Weber (1978) describes power as a reflection of the *chance* that a social actor, social institution or social organisation embodied in order to achieve its wish in a communal engagement against the chances of other actors. Such power could be exercised at the class level, the status group level and the party level. Therefore, the competitions and struggles occurring in the social field are derived from power domination.[28]

In other words, the rich capitalists possess both the economic capital and a strong social capital which give them the power to write or rewrite the rules in society. Also, through this excessive power, the homeless and other precarious individuals in the field are easily conceptualised, dominated, subjugated, exploited, criminalised, dehumanised and even subjected to national, legal, psychological and institutional discursive elements in society.

No wonder, as Bauman notes, that the category he calls vagabonds (homeless and undercasts) are confined in space with limited chances for mobility and sustainability and are technically and systematically excluded from mainstream society. Indeed, they are considered nuisances and irrelevant to society. Hence, his other category of people, the mobile, empowered 'tourists' easily criminalise and blame them on the basis of the law rather than blaming the system for homelessness. Bauman added that, instead of

[26] Hilgers–Mangez 2015.
[27] Bourdieu 1993.
[28] Weber 1978.

embracing a welfare program that redistributes income to the underclass, the tourists prefer to fence the homeless off from the system by dismantling the welfare program which represents their hope of survival.[29]

Recognition theory and homelessness (Honneth)

Axel Honneth argued that social recognition is paramount for peaceful coexistence in society, without which communicative action may not flow freely between social actors in the society. He identified love, rights and solidarity as the social recognition mechanisms that synthesise communicative rationality among actors in the social world. He notes that self-confidence is the product of care, love and the accessibility of physical and emotional needs which in most cases are connected to the family and friends or social networks of youths in their developmental stage.[30]

By implication, child neglect and abuse during developmental stages affects self-confidence and is one of the main reasons for youth homelessness. The criminalisation of homelessness, inadequate or lack of housing support, as well as the denial of health and social justice to the homeless undermines their human rights and disrespects their humanity. This theory helps explain why homeless youths suffer social exclusion and denigration and examines the possible process of integration available and accessible by the homeless youth in Nigeria. Questions about the prioritisation of inclusive education, effective health coverage, skill development and general empowerments programme for the homeless are considered. Relevant agencies, NGOs and the faith-based institutions will be interviewed to gather relevant information.

Structuration theory and homelessness (Giddens)

Giddens (1991) notes that the trajectory of individuals' self-formation goes through various psychological processes throughout their lives. The fear of ontological insecurity leads to anxiety and self-emptiness, especially in the modern world. The (mis-)developments in body and self become obvious among agents during social interactions with other agents and this social interaction may display the weaknesses of agents with lower self-esteem. He subsequently recommends structuration theory as a way of understanding the routinised and recursive engagements that take place in the agent and agency relationship in modern society and how these practices shape the agent and agency modus operandi over time. During these encounters, the agent's motivation, rationalisation and reflexive monitoring of actions are put to work. The agent unconsciously follows the directives of some

[29] As cited in Abrahamson 2004: 171–179.
[30] Honneth 1992: 187–201.

unacknowledged structures or conditions and as such, the excesses of an agent's actions could provoke some form of 'unintended consequences' for the agents. In other words, agents in this form of relations possess discursive, unconscious and practical knowledge about their existential experiences and ontological anxieties in the modern world. This stock of potential information can be extracted from agents through the mechanism of trust.[31]

In case of the homeless youths in Nigeria, their discursive narratives reflect biographical information as well as the habitus that influenced their current state of homelessness and, more importantly, their own conceptualisation of that experience. However, their practical consciousness may include the practices of reflexive monitoring and the adjustments of their actions in respect to other agents and the agencies monitoring their actions. In this conception, the homeless youths are the agents while family, community, NGOs and other social institutions dealing with the young homeless persons comprise some of the relevant agencies of study in this regard. Therefore, structuration theory could help to empirically understand the perceptions of the social actors based on the narratives they themselves make out of their own unconscious and practical consciousness of the situations which they encountered before, during and after homelessness. Such narratives are also reflective of the psychological, socio-economical and physical (mis-)developments or general life inadequacies embodied in the practical and emotional experiences they encountered through homelessness. The duality of the structure and knowledgeability of agents helps to account for the circumstantial engagements which impart the social state of the agents in society.

In accordance with the critical realist approach to causation, Fitzpatrick (2005) identifies four levels of structure on which homelessness could occur, namely, the economic, housing, patriarchal and interpersonal levels as well as the individual level. She believes that activities and actions such as class struggle, stratification, poverty, exclusion, housing shortage, domestic violence, child neglect, substance abuse and low self-esteem that are inherent in these structures have the potential to generate or create homelessness in a society.[32]

By implication, the field, recognition and structuration theories may help in the understanding and conceptualising of the complexity and interrelatedness of the structures which either influence or create homelessness, especially in Nigerian society. However, owing to the variations of the concept, nature and context of the phenomenon, it may be necessary to develop a modified framework that really reflects the society of Nigeria today. In view of that, there is need for a conceptual model which can capture the state of complexity and interrelatedness of the structures that create and reproduce homelessness in Nigeria. As such, a 'relational field of structures' may be an accurate way of conceptualising the state of homelessness in Nigeria as it reflects most of the key structures that interact in Nigerian society to generate homelessness.

[31] Giddens 1984: 1–3.
[32] Fitzpatrick 2005: 15.

The relational model includes five main structures: namely, policy, actional, reactional, vulnerable and probable consequence. The first two structures operate at the macro level while the other three operate at the micro level. The rationale behind this is that at the policy level the governments have the potential to determine a socio-economic policy that reflects the interests of the people. At the actional level, an inclusive socio-economic policy may or may not be put into practice. At the reactional level, failures at the preceding levels could result in high illiteracy, high birth rate, abject poverty, gross abuse, violence and high IDPS (Internally Displaced Persons). At the vulnerable levels, youths and children may become street-involved, sleeping rough and fending for themselves. At the final level, homeless youths have the potential to easily be recruited for crime, violence, terrorism and even genocide.

RELATED FACTS AND FINDINGS

Globally 100 million people are homeless and 1.6 billion lack secure housing, while there are 150 million street children worldwide.[33] However, no national statistics have been collected on child and youth homelessness in Nigeria apart from the data recorded in 2007 by the UNHCR (United Nations High Commissioner for Refugees). Although precise figures are lacking, youth homelessness is quite common in Nigeria especially in urban cities across the country. Aside from poverty, some other contributory factors identified as pathways into homelessness include urbanisation, natural disasters, conflicts and violence, children being street involved, peer influence, youthful exploration, eviction, addiction, religio-cultural ideology and systematic failures. A large percentage of Nigerians are homeless, the majority of whom are young people.[34]

About 52% of the total population of Nigeria (209 million) live in cities, while 43% Nigerians (89 million) live in abject poverty with young people aged 10–29 making up 42% (35 million) of this figure. The majority of them live in the northeast and northwest of the country.[35] 24.4 million Nigerians are homeless, 8.6 million orphaned children sleep rough in markets, bridges and railway stations and may account for the over 10.5 million Nigerian children who are not in formal education. About 1.5 million children are homeless in the northeast region of the country alone, while another 3 million kids are unable to attend school in the same region. Moreover, about 1.3 million children have fled their homes in the northeast of the country due to the insurgency. Most of these children wander about on the street during school hours fending for themselves; some return home while others spend the nights on the street. Between 2005–2020, about 1 million people were forced out of their homes with or without prior notice of eviction.[36]

[33] Magyar 2019.
[34] Borgen Project 2020; Global Homelessness Statistics s. a.
[35] Worldometer s. a.
[36] Borgen Project 2020.

In 2018, 613,000 people were displaced due to natural disasters, while 541,000 people were displaced due to conflicts and violence. At the end of same year, an IDMC report claimed that there were a total of 2,216,000 internally displaced persons across Nigeria.[37] The impacts of natural disasters, especially floods, in destroying lives, properties and rendering people displaced in the country cannot be overemphasised. The Borgen Project (2020) highlighted that the Disaster Management Agency reported that flood in Nigeria caused by both the River Benue and River Niger overflowing in 2018 killed about 200 people and rendered over 285,000 persons homeless. In support of this claim, Abubakar Kende (the then Secretary General of the Nigerian Red Cross) notes that apart from destroying towns and villages, the flood also damaged crops and livestock.[38]

In addition, a report published in July 2019 by the Norwegian Refugee Council (NRC) indicates that people were fleeing their homes every week in the Northeast because of the threat of insurgence. Moreover, the number of IDPs (Internally Displaced Persons) increased by about 17% between 2018 and 2019 alone, while about 180,000 persons in Bornu desperately needed shelter to protect them from the outbreak of cholera. It also found that 53% and 51% of the total refugees in the country belong to the priority group of women and children respectively.[39]

Owing to the increasing rate of child and youth homelessness worldwide, Lonnie et al. (2016) conducted a Systematic Review and Meta-Analysis of the causes of child and youth homelessness in 24 countries (developed and developing), to identify and understand the causes and reasons for the increase of this problem. Nigeria was one of the 24 countries featured in this systematic review. The review found that poverty was the major cause of child and youth homelessness among the 24 countries investigated, with other causes including abuse, family conflicts, delinquency and psychosocial problems.[40]

Fitzpatrick (2000) studied "pathways of young people through homelessness" in Glasgow and found that unemployment, poverty and family conflict were the most common causes of or pathways into homelessness. She believed that the youths who were the subject of the research had been structurally marginalised and socially deprived of the basic standard of living. She determined that unemployment was the major factor responsible for homelessness among the studied group.[41]

Van Laere et al. (2009) conducted a study in Amsterdam on the "pathways into homelessness" which indicates that among the total participants (120), eviction (38%) and relationship problems (35%) were the most frequently reported reasons why the people included in the study became homeless.[42]

37 IDMC 2019.
38 Borgen Project 2020; Street Child s. a.; Firstpost 2018.
39 NRC 2020.
40 Embleton et al. 2016: 435–444.
41 Fitzpatrick 2000: 134–135.
42 Van Laere et al. 2009: 1–9.

Pathways into homelessness, as noted by Anderson (2001) may include influences like relationship problems or the loss of a loved one. It is noteworthy that some scholars have used different terminologies at different points in time to refer to the pathways of homeless persons. For instance, the Australians, Mackenzie and Chamberlain (2003), used 'homeless career' whereas Robinson (2003) used the term 'trajectory', both of which suggest that becoming homeless may be a gradual process and reflect the dynamic nature of the life paths of the homeless persons.[43]

It is important to establish that the use of the pathways approach to understanding homelessness, came to the fore due to the rising conceptual shift from the traditional (static) view of the nature of the phenomenon, to a view that acknowledges its dynamic nature. Fitzpatrick (2000) also stressed that the experience of homeless persons is multidimensional and has episodic phases and therefore should be better visualised holistically rather than conceptualised as a static or permanent experience. Anderson and Tulloch (2000), define 'homelessness pathway' as an individual or household's routes into and out of homelessness with their inherent experience throughout the experience of homelessness until they are securely housed.[44]

In 2014 a study was carried out by a Nigerian sociologist and scholar, Patrick A. Edewor on the topic "Homeless Children and Youths in Lagos, Nigeria" in which a total of 447 children and youths were surveyed in Lagos using purposeful sampling techniques and the snowball method. The findings show that the homeless children and youths in Lagos were mostly males, comprising 84% of the total individuals survey and that their age ranged from 15 to 19. A large majority, 97% were from the Yoruba ethnicity. 54% were Muslims and 40% were Christians while the rest belonged to the Traditional Religion. About 68.1% cited financial problems or poverty as the reason for them not being at school. 92.4% were not in school at the time of the study, while about 88.1% of them indicated an interest in returning to school.[45]

Zakir et al. (2014) conducted a study on a category of 300 young homeless people (known as almajiris) aged 8–14 in Kaduna, Nigeria and found that 80% lacked formal education and 99% ate on the street. Hansen (2016) reports that an informant, Sahu Sani, (an attorney and human right advocate) referred to 'almajiri' as vulnerable children, many of whom end up as extremists or become involved in crime due to inadequate parental care. Children known by the term "Almajiri", originating from the Arabic word "almuhajir" (an emigrant in search of religious knowledge) form huge part of street children in northeast. They engage in begging on the street under the direction of their mallams (Muslim religious teachers).[46]

[43] Minnery–Greenhalgh 2007: 641–655.
[44] Clapham 2003: 121–123.
[45] Edewor 2014: 538–541.
[46] Zakir et al. 2014: 128–131; Hansen 2016: 83–95.

CONCLUSION

There is no general definition of homelessness and the heterogeneity and diverseness of conceptual views of the phenomenon across the globe has implication for policy and national considerations. Moreover, there is no single general cause of homelessness, and no factor is single-handedly responsible for the causation of homelessness in any society. Homelessness is a result of multifaceted factors. Both FEANTSA's criteria and the IGH's standard for defining homelessness are important in conceptualising the phenomenon, but a contextualised approach is more relevant in understanding homelessness in Nigeria. The social, legal, and physical standard of FEANTSA's criteria of home or IGH's physical, social and security criteria for global definition of homelessness do not reflect the African context of homelessness.

The two criteria also left out the personal understanding of homeless persons, which puts into question its credibility and general dependability. Furthermore, the pace of development in advanced regions such as Western Europe, North America and Australia exceeds those of most developing countries in Asia and Africa and the overall standard of living and social political and economic systems in those regions are stronger and, in most cases, better than those of the developing countries in Africa. Therefore, the criteria and standard for having a home, or for homelessness, are more suitable for the western European and North American contexts than for parts of Africa and Asia where societies still battle with basic social amenities and infrastructures like water, electricity, internet connection and road network among other things. Thus, even if the criteria and standards reflect the state of the phenomenon in the developed regions, which is in any case not certain, it would still be inappropriate as a standard for defining homelessness in the developing countries of Asia and Africa.

The non-static or dynamic nature of homelessness may also have influenced the inconsistency of applicable theoretical frameworks in the study of the phenomenon across the globe. Homelessness can be understood from the perspective of a victim's personal pathology or as a product of a society's structural dysfunctionalities, or a combination of the two; the theoretical difficulties that arise are reflected in their applications by scholars, as indicated in this paper. Moreover, it is worth taking into account the importance of field, recognition and structuration theories in interpreting the experiential challenges of homeless persons in a society, who tend to struggle for chances of survival among other agents and agencies in the society. These theories enhance the understanding of the social economic challenges of homeless or vulnerable persons in most societies and could be potentially useful in understanding the generative mechanisms that are embedded in most social structures.

However, the theoretical trail of homelessness is just as dynamic as its conceptual nature. In Nigeria especially, the problem of homelessness is more structurally than personally influenced, as indicated in the facts and findings section of this review where economic poverty, displaced individuals, evictions and lack of social support institutions and poorly established social policy were commonly identified causative factors. The duality

of structuration theory, the recommended four model structures of Fitzpatrick, as well as the 'field of structural relations' proposed by the author could expand our understanding of the causation of homelessness in Nigeria. Moreover, the review of studies indicates that the causal state of homelessness in Nigeria rests upon a cluster of complex factors including housing related problems, developmental, policy, human right, religio-cultural ideologies and social threat among other things.

Some global conceptual ideas can be useful in understanding homelessness in the Nigerian context. For instance, the ETHOS roofless category, the category used in the EU 2011 census of 'primary homelessness', Mackenzie and Chamberlin's primary homeless category in Australia, and the U.K. and U.S. roofless categories are relevant for understanding the concept of homelessness in Nigeria. The concept described in CARDO of 'street homelessness' fits the visualisation or conception of what most Nigerians refer to as homelessness. To an average Nigerian, homeless persons are usually imagined as people who are obviously homeless, e.g. rough sleepers, street children who are on the street, almajiri kids, beggars and persons with mental insanity who mostly wander about on the streets. Such people are conceived of as sleeping on the street, under bridges, in slums, shanties, or in uncompleted or dilapidated buildings.

Unlike in the more developed regions of the world, homeless shelters, temporary accommodation for homeless people, homeless institutions and services support do not officially exist in Nigeria. Also, of course, there are no records of the statutorily homeless as is the case in the U.K. or of homeless under federal statutes as in the case of the U.S. The statistics on homelessness are also questionable because the EU and American defining standards do not reflect the reality of homelessness in the context of Africa. The data may have been overstated due to the unclear definition of the phenomenon. The focus of the developed nations in conceptualising the phenomenon differs from those of the developing countries like Nigeria. Vulnerability to homelessness in Nigeria is well reflected in the threat or occurrence of violence in the country, eviction, natural disasters like floods, extreme poverty, religio-cultural ideologies, extreme polygamous practices especially in the North and the high birth rate with a shortage of resources to cater for children.

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Neli Kirilova

CONTROL OF THE BLACK SEA STRAITS: THE KERCH INCIDENT[1]
MARITIME SECURITY AND THE PSYCHOLOGY DRAMA TRIANGLE OF UKRAINE, RUSSIA AND NATO, TÜRKIYE AND THE EU[2]

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This article addresses regional security in the EU's South-Eastern neighbourhood. The current Russia–Ukraine relations represent a critical point within the historical power competition over the Black Sea straits between Russia–Türkiye and Russia–NATO. The Black Sea has three geopolitically significant straits. Two are controlled by Türkiye – the Dardanelles and the Bosphorus, connecting the Black Sea and the Mediterranean Sea. One is currently controlled by Russia – the Kerch Strait, connecting the Black Sea and the Azov Sea. The unresolved regional security crises include the Kerch Strait incident from 2018, in which Russian vessels implemented military action against Ukrainian vessels.

This study is inductive. It addresses the Kerch Strait incident as a security crisis of two contrasting perspectives – first, that of maritime security and international law, and second, the psychological drama triangle – a model of interpersonal dependency, which I apply to international relations.

[1] This research does not necessarily reflect the views of the institutions to which the author is affiliated. This paper contains an analysis, objectively conducted in attempt to compare Western and Eastern views. The author possesses a major in Russian, Central and East European Studies by the University of Glasgow, with research experience in Russia, Azerbaijan and Georgia, which makes the expressed viewpoints relying on facts, presenting conflicting perceptions and logical assumptions. The analysis is based on usage of both Western and Russian language sources.

[2] This article was partially inspired by the Conference *International Cooperation and Geopolitical Security in the Black, Mediterranean and Baltic Seas – Legal, Economic and Environmental Aspects,* organised by the Black Sea Institute, Bulgaria, in 2019. Some aspects of it were discussed during *Risks and Stability in the Regions of the Black, Mediterranean and Baltic Seas* panel of this conference. The paper is the edited form of the presentation held at the *Critical Rethinking of Public Administration 2021* Conference.

These two approaches lead to a better understanding of ongoing processes. First, the maritime law perspective shows the inapplicability of international maritime law due to opposing vital security interests of the participants. Second, the psychological perspective suggests an alternative explanation of recurring crises in international relations.

The findings suggest two solutions. First, based on international maritime law, the Kerch incident could be resolved only if Russia and Ukraine agree on the ownership of Crimea and its territorial waters. However, their differing perception of security threats is an obstacle to such resolution. Second, the drama triangle of human interaction examines interpersonal conflict in which the victim has to interrupt the cycle of victimisation. Applying this psychological model to IR suggests that Ukraine, if in the victim role, should aim self-empowerment to minimise dependencies on dominant international actors.

Keywords:
Black Sea Kerch Strait, EU, NATO, Russia, Türkiye, Ukraine, maritime security, psychology drama triangle

INTRODUCTION

In 2022, Russia and Ukraine entered into a war. From 2021 to 2022, tensions on the land border between Russia and Ukraine were present. Previously, the Kerch Strait incident of November 2018 indicated vulnerability of Ukraine, aggression by Russia, and the role of the West – the EU and NATO – as rescuer. Türkiye abstained from reaction, but unknown for how long. Tensions in close proximity are ongoing – the Israel-Palestine conflict. The geostrategic interest of Türkiye in the Black Sea is to control the Dardanelles and the Bosphorus Straits, providing access to the Mediterranean Sea. The country is a NATO member state and cooperates with Russia.

The strategic importance of the Black Sea Straits – geopolitical competition between Russia, Türkiye and NATO

The Black Sea is an almost landlocked body of water, accessible to the Mediterranean Sea via the Bosphorus and Dardanelles Straits, both controlled by Türkiye. The Black Sea has access to the similarly landlocked Sea of Azov via the Kerch Strait, located between Crimea and Russia. The Black Sea allows warm water access between the North European Russian territory through Kerch and the World Ocean through the Bosphorus and Dardanelles Straits. For these reasons, control over these straits is of strategic importance for the regional powers.

Figure 1: Black Sea
Source: Encyclopedia Britannica 2019

The main regional competitors around the Black Sea are Russia, Türkiye and the West, combining NATO and the EU. The Black Sea is of geopolitical and geostrategic importance for Russia and Türkiye. It provides access to territories for military action, energy security projects, trade, therefore increasing their regional influence. For Russia, it provides access through the Kerch Strait, the Bosphorus and the Dardanelles to the Mediterranean Sea. For Türkiye, it provides access through the Kerch Strait to the Sea of Azov and the inner territory of Russia via the Don River. Also, the Black Sea provides access to the inner territory of Ukraine and Belarus through the Dnieper River. It is a major trade corridor generating wealth, with strategic importance in blocking the enemy in case of a war. The Black Sea is connected to the inner part of the European continent through the Danube River. NATO has access to the Black Sea through the Bosphorus and Dardanelles Straits, controlled by Türkiye, and the Danube River's delta controlled by Romania, but sharing 630km of river border with Bulgaria. Romania and Bulgaria are both EU and NATO members. Türkiye is a NATO member, but with regional interests in the Black Sea, historically competing for influence with Russia. Therefore, the behaviour of Türkiye in NATO is not completely predictable.

Contemporary security crises, resulting from the geopolitical competition over the Black Sea Straits

The post-Cold war competition between Russia and NATO continued on the dividing line around the Black Sea. At the beginning of 2022, militarisation on both sides of the Russia – Ukraine border raised concerns in Europe. The tension developed into a war with three focuses, outlined by a Ukrainian security expert: Crimea, Eastern Ukraine and the maritime dimension.[3] The interest of Russia in the Black Sea and the Sea of Azov was not only in relation to Ukraine – it aimed to project power towards NATO collectively and Türkiye individually.[4]

Scenarios of regional developments include either military cooperation of some of the countries without NATO, for example the U.K., U.S., Georgia, Romania, Türkiye; or NATO strategic cooperation in the Black Sea.[5] Türkiye is a historical regional player in the struggle over the Black Sea Straits, competing with Russia. Türkiye controls the Bosphorus and Dardanelles through the Montreux Convention. A scenario of a stronger Türkiye is a precondition for closer relations with Russia and deteriorated relations with NATO.[6] This could block further Western influence, which Türkiye aimed at by creating the BSEC in 1992. A contemporary example–the construction of an Istanbul channel could bypass the Montreux Convention and allow the access of military vessels,[7] avoiding an agreement of the international community.

The Black Sea Maritime Security[8] has increased its importance for the EU since the 2014 geopolitical crisis in Crimea, based on sovereignty dispute between Ukraine and Russia. An oversimplified description of the main facts shows that the approach of Ukraine towards the EU in 2014, was interpreted as a possibility to later NATO membership–both organisations are considered 'West' in the Eastern view. This was unacceptable by Russia due to its own perceived security concerns, and therefore its reaction to annexation of Crimea was not surprising. It was not acceptable, but not unexpected. The EU, based on International Law, declared this act to be illegal. The Crimean conflict led to international disputes over parts of the territory of Ukraine, and the maritime waters around the Crimean Peninsula, particularly in the Kerch Strait. Following Crimea, the Kerch Strait Incident in 2018 and the war in 2022 deepened the conflict.

[3] Shelest 2021: 3.
[4] Shelest 2021: 3.
[5] Shelest 2021: 7.
[6] Shelest 2021: 6.
[7] Shelest 2021: 6.
[8] European External Action Service (EEAS) 2019c.

The Kerch Strait Incident

The Kerch Strait Incident in November 2018 is the first confrontation between Russia and Ukraine over the waters of the Sea of Azov and over the land border of Ukraine.[9] The clashes in the Kerch Strait could lead to conflict escalation, following the annexation of Crimea by Russia in 2014.[10] The incident happened after a bridge was built between Crimea and the continental territory of Russia. Specifically, on 25 November 2018 three Ukrainian vessels attempted to cross the Kerch Strait from the Black Sea to the Sea of Azov, aiming to reinforce the Ukrainian naval force at Mariupol and Berdyansk.[11] Russian Coast Guard vessels, supported by helicopters and warplanes, fired on the Ukrainian ships injuring six sailors, after which they detained the vessels and their crew.[12] The Crimean courts detained the 23 sailors for two months before a trial, which demonstrated that the Russian forces were openly engaging with forces from Ukraine, while the previous presence of Russian troops in Crimea and military involvement in Ukraine had not clearly shown open aggression.[13]

Figure 2: Kerch Strait
Source: Bennetts 2018

[9] Maass 2019: 609.
[10] International Institute for Strategic Studies (IISS) 2018: 1.
[11] International Institute for Strategic Studies (IISS) 2018: 1.
[12] International Institute for Strategic Studies (IISS) 2018: 1.
[13] International Institute for Strategic Studies (IISS) 2018: 1.

The challenge was not only the seizure of Ukrainian ships by the Russian military, but the geostrategic importance of the Kerch Strait. The EU's ability to provide security in Ukraine became questionable due to the four-year period between Crimea's annexation in 2014 and the unpreparedness with which it met the Kerch Strait confrontation in 2018.[14] The Ukrainian position, supported by the West, was that Russia attempted to claim rights over the territorial waters around Crimea, thus controlling the Kerch Strait.[15] The Ukrainian President asked for support from NATO, under *martial law*[16] which allows military control over territories where the civil authority cannot cope with the crisis.[17] Mobilising NATO troops based on the Ukrainian request could have provoked further Russian reaction, developing into a war. This would be neither beneficial to NATO members around the Black Sea, nor to Russia, nor to Ukraine whose territory could have turned into a proxy Russia–NATO conflict. This indeed happened later, in 2022.

The motives of Russia, driven by its continuous confrontation with NATO, and its response to Ukraine's approach towards NATO in this context were not considered. An objective view of the situation requires a clarification of the strategic perspectives of all involved actors. For Russia, the control of Crimea and therefore of the Kerch Strait was a vital security interest. It defined whether or not NATO vessels could be allowed access through the Sea of Azov to the Don River towards internal Russian territory. Crimea was of high strategic importance for Russia. The possibility of Ukraine to gain EU membership, if accompanied by NATO membership, was perceived as a threat to Russia's strategic security, in case that Crimea belongs to Ukraine. This vital security interest from Russia's perspective is underrepresented in the Western literature.

The role of the EU is to create and support international legislation, based on which it judges the situation of Crimea and the Sea of Azov. The EU calls for the implementation of the International Law of the Sea, without engaging in the problematic definition of the ownership of Crimean territories, which it considers occupied by Russia.[18] Nevertheless, the contradictory security concerns of the participating states limit its efficiency.

Research problem

The questionable interpretation of existing maritime security norms in the Black Sea led to an unclear resolution of the Kerch Strait incident in 2018. The international community has agreed on the common Law of the Sea, to which both Ukraine and Russia are members, while the regional powers have agreed on common Black Sea conventions. As both Russia and Ukraine are part of the UNCLOS, this could provide a solution only if the ownership

[14] Maass 2019: 609.
[15] Shelest 2021: 4.
[16] Maass 2019: 609.
[17] Encyclopaedia Britannica 2020.
[18] European External Action Service (EEAS) 2019b.

of Crimea is agreed by both. However, agreement has not been reached on this question, which is an obstacle to applying UNCLOS to the Kerch Strait.

The annexation of Crimea by Russia is considered illegal under international law and thus by the EU, while Russia itself considers it a legitimate action. As a result, the waters around Crimea and the Kerch Strait cannot be regulated by mutual international recognition of the existing international law in maritime disputes, namely the UN Convention on the Law of the Sea of 1982, preceded by the Geneva Convention of 1958. The unresolved ownership of the waters under the sovereignty of Crimea allows dual interpretation of the Kerch Strait incident, because the peninsula is part of the territory of Ukraine according to Ukraine and the majority of the international community, while Russia considers it to be part of its own territory. Therefore, it is questionable how the internationally agreed sea conventions are applicable to the Kerch Strait, if both Russia and Ukraine claim ownership.

The current paper clarifies the reasons for inability of the existing international law to solve the situation. An alternative interpretation is suggested through a model from the field of psychology, the application of which I transfer from individuals to international relations actors. Thus, the research questions are: How can the international rules appropriate for the Kerch Strait be defined and how can the psychological model of the drama triangle explain the dependence of the actors?

Methodology: maritime security vs. the drama triangle model

This research aims to reveal what applicable international legislation exists and why a solution to the conflict acceptable to both Russia and Ukraine has not been found yet. It searches for an alternative explanation in the drama triangle model, developed by a psychologist, which clarifies the unhealthy dependencies between people, adapting this model to explain the relations between international actors. Thus, the research explores the relationships between Russia, Ukraine, Türkiye, the EU, and NATO.

The methodology is inductive, considering two separate perspectives – international law as it applies to a particular maritime security crisis, and a psychological approach addressing the persistent conflictual relations within which the crisis happened. It first examines the international norms applicable to the Black Sea Kerch Strait incident. Next, it integrates the outcome in the wider context of psychological dependence theory. It interprets the continuous international conflict through a psychological framework that is typically used for interpersonal conflict assessment. This combined approach might be applied to situations of geopolitical competition between two hegemons, a dependent state and the sea waters between them. It is applicable to maritime regions locked between regional powers in any part of the world.

The first method addresses how the Kerch Strait incident can be understood through regional agreements, international norms and UN Conventions in force. It analyses the existing maritime security conventions, approved by the United Nations, and agreements between Russia, Türkiye and the EU in the context of Black Sea regional power competition.

These international conventions and European regional agreements refer to the Law of the Sea, particularly to maritime security in the Black Sea region.

The second method explores the possible application of the *drama triangle* – a psychological model of interpersonal conflicts, to international conflicts, particularly to the regional actors involved in the Kerch Strait incident. This innovative approach addresses recurring crises in vulnerable states around the Black Sea. Unlike international law, which addresses a particular crisis, the psychological model address the recurrence of crises due to unresolved conflictual dependency. This model suggests an innovative transdisciplinary solution to international conflicts.

The methodological sequence is particularly appropriate to this case. After clarifying the reasons why a legal solution to a single crisis is impossible, it suggests an alternative solution to recurring crises in a longstanding conflict by introducing the drama triangle model of social interaction. Applied to international relations, it suggests an innovative approach to solving a stalemate situation.

FIRST APPROACH: BLACK SEA MARITIME SECURITY AND INTERNATIONAL LAW

The legal approach interprets the Kerch Incident as a single crisis of Black Sea maritime security. The international law concerning the Black Sea in the context of EU Maritime Security includes several international norms – the Geneva Convention of 1958,[19] the UN Convention of 1982 settling the Law of the Sea (UNCLOS),[20] the Montreux Convention of 1936 settling the control over the Bosphorus and the Dardanelles by Türkiye, and International Humanitarian Law in case of armed conflict. However, the applicability of existing international law to this crisis is questionable. Both Russia and Ukraine are parties to UNCLOS, so they are expected to adhere to it, but Türkiye is not.

Control of the straits – Türkiye and the Montreux Convention 1936

In 1857 the signing of the Copenhagen Convention[21] was of geostrategic importance for the Baltic Sea, as it opened access through the Danish Straits for international shipping, allowing free use of the waterways for military and commercial ships. It removed the previously effective Sound Dues agreement, detrimental to the ports and trade of Denmark– full control of the straits was maintained by Denmark, which received fees from the entry to the Baltic Sea of international vessels.[22] Similarly, for the Black Sea, several conventions

[19] United Nations 1958a.
[20] UNCLOS 1982.
[21] *Copenhagen Convention* 1857.
[22] Warner 1967.

have opened up the Bosphorus and Dardanelles to international vessels. The latest since 1936, is the Montreux Convention, which regulates the free movement of ships from and to the Black Sea. It grants Türkiye full sovereignty over the Dardanelles, the Marble Sea and the Bosphorus, which enhances the strategic importance of Türkiye in regulating access to the Black Sea from the Mediterranean, and to the Mediterranean from the Black Sea.

According to the Turkish Ministry of Foreign Affairs,[23] the Montreux Convention is closely linked to the Black Sea security and stability, and its state of implementation guarantees balanced relations. In particular, merchant vessels are allowed to pass freely through the Straits, but war vessels are restricted depending on the states to which they belong – those not belonging to riparian states are further restricted according to tonnage and the duration of stay of the vessel in the Black Sea.[24] Regulated by the Montreux Convention of 1936, Türkiye controls the Black Sea Straits Bosphorus and Dardanelles. Thus, Türkiye allows the free entrance of trade vessels and imposes special regulations for military vessels. It is of geostrategic importance, because in case of military action Türkiye decides which military vessels can cross from the Mediterranean to the Black Sea and from the Black Sea to the Mediterranean Sea. The strategic importance of Türkiye as a major player in the Black Sea is guaranteed as long as the Montreux Convention of 1936 is in force. As a key regional actor, Türkiye should be consulted on Black Sea maritime security matters. The Kerch Strait Incident is such an issue, therefore Türkiye could be present in its solution.

The Straits have major geostrategic importance. Türkiye, by maintaining control of the Bosphorus and the Dardanelles, possesses power over the access of ships from Russia and from the Mediterranean to those waters, both for military and trade purposes. Further North, at the Sea of Azov, if Russia controls the Kerch Strait, then only ships to which Russia allows access could sail from the Sea of Azov to the Black Sea. If Russia and Türkiye agree on mutual control over the near-landlocked Black Sea and the Sea of Azov, then no vessels could cross the waters of the Black Sea without their permission. If an agreement exists between Russia and Türkiye, only the ships allowed by them could move between the Mediterranean and the Sea of Azov. However, such an agreement between depends on the willingness of both to share the sovereignty of the Black Sea Straits. This is uncertain, based on their historical competition for regional control.

International Humanitarian Law and the EU

Several international rules regulate maritime security. International Humanitarian Law – *jus in bello* for armed conflict and *jus ad bellum* for reasons of war, as well as the San Remo Manual on International Law are applicable to armed conflict at sea. Stahn[25]

[23] Ministry of Foreign Affairs (MFA) of Türkiye 2019.
[24] Global Security 2022.
[25] Stahn 2006: 921.

suggests a third concept – *jus post bellum,* which would regulate post-conflict relations. Another instrument that regulates armed conflict at sea is the San Remo Manual[26] on International Law, which is applicable to Armed Conflicts at Sea since 1994. Despite the fact that these regulations tackle international conflicts at sea, in the current study they are not applicable to the Kerch Strait incident. The core problem in this conflict is not war at sea, but the intention of the military vessels to cross the waters in question. This paper suggests that the unsettled status of the ownership of the peninsula is narrowly connected to the internal security of Russia.

The EU focuses on cooperation and preserving the principles of international law, including through its Black Sea Synergy,[27] rather than military involvement.[28] The active international agreements are limited in this regard. The Danube Strategy[29] concerns the inland territory and waters of the EU member states up until they drain into the Black Sea. Before the war in 2022, according to the European External Action Service, the EU applies its Maritime Security Strategy Revised Action Plan[30] to the Black Sea, as well as its EU Global Strategy,[31] which has a dedicated section on the increasing geopolitical importance and strategic location of the Black Sea. Neither of these norms provides a solution agreed upon by all participants.

International conventions – UN Law of the Sea of 1982, Geneva Convention on the Law of the Sea of 1958

International security and maritime security are regulated by commonly agreed international law. The currently existing legal framework includes two major UN Conventions – the 1958 Geneva Convention of the Law of the Sea and the 1982 UN Convention of the Law of the Sea (UNCLOS). The Law of the Sea Convention or Law of the Sea Treaty – since its inception in the United Nations Conference on the Law of the Sea between 1973–1982, has been in force since 1994 with 167 participatory countries, including the EU since 2016.[32] UNCLOS members include Russia, Ukraine, Bulgaria and Romania – both EU and NATO members, while Türkiye is not a member. The members agree to follow the principles of international law, while non-members are not expected to follow these principles. The challenge is that two members, Russia and Ukraine, do not follow the same principles of international law on maritime security.

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26 Doswald-Beck 1995.

27 European External Action Service (EEAS) 2019a.

28 Before the Russia–Ukraine war in 2022, when the EU started to provide military, political, financial and humanitarian support to Ukraine.

29 European Commission 2011.

30 European Commission 2018.

31 European Commission 2016.

32 European Security and Defence College (ESDC) 2021.

The Geneva Convention on the Law of the Sea from 1958 creates several sea zones – the Territorial Sea and Contiguous Zone, the High Seas, Fishing and Conservation of Living Resources of the High Seas, the Continental Shelf, and, additionally, the Compulsory Settlement of Disputes, all agreed by the United Nations. The three basic maritime areas it outlines are: Territorial Sea, Continental Shelf and Exclusive Economic Zones. Based on it, the UN Convention on the Law of the Sea of 1982 distinguishes between different types of territories and waters relevant to regulating the sovereignty of the sea. They are shown in the figure below, comprising six Maritime Zones – internal sea, territorial sea, contiguous zone, continental shelf and exclusive economic zone, and high seas.

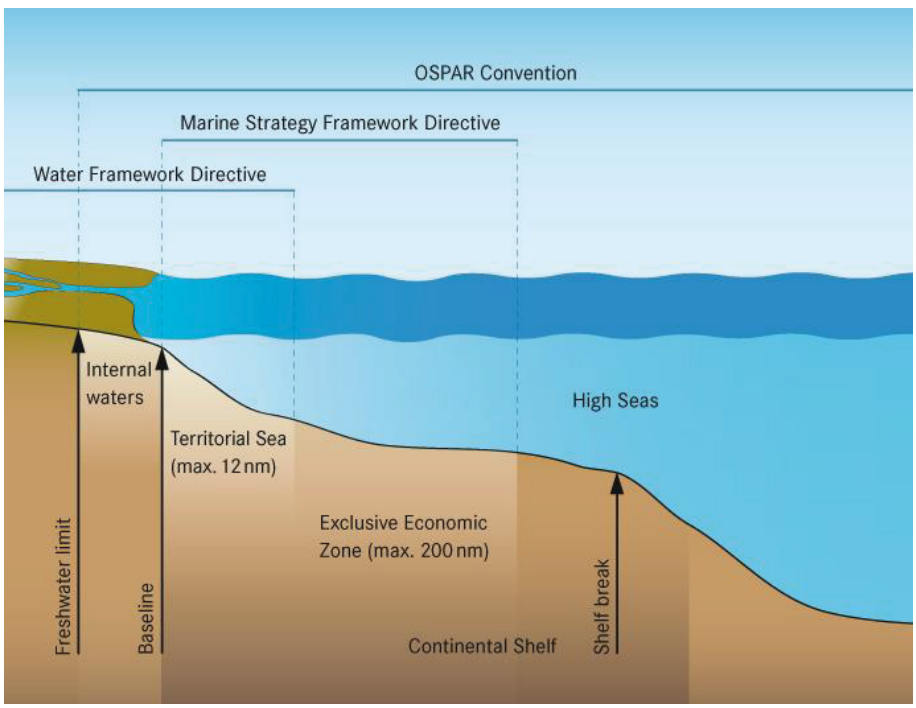

Figure 3: Jurisdictional zones of the UN Convention on the Law of the Sea, 1982
Source: OSPAR Commission 2010.

Each of these maritime zones has specific characteristics, with the aim of defining who is the sovereign of each territory, and how the relations of different coastal states are regulated on the sea. The High Seas, established primarily in the UN Geneva Convention of 1958, comprise "all parts of the sea that are not included in the territorial sea or in

the internal waters of a State".[33] The key issue about the High Seas is that "no State may validly purport to subject any part of them to its sovereignty",[34] which is a major reason for disputes between states, if it is not regulated. The UN Law of the Seas in 1982 established internationally recognised norms for governance: "The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured."[35] Moreover, "in the exclusive economic zone, the coastal State has: (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources […], and with regard to other activities for the economic exploitation and exploration of the zone",[36] which seeks to clarify who is able to implement trade and how to do it, without claiming preferential conditions on an unregulated basis. Furthermore, UNCLOS 1982 regulates the ownership sovereignty of the ships and the applicable jurisdiction. Namely, "warships on the high seas have complete immunity from the jurisdiction of any State other than the flag State".[37] However, "on the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board".[38] This means that in cases of harmful, criminal action, a ship could be judged by any country of the international community. Also, in case of any other action by a ship, the responsibility for its actions is linked to the flag under which it is sailing. This rule creates a precondition for strong international order and discipline regulated by the community even on open waters, the area thus designated as the *high seas*.[39]

Result of the First Approach:
Sovereignty of Crimea, Russia – NATO dynamics

This paper finds that the Law of the Sea does not provide an agreement for all states not to interfere within the territory of another state, because the presumption is that states have defined boundaries. The existing norms only clarify what kind of solutions are needed for the secure passing of sea vehicles without harming the interests of any of the surrounding sea states. However, they fail to provide a normative solution to the crisis under study, which would be applicable to all the involved states.

In the UN Law of the Sea 1982, *innocent passage*[40] through the territorial waters of another sovereign country means that a ship refrains from engaging in certain prohibited

[33] United Nations 1958b: Article 1: 81.
[34] United Nations 1958b: Article 2: 81.
[35] UNCLOS 1982: Part V, Article 57: 44.
[36] UNCLOS 1982: Part V, Article 56: 43.
[37] UNCLOS 1982: Article 95: 59.
[38] UNCLOS 1982: Article 105: 61.
[39] UNCLOS 1982: Part VII: 57.
[40] UNCLOS 1982: Section 3: 26–29.

activities, including weapons testing, spying, smuggling, serious pollution, fishing, or scientific research. In the case of the Kerch Strait incident in 2018, Ukrainian vessels with military equipment were trying to pass through the Kerch Strait from the Black Sea, aiming to reinforce the Ukrainian military on the coast of the Sea of Azov. Based on the UN Law of the Sea of 1982, this constitutes innocent passage if the ship refrains from prohibited activities. Therefore, it does not test weapons and does not spy or smuggle goods over the sovereign territory of another state, in this instance Russia. However, two difficulties for interpreting the situation exist.

First, if the Ukrainian vessels passing through the Kerch Strait are not testing any weapons and are passing innocently through waters under the sovereignty of Russia, they could be granted free access. However, if the purpose of their passing is to reinforce Ukrainian military, it is an act against another country–Russia, regardless of whether defensive or offensive[41]. Therefore, despite the clause of innocent passage under the UN Law of the Sea, the Ukrainian military ships would cross the waters against the interest of Russia. From the UN Law of the Sea perspective it is legitimate, but from Russian perspective opposing the action, at least by blocking the Ukrainian ships from reaching their military objective, could be interpreted as a security interest.

Second, the question is more complex, because of the lack of complete international agreement on the sovereignty of Crimea and, therefore, the sovereignty of its sea waters. Western authors sharply criticise Russia for controlling the Kerch Strait, calling for the rule of law to be in force.[42] The Ministry of Foreign Affairs of Russia, however, considers its actions during the Kerch Strait incident in November 2018 legitimate.[43] It judges the actions of Ukraine as unacceptable, and declares that Russia would not allow activities directed against Russia – this narrative is followed until the escalation of a war in 2022. Simultaneously, Russia declares openness for constructive dialogue on the Sea of Azov, inviting[44] Ukraine for a bilateral solution, instead of involving the international community and international law to resolve the situation. Russia warns that escalation of the conflict is possible in the waters of the Kerch Strait, and a reaction could be expected towards Ukraine or any country supporting what Russia deems as 'provocative actions of Ukraine'.[45] From the Western perspective, Russia was acting in a harmful way, as Crimea belongs to Ukraine. From a Russian perspective, it was defending its strategic interests. If Crimea was part of Russia, which Russia claims,[46] then it would be difficult to judge.

Only after the sovereignty of the Crimean Peninsula is clarified can the currently effective UN Law of the Sea of 1982 provide a solution. At the moment, the case of the Kerch Strait

41 This refers to 2018, much before the escalation of a war.

42 Hall 2019.

43 The paper is not about propaganda strategies, so it will not discuss this aspect. However, the scope of propaganda and foreign information manipulation might be a subject of further research.

44 This refers to the Kerch Strait Incident in 2018, much before the war escalated in 2022.

45 Ministry of Foreign Affairs (MFA) of the Russian Federation 2018.

46 In IR, sometimes the claim of a country might not correspond to reality. The more other countries support the untruthful facts, the higher the chances that it turns into a new reality.

does not fall under its 'innocent passing' clause, which states that it is possible for foreign vessels to pass if they do not implement military actions. Either the military vessels of Ukraine crossed the sovereign territory of Ukraine, which means that Russia is violating foreign sovereign waters, or the military vessels of Ukraine crossed the sovereign territory of Russia and this violated the foreign sovereign waters of Russia. In either case, the Kerch Strait incident cannot be solved by the Law of the Sea, but by solving the question of the sovereignty of Crimea.

As long as the status of Crimea is not internationally agreed by all concerned states, particularly Russia and Ukraine, it cannot be established who is the sovereign of the territorial sea waters of the Crimean Peninsula. Even though international law is in favour of Ukraine, the control of the Kerch Strait means allowing NATO access to the Sea of Azov and to the internal Russian territory, which is contrary to the security interests of Russia. As long as Russia and NATO perceive each other as adversaries, unsurprisingly each of the two strives to gain advantage over the other and to protect its territory from the other.

Therefore, the 1982 UN Convention on the Law of the Sea could not show which side was in the right in case of the interrupted attempt by Ukrainian military vessels to cross the Kerch Strait. It was not clearly agreed whether Ukraine was in the right to act, if Crimea was a part of Russia and these military vessels were acting against Russia. Neither was it clear if Russia was trampling on international law, if Kerch waters were within the sovereign of Ukrainian Crimea, and Ukraine was trying to cross its own waters aiming at non-innocent passage to provide military enforcement against Russia, with the potential of NATO assistance. The law might provide a legal answer, but such action would logically be against the vital security interest of a state. Neither state is likely to allow action against its vital security interests. An agreement acceptable to all involved parties does not exist yet. This led the researcher to proposing another point of view to solve the problem – an approach to conflictual situations, known in psychology.

SECOND APPROACH: THE LASTING RUSSIA – UKRAINE CONFLICT AND THE PSYCHOLOGY DRAMA TRIANGLE

In this section I propose an innovative approach to the recurring crises and conflicts in the vulnerable states around the Black Sea region. It structurally addresses the lasting crises of Crimea and Ukraine, including the Kerch Strait incident and its aftermath. I first explore the dependencies studied in a theory of psychology, and then I suggest how these dependencies can be applied to international relations.

In psychology, a situation where three participants are involved in an unhealthy dependence is called *drama triangle*,[47] which involves a weak victim, a harmful persecutor

[47] Karpman 1968: 40.

and a helping rescuer, with possible interchange over time between the three unhealthy roles. Although this concept was created more than 50 years ago, it remains widely referenced in contemporary psychology debates. It relates to the concept of co-dependency,[48] which lies within the core of ontological insecurity[49] embedded in the lack of a secure attachment style. Drawing a parallel to the continuously conflictual relations between some countries in international relations, the core reason is the lack of mutual security guarantees. The original model created by Karpman clearly outlines some of the roles in such unhealthy dynamics. In the Drama Triangle,[50] the victim is weak, harmed, complaining and suffering, while the persecutor is strong, steady and stable, but also harming, bullying and injuring the others and the saviour is strong, steady and stable, but protective, providing support, care and shelter to the victim. Comparing the individual strategies for action of the participants in the Black Sea crisis, I draw parallels with the psychological drama triangle model. The roles in the specific Kerch Strait incident are: Ukraine as the victim, Russia as the persecutor and NATO as the rescuer. However, in history these roles might have been played by different participants at different times. This paper borrows solutions from psychology, which explain the relations between international actors.

Interpersonal conflict analysis – Victim, persecutor, rescuer

The drama triangle[51] describes the model of interpersonal relations between three people playing defined roles in an unhealthy relationship – one is the victim who suffers, one is the persecutor who harms and one is the rescuer who protects the victim. A specific feature of this model is that the victim is unable to take responsibility for itself, while the rescuer helps with unsolicited efforts that sacrifice its own goals, and the persecutor ruins the confidence of the victim in order to hide his own vulnerabilities. All the roles are interchangeable among one another.[52] The drama continues for as long as the participants change roles or engage with other participants.[53] The suggested solution in psychology, for any of the involved actors, is to break the cycle of dependence and to stop repeatedly assuming the same or a different role. However, this remains a challenge for each actor.

48 Cornell 2014: 226.
49 Hapon 2021: 34.
50 Karpman 1968: 40.
51 Karpman 1968: 40.
52 Karpman 1968: 39.
53 Karpman 1968: 39.

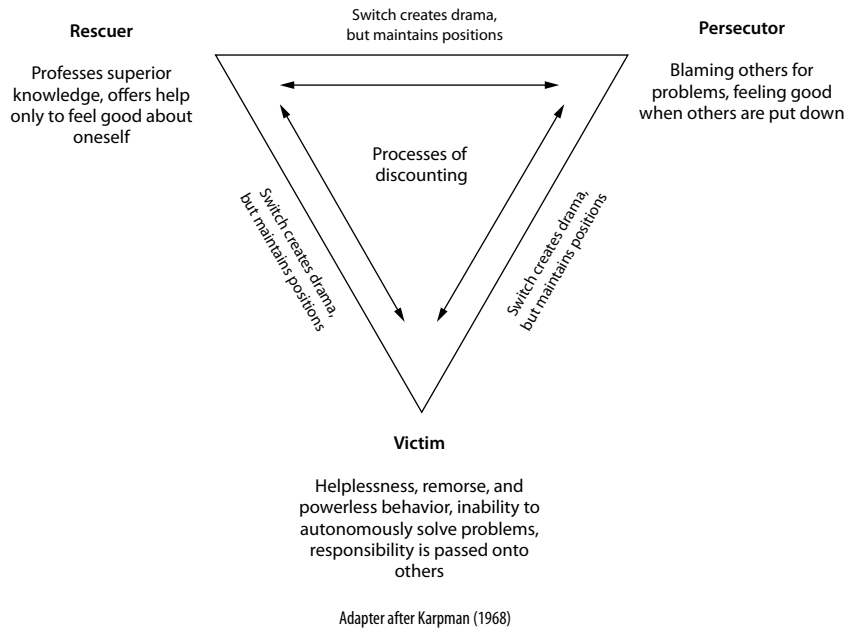

Figure 4: Psychology Drama Triangle
Source: Grigore et al. 2021: 70

In this model, a persecutor is aggressive and blames, oppresses and demeans others.[54] A rescuer is a peacemaker who tries to help the weak others by improving, changing and controlling their behaviour, offering unwanted advice.[55] A victim is powerless, unable to find their own solution, and threatened by uncontrollable situations.[56] A necessary condition for a conflict to exist is to designate a victim.[57] Therefore, if the potential victim succeeds in becoming self-empowered, a conflictual situation cannot continue. Escaping the triangle for each participant starts with the awareness of their own role.[58] The next step is taking responsibility for their own actions,[59] where the victim needs to take responsibility for solving its own problems. Overcoming the role of a victim through finding the outcomes of the victims' own problems is a solution suggested by the 'winner's triangle' model.[60]

54 Lac–Donaldson 2020: 3.
55 Lac–Donaldson 2020: 3.
56 Lac–Donaldson 2020: 3.
57 Karpman 1968: 39.
58 Lac–Donaldson 2020: 17.
59 Burgess 2005 in Lac–Donaldson 2020: 19.
60 Chloy 1990 in Lac–Donaldson 2020: 19.

The applicability of roles – Ukraine, Russia, Türkiye, NATO, and the EU

A brief historical overview reveals the roots of perception of a vulnerable position for Ukraine. According to some scholars, Ukraine became separate from Russia in 1917, but was recognised only by Germany, whose military later required food and coal resources from Ukraine, while the local population was divided between nationalists and communists.[61] In 1922 the Ukrainian SSR was among the founders of the USSR, and according to some sources the Ukrainian language and culture were developed by the Bolsheviks, while Ukrainian politicians took leading positions in the SSR, and as the Secretary General of the Communist party Khrushchev awarded Crimea to Ukraine, an action which was not politically significant during the USSR time and which eased its economic integration.[62] This shows consecutive dependence of Ukraine over time – on Russia, on Germany, on the USSR – and such lasting dependence is a precondition for maintaining its role as a victim.

The history of Crimea, in particular, is marked by the presence of different cultures – Bulgarian, Greek, Roman, Ottoman (14–18th century), Russian (1783–1917) and Soviet (1921–1991), with numerous short periods of being declared an independent republic, populated and locally ruled by Tatars.[63] While this shows attempts to interrupt the dependence, it also indicates longer periods of dependence, typical for the role of a victim aiming at self-responsibility. Since the collapse of the USSR, Crimea remained part of Ukraine, with Russia retaining a military base in Sevastopol.[64] In 2014 Russia annexed Crimea and later constructed a bridge to its mainland over the Kerch Strait in May 2018, allowing commercial vessels to call at Ukraine's ports on the Sea of Azov coast, but resulting in a clash between naval ships belonging to Russia and Ukraine in November 2018.[65] After the Kerch Strait incident, which injured Ukrainian sailors, Russia stopped three ships with crew from Ukraine, and closed the Kerch Strait by placing a large cargo ship under the bridge, while the government of Ukraine declared martial law for 30 days.[66] This situation confirms the lasting strategic importance of the Crimean Peninsula, and the specific significance of the Kerch Strait as a passing point between the two seas – the Black Sea and the Sea of Azov, for two opposing post-Cold war actors – Russia and NATO. This immense interest of stronger regional players over the control of Crimea is a serious obstacle for its independent empowerment.

The political elite of Ukraine, despite the resulting long-lasting unfavourable conditions for its people, shows repetitive tendencies to be mentored by a stronger foreign player.[67] If the logic of the psychological *drama triangle* is applied to the participants in the Black

61 Сивилов 2022.
62 Сивилов 2022.
63 Encyclopaedia Britannica 2022.
64 Encyclopaedia Britannica 2022.
65 Encyclopaedia Britannica 2022.
66 Encyclopaedia Britannica 2022.
67 Сивилов 2022.

Sea Kerch Strait incident, then the directly involved parties are Ukraine, Russia and NATO, while Türkiye and the EU are indirectly involved. Russia and NATO both change roles between rescuer and intruder over time. It is problematic if Ukraine's own perception perpetually corresponds to the role of a victim, weak and incapable of solving its problems by itself. This is probably due to historical dependence on a changing stronger actor who subordinates the country. As long as Ukraine avoids ownership of its vulnerability and searches for an external rescuer, being it NATO, Russia, or another actor, the unhealthy role model continues and the cycle repeats. In the Kerch incident and the annexation of Crimea, the EU has also switched between roles – partially in the role of a victim asking for international law to be followed, and partially performing the role of a rescuer requiring that international law must be respected otherwise it will threaten the perpetrator with its most important tools, such as sanctions. Türkiye has a triple role in the situation: as a NATO member, as a regional competitor to Russia, but also as an ally of Russia against Western approaches, shown through the establishment of a Black Sea Economic Cooperation Organisation,[68] initiated right after the dissolution of the Soviet Union. This triple role puts Türkiye in a temporary position of an observer. An involvement by Türkiye could switching between the drama triangle roles. However, it is uncertain how long each actor would remain in the same role.

Result of the Second Approach: A psychological solution in IR.
Empowering the victim. A consistent political discourse by Ukraine

Applying the psychological drama triangle to Crimea in the Black Sea region reveals three actors playing the roles of a weak and vulnerable victim, a strong and contentious offender (persecutor) and a strong and protective defender (rescuer) implemented by international actors. In the case of the Kerch Strait in Crimea, five participants are involved, switching between the three roles – the EU, Russia, Türkiye, NATO and Ukraine. Over time, Russia and NATO have shown the characteristics of both an offender role, steady and adversarial, and a defender role, steady and protective. Türkiye has played a neutral role, neither supporting nor criticising either side, Russia or NATO. However, it has the potential to be in either position, depending on which side it would take at a given time – that of Russia, of NATO, of Ukraine or, most likely, its own. The EU has a less aggressive role compared to NATO and Russia, but also with potential to develop its role as either a rescuer, or a persecutor. Ukraine remains in the vulnerable role of a victim as long as it hesitates between Russia and NATO, relying on external support. If it chooses a steady internal position, it could build confidence and strength, despite possibly losing some annexed territories. This could be politically arranged later, if Ukraine keeps permanently a stable behaviour towards all external players. Applying the solution from psychology, the most

[68] Black Sea Economic Cooperation 1992.

desirable position for Ukraine is to synchronise its internal policies and disputes, which will result in confident external policies regardless of any change of internal leadership or external roles.

The solution of the Kerch Strait incident depends on the correlation between these five actors – the historical leaders Russia and Türkiye, the EU being present via individual cooperation strategies, Türkiye offering economic cooperation for all, but also potentially playing a harmful–beneficial role for either Russia or NATO, while Ukraine suffering any scenario. Several possible developments of the situation exist. *First:* an optimal solution is an agreement between Russia and NATO, being the two strongest actors, in respect to the needs of Ukraine. However, such an agreement is not likely to be reached soon. *Second:* Ukraine might remain in a vulnerable position by switching the roles of rescuer–persecutor between Russia and NATO, or by requiring help from other external actors, maintaining its role of dependence. *Third:* another alternative is if Türkiye provides stronger support for NATO in opposition to Russia, or if, in contrast, Türkiye neglects NATO and cooperates with Russia, diminishing the Western presence in the Black Sea–the original goal of the BSEC organisation, initiated by Türkiye after the Cold War. Neither of these options is beneficial for Türkiye, which decreases its likelihood to happen. *Fourth:* another option is for the EU to use military force, which is less likely to happen soon due to the position of the EU as a safeguard of international norms and regulations, and its recent development towards strategic compass and strategic autonomy. *Fifth:* therefore, the only working solution is empowering Ukraine to pursue a constant stable policy, ending its dependence on external actors who switch between persecutor and rescuer role, but instead directing its efforts towards independent political action and permanent geopolitical orientation. Any internal vulnerability brings the country back to the victim role, which equals an invitation for a persecutor and a rescuer to interfere.

Neither Russia nor NATO are likely to break the cycle of dependence, because it proves their powerful actor position. Ukraine remains in the role of a victim until it owns the responsibility for its situation. A steady position would send the right signals to external parties. The significant interest of external actors in its strategic location creates obstacles for its independence. Russia considers a critical security interest not to allow the entry of NATO ships through the Kerch Strait. If Ukraine aims for NATO membership, then from Russia's critical security perspective, Ukraine cannot be allowed to control the Kerch Strait, and therefore Crimea cannot belong to Ukraine. Ukraine cannot ignore these themes of its territorial disagreement with Russia. Therefore, Ukraine can take responsibility by either confirming its Western choice and risking to lose territory, or maintaining close ties with Russia, limiting Western influence. The EU membership of Ukraine is not harmful to Russia's critical security, if not accompanied by NATO membership. That interpretation remains valid as long as Russia and NATO perceive each other as opposing actors, competing for influence over the territory of vulnerable countries between them.

CONCLUSION

The strategic importance of the Black Sea creates opportunities for geopolitical cooperation, but also confrontation for leadership in the region. The Kerch Strait incident can be interpreted differently through the perspectives of Russia, NATO, Ukraine, the EU and Türkiye. Russia aims to protect its sovereignty and historical power. NATO aims at expansion and provides Ukraine with the requested support, due to incapability to cope alone. Ukraine aims to protect its territory from military presence of Russia, while giving positive signals towards the EU and NATO. Türkiye avoids involvement on any side with potential negative consequences against its interests. The EU aims to protect international norms and regulations, supporting the principles of international law in global governance. In the Kerch Strait, the EU consistently applies the international law, according to which Crimea was illegally annexed from Ukraine, which is the Western perspective. From a post-Cold War perspective, enhancing the communication between NATO and Russia, by means of EU mediation, is more likely to impact regional crises.

This article has explored some aspects of the geopolitical competition for power in the Black Sea region that resulted in maritime security crises. The case study of the Kerch Strait incident happened in 2018, when Russian military action stopped Ukrainian military vessels from crossing the Kerch Strait, located between Crimea and Russia. The gap in this paper is the incapability of international law to provide solution. There is a lack of common agreement between the involved regional players – not only Russia and Ukraine, but also NATO, the EU and Türkiye, on which rules are applicable to this specific situation. My research question was: *How can the international rules appropriate for the Kerch Strait be defined and how can the psychological model of the drama triangle explain the dependence of the actors?* My methodological approach was inductive, with the study initially examining the Kerch crisis through the prism of international law, and then explaining the wider context of recurring crises and lasting conflict between the same actors through the drama triangle model, borrowed from the field of psychology.

The first perspective, international law, addressed the particular security crisis. It explored the challenges of the Black Sea maritime security in the framework of UN Law of the Sea Convention of 1982 (UNCLOS) and the Montreux Convention of 1936. The findings showed that the Kerch Strait incident could be explained by international law only if the law is accepted by all involved states. Both Russia and Ukraine are members of UNCLOS, so a common decision is formally possible. However, a major difficulty derives from the security concerns of Russia. Losing control of the Kerch Strait could allow access by NATO to Russia's internal territory through the Sea of Azov, which is not acceptable to Russia. A security priority for Russia is to block potential NATO access, so it aims control of the Kerch Strait. The territorial waters of Crimea are determined in terms of its land, therefore UNCLOS can serve only after the ownership of the Crimean peninsula is agreed. If Ukraine allowed NATO access through the Kerch Strait, then Russia's efforts to claim Crimea as its own territory can be viewed as an attempt to protect the internal Sea of Azov. The existing maritime law does not provide a solution, while political agreement on the

ownership of the territory of Crimea is lacking. Alternatively, mutual agreement between Russia and Ukraine on the regulation of entry of military vessels in the Sea of Azov might be a possible solution. A necessary condition before applying international law is that Russia and Ukraine decide which state Crimea belongs to, considering the security threats for both. Inarguably, the EU is on the side of international law, according to which Crimea belongs to Ukraine. However, this only confirms the concerns of Russia, in its post-Cold war competition with NATO.

The second perspective addressed the deeply rooted conflict between the main regional actors. The maritime security crisis is located within a psychology pattern of recurring crises and continuous conflict. The psychological model of the drama triangle, which is usually applied to conflicts between individuals, was innovatively applied to international relations. The international actors involved in the Kerch Strait incident are five, exhibiting mixed characteristics of victim–offender–defender. Transposing the perspectives of psychology to the enduring historical competition over Crimea, the relations between Ukraine, Russia, Türkiye, NATO and the EU were examined within the drama triangle. A solution in the psychological drama triangle is reached if a participant decides to break the cycle of mutual dependence. Brought to the case study of the Black Sea region and the Kerch Strait incident, such participants are Russia, NATO and Ukraine. The core problem is Ukraine's role of a victim, which changes its dependence on different actors over historical time, seeing the others as either rescuers or persecutors. The weak and hesitant victim role constantly requires external support. Surprisingly, in psychology it is the victim which needs to break the cycle, which would be equivalent to Ukraine initiating a stable political discourse of internal unity and independence. Borrowing a conceptual framework from psychology, a possible solution in international relations is Ukraine to be assertive about its own interests. The process of empowerment of Ukraine requires steady political discourse over time and wide internal support. This would diminish dependences on external actors, on the cost of initial responsibility for its own situation. Empowerment of the victim based on the psychology drama triangle is applicable to security aspects of other countries, corresponding to the similar situation of social relations.

LIMITATIONS AND RECOMMENDATIONS

Limitations: This paper discussed a regional maritime security crisis through two perspectives – first, international maritime law addressing the specific crisis, and second, a novel psychological perspective, addressing the lasting conflict. It is limited to maritime security as part of the political and strategic goals of the involved actors. The research is written from the perspective of a political scientist, not that of a lawyer, neither a psychologist. Furthermore, this research is written before the escalation of a war – it is applicable to the period of prevention, as well as to the post-conflict peace-building.

Recommendations: First, the geopolitics of the Black Sea region also involves the Turkish position between NATO and Russia. The Kerch Strait incident and the sovereignty of

Crimea could include the perspective of Türkiye, whose strategic interests include both Russia and NATO. Second, the combined research of international relations, maritime security and psychology brings innovative results. Collaboration with psychologists could develop the perspective of empowering the victim to leave the drama triangle, applied to international relations dependencies. Both the interstate relations and the interpersonal models of behaviour might appear with interchangeable common characteristics. This path needs further research.

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