

DEVELOPMENT OF HUNGARIAN LOCAL GOVERNMENT SYSTEM

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Starting point

One of the most significant consequences of the change of the political system in the 1990s was the transformation of the public law system. Owing to this, the operation of some of the former organizations belonging to the state and to the political sphere ceased to exist; others changed fundamentally. Furthermore, some institutions based on the new democratic political requirements were established as well.

The change which was the largest one in respect of its volume and nature took place in the system of local administration and organization, as the Act LXV/1990 on Local Governments was one of the first acts accepted by the democratically elected Parliament. This meant that the Soviet-type centralized council system was replaced with the outlines of the local government system which were completely new in their basic values and operation.

In the Act concerning Local Authorities, the right to local government as a consequent enforcement of the collective fundamental right resulted not only in the doubling of the number of local authorities (nearly 3200), but also in the fact that, in the spirit of freedom and independence, local governments were vested with high responsibility irrespective of the conditions determining their performance. The accomplishment of local autonomy was based on the assumption that local organs would establish direct and intensive relations with the inhabitants, thus representative democracy would be supported by different participation forms and mechanisms.

In retrospect, it can be established that the structure of power resulted in a „sandglass-like” model,¹ since along with the still strong central organs, the role of the deconcentrated organs, filling up the established vacuum almost consequently, was appraised by the regional administration due to the signifi-

¹ The comparison became known and used widely by the research made by Pálné Ilona Kovács.

cant weakening of the position of public law and competence on the middle level. Along with the uniting and separating, more than three thousand local authorities, mostly in villages and small towns, became stable on a lower level. After the „launch” of the system, the euphoria accompanying the change was curbed by the restrictions which – for obvious reasons – received little or negligible attention during the change of the political system.

Diagnosis

Following the first election cycle, the values and the deficiencies of the democratic local government system were emphasized by the political² and professional³ evaluations. The original aim of the legislator was properly reflected by local political and municipal autonomy, the accomplishment of independence, the large variety of opportunities in economic freedom and the alternatives ensured by services: cooperating with the whole population, municipalities shall settle the future of their own, relying on a large scale of fundamental rights of local authorities to ensure a higher standard of living. On the other hand, even the best efforts could fall through in a specific case due to some objective circumstances. Substantial improvement in the people’s living conditions in the area was not possible owing to small size (low number of population), limited financial, professional, individual capacity and the obsolescence of the institutional system of the greater part of municipalities. Normally, resources were exploited in the course of the provision of the basic services; thus development became unattainable for the population in smaller towns and villages.

The amendments adopted in 1994 and afterwards did not essentially change the nature of the local governmental law. The basic constituting element of the system continued to be the local political autonomy and the institutional manifestation of power. Simultaneously, efficiency, as one of the requirements, was gradually marked up based on operational experience in the light of the limited state resources and the limited economic, entrepreneurial, fundraising ability of the majority of local authorities.

² 'The development of local government act' (1993) 43 *Hungarian Public Administration* 641 thematic issue

³ I. Verebélyi, 'The main tendencies of the development of local government system' (1995) 45 *Hungarian Public Administration* 65 or P. Fürcht, ' Modernisation of local government institutions' (1993) 43 *Hungarian Public Administration* 709

The series of regulation reforms⁴ preferred by the legislators, the rationalization of jurisdiction vesting, the facilitation of organizational, financial, administration and information reforms resulted only in slight changes. Not only because the modernization of legal – standard nature has limited latitude but also because the system of complicated interests developed by the stabilization of the basic structure resisted any sort of large-scale change. The inertia of the organizational structure established previously easily rejected the politically and methodologically immature conceptions of different political powers taking turns in each election cycle. This explains the fact that – apart from minor accomplishments – public administration and local government reforms on the agenda for the last 15 years have not really been successful after all.

In terms of public law, the most essential value of the Hungarian local government system is the autonomy of the local, regional governments. Depriving people of that autonomy is not required; what is more, this cannot be implemented. What is inevitable is the change of the foci of the local governments' operation: political self-determination and autonomy are not complete without high-standard services, good living conditions and the proper quality of life. The role of local governments is decisive both in the above listed and in the accomplishment of local democracy.

The formulation of changes and modifications necessitates making the diagnosis as precise as possible. The local government system, in its present state resembling the liberal political system of the nineteenth century, contains several contradictions. It is essential to record these because comprehensive fact-finding examinations concerning public administration and the local government system are noticeably missing.

– The first delicate issue is the problematical rivalry between the categories of small size and the great variety of tasks and competence. The organization following the Southern European (French, Italian) model with a large scale of responsibilities applied in the Scandinavian countries (Norway, Sweden, Finland) has become controversial by now. All this has led to the fact that in the case of municipalities general jurisdiction is not more than an elegant gesture or a symbolic authorization. It contains hardly any real rights. The formation of associations, a possible solution to the contradictions mentioned above, is one of the fundamental rights of local governmental law; yet, according to the facts, the inclination of the Hungarian local governments to associate is far from being desirable, to a high extent due to the negative experience from the

⁴ For example: 1100/1996. (X.2.) Government resolution on the reform of public administration, 2198/2003. (IX.1.) Government resolution on the modernisation of public administration or 1064/2004. (VI.28.) Government resolution on the deregulation on government administration and so on.

past. It is widely known that the government strived to handle anomalies originating from the dispersion of powers through the financial system⁵ already in the beginning, but practically those measures proved to be inefficient.

– The public sector is expensive, the operational expenses of the local government system are high, the public autonomy is not accompanied by financial autonomy in most of the settlements, and thus these local governments are continually at the mercy of budget resources and distribution mechanisms. Due to the state subsidies, their dependency can be considered long-lasting. For example, 39 settlements out of 60 in Csongrád county⁶ are underprivileged owing to the circumstances, several of which suffer from liquidity problems. Not long ago, Ásotthalom, a settlement, could avoid going into financial bankruptcy by receiving *vis maior* support from the earmarked funds. The competition for development funds⁷ seems to continue.

– Contrary to the expectations, the politically overemphasized transition years and their consequences – understandable at the time – are characteristic of local authorities even today. According to some views,⁸ local governments have become the „victims of politics”, consequently there is a gap between them and the people. When creating the political structure, appointing the officials and distributing membership in committees, it is the politics and the influence of local dominating parties⁹ that play a determining role, sometimes at the expense of expertise. It is to be remarked that e.g. in the Anglo-Saxon countries the situation is the opposite, there the political function of the local governments along with the traditionally strong service practice is to be reinforced by new methods and means.

⁵ The abrogated Government resolution 1026/1992.(V.12.) said: „ Holding the autonomy of local governments in respect, incensing integration process based on mutual interest are both significant. During this priority shall be ensured for district notaries, administrative associations and other forms of cooperation in the financing system.” According to our judgement, a real autonomy association is based on the recognition of the limits to organisational, professional, financial and personnel capacity as well as the demand for ensuring high standard services. If associations were established just for fundraising, the decrease in or the withdrawal of funds reveals the real situation immediately: these associations are like ad hoc communities of interests, with no real roots.

⁶ Report on the activities of Csongrad County Public Administration Office in 2005. Szeged, 2005.

⁷ G. Vági, *Competing for development funds: territorial distribution, social inequalities* (1982) Bp. KJK.

⁸ I. Kerékgyártó, ‘Local authorities and the local society’ (1995) *Hungarian Public Administration* 186

⁹ The less perceptible dominance of party policy is to be felt mostly in cities, but it creates a real dividing line between local authorities and the civil society.

The excessive emergence of the political parties on the one side, and the indifference and the apathy of the civil society on the other can lead not only to the loss of confidence but it can erode democracy as well, which is the basic value of self-governance.

Under the dominance of representative democracy, the institutions of direct and participative democracy are completely unutilized or less widespread. For the illustration of this, several examples can be enumerated from public auditions cancelled through the unanswered complaints of the public to public initiatives foredoomed due to the lack of support.

– The weakness of the middle level, the emptiness of its functions and the uncertainty of its future role imperil not only the integrity of the local government system, but they also render the implementation of the coherent administrative reforms more difficult and hinder the modernization of the traditionally strong sectoral management.

– In spite of the relatively large number of governmental initiatives, even the local level within the whole public sector shows only few signs of the cultural transformation necessary for successful reforms. Development plans are one-sided, the legal-normative aspect (sollen tradition) is dominant, organizational, administrative and management methods are neglected – with no reason. Attention shall be focused on the fact that the modernization efforts are mostly central initiatives¹⁰ and that the inclination of the local and county authorities to innovate is far from being desirable, among others due to the unfavourable professional, personnel and financial circumstances.

– Within the public sector the dividing line between the state, private and non-profit areas is sharp and the various sectors are hardly transferable. There is no real interaction or stimulus in spite of the fact that marketing methods and means tend to be more widespread in the service practice. Cooperation on a large scale is impeded by the lack of the actual knowledge of consumers' needs, by incomplete service standards and also by the underdevelopment of the monitoring systems. The present static state is inconsistent with the governance-type practice, more and more widespread in Western Europe and facilitated by the EU organs as well, where public tasks are implemented by state-owned, private, non-profit organizations and those of other types.

– Fundamental changes are necessary both on institutional–organizational level and human resources management level as well. Hierarchical structures based on traditional, rule-oriented, resource allocation shall be partly strengthened, partly replaced by more flexible, economical, achievement – oriented units.

¹⁰ Such central initiatives are for example CAF, Best Practices and Citizen's Charters.

Proposals

When drafting the proposals concerning the development of the local-government system, with regard to Union membership as well, the fact that the narrower–broader environment has fundamentally changed, necessarily leaving its mark on the legal solutions when passing the local governmental fundamental law, shall be taken into consideration.

The tighter relation with the European Community, the direct effect of Union policies, the decisive role of the European regional policy in national development programs and the outlines of the European Administrative Space refer to the fact that in the future modernization programmes shall put emphasis on new dimensions which did not exist in 1990 at all. The so-called mega-trends (regionalization, Europeanization, transparency, liberalization and flexibility), existing at the local authorities in the Western countries, will have their effects also on our country owing to our membership, among others.

The evidently influential but by no means deterministic role of international environment does not give an exemption from the obligation to elaborate autonomous reforms adjusting to the county's historical, political, administrative and cultural traditions. The path-dependency winding along tradition and historical development has an effect not only on the acceptance of various reformist attempts, tendencies and in some cases fashionable trends, but on their implementation as well.

In addition to the general trends of development, the variety of national aims and priorities is also outlined. The heterogeneity of the reform conceptions of some countries indicates reorientation to local requirements, and not to following the general reform-wave without consideration. Undoubtedly, development can be accomplished only by balancing carefully. Simultaneous functional and structural reforms are necessary within a complex state reform, a really significant segment of which is the modernization of the local governments. While the first type of the reforms is related to the correction of methods, techniques, expertise and financing, the latter is connected to the reorganization of structure, regulation and main points.

Today modernization (functional reforms) which is preferred for the gradual development and adaptation of the existing system is incremental. A broad-range change involving several subsystems would possibly target the base of the systems. In addition to it, it is doubtful whether the continuous postponement and the rhetoric means disguising it can be replaced with dynamic measures, the signs of which have not appeared yet.

In any case, the reform-pattern in Europe shows that the last time that a large-scale structural change was required was in the sixties and seventies. Having been characteristic of the 80s and 90s, the strategy focusing on marketization and the diminishing state role is declining these days. At the turn of the millennium, the strategy of modernization and maintenance does not intend to increase the importance of the market at the expense of the state, but – to a certain extent – management instruments are welcomed by the public sector. The frameworks for optimal administration and service management (viable size) can probably be created much more rapidly and more efficiently by respecting the existing political and power relationships. The only question is whether the Hungarian public sector utilizing the opportunities of marketization and minimalization only partially and controversially is really capable of following the determining line.

It is only a vague proposal that can be put forth in respect of the implementation of modernization. A relatively good answer to the basic issue concerning the right timing of carrying out the reforms can only be given by knowing the specifications of the concrete circumstances. A radical change made by bad timing can have as painful and unwelcome consequences as gradual correction curbed by the missing conditions.

We, democratic citizens with a right sense of justice and dignity, are in favour of integral reforms based on the bottom-up operation. We are of this opinion, hoping that the development of social, economic, political and cultural relations is a mutual interest recognised by all of us.

However, according to historical experience, the chance of the consequent and successful implementation of bottom-up initiatives, at least under politically stable circumstances, is really little. Owing to their structural, controversial and professional complexity, public administration, local government programs and developments can be controlled successfully only by one centre.¹¹

All this cannot mean the negligence of the necessary social support, all the more so since stubborn resistance against the changes can be shown by the society in the interest of which the reforms are carried out. All the development concerning the government and the local authorities in the Central-Eastern European region (Poland, Slovakia) justifies the fact that the information of and the efficient support by the public are the sine qua non of all modernization.

Before the implementation of reforms, the vague picture of the future (centralized–decentralized state, the dilemma of regionalization – integration etc.) should be replaced by drafting a clear, coherent, well-timed, long-term devel-

¹¹ See for example the experiences of Polish public administration reforms. J. Regulski, *Local Government Reform in Poland: An Insider Story* (2003) LGI Studies, pp. 217-229

opment program, following a comprehensive survey. Its results depend on the efficiency of the political analyses, the feedback on experimental programs and the opportunities of the reform capacity, which at present are missing or not implemented properly.

What is fundamental is the consensus of the political parties concerning the main tendencies of the changes, as well as the elaboration of the structural and procedural background of enforcement along with the amendment of the Constitution and the laws concerned. The establishment of the democratic Hungarian local authorities carried the force of revelation in 1990, as a fundamental move of the change of the public law system was the adoption of Act 1990/LXV. The expectations concerning the fundamental role of local authorities not only in the formation of local politics and public life, but also in determining the voters' and inhabitants' quality of life have been confirmed by the last 15 years. The adaptability of the system is shown by the fact that – according to the requirements of the changing economic and social environment – the fundamental law has continually been more or less amended since 1990, complying with the requirements of modernization.

Thus the sector of local authorities has sufficiently met the challenges of modernization. Nevertheless, it is needless to say that the change of the legal-normative level is a necessary but not a sufficient condition of the reform. The modification of basic values, norms and habits, changes in culture and attitude are also necessary, which are less impressive and rather time-consuming. As for the international experience,¹² cultural changes, even under favourable conditions, have their ups and downs, which clearly signify the contradictions and specifications of the transition.

Compared to the former period, the situation has completely changed due to partly internal and partly external causes. One of its characteristics is that the demand for the development of public administration is in close relationship with meeting the expectations and requirements based on our membership in the European Union. The operational experience of the last 15 years unambiguously shows that the requirements of the economical and efficient operation of the local authorities have become equal with the function of the local representation of interest. Figuratively speaking, nowadays political responsibility could be sold only at the expense of service efficiency.

All this means that the obligation of local authorities, specified in the Constitution, is to ensure the same level of services all over the country, as local authorities are part of the structure – system of the state. After all, the provision

¹² M. S. de Vries, 'Generations of Interactive Policy-Making in the Netherlands' (2005) 71 *International Review of Administrative Sciences* 577

of proper public services, and public services of quality is the responsibility of the state as well, mainly in case of local authorities subsidized by the state. These requirements can be met by the present system only at the expense of serious deficiencies.

A more economical and responsible management can be indirectly facilitated by the supervision of the frequently formal role of financial committees. The more efficient, supervisory supplementation of the weak system of ways of the present-day internal and external controlling forms (Administration Office, State Audit Office) is really necessary, and last but not least the reinforcement of civil control is also needed.

The change in approach is inevitable in the whole local government sector. Besides the engagement in politics based on ideology and value, the significance of local policies justifiable by pragmatic, practical and actual results (investments, environmental protection), has become determining, not least due to the crisis symptoms of the institutions of representative democracy. Or as one of the officials¹³ said: 'autonomy is not a question of quantity, but that of quality'. The quality of the operation of local authorities can primarily be ascertained not through comparing it to the political programs of the parties, but much rather through objective indices (infrastructure, institution network, culture, health care), which justify the implementation of the local aims of special policy.

Knowing the characteristics of the settlement structure, the traditions of the Hungarian public administration and the institutional forms of municipalities, it is fairly difficult but not impossible to fulfil the requirements of the modern and efficient local government with a system operating with small settlements.

The solution, which may be called modernization, has several alternatives. Currently the reinforcement of integrative, coordinative mechanisms is on the agenda in the form of small region associations, ensuring the prevalence of the professional advantages of the association by financial incentives and interests. The institutionalization of sub-regional associations as integrational junctions raises contradictions.¹⁴ As long as horizontal integrations are not achieved, the pressure of expediency, cost-efficiency and efficiency will lead to the fact that after a while tasks and powers will be accomplished one level higher, arising from subsidiarity. Whether that level will be the obligatory association or the small region municipality, is still unknown.

¹³ M. Mészáros, 'Small regions experiences' (2004) 6 *Jegyző és Közigazgatás* 10

¹⁴ É. Károly, 'On the margin of small regions' (2004) 6 *Jegyző és Közigazgatás* 12

The establishment of regional authorities can be considered a change with consequences on a large scale, for which preparatory work has been carried out by theoretical and practical experts for years. It should be realized that regionalization is not an external pressure from the Union but an internal modernisation and democratic challenge, which shall basically be responded to within the framework of national interests and conditions. In respect of their artificial internal participants, unintegrated regions with conflicts are unable to gain the advantage of larger areas. It would be too early to make any kind of prediction for regional reforms. The history of the Hungarian public administration¹⁵ and local governments can exemplify successful and less successful developments in a large number.

When transforming the regional level, the fact should be considered that there are a great number of settlements, consequently there are numerous practice techniques on county level depending on the conditions, transformations, the institutional structure and mostly on the practice applied. While the operation of part of the counties is narrowed down to the maintenance of the institutions, in other parts the interests of municipalities are served on a high level through coordination. For this reason the differentiated approach to the issues on the county level is justified, simplifications lead only to wrong conclusions if only because restructuring regional governments necessarily has unpredictable consequences for the function and role of the central and local organs.

Apart from the broad range of reforms, control and feedback mechanism in the operation of organs shall be improved. For the enforcement of efficiency and effectiveness,¹⁶ the introduction and application of a differentiated, multi-level program and evaluation methods are required. Civil servants are expected to acquire new-type skills and abilities (management methods and techniques), while preserving traditional values (legitimacy, justice, equity and predictability).

The integration of representative structures with the functions of a „small Parliament”, the concentration of the office apparatus of low efficiency would be desirable through professional and public administration rationalization. The compulsory introduction of differentiated office models based on the size and service province of the settlement, compulsory basic exams in public administration for filling the post of mayor of a settlement with a certain number of inhabitants and the employment of service managers in cities would be justifi-

¹⁵ K. Martonffy, 'The innovation of Hungarian public administration' (1940) Budapest, Királyi Nyomda

¹⁶ The explanation of efficiency and effectiveness is provided by A. Ágh from the point of view of public policy. Source: <http://www.idea.gov.hu>

fied. Municipal affairs as a profession can hardly be practiced today without sufficient qualifications. The local government manager would be in charge of service tasks in the first place, while the notary would exercise traditional public-administrative, official and legal powers.

Along with numerous open questions, one fact is certain. The complexity, the time limits and the contradictory nature of the tasks to be carried out substantiate the view according to which modernization is a continuous task to be fulfilled through the cycles. There are no instructions for their performance as they are determined by national characteristics. In the light of international experience it becomes clear that, in addition to the global approach of institution development, the exact knowledge of the circumstances of a country and the program based on it is the guarantee of success.

The challenge of the future is evident: local governments as important elements of modern public administration could not accept the role of weak, inside-looking institutions; on the contrary, they should provide a new and active community role.¹⁷ In order to implement this goal, they need to have close contacts with local citizens, less influence from parties and reliable, efficient service practices along the European standards.

¹⁷ This role is based on a common vision of future, where there is a partnership among different sectors to implement quality services for all citizens.

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SUMMARY

**Development
of Hungarian Local Government System**

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Following the period of transition the public law system of the Hungarian Republic was considerably transformed. The enactment of the Local Government Act created the legal framework for the operation of the democratically elected local governments. In retrospect, considering the past 15 years the deficiencies of the system can well be discerned without prejudice to its apparent values (political self-determination, democracy, and closeness to the citizens). Factors hindering the modernization of local governments are the underlying contradiction of small size and the great variety of tasks and competencies, the lack of financial independence, being politically overemphasized, and more importantly, the low level of societal support.

In considering proposals for the development of the local government system it has to be taken into account that the narrower–broader environment of local governments has meanwhile fundamentally changed. The tighter relation with the European Community, the impact of the European regional policy, the establishment of the European Administrative Space refer to those mega-trends (Europeanization, transparency, etc.) which will have their effects on our country as well. Beyond the evidently influential but by no means deterministic role of the international environment, only autonomous programs adjusting to the country's historical, political, administrative and cultural traditions have a chance to succeed.

Modernization requirements and those deriving from EU membership without prejudice to local democracy point at improving the efficiency of services, strengthening the integrity of the local government system, and settling the issue of territorial administration (county or region based public administrative system). By clear, coherent, long-term development programs, the consensus of political parties and the support of civilian society the modernization of the Hungarian local government system can be carried out.

RESÜMEE

**Die Entwicklung des ungarischen Verwaltungssystems
der Gemeinden**

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Nach der Wende änderte sich die staatsrechtliche Einrichtung in der Republik Ungarn von Grund aus. Die Verabschiedung des Gesetzes über die örtlichen Selbstverwaltungen schuf die rechtliche Grundlage für die Tätigkeit der demokratisch gewählten Selbstverwaltungen. Blicken wir auf die mehr als andert-halb Jahrzehnte zurück, so können wir feststellen, dass die Entwicklung des Systems der örtlichen Selbstverwaltungen neben seinen offensichtlichen Werten (politische Autonomie, Demokratie, Bürgernähe) durch mehrere Faktoren gehemmt wird. Der Widerspruch zwischen der kleinen Größe und der breiten Zuständigkeiten, der Mangel an finanzieller Selbständigkeit, die Überpolitisierung und vor allem das niedrige Niveau der gesellschaftlichen Unterstützung hindern allesamt die Modernisierung des Systems.

Bei den Entwicklungsvorschlägen muss in Betracht gezogen werden, dass das engere und weitere Umfeld der Selbstverwaltungen sich in der Zwischenzeit von Grund aus verändert hat. Die engere Beziehung zu der Europäischen Gemeinschaft, der Einfluss der europäischen regionalen Politik, sowie die Herausbildung des Europäischen Verwaltungsraumes zeigen diejenigen Megatrends (Europäisierung, Transparenz, usw.), deren Wirkung auch in Ungarn spürbar wird. Gleichzeitig haben aber – über die zweifelsohne beeinflussende, aber nicht deterministische Rolle des internationalen Umfeldes hinaus – nur autonome und den ungarischen Besonderheiten Rechnung tragende Programme eine Chance auf Erfolg.

Modernisierungsbedürfnisse, sowie die aus der EU-Mitgliedschaft folgenden Anforderungen werfen – neben Wahrung der lokalen Demokratie – die Verbesserung der Dienstleistungseffektivität, die Stärkung der Integrität des örtlichen Selbstverwaltungssystems und die Regelung der Frage der territorialen Verwaltung (Komitat oder Region) auf. Stehen klare, kohärente perspektivische Entwicklungsprogramme zur Verfügung, gibt es einen Konsens zwischen den politischen Parteien, sowie eine Unterstützung seitens der Zivilgesellschaft, so kann die Modernisierung des ungarischen Systems der örtlichen Selbstverwaltungen verwirklicht werden.