If It Works, Fine, If Not, So What? Initiatives in Slovakia

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Introduction

In the 1992 federal elections in Czechoslovakia, none of the major parties emphasized dissolution of the federal state. Nevertheless, following a series of negotiations between the leaders of winning parties, Mr Klaus, the leader of the Civic Democratic Party (ODS) in the Czech republic, and Mr Meciar, the leader of the Movement for Democratic Slovakia (HZDS) in the Slovak Republic, a decision was reached on 26 August 1992 that after 80 years of living in a common state Czechs and Slovaks would go their separate ways. Soon after that an initiative with more than a million signatures asked both political representations to organize a referendum on the future of the federation. It was refused based on the argument that the break up was inevitable. On 25 November, the federal parliament, the only authority allowed to initiate a referendum on the future of the federation, approved the constitutional law on the break-up of Czechoslovakia. What started as a political agreement between two leaders, and continued as a constitutional law approved by the highest federal representative body, became a rare example of the non-violent end of a federal structure in post-communist Europe. The dissolution, over which voters had no say, symbolically envisaged the future of direct democracy in both countries. While the Czech Republic did not include direct democracy into its new constitution, Slovakia’s constitution allowed a referendum on important matters of public life, initiated either by citizens or by the parliament.

This chapter analyses initiative mechanisms available in the Slovak political system at the national level. Although all of them are based on the constitutional right to petition as defined in the 1992 Slovak Constitution, they vary significantly in their legal, political and policy
significance. For example, collecting 350,000 signatures of citizens on a petition that addresses an important question of public life mandates the president to call for a referendum. The legislative rules of the cabinet stipulate that with 500 collected signatures, a group of citizens and legal entities may propose amendments to legislation introduced by a ministry and negotiate with the minister. On the other hand, an initiative that collects at least 100,000 signatures may end up being only formally acknowledged in the resolution of the national parliament, without any legal or policy implications.²

The historical and political background of citizens’ initiative institutions

Slovakia is a parliamentary democracy in which the cabinet is formally responsible to the parliament. Although the core constitutional rules have remained unchanged since 1993, three major developments have influenced the political system. The first, that is, the EU integration and membership, made it harder for the parliament to control and hold the cabinet accountable; while at the same time it also reduced the parliament’s powers by transferring them to the EU institutions (Láštic, 2006). The second development was the grand-scale decentralization in 2000–2004, which transferred significant powers and substantial financial resources to local governments. The loss of power of the national government to local governments is comparable only to the transfer of powers to the European Union. The third development, the approval of the freedom of information legislation in 2000, enabled the public to react to problems of the polity, ranging from financing of political parties, EU structural funds management to local planning decisions, by increasing possibilities for participation which led to an improvement of control over public matters.

Right to petition

The existence of initiatives is based on the political right to petition, which was guaranteed for the first time in Article 115 of the 1920 interwar Czechoslovak Constitution. The communist regime in Czechoslovakia (1948–1989) used the right to petition as an ideological tool to signify the importance of the people. The 1948 constitution declared that anybody had the right to submit a petition to any public authority. During the 1950s, the era of politically motivated court cases that targeted to silence (and in several cases, to execute) political opposition, people’s petitions were used to manifest a public support