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Peter HORVÁTH
Bystrík ŠRAMEL
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Foreword

Dear readers,

The Faculty of Social Sciences at University of Ss. Cyril and Methodius in Trnava celebrated its V. Anniversary on 1st December 2016. Prior to this date, we have organized international scientific conference dedicated to the promotion of the social sciences disciplines that include political sciences, European studies, public administration and public policy, social services and social policy. The conference took place on 14th November 2016 under the auspices of the Dean of the Faculty of Social Sciences and was divided into three thematic panels.

In three separate academic proceedings, authors who participated at our international conference are presented. In the first one, our colleagues from public policy department deal with issue of public administration from many different angles, whether it is associated with the competences of self-government bodies, its financing forms or from the perspective of individual reforms of the public administration.

In the second one, political scientists deal with issues related to the theories of democracy and their application in Central European perspective, the status quo and challenges of the political science academic and research discipline as well as many other related topics such as the effects of the EU politics towards the nation states, Europeanisation processes, current challenges of the European Union such as Brexit or the rise of extremism and nationalism within its member states.

Third proceeding book, the issue of social work is analyzed by our colleagues from the social services and counselling area. Some other important issues as social care and assistance for seniors, state social assistance to Roma families are also included. There is also an emphasis on the importance of social services and counseling in the context of the planned gradual aging of the European population.

The publication brings forward the arguments of renowned authors from domestic as well as international academic workplaces putting together a framework for further investigation and discussion.

We are proud to present a collection of academic articles related to current trends in social sciences as well as in public administration, political challenges to the process of the European integration and European policy-making and social services and counselling.

In Trnava, 24th February 2017

Peter HORVÁTH
Dean of the Faculty of Social Sciences

FISCAL ASPECTS AND EMPIRICISM OF PUBLIC ADMINISTRATION DECENTRALISATION IN SLOVAKIA

Václav Vybíhal¹

Abstract

The scientific study addresses the issue of decentralisation in public administration in Slovakia. The study aims, in particular, at analysing the fiscal aspects of this decentralisation, based on empiricism and data obtained at the level of self-governments or local governments, as appropriate, whose legislative, legal and executive powers are limited to the smallest distinguishable territory for administrative and political purposes, as well as at synthesizing their knowledge to construct a fiscal decentralisation model. In order to ensure efficient performance of the decentralised functions of territorial self-government, it is essential – in addition to making major expenditure-related decisions – to raise, in particular, adequate revenue collected through local taxes and charges or provided by higher government levels in the form of subsidies or in the form of a share in the national gross natural person income tax revenue, as the case may be. In this regard, the tax allocation and its impact on the structure of budgetary revenue of the relevant municipality play an important role. Based on a databased generate for a selected set of municipal budgets in Slovakia, the information arising from a comparison of the municipal revenue structure was not only analysed, but also synthesised in order to identify a specific fiscal decentralisation model in Slovakia which was, in theoretical terms, described in scientific publications focused on the fiscal decentralisation theory.

KEY WORDS: public administration, fiscal decentralisation, Slovakia.

INTRODUCTION

Decentralisation of public administration should be an important factor for enhancing the functioning efficiency of public governments in every advanced society. Different use of the public finance functions by the various government levels should help to increase the exploitation efficiency of public finance and financial resources in the entire budgetary system and to link the financial connections in order to ensure ideal fiscal decentralisation of public revenue.

The level and manner of decentralisation varies significantly across countries. The decentralisation and de-concentration processes follow a specific course and line in the different European Union countries. In Slovakia, the decentralisation

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of public administration took place under several reforms, among which the crucial moment was the creation of higher territorial self-governing units (regions) prior to the country's accession to the European Union and, as a follow-up step, the division of powers, responsibilities and fiscal resources to provide public goods among the different public government levels. The administrative decentralisation brought about by the political decentralisation initiated the transfer of responsibility for planning, financing and management of public functions from the central government primarily to subordinated decentralised local units. The fiscal aspects seem to be a crucial element of decentralisation in public administration. The reason behind this is the fact that efficient execution of decentralised territorial self-government functions at the municipal level requires the opportunity to raise adequate revenue, whether collected at the local level or provided by a higher government level, as well as to take expenditure-related decisions. The statutory tax allocation plays an essential role in this regard.

In Slovakia, tax allocation is based largely on a shared tax (natural person income tax) where municipalities get ca. 80% of their revenue under the sharing arrangements, while only 20% in tax revenue structure were constituted by taxes conferred to municipalities in the form of local taxes and user charges.

For conferred taxes, the economic cycle stage does not usually have any significant impact on the volume of tax collection for municipalities, unlike with shared taxes where the situation is contrary. In the periods of economic growth, municipalities receive higher amounts of funds from the nation-wide gross revenue of shared tax because the taxes collected at the national level increase while, during periods of downturn (crisis), the tax collection decreases which, in turn, with a legislatively defined identical share of municipalities in the nation-wide gross revenue results in decreased funds at the revenue side of municipal budgets. The goal of the paper is to describe the actual status of the structure of shared and conferred taxes collected by a municipality in Slovakia, and to evaluate the revenue structure of municipalities using analytic-synthetic and comparative methods and identify a specific fiscal decentralisation model in Slovakia, building on the theoretical aspects codified in scientific publications focused on the issues of theory of fiscal decentralisation.

1 THEORY OF FISCAL DECENTRALISATION

The term "decentralisation" is closely linked to a process focused on the restructuring of public authority on the subsidiarity principle, consisting in the separation of shared responsibility among the entities or institutions, as appropriate, at central, regional and local government levels with a priority

objective of ensuring quality and efficiency of the public government system by reinforcing the powers and responsibilities of the different decentralised government levels.

This decentralisation has a number of aspects covering, in particular, decentralisation in political, administrative, fiscal and economic terms. Political decentralisation makes it possible to provide the citizens and their elected representative with a broader range of powers and influence on public policy-making processes. As part of this decentralisation, it is envisaged that citizens elect their representatives based on their natural local knowledge and the representatives, as a rule, understand the needs of their voters more accurately. Administrative decentralisation consists in the division of powers, responsibilities and fiscal resources intended to provide pure or mixed public goods, as appropriate, among the different public government levels, particularly to independent decentralised units. Fiscal decentralisation is a crucial part of the decentralisation process, consisting in the allocation of funds among the different public government levels. In order to be able to execute the decentralised functions, and in particular the allocation function, efficiently, the territorial self-governments (municipalities) must have the necessary powers to raise adequate revenue collected locally, together with revenue provided by a higher government level. In traditional liberal economies, the economic or, more specifically, market decentralisation focused primarily on privatisation and deregulation plays an important role.

It is possible to state that the decentralisation efforts and decentralisation reinforcement currently form a major development trend, which started in the 1980's already. Tanzi (2001) notes that the existing decentralisation tendencies have their root causes stemming, in particular, from the development of democracy in the society (preferring regions and local administrations) and of globalisation generating a market space that is not identical to the national territories and that creates open economy with a lower economic dependence on the central government; and the higher the economic growth level of a country, the stronger the inclination towards decentralisation and the more decentralisation becomes a luxury good. According to the above author, an increasing income often results in increased interregional differences where the tax systems and public expenditure programmes are reflected in the redistribution from richer regions to the poorer ones. The representatives of the richer and more powerful regions are aware of the situation and, as a result, enhance their independence and weaken the role of the central government.

Ebel (2001) states that securing budgetary autonomy and fiscal accountability of decentralised structures is a pre-condition for achieving efficient fiscal decentralisation.

In my opinion, the problems concerning the differences between regions and reducing these differences are usually addressed through subsidies (earmarked and not earmarked) designed to reduce interregional differences on a non-reimbursable basis and on the principle of solidarity. However, a municipality usually cannot influence the structure and amount of the subsidies.

The level of decentralisation of public activities to territorial self-governments is important, in particular with regard to striking an optimum level of decentralisation of public finance functions, in order to improve their efficiency when used at various government levels. When securing public goods, the vertical and horizontal structure of the budget system plays an important role in connection with the examination of the degree of use and origin of the financial resources. It is the different origin of the funds that determines the uniqueness and peculiarity of the various budgets where the revenue side of a public budget (e.g. a municipal budget) cumulates funds stemming from the financial resources such as the conventional form of transfers, or the division of tax revenue and resources, followed by tax related and non-tax related resources, collected at the local level.

Hamerníková and Kubátová (2004) state that, in theoretical terms, the question of fiscal decentralisation represents one of the main options to achieve the Pareto optimal state where the fiscal functions of the government are executed based on the specification of their spatial dimension. According to the above authors, the following can be seen as the theoretical starting points for fiscal decentralisation: the Tiebout's model (1956) and his pure theory of local expenditure, as well as Buchanan's economic Theory of clubs (1965), Oates Decentralisation theorem (1972) and Brennan-Buchanan's Decentralisation hypothesis or, as appropriate, the Leviathan hypothesis (1980).

Musgrave and Musgrave (1994) explain the issue of fiscal decentralisation as a matter of allocating tax-related and expenditure competence to various public administration levels, with the degree and form of their allocation being dependant on the political, economic and institutional circumstances of the country as well as on the actual role of the self-government units. In addition, the two authors quoted above state that, within fiscal decentralisation, the allocation function of public finance is crucial, as it may vary across countries in its nature and scope that depends primarily on the preferences of the population. The primary responsibility for the redistribution and stabilization function lies with the central government.

Decentralization of the allocation function brings about the transfer of competence and responsibilities for producing and financing public goods onto the different levels of territorial self-government; consequently, a number of authors

(Musgrave and Musgrave, 1994, and Oates, 1972) consider decentralisation of the allocation function of public finance to constitute the essence of the so-called fiscal federalism. They build on a simple assumption that specific local public goods and services may, due to better and more accurate information about the local needs and preferences, contribute to a higher level of not just accountability, but particularly efficiency in allocation of resources.

In my opinion, decentralisation of the redistribution function is very restricted. In most developed countries, the essential redistribution tools are held by the state. Lower government levels without any legislative power have only limited possibilities to intervene in the degree of redistribution within their government territory. Consequently, decentralisation of the redistribution function of public finance consists, in nature, in securing a limited range of public goods in the form of social services, particularly for the socially deprived groups of people. The high degree of openness of regional and municipal economies constitutes a hinder for a stronger degree of decentralisation of the redistribution function.

The stabilisation function of public finance is an exclusive domain of central governments, as concluded by Beňová et al. (2007), because it is nationwide in nature. A similar conclusion was made by Hamerníková and Kubátová (2004) who emphasise that it would be inefficient to decentralise the stabilisation function of public finance because the stabilisation function is designed to contribute to a favourable development of the macroeconomic aggregates at the level of the national economy.

However, Gramlich (1987) argues that decentralised government can play an important role in the counter-cyclical policy because negative macroeconomic phenomena have various impacts on the different territorial parts of the country, and decentralised government can respond to these situations by creating and drawing stabilisation funds, for instance.

I am of the opinion that creation of stabilisation funds in the environment of Slovak municipalities would be beneficial because territorial self-government bodies could save funds during the periods of economic growth and subsequently use these funds in the periods of economic recession. This is also important because, with the same percentage share of the nationwide revenue from the natural person income tax, a municipality receives a higher amount (in absolute terms) of financial resources under redistribution or tax allocation, as appropriate, during economic growth than during a recession.

2 FISCAL DECENTRALISATION IN SLOVAKIA

A new tax system was enacted in 1993 in the conditions of the Slovak Republic. Its establishment was associated with the implementation of a radical economic reform strategy to ensure that the economy be transformed to a market economy. As part of the development of design components and tax rate levels, the strategic objective was to gradually decrease the tax quota to the level commonly applied in countries with a developed market economy. Throughout the years, the tax quota decreased dramatically down to 29.5%, which was the lowest level across the European Union. Naturally, this was also reflected in the tax allocation and had a major effect on the revenue side of all public budgets and on the fiscal decentralisation.

The institutional foundations of public administration in Slovakia were laid in the period 1991 to 1996. However, this period should not be considered a period characterised by fiscal decentralisation. A dual model was created where the state administration co-existed in parallel with the territorial self-governments represented by municipalities. This period was marked by a high level of centralisation and minimum financial autonomy of municipalities, because the territorial self-governments received subsidies from the central national budget. Between 1997 and 2002, a number of documents and concepts were elaborated and adopted with the intention to shape the vision of how public administration in Slovakia should function, with emphasis on territorial self-government issues. They included, for instance, the “Public Administration Reform Strategy of the Slovak Republic” and the “Public Administration Decentralisation and Modernisation Concept”. In the period in question, municipalities raised revenue for the municipal budgets, in particular, in the form of tax revenue (ca. 40% of the municipal revenue amount) from local taxes and charges (the so-called own tax revenue), as well as in the form of shared taxes (at that time, the natural person employment income tax, corporate income tax and road tax), where the own tax revenue accounted for approximately 15% of the total municipal revenue. Other revenue received by municipalities included grants, subsidies, proceeds from the sale of assets or loans granted, where appropriate.

The reform measures implemented in the period of 2002–2005 represented another major milestone in the development of fiscal decentralisation in Slovakia, as they modified significantly the system and structure of revenue of local self-governments. The fiscal decentralisation process in Slovakia was relatively complex; more than 400 competences were transferred from the state to municipalities and higher territorial units during that period. The transfer of powers to municipalities and regions led not only to empowerment

of municipalities and regions, but also to a natural increase of responsibilities of local self-governments in the area of governance.

Since 2005, there was a major shift in fiscal decentralisation because, according to the tax allocation from that time, municipalities received 70.3% of the nationwide gross revenue of the natural person income tax, and this share has changed significantly in favour of municipalities between 2012 and 2016, as shown by the figures in Table 1.

Table 1: Structure of shares in the nationwide revenue of the natural person income tax (%)

Year	2005-2010	2011-2013	2014	2015	2016
Municipality	70,3	65,4	67,0	68,5	70,0
Region	23,5	21,9	21,9	29,2	30,0
State	6,2	12,7	11,1	2,3	0,0

Source: Act No. 337/2015 Coll., Government Decree No. 668/2004 Coll., and materials provided by the Ministry of Finance of the Slovak Republic.

The structure of the share in the nationwide revenue of the natural person income tax results from the redistribution criteria (based on the amended Decree of the Government of the Slovak Republic No. 668/2004 Coll.). For municipalities, these are defined as follows:

- 23% based on the number of people in the municipality with permanent residence in the territory of the municipality, of which 57% recalculated using a coefficient based on the altitude of the municipality;
- 32% based on the number of people in the municipality with permanent residence in the territory of the municipality, recalculated using a coefficient based on the size classification category of the municipality;
- 40% based on the number of pupils in schools and educational facilities;
- 5% based on the number of people in the municipality aged 62 years and more, with permanent residence in the territory of the municipality.

In this connection, it needs to be recalled that, at the first sight, the share in the nationwide revenue of the natural person income tax appears to be relatively high; however, it is essential to stress that municipalities receive a share from a single tax only whereas, in other countries, the nationwide tax revenue that is distributed to municipalities and regions includes also other taxes, in particular the corporate income tax and the value added tax (e.g. in the Czech Republic).

Since 2015, in addition, the regions have lost the only entrusted tax revenue collected in the form of motor vehicle tax, which now goes to the national budget.

Fiscal decentralisation in the form of a new system of local and regional revenue and their structure entered into force in 2005 only, while the decentralisation of competence was in place since 2003 already, i.e. before the accession of Slovakia to the European Union. This two-year so-called budget gap in the financing needs related to the allocated competence was covered through state compensation grants. The implementation of reform measures shaped the existing state of public administration in Slovakia from a relatively centralised scheme to a decentralised public administration system and a de-concentrated public administration.

Transformation of local charges to local taxes has been an integral part of fiscal decentralisation since 2005. Some charges were abolished and other charges were transformed to local taxes which have remained as municipal revenues to date. This situation is the result of a systemic approach in the context of the implemented tax reform in compliance with the principle of subsidiarity and, last but not least, the result of legislative guarantees of revenue stability for territorial self-governments.

3 EMPIRICISM ON THE STATE OF FISCAL DECENTRALISATION AT THE MUNICIPAL LEVEL

The paper focuses on the fiscal decentralisation issues not only from the theoretical point of view, but also from the practical perspective, consisting *de facto* in the monitoring of the current situation of fiscal decentralisation in selected municipalities of the Trnava self-governing region of the Slovak Republic. Main attention is paid to the evaluation of the revenue side of the budgets in a selected group of 17 municipalities, focusing on finding out the level of relative autonomy of the budget revenue side, which significantly reflects the statutory tax allocation defined by the state. As part of the monitoring and evaluation of the tax revenue structure, we intend to give an answer to the question of how and with what intensity the revenue side of municipal budgets is affected by the entrusted taxes (locally collected taxes, i.e. real estate tax and other local taxes and user charges) and shared taxes (in Slovakia, this concerns a share in the nationwide gross revenue of the natural person income tax). The data and knowledge obtained should contribute to formulating a verdict as to the closest model of fiscal federalism, as described in theory, in relation to the existing model applied in Slovakia.

The set of municipalities under examination was chosen randomly as part of a pilot project implemented at the Faculty of Social Science of the University of St. Cyril and Methodius in Trnava. The random selection made it possible to examine the level of fiscal decentralisation in municipalities of different sizes determined by their population, as well as with respect to the degree of willingness of the different municipalities to provide the necessary data base to the implementation entity. In the following stage of examination, working with a significantly higher number of units under examination, we will make a deliberate selection in all size categories of municipalities in all regions of the Slovak Republic in accordance with the methodology of the Statistical Lexicon of Municipalities in the Slovak Republic.

Table 2 shows figures indicating the share of tax revenue in the total revenue of the municipalities under examination during the reference period of 2011–2015. The data provided in this table imply that there is a relatively high variability in space and time within the group of municipalities under examination.

In spite of that, it is possible to state that the share of tax revenue in their total revenue increased slightly in most municipalities during the period of 2011–2015. The progressive changes in the tax allocation and mainly the fact that the growth of the Slovak economy and, thus, the gross domestic product resulted gradually in larger amounts collected from the natural person income tax and to a larger share of municipalities in the nationwide revenue of this tax with the relevant tax allocation played an important role in this regard.

The average level of the tax revenue share in the total revenue of municipalities was 53.9% in the group as a whole for the entire reference period. This means that other than tax revenues accounted for 46.1% in the structure of the total municipal revenues. A shift in this indicator in the average of the group under examination from 47.0% in 2011 to 58.4% in 2015 reflects, in particular, the economic growth, although the redistribution of the natural person income tax takes place with a certain time lag after the development stage of the economic cycle.

Unlike with shared taxes, the collection of local taxes and charges, in particular of the real estate tax, is not affected by the economic cycle stage in any way. Changes to the collection of local taxes and charges and, in particular, the real estate tax occur only if the municipality exercises the statutory power to adjust the real estate tax rate or the rates of other local taxes and charges. Consequently, local taxes and charges provide a higher level of revenue stability than shared taxes.

Table 2: Share of tax revenue in the total revenue of municipalities under examination in 2011–2015 (in %)

Municipality (Population)/ Year	2011	2012	2013	2014	2015	\bar{x}_1
01 Piešťany (28 797)	51,7	58,5	58,9	59,9	60,2	57,8
02 Vrbové (6 020)	40,5	35,5	43,7	44,5	46,4	42,1
03 Chtelnica (2 619)	30,6	39,4	50,4	50,8	52,1	44,7
04 Boleráz (2 236)	33,8	53,5	55,1	61,4	62,0	53,2
05 Suchá nad Parnou (2000)	32,4	29,4	49,3	49,5	51,0	42,3
06 Krakovany (1 398)	31,0	52,4	54,0	56,2	58,7	50,5
07 Trstín (1 363)	31,5	21,5	33,0	34,2	39,0	31,8
08 Trebatice (1 333)	19,0	36,3	47,8	49,9	52,6	41,1
09 Dolné Orešany (1 273)	51,9	28,7	37,8	29,4	40,0	37,6
10 Prašník (847)	41,4	35,6	74,5	74,6	75,7	60,4
11 Zvončín (793)	71,2	69,9	74,7	55,5	40,6	62,4
12 Košolná (780)	36,7	28,9	54,1	50,9	54,3	45,0
13 Bíňovce (673)	89,9	75,3	78,2	74,6	84,1	80,4
14 Rakovice (546)	28,3	46,8	42,4	47,0	48,7	42,6
15 Lošonec (520)	82,1	84,9	82,9	78,6	65,4	78,8
16 Šterusy (506)	47,2	39,5	71,0	71,2	73,2	60,4
17 Šípkové (316)	79,0	87,5	86,2	87,9	88,3	85,8
\bar{x}_2	47,0	48,4	58,5	57,4	58,4	53,9

Source : own calculations using the underlying materials provided by the municipalities.

Legend : \bar{x}_1 average value of the municipal indicator for the 2011-2015 time series under examination.

\bar{x}_2 average value of the indicator for the group of municipalities in the respective year.

Table 3 provides figures about the percentage of shared tax revenue, i.e. the natural person income tax, in the total taxes collected by the municipalities.

Table 3: Share of shared tax revenue (natural person income tax) in the total tax revenue of municipalities under examination in 2011–2015 (in %).

Municipality (Population)/ Year	2011	2012	2013	2014	2015	\bar{x}_1
01 Piešťany (28 797)	57,5	57,1	55,9	57,0	58,1	57,1
02 Vrbové (6 020)	40,5	35,5	43,7	44,5	46,4	42,1
03 Chtelnica (2 619)	79,0	76,7	77,1	79,6	80,9	78,7
04 Boleráz (2 236)	56,1	53,8	55,2	56,5	59,7	56,3
05 Suchá nad Parnou (2000)	77,7	81,9	76,6	77,3	79,3	78,6
06 Krakovany (1 398)	71,4	70,1	68,6	70,3	73,4	70,8
07 Trstín (1 363)	67,4	70,9	72,7	73,0	74,1	71,6
08 Trebatice (1 333)	70,2	67,1	66,5	70,9	71,5	69,2
09 Dolné Orešany (1 273)	85,3	83,3	85,2	86,0	87,2	85,4
10 Prašník (847)	72,7	69,7	67,1	69,9	74,3	70,7
11 Zvončín (793)	63,5	62,1	66,3	68,2	69,9	66,0
12 Košolná (780)	66,6	64,3	60,8	72,7	77,8	68,4
13 Bíňovce (673)	75,0	72,2	74,0	75,3	76,7	74,6
14 Rakovice (546)	47,4	45,4	47,2	47,8	49,0	47,4
15 Lošonec (520)	79,3	68,7	71,7	73,6	73,9	73,4
16 Šterusy (506)	70,6	69,5	70,3	70,9	71,5	70,6
17 Šípkové (316)	63,5	70,5	69,5	71,2	73,3	69,6
\bar{x}_2	67,3	65,8	66,4	68,5	70,4	67,7

Source : own calculations using the underlying materials provided by the municipalities.

Legend : \bar{x}_1 average value of the municipal indicator for the 2011-2015 time series under examination.

\bar{x}_2 average value of the indicator for the group of municipalities in the respective year.

The variability of these indicators, in particular in terms of time, is lower than with the previous indicator. This means that tax revenue constitutes relatively more stable revenue for municipalities than non-tax revenue. In the reference period of 2011–2015, however, the fluctuation of this indicator was less

substantial in the group of municipalities under examination, although there is an apparent increase in the share of the natural person income tax in the total tax

In general, this result corresponds to the stage of the economic cycle and its impact on the revenue side of municipal budgets, as well as to a certain time lag of the actual share of the natural person income tax behind the cycle development.

Table 4 shows figures concerning the share of the real estate tax in the total revenue of the municipalities under examination between 2011 and 2015. The figures in this table imply that, on the average, this indicator ranged between 1.2% and 19.2% for the different municipalities in the reference period. While municipalities have the possibility to increase the revenue from the real estate tax by a limited increase of the real-estate tax rate, this will not have any significant effect on the total revenue side of the municipal budget. The average share of the real estate tax in the total revenue of all municipalities in the 5-year time series under examination was 8.8%, which means that the real estate tax plays an important, but not crucial role in the budget management of municipalities.

Table 4: Share of the real estate tax in the total revenue of municipalities under examination in 2011–2015 (in %).

Municipality (Population)/ Year	2011	2012	2013	2014	2015	\bar{x}_1
01 Piešťany (28 797)	12,2	13,8	14,5	14,2	13,1	13,6
02 Vrbové (6 020)	4,0	3,8	4,7	4,4	4,2	4,2
03 Chtelnica (2 619)	2,8	3,7	4,5	4,4	4,2	3,9
04 Boleráz (2 236)	12,5	20,7	20,4	22,0	20,6	19,2
05 Suchá nad Parnou (2000)	3,3	2,5	6,4	6,1	5,7	4,8
06 Krakovany (1 398)	5,3	9,2	10,3	10,1	9,9	9,0
07 Trstín (1 363)	7,3	4,1	6,0	6,2	6,9	6,1
08 Trebatice (1 333)	3,7	7,9	10,1	10,2	9,9	8,4
09 Dolné Orešany (1 273)	3,0	1,5	1,9	1,4	1,7	1,9
10 Prašník (847)	6,4	4,7	13,9	12,1	10,7	9,6
11 Zvončín (793)	17,3	16,6	18,2	12,8	8,9	14,8
12 Košolná (780)	4,9	3,3	8,0	6,5	6,3	5,8
13 Bíňovce (673)	14,3	13,5	13,1	12,0	12,8	13,1
14 Rakovice (546)	2,5	3,9	3,7	3,8	3,5	3,5
15 Lošonec (520)	12,8	20,8	18,1	15,7	13,3	16,1
16 Šterusy (506)	6,7	5,6	10,7	9,8	9,1	8,4
17 Šípkové (316)	7,4	8,2	7,9	7,7	7,1	7,7
\bar{x}_2	7,4	8,5	10,2	8,2	8,7	8,8

Source : own calculations using the underlying materials provided by the municipalities.

Legend : \bar{x}_1 average value of the municipal indicator for the 2011-2015 time series under examination.

\bar{x}_2 average value of the indicator for the group of municipalities in the respective year.

CONCLUSION

Fiscal decentralisation is currently a very topical issue. The paper provides the results from the monitoring of the current situation in fiscal decentralisation, particularly with respect to the evaluation of the structure of the revenue side of the municipal budgets in 17 municipalities of the Trnava self-governing region of the Slovak Republic.

The findings of the analytic-synthetic study conducted imply first of all that the share of tax revenue in the total revenue raised by municipalities ranged between 31.8% and 85.8% on the average in the different municipalities for the reference period of 2011–2015, with an average of 53.9% for the group as a whole. This means that, on the average, approximately half of the total municipal revenue consists of income from business activities and from asset ownership, administrative and other charges collected, proceeds from the sale of land, grants, transfers and income from financial operations. The shared natural person income tax accounts for approximately 68% on the average of the total revenue in the tax revenue structure as a whole during the years under examination, while local taxes account for less than one-third of the revenue. Real estate tax is not of crucial importance from the point of view of revenue yield for municipalities as it only accounts for 8.8% of the total revenue on the average for the group as a whole during the reference period. This means that the power of the municipalities to increase the real-estate tax rates, if exercised, cannot substantially increase the revenue side of the municipal budgets.

Decentralisation of public administration in Slovakia advanced the most, in particular, in securing public needs in education, health care, social services, taking care of public roads, public greenery and public lighting, in public transport, museum and public library management, and partially also in waste water treatment and municipal waste sorting and disposal, although there is still space for improvement in many areas. However, the fiscal aspects of this decentralisation were implemented in a slightly slower pace and determination than it was the case with the political, administrative and economic aspects of the decentralisation.

As already mentioned above, the share of the real estate tax in the total revenue structure is relatively low. However, the tax burden related to this tax cannot be significantly increased anymore. This is hindered by the principle of the financial solvency of population, which is a concept generally accepted in both theory and practice at the global level. In Slovakia, similarly to other economies in transition, it is not possible to further increase taxes imposed on real estate, thus reducing the disposable income of the people, because of the low level of wages

and pensions forming the financial capacity of the population. The only way to possibly increase the revenue side of the municipal budgets is to provide for a share in the nationwide revenue of the corporate income tax in favour of the municipalities under the tax allocation. The obvious reason behind this option is the fact that businesses very commonly use the municipal infrastructure financed from public resources (local roads, lighting, engineering networks and other) for their business activities, without bringing any significant financial benefits for the specific municipality.

We can conclude by stating that the current model of public administration decentralisation in Slovakia can be classified as a combined model according to the theory of fiscal federalism, with slightly predominant components of decentralisation from the political and administrative perspective and with slightly predominant components of centralisation from the fiscal point of view. In terms of both the size of the country and the current financial solvency of its population, any significant change to the model cannot be recommended.

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REGIONAL POLICY ROLE WITHIN EDUCATION SYSTEM TRANSFORMATION IN SLOVAKIA

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Abstract

In relation to fulfillment of Lisbon strategy targets till 2010, the Slovak republic has set the human resources sector development and education as one of the four most important priorities of the national policy for the last few years. The increase of economic competition ability of the whole country as well as its single regions, even those back-warded ones, by the human capital might a market economy based state support by creating appropriate conditions for development of knowledge, science, research and innovation potential. The human capital is the most important one of the organization sources, even the key one, in order to provide the regional development and strategic fulfillment. The real use of innovation capital of human resources is related not only to its identification or development but also to the regional potential and the strategic marketing and management structure. The Lisbon European Council of 23 and 24 March 2000 incorporated the promotion of employment and social inclusion as an integral part of the overall strategy of the Union in order to achieve its strategic goal for the next decade of becoming the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth, with more and better jobs and greater social cohesion. It set ambitious objectives and targets for the Union aiming to recreate the conditions for full employment, improve quality and productivity at work, and promote social cohesion and an inclusive labor market which should reflect the efforts of the Slovak republic as well.

KEY WORDS: education, regional policy, transformation, management, knowledge

INTRODUCTION

In Slovak Autonomy Regions, the Economic and Social Development Program 2014-2020 has been discussed and the strategic target of supporting human resource development, knowledge management progress and technical innovations have been declared as the major priorities. However, this program is still being criticized because of its generality, lack of both perfection and public participation. Based on the decision No 1672/2006/EC of the European Parliament and the Council of October 2006 - the Community Program for

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Employment and Social Solidarity and Progress would have been established. Due to the previous author's research (Butoracová Šindleryová - Butorac, 2008), most of the Slovak regions show very specific signs of the employment stagnation, need for diversification of the human resources due to the labor market demand, migration of labor to neighbouring countries, lowering of average wages in the regions in relation to the national average, etc. The inappropriate relation between the demands of the system of transformation and the human resource potential is obvious and therefore shall be respected within any process implementation.

1 EDUCATION AS THE MAIN STREAM OF HUMAN RESOURCE DEVELOPMENT PRIORITIES WITHIN INTERESTS OF REGIONS

It is proved that Slovak regions still lack appropriate skills and human capital to achieve the goals set by the European policy as for the education and its support by any suitable managerial methods. Authors Mihálik and Klimovský (2014) argue the main problem of regional school system is the financing mechanism which does not optimize the school network to operate more flexible and efficient. Labor market is a tough institution in market economy, which does not only provide for labor force in required structure (professional, educational and age), what facilitates labor process and subsequently goods production. On the side of supply of labor force a possibility of strategic elections it is more limited than on the side of demand. In this context it is known as a handicap of labor force (Vavrek - Kotulic – Adamisin, 2015). One of the handicaps is a fact that a particular worker can be only combined with certain work activities due to his or her inability to get a wider knowledge and experience because of the system stagnation. Supposition for integrating of all individuals into economic and social process is achievement of quality education during their life-time, what makes possible to eliminate the structural handicap of labor force to a certain extent.

The problem of the quality growth of human capital is mainly participation of inhabitants on lifelong education (where the Slovak Republic due to research of Jurkova and Ferencova (2011) reaches not a half level in comparison with the EU) as well as its quality. Only 6 per cent of the resources that are set aside for lifelong education are assigned to universities which were capable to increase significantly a qualitative level of lifelong education. Also the expense of education belongs to the problematic spheres, meanwhile an average represents a level of 5 per cent in the EU. In this sphere Slovakia reaches a very low grade within the EU-28 and in the proportion of students per one teacher the Slovak Republic has reached the backward positions for few years. The country stays

behind the countries of the EU not only from the perspective of the total volume of common expense, but also in their effectiveness what definitely points at the reality that the growth of education used to be only a declared but not a real-developed priority in Slovakia. In spite of the above mentioned problems in the quality of human potential, from the aspects of using labor power, Slovakia belongs to attractive locations thanks to the flexible trade market and low wage expenses. Due to Butoracová Šindleryová (2015) transfer of technologies by means of direct foreign investments solves, to certain extent, the problem of its own deficient innovative potential of Slovakia. Transfer of technologies may bring increase of total productivity and export efficiency of economy in the technological areas on one hand, on the other hand may jeopardise ability of internal scientific-research base to receive new tendencies in the economically developed countries and so their transfer into domestic economy. Substitution of national research by importing technologies may not be considered as sufficient from the longer time perspective.

1.1 Lifelong education system

System of lifelong education shall be based on the principles of progressive society to provide contemporary as well as new labor market possibility to accept basic main skills and competencies accepted, required by the labor market. Economic growth of Slovakia therefore must be based on ability of people to work with constantly new information, to produce new pieces of knowledge and to use them in practice. Activities of both individuals and organizations should be at the same time appropriate to the principles of permanently sustainable development. By fulfilling priorities of Lisbon strategy it is necessary to focus on the development of those spheres that might support the growth of creative potential of the Slovak economy by means of the modern education policy and its higher and better employment. It is essential to realize that the overall key to success lies within the labor market and human resource activities.

Lifelong education includes instruction and education activities carried out in the scholar subsystem of education (nursery, elementary, secondary schools and universities) and in the extracurricular subsystem of education (company, resort, interest, civic and other education). It might be stated, due to Bacuvčík and Harantová (2016) that lifelong education might be presented as a form of social marketing as well if considering the view of permanent process cultivation of social behavior and thinking model. The first subsystem can be also defined as that of formal education, the second one as informal education. Both subsystems of education may be characterized as organizational activity aimed at gaining

knowledge, ability and skills needed for performing particular activities. Although it is performed institutionally in both systems, it is structured according to targets, number of the lessons and support of education. However, the European commission has put higher emphasis on the activity of the educated subject in the recent years, informal (not the institutional) studying – rising-coming from the everyday activities connected with a job, a family or a free time. It does not lead to gaining any certificates, it is more or less unintentional. Only quality analysis of the present situation in the sphere of the whole subsystem of education as well as science and research, represent possibility for gaining higher quality and compatibility with the European Union, especially a way to creativity, language and information-technological facility of the participants of education (Mrvová-Mrva, 2008). Within the education system control, achievement of the balance between the educational structure of the graduated and the need of the trade market should be the aim. It requires narrow connection of the educational system and employment sphere, so that the extent and structure of education would represent qualifying requirements of the labor posts.

1.2 Regional policy priorities within system transformation

The key factor of fulfillment the origin Lisbon Agreement was the concept of research and science program which would satisfy the needs of creation of the European research area. Europe definitely needed more science workers and the existing researchers need more stimulation for their work. Regional development priorities were set to fully cover the need of labor market demand due to potential of human capital in the regions and its complete and efficient use. It is necessary to connect the research sector with the industrial area more efficiently in order to create environment for cooperation and transformation of the existing system.

The conclusions of the European Council often called Lisbon process set the following objectives which also completely refer to the objectives of the Slovak regional policy even today:

- development of home market,
- increase in the employment and productivity,
- high social niveau,
- state financial support,
- sustainable development.

The education and growing-up stand in the first line of objectives and are the main part of the strategic document. Continual long-life education is the main goal of each organization trying to defend its status on the market (Butoracová

Šindleryová - Butorac, 2008) and that does not change in time either. Within the regional competition, knowledge management takes the first place as a tool of advantage. To adapt the goal mentioned into the national development plan, the education field needs some improvement to prepare the basis for the new employment policy model:

- increase in investment into the human resources,
- elimination of barriers in accepting the qualifications,
- sustainable development,
- centers of special and technical education for everyone,
- definition of new main responsibilities,
- connection of special technical and skilled education with reality,
- decrease in the amount of non-educated people with the age under 24.

Lisbon strategy based on the knowledge economy contains two main components, increase in research and innovation as well as creation of both qualified and educated labor. These factors still miss their fulfillment within the local and national environment. The higher niveau of education creates new employment opportunities, social inclusion, better job and active nationality. Lisbon strategy proposes creation of the business enterprise environment without any barriers limiting the business and its growing. It is meant to create the business area of growing customer choice with an obvious surplus of the national producers taking the competitive advantage on each national market. Besides the gaps and lack of appropriate legislature, also the common rules of respecting the national differences are missing. Effective creation, development, use and evaluation of knowledge is of great importance for the small and medium enterprises from the point of view of their future progress as well as gaining the competitive advantage in the field of business actions. Important economic argument is *“efficiency increase of resource allocation, which means that produced goods and services reflect at best the preferences of citizens belonging to the corresponding region”*(Imrovič – Švikruha, 2015, p. 36). However, the prosperity of the local businesses might support the prosperity of the whole region. In the last years, there is an obvious growth in importance of the knowledge management or individual capital applied on various areas of business.

2 THE ORIGIN CONCEPT OF 7TH FRAMEWORK PROGRAMME EVALUATION WITHIN KNOWLEDGE MANAGEMENT PROGRESS POSSIBILITIES IN THE SLOVAK REGIONS

There is a strong element of continuity with the past in the proposed Seventh Framework Program. Projects undertaken by consortia of European partners will remain at the core of the program, and the themes for these projects will remain more or less as now. The program will continue to develop the concept of a European Research Area. Funds will be used to develop and increase those elements of previous programs that worked well: Marie Curie, SME actions, collaborative projects, Networks of Excellence. The aim of continuity was supposed to be strengthened through a program that has last 7 years (with the possibility of a mid-term review). However, there are also several new elements.

A key feature of FP7 due to Heckova (2007) was a significant simplification of its operation. Measures are being considered, in line with the future revision of the Financial Regulation, to make the program as straightforward as possible for potential participants. The European Commission has established a sounding board composed of representatives of small companies and research teams – groups which seem to face the biggest difficulties in participating in the program. This sounding board advises on whether measures proposed to make the program simpler will in fact have the required effect. By focusing more on themes and less on instruments, the program is more flexible and adaptable to the needs of industry, as well as more straightforward for its participants.

The program has had more focus than in the past on developing research that responds to the needs of European industry, through the work of Technology Platforms and the new “Joint Technology Initiatives”. These are projects in fields of major European public interest on subjects identified through dialogue with industry, in particular in the European Technology Platforms.

The program has established for the first time a “European Research Council”, funding the best of European science, as assessed by peer review of European scientists. This is the first time that a body like this has existed at European level, identifying the very best of European research wherever and however it is carried out. International co-operation is no longer just a separate part of the program, but it is integrated into all four programs, allowing projects to be carried out with international partners. In the same vein, the Science in Society action would have specific tasks, but the aim of anchoring science more closely in the needs and wants of European society are considered in all parts of the program. Another new element was the development of “regions of knowledge”, bringing together research partners – such as universities, research centers, enterprises

and regional authorities - in a region to strengthen their research potential. FP7 also comprised a “Risk-Sharing Finance Facility” aimed at fostering private investment in research by improving access to European Investment Bank (EIB) loans for large European research actions. This mechanism enables broader EIB lending to RTD actions.

In the present period of globalization, which is defined by dynamic various changes and challenges, the terms as knowledge or competitiveness are often discussed. The competitiveness depends on the ability of the company or region to react on the following challenges of the modern society:

- the permanent and fast progress in the communication and information technologies,
- the chronic economic and political instability, which would influence the energy supply and migration trends,
- the whole globalization trend of unifying all economies and processes.

To avoid failing the competition the company or region must continuously look for the ways of improvement of use of all productive inputs – people, raw materials, machines, etc. To make the decision right, it is necessary to dispose information needed. The ability of employees to use the information gained appropriate to its value and importance is the basic parameter of the sustainable development. Well-educated people are the most valuable source in the modern dynamic and progressive companies. Knowledge management enables a company to react on the process existing in the presence using the experience from the past in order to improve the future by the exact and right decision. Knowledge is becoming the most important form of capital of the company, which would be carried by a man.

In spite of disproportionately wide networks of education institutions providing educational programs, their quality, system of verifying and recognition of qualification remains very problematic. The main aim that has been set by FP7 within regional education management seems to be the optimizing of the education institutions network, considering the needs of the labor market, should be adaptation of their capacity to up-to-date and perspective tendencies of the population development on one side and to requirements for qualified labor force on the other side. Major lifelong education system deficiencies are still defined as following:

- existing structure of elementary and secondary schools is ineffective,
- insufficient interconnection between the educational system and the labor market,
- insufficiency of advisory services about education on the labor market,

- absence of lifelong education strategy seeking the qualified lecturers as well,
- insufficiently developed advisory and education service for the business sphere,
- insufficiently developed systems of foreseeing the changes of the qualifying needs within the labor market,
- insufficient level of labor forces readiness for installing new information technologies and their use.

Intensifying cooperation of education system and employment sphere may contribute to eliminating problems and lacks in the relation to education and labor market with the aim of adjust content and range of education to demands of the labor market, associating of education programs leading towards various levels of education and education programs for the young and adults into one school as well as provision of the quality approach towards information for the students. Due to Tej - Ali Taha - Sirkova (2015) there has been an obvious increase in the implementation of creative education methods within the schooling system Another important step is provision of coordination between professional education and the labor market, monitoring of the labor market, use of the graduates in the practice, their long lasting success in their job and connection of this system with schools, fortification of the further education at the intensified adaptability of the labor forces development of the systems to support the labor market mobility, support of the lifelong education as a guarantee for development of labor market adaptability and innovation of the technical education in harmony with the principles of the European labor market.

If considering fact that Slovakia wants to become knowledge based economy through its complete education system transformation and setting the regional policy based on the learning process, it is important to prepare labor power in the demanded quantity and especially quality for the future market expectations. Present public school system is inflexible and reacts very slowly on the needs of the labor market, which starts changing very fast. Not accepting the new trends and needs of the market definitely decreases the ability to compete on the European market. The training to future profession as well as a fully operating system of the whole life education play the key role when talking about the employment growth support and economy effectiveness increase. The intensifying of the cooperation between the education system and employer sphere might help to eliminate the problems and barriers on the labor market in order to adapt the extension and content of education to the labor markets needs. The access to the information must be available to all the educating people as well

as the coordination between the labor market and professional education must be provided. The future prognosis and monitoring of the labor market, long life success in the profession and relation of the monitoring system to the education providers must be supported in order to improve the system of further education if trying to increase the adaptability of the labor to the long life education. The European labor market does reflect such a guarantee of the labor development.

CONCLUSION

Effective creation, development, use and evaluation of knowledge is of great importance for the companies from the point of view of their future progress as well as gaining the competitive advantage in the field of business actions. 7FP should have assisted the companies to evaluate their chances properly in order to support the development of the region. However, the prosperity of the local businesses might support the prosperity of the whole region. In the last years, there was an obvious growth in importance of the knowledge management or individual capital applied on various areas of business.

Modern economy is always based on qualified labor forces and the level of educational support for the employees presents the movement force of society development. Market economy can progress only in the democratic society that means that consumers of education can decide freely about the education type and content that they are able to gain in order to be active on the labor market. The quality of education process must always grow. The unemployment statistics declare that the amount of unemployed is mainly influenced by the unqualified labor forces. Therefore the education legislative tools devoted to further education and personal development are directed mainly to that group. The investments into the education are not as high as the investments needed for the rise of employment. The education legislative precautions can not provide the labor market with free job positions, but the researches have shown that these precautions might provide the unemployed with a better chance of employment. In the end, this would support the changes on the labour market and that might eliminate the negative consequences of long-lasting unemployment. The overcome to knowledge economy principles should be defined by the increase interest in both the field of research and science and the quality preferences (Hájek - Lukáč, 2016, p. 87-88).

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ECONOMIC CONDITION OF REGIONAL SELF-ADMINISTRATION IN SLOVAKIA

Beáta Adamkovičová¹ – Eva Čapošová²

Abstract

The responsibility for the coordination, guiding and self-development, economic development, and ensuring of technical and civic services, was transferred in the deciding extent to the local and regional self-administration. The task of the regional self-administrations is the effective work with financial resources, in order to ensure all welfare services and self-administration functions within the needs and requirements of citizens in demanded quality. The paper focuses on the evaluation of regional self-administrations management in Slovakia by means of selected indicators, such as the basic balance, debt service, total debt, liabilities at least 60 days after the maturity period and immediate liquidity, created by the methodology of the Institute for Economic and Social Reforms. By means of selected indicators, assessed was the financial health of higher territorial units.

KEY WORDS: Regional self-administration, financial health, basic balance, debt service, total debt, immediate liquidity

INTRODUCTION

The change of the social-economic system urgently required the reform of the public administration, which represented the essential step within the consolidation of the democratic system of the government. The core of the direction of the whole public administration reform, which expresses the constitutional right of citizens of Slovak Republic to participate on the administration of public issues, represents the assignment of fiscal, political, and administrative competencies on lower levels of the government. The transfer of the competencies from the state to the municipalities and HTU (higher territorial units), decentralization of the cash-flow and corresponding delimitation of the assets became the important step of the public administration reform execution.

The basis of the regional self-administration is the self-governing region (higher territorial unit). According to the legislation, the self-governing region is the legal person, and in the issues of the territorial self-administration, it is possible to put responsibilities and obligations on the self-governing region

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only by the law and on the basis of the international agreement. It is possible to transfer to the self-governing region (similarly to the local self-administration) solely by the law also some tasks of the state administration, while the state provides to the self-governing region, together with the transfer, also necessary financial and material resources (Belajová, Balážová, 2004).

According to the Higher Territorial Units Self-administration Act No. 302/2001 Coll., the regional self-administration executes the tasks of the regional character. Higher territorial unit (HTU) represents the self-governing region as the independent territorial and administrative unit of Slovak Republic, which cares mainly for the development of given territory, and for the needs of its citizens. The basis for the financing of the self-administration region, as well as within the territorial administration, is the budget (Tej, 2007). Competencies, which were transferred to the self-administration regions by The Act of the Transfer of Some Forces from the State Administration to the Municipalities and Higher Territorial Units No. 416/2001 Coll., are related to these sections: ground communications, tracks, roadways, civil protection, social assistance, territorial planning, education, physical culture, theatre activity, museums and galleries, public enlightenment activities, libraries, health care, humane pharmacy, regional development and tourism.

The responsibility for the coordination, guidance, self-development and ensuring of the technical and civic services was transferred in the deciding extent to the local and regional self-administration. Public finances reform ensured also the significant increase of own financial resources in the budgets of the self-administrations, mainly in middle-sized and large municipalities, villages and towns. However, the problem is the effective manipulation with these financial resources, in order to ensure all public welfare services and self-administration functions within the needs and requirements of the citizens in demanded quality. However, in this process, the deciding role plays the quality of the self-administration management.

REGIONAL SELF-ADMINISTRATIONS MANAGEMENT IN SLOVAKIA

The objects of our research were all regional self-administrations in Slovakia. Their management was evaluated according to the indicator “financial health” during years 2011 and 2015 by means of the indicators: basic balance, debt service, total debt, liabilities at least 60 days after the maturity period, and immediate liquidity. The total financial health of the regional self-administrations was assessed for the period of years 2011 to 2015. From the indicators of the financial stability of regional self-administrations, we have selected two indicators: total

debt on a citizen, and net assets on a citizen (the methodology of the calculation of these indicators is introduced as well). The monitored period is the period of years 2011-2015. Information about particular indicators and outcomes of our research are introduced in the tables, diagrams and their interpretations.

Financial health

The financial health of the town, village or the HTU gives the evidence, to which extent is the management sustainable, and whether the given management method causes or does not cause problems to the given town, village, or the HTU. The financial health is one number in the interval from 0 (worst) to 6 (best), independent on the year, and it is calculated by the combination of five selected indicators of the financial stability:

- 1) Basic balance
- 2) Debt service
- 3) Total debt
- 4) Liabilities at least 60 days after the maturity period
- 5) Immediate liquidity

Basic balance

This indicator informs, whether the self-administration economized with the profit or the deficit from the point of view of the current and capital account as a whole. It expresses, how the self-administration is able to cover common expenses (self-administration operation) and capital expenses (improvement of the assets) from own common revenues (e.g. tax revenues) and capital revenues (e.g. assets sale).

$$\frac{\text{common revenues} + \text{capital revenues} - \text{common expenses} - \text{capital expenses}}{\text{common revenues} + \text{capital revenues}}$$

Debt service

This indicator informs about how high expenses has the self-administration related to the service of the debt. Into the expenses for the installments of the principal and interest installments should not be included their one-off premature redemption.

$$\frac{\text{principal expenses installments} + \text{interest installments}}{\text{common revenues for the previous year}}$$

Total debt

The debt, according to the § 17 sec. 8) of the Territorial Self-administration Budget Rules Act No. 583/2004 Coll., as amended, is so-called “the legal criterion”, and it should not exceed the level of 60%. Excluded are the liabilities from credits provided from the former state funds and SFHD, and liabilities from the returnable resources of the financing accepted for the ensuring of advance-financing of the Euro funds (until 2011).

$$\frac{\text{bank credits and aids} + \text{long-term liabilities} - \text{credits from SFHD}}{\text{common revenues for the previous year}}$$

Liabilities at least 60 days after the maturity period

If the HTU did not pay any recognized liability to 60 days from the day of its maturity period, it fulfills one of the two conditions (total amount of its liabilities after the maturity period exceeds 15% of real common revenues of the previous budget year) of the obligation to elaborate the proposal for the setup of the reorganization regime.

$$\frac{\text{unpaid liabilities to 60 or more days after the maturity period}}{\text{common revenues for the previous year}}$$

Immediate liquidity

This indicator gives evidence, to which extent the available financial resources on financial accounts of the self-administrations suffice for the redemption of the short-term liabilities.

$$\frac{\text{financial accounts (financial assets)}}{\text{short – term liabilities (common bank credits)}}$$

Obtained data about the basic indicators of the regional self-administrations financial health in 2011 are introduced in the table no. 1, and in 2015 in the table no. 2.

Table 1: Financial health indicators of the HTU in 2011

	Basic balance		Debt service		Total debt		Liabilities at least 60 days after the maturity period		Immediate liquidity	
	%	FH score	%	FH score	%	FH score	%	FH score	%	FH score
Bratislava	-3,7	1,7	0,9	5,9	36,3	4,2	0,1	2,7	239,8	4,5
Trnava	0,4	1,7	54,9	3,3	56,3	3,2	0,0	2,9	60,6	3,1
Trenčín	-3,3	1,4	3,4	5,7	50,6	3,5	0,0	3,0	96,6	4,0
Nitra	6,3	3,9	2,0	5,7	19,0	5,0	0,0	6,0	391,9	5,9
Žilina	1,1	2,4	2,9	5,7	38,4	4,1	0,2	2,8	139,3	3,2
Banská Bystrica	0,8	2,8	2,8	5,7	48,3	3,6	2,4	0,4	40,8	1,6
Prešov	-1,1	2,4	0,5	5,9	37,9	4,1	0,0	6,0	208,4	5,4
Košice	-1,8	2,3	2,9	5,7	55,4	3,2	0,9	2,5	130,5	3,5

Source: INEKO, author's work

Table 2: Financial health indicators of the HTU in 2015

	Basic balance		Debt service		Total debt		Liabilities at least 60 days after the maturity period		Immediate liquidity	
	%	FH score	%	FH score	%	FH score	%	FH score	%	FH score
Bratislava	-0,8	3,1	2,0	5,7	33,2	4,3	0,0	6,0	353,3	6,0
Trnava	2,6	3,6	4,5	5,4	40,5	4,0	0,0	6,0	164,3	3,8
Trenčín	10,2	4,1	2,7	5,5	43,9	3,8	0,0	5,1	439,4	4,9
Nitra	6,3	3,9	2,0	5,7	19,0	5,0	0,0	6,0	391,9	5,9
Žilina	4,5	3,7	1,0	5,6	26,4	4,7	0,0	4,2	340,4	5,9
Banská Bystrica	6,9	3,6	4,9	5,5	31,9	4,4	1,1	1,9	159,8	2,9
Prešov	1,3	3,4	1,1	5,8	30,7	4,5	0,0	3,9	427,2	5,9
Košice	-2,2	2,7	6,0	5,4	24,6	4,8	0,0	3,0	173,7	3,9

Source: INEKO, author's work

The basic balance, or the balance of the current account (besides the current account, it contains also the capital account) in 2011 achieved negative values in the HTU Bratislava (- 3,7 %), Trenčín (- 3,3%), Košice (-1,8%) and Prešov (-1,1%).

Other self-administrations achieved positive balance; significantly best in the HTU Nitra (+6,3%). The situation within the fulfillment of this indicator changed significantly to 2015. The negative values in achieving of this indicator achieved the HTU Bratislava (-0,8 %) and Košice (-2,2%). The best valuation of the basic balance in 2015 achieved HTU Trenčín (+10,2%) and Banská Bystrica (+6,9%).

The indicator debt service informs us about the expenses related to the services connected with the debt of the self-administration. During the monitored period, the self-governing regions did not have the problem with the fulfillment of this criterion and showed only positive values. In 2011, from all self-administrations, best results achieved the HTU Bratislava and Prešov. Until 2015, the situation significantly improved, when all regional self-administrations achieved the score over 5.

The ideal fulfillment of the criterion “liabilities at least 60 days after the maturity period” was recorded in 2011 in the HTU Trnava, Trenčín, Nitra and Prešov (0,0%). The problems with the fulfillment were recorded in the HTU Banská Bystrica (2,4%) and Košice (0,9%). In regards to the relative strictness of zero tolerance of this criterion, problems with its fulfillment to the date 31.12.2015 had only the HTU Banská Bystrica (1,1%), which could occur, for example, as a consequence of the fact that the HTU refuses to accept the rightfulness of some liability, though the HTU is solvent. All other regional self-administrations showed ideal fulfillment in the given year, on the level of 0,0%.

To the date of 31.12.2015, high level of immediate liquidity indicator achieved the HTU Nitra (391,9%), Bratislava (239,8%) and Prešov (208,4%). The lowest level achieved the HTU Banská Bystrica (40,8%). This situation significantly improved to 2015 and regional self-administrations show the value of the immediate liquidity on the level from 160 to 439%. The positive results of this indicator can be interpreted by the fact that the HTU are able to pay their liabilities from the resources available on their financial accounts.

By the valuation of the regional self-administrations financial stability and their economic condition, our grounding point was the methodology created by the Institute for the Economic and Social Reforms, according to which:

The total score of the HTU financial health – as the weighted average of the score, which reached each of the five segments (Total debt, Debt service, Liabilities at least 60 days after the maturity period, Immediate liquidity and Basic balance).

The financial health score expressed within the interval from 0 (worst) to 6 (best)

Data of the regional self-administrations financial health results in Slovakia for the period of 2011-2015 are introduced in the table no. 3.

Table 3: Total financial health of the HTU in 2011 – 2015

	2011	2012	2013	2014	2015
Bratislava	3,9	4,2	4,6	4,9	4,9
Trnava	2,9	3,5	3,9	4,2	4,5
Trenčín	3,5	3,5	3,5	4,0	4,5
Nitra	4,3	4,6	5,0	5,2	5,3
Žilina	3,7	4,1	4,3	4,5	4,8
Banská Bystrica	2,9	3,3	3,3	3,5	3,8
Prešov	4,7	4,8	5,0	4,9	4,7
Košice	3,4	3,8	3,9	3,9	4,1

Source: INEKO, author's work

Total score of the FH:

- great – over 5
- good – from 4 to 5
- sufficient – from 4 to 3
- insufficient – from 3 to 2
- bad – from 2 to 1
- very bad – under 1

In 2011 reached the total score +2,9, the category of insufficient financial health, the HTU Trnava and Banská Bystrica. Good financial health with the valuation over +4 was achieved only in the HTU Nitra and Prešov. The situation significantly improved to 2015. Among all HTUs, the highest total score and evaluation of the financial health achieved the HTU Nitra (+5,3). It reached the valuation +5 as the only one, thanks to which we assess this HTU as the self-administration with great financial health. This self-administration can be assessed as economically most stable during the monitored period. Further, there are the HTU Bratislava (+4,9), Žilina (+4,8), Prešov (+4,7). These are valued as the self-administrations with good financial health. The lowest score achieved the HTU Banská Bystrica (+3,8), by which it is categorized in the category of sufficient financial health, where is present the risk of lower financial stability and potential problems in the future.

CONCLUSION

Regional self-administrations ensure the financing of self-administration competencies mainly from the tax revenues. By means of grants from the state budget from the particular chapters, they finance the competencies of the transferred execution of the state administration in the section of the education, tasks related to the regional development, environment protection, as well as the execution of projects co-financed by the European Union. Currently, the focus is put on more effective manipulation of the regional self-administrations with the financial resources. However, within this process, the deciding role plays the quality of the self-administration management, whether executive, or elected by the citizens.

From our evaluation of the economic condition of regional self-administrations arose that their management and total financial health significantly improved during the monitored period, and the economically most stable we consider the HTU Nitra and Prešov. The lowest financial stability showed the HTU Košice.

There are several options and areas for the modification of the regional self-administration financing. One of them is the strengthening of own revenues, modification of the tax of profit allocation of normal persons, modification of the method of transferred execution of the state administration activities, mainly in the field of the regional education system.

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COMMISSIONER FOR CHILDREN AND COMMISSIONER FOR PERSONS WITH DISABILITIES: NEW LAW PROTECTION AUTHORITIES IN PUBLIC ADMINISTRATION

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Abstract

Law protection authorities represent a large group of diverse entities. Their primary mission is to protect the objective, or subjective law. Recent legislative developments have led to the introduction of new types of law protection authorities, namely the Commissioner for Children and the Commissioner for persons with disabilities. They are authorities that are de facto specialized ombudsmen. The author of the paper deals with the question of their status and competence and outlines also some of the problematic aspects of their legal regulation.

KEY WORDS: law protection authorities, Commissioner for Children, Commissioner for persons with disabilities, law protection

INTRODUCTION

Institutions of the Commissioner for Children and the Commissioner for persons with disabilities are institutes which have been incorporated in the system of law protection authorities in the Slovak Republic only recently by the Act no. 176/2015 Coll. on the Commissioner for Children and Commissioner for persons with disabilities and on amendments to certain laws (hereinafter referred to as “ACC”), which entered into force on 1 September 2015. They are completely “new additions” to the family of law protection authorities, which were not known to the Slovak legal system. The basic framework for the development of a new legal regulation were obligations of the Slovak Republic arising from international conventions of the United Nations - UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities and their Optional Protocols.

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1 LEGAL STATUS OF COMMISSIONERS

The basic reason for introducing new institutions of the Commissioner for Children and the Commissioner for Persons with Disabilities was that the Slovak Republic did not have an independent mechanism for receiving and reviewing complaints from children / persons with disabilities, independent mechanism for monitoring the implementation of the abovementioned conventions corresponding to Annexes to Resolution 48/134 of the UN General Assembly from 20 December 1993 on National institutions for the promotion and protection of human rights (so called Paris principles), i.e. specific institutions for the protection of children's rights and the rights of persons with disabilities. The nature of the activity of Commissioners is, unlike other law protection authorities, specialized public protection of law - the specialization, inter alia, lies in the fact that the Commissioner for children has to deal exclusively with children's rights and the Commissioner for persons with disabilities exclusively with rights of this group recognized by the UN conventions (including rights, which are defined by the Slovak Constitution). The aim of the activities of Commissioners is thus not only to promote the rights of children and persons with disabilities, but also to enforce these rights, i.e. to improve their overall position in society.

It should be noted, that contrary to the name, the new established commissioners represent specialized ombudsmen. It should also be added that the creating of these specialized law protection authorities had no impact on the status and competences of the existing Public Defender of Rights (the Ombudsman general) (Jánošíková, 2002). Competences of the Public Defender of Rights are in fact left untouched, ACC regulates the competence of Commissioners in specific areas in parallel. Such a solution of legal regulation of status and competences of commissioners is allowed by the fact that the Public Defender of Rights is not an authority that decides on the rights and obligations and therefore the principle of legal certainty in this case does not constitute *res judicata* (*lis pendens*).

As is apparent from the foregoing, the Commissioner for Children and the Commissioner for persons with disabilities are not constitutional institutions, but only legal institutions. Unlike the Public Defender of Rights, their status and competences are not, at least in their essential aspects, directly expressed in the Constitution, but only in the law. To some extent, this fact may influence the operation and functioning of these institutions, mainly due to relatively simple changing (by an ordinary law) of fundamental rules and principles on which they are built and by which they are governed. On the other hand, it should be noted that international documents directly do not require that the Ombudsman (general or specialized) is regulated directly at the constitutional level (Svák,

1995). Both commissioners are created by law as independent authorities which exercise their competences separately from other authorities with competences in the field of human rights protection. This means that no other entities (public authorities or private individuals) can interfere with the exercise of competences of Commissioners through various commands and instructions. It is therefore only on the Commissioner's decision when and how to exercise his powers defined by law. When exercising his functions, he acts at his own discretion and his powers are executed separately from other authorities with competences in the field of human rights (such as the Public Defender of Rights, Public Prosecutor).

For reasons given we can deduce that the Commissioners, as well as the Public Defender of Rights, are not part of any of the components of the state power (legislative, executive, judicial) and they can be considered as *sui generis* authorities, the nature of which lies in the exercise of control activities and submission of proposals and recommendations for remedy the shortcomings. Commissioners also do not have sanctioning powers. The only authority the Commissioners account to is the National Council. In this context ACC in § 5 also stipulates an obligation of Commissioners to submit activity report on the previous calendar year activities (each year, by the end of March) containing in particular information on the observance of children's rights and the results of its monitoring activities, whereby the law leaves the Commissioner a possibility to state other facts about the rights of the group of people he considers important. That provision is also provision fulfilling the requirement of availability of Commissioner because according to the opinion of the UN Committee on the Rights of the Child, Member States must create the conditions for the annual "debate", which will give parliamentarians the opportunity to discuss 1) the work of independent national institution for human rights in the field of children's rights and 2) the compliance with the observance of the Convention by the state. Besides the obligation to submit an annual report the law also stipulates that if the Commissioner finds facts indicating that the infringement or jeopardizing the rights of the child / person with a disability is severe or involves a larger number of children, he may submit to the National Council a special report. This may include a proposal to be discussed at the next session of the National Council.

It should be further noted that, in addition to a separate exercise of the rights, another guarantee of independence in the functioning of Commissioners is the institution of incompatibility. The law in § 18 expressly stipulates that the Commissioner must not perform a function in another public authority or other paid function, be a member of a political party or political movement, undertake or perform other gainful employment except for administration own property, property administration of the minor child, property administration of

the person whose legal capacity has been limited, or property administration of the person who has been deprived of legal capacity, and scientific, literary and artistic activities. If the Commissioner has such a function or activity prohibited at the time of commencement his new function, he is obliged within 30 days of the commencement of his new function to quit such a gainful function or activity or to make a statutory legal act aimed at its termination.

Part of guarantees of independent action of Commissioners should also be a financial independence. This is, however, as in the case of the Ombudsman, somewhat questionable. The law in § 29 stipulates that the performance of Commissioner's functions and activities of the Office of the Commissioner and the Commissioner are financed from state budget subsidies under the Act no. 523/2004 on budgetary rules and on amendments to certain laws. Under the Law, the Office of the Commissioner for Children and the Office of the Commissioner for persons with disabilities are not a separate budget chapter and as organizations *sui generis* they are connected to the budget chapter General Treasury Administration. Thus, the limit of expenses is proposed by the Ministry of Finance in the process of public administration budget setting. In this regard, the executive power is capable to affect the operation, functioning and proper performance of the duties of Commissioners in a very significant extent.

2 COMPETENCE OF COMMISSIONERS

The basic demarcation of competence of Commissioners can be found in § 2 (Commissioner for Children) and § 8 (Commissioner for Persons with Disabilities) of ACC. This is the demarcation of competence in the substantive view, i.e. the law exactly stipulates to what extent and in what cases commissioners as law protection authorities can participate in the protection of law and carry out their activities. In that sense, the competence of Commissioners is limited to contributing to the protection of the rights of a particular group of persons (children / disabled persons) by support and enforcement of the rights conferred on them by international agreements by which Slovakia is bound. As can be seen, the law does not explicitly say that the commissioners directly protect the rights of defined groups of people, but they only contribute to their protection through support and enforcement of the rights conferred on them by international agreements.

In addition to this basic demarcation of competence of Commissioners, ACC contains demarcation of their competence in the subjectual view. That means, demarcation of subjects that fall under their general competence. ACC contains two ways of demarcation of this competence.

First, it is a positive demarcation of competence of Commissioners, i.e. enumeration of specific subjects that fall under the competence of Commissioners. Under § 3 sect. 1 and also § 9 sect. 1, the competence of Commissioners covers in the specific:

- 1) public administration authorities, that for the purposes of ACC are:
 - bodies of the state administration,
 - local self-administration bodies,
 - legal entities and natural persons who, under a special regulation interfere with the rights or obligations of natural persons and legal entities in the field of public administration,
- 2) legal entities and natural persons - entrepreneurs not listed above.

As can be seen, positive demarcation of the competence of Commissioners is in the first group of subjects essentially identical with the positive demarcation of the competence of the Public Defender of Rights (Brostl, 2010). Exception is the second group in which the law extends the competence of Commissioners to other legal entities, such as those that under a special regulation interfere with the rights or obligations of natural persons and legal entities in the field of public administration. At the same time it also states that the competence of Commissioners covers also natural persons - entrepreneurs. Thus, ACC establishes the competence of Commissioners in a way that it covers all subjects acting in the field of rights of children / persons with disabilities or whose activities may interfere with the rights of these groups. Using the a contrario interpretation leads us to the conclusion that the competence of Commissioners does not cover private natural persons - the Commissioner has no power to interfere with private relations.

Negative demarcation of the competence contained in the sect. 2 of the same paragraph expressly stipulates which subjects do not fall under the competence of commissioners. Under that provision, the competence of Commissioners does not cover the exercise of powers of the National Council, the President (Horváth, 2014), the Government, the Constitutional Court, the Public Prosecution Service, the court, the Supreme Audit Office, the Public Defender of Rights, the Commissioner for Persons with Disabilities / the Commissioner for children, intelligence services and to exercise of decision-making powers of a police officer who is the body involved in criminal proceedings (Čentěš, 2005). The competence does not cover also the reviewing of presidential elections (Horváth, Machyniak, 2014). Mentioned does not apply in respect of the powers that are exercised by these bodies as public administration authorities.

It should be added that the general competence stipulated in § 2 and § 8 of ACC is simultaneously further concretized in § 4 sect. 1 (Commissioner for Children) and § 10 sect. 1 (Commissioner for persons with disabilities) of ACC. Under the law, the specific activity of Commissioner lies in the following:

- assessing (on the basis of a suggestion or on his own initiative) the observance of rights of the particular group of people (children, persons with disabilities),
- monitoring the observance of rights of particular group of people, namely by conducting independent surveys of fulfilment of obligations arising from international agreements by which the SR is bound, and conducting research and surveys to monitor the situation and developments in the field of rights of the particular group of people,
- promoting the interests of the particular group of people in society, works with children / persons with disabilities, either directly or through organizations working in the field of the rights of the particular group of people, consults with children / persons with disabilities matters that concern them, examines the views of children / people with disabilities and encourages their interest in public issues,
- promoting public awareness on the rights of the particular group of people,
- cooperation with foreign subjects and international subjects involved in the exercise or protection of the rights of the particular group of people.

For the purpose of a proper and efficient performance of individual tasks, § 4 and § 10 of ACC confers several rights on the Commissioners, in the specific the right:

- to request information and data in order to assess compliance with the rights of the persons concerned and to monitor compliance with such rights; a copy of the dossier in order to assess compliance with the rights of the persons concerned, including copies of documents, video recordings, audio recordings or visual-audio recordings; by public authorities exercise their powers; opinion on the outcome of the assessment of compliance with children's rights and position on the results of the monitoring activities in relation to respect for the rights of the persons concerned and take action if the results of the assessment and monitoring activity is the finding that it violated the right of the persons concerned,
- to speak without the presence of a third party with persons who are placed in a place of detention, imprisonment, protective treatment or protective education, or in the place where the institutional care, educational measure or a provisional measure under a special regulation is executed,

- to submit the notification on behalf of the child or children under Part II of the Optional Protocol to the UN Convention on the Rights of the Child on the notification procedure,
- to make a statement on cases which were assessed in terms of respect for rights,
- to issue opinions in cases of respecting the rights of the persons concerned,
- to propose remedies according to the results of the assessment of observance of the rights of the persons concerned or according to the results of the monitoring activities in relation to observance of the rights of the persons concerned,
- to participate in the proceedings under the provisions on court proceedings.

A special mechanism is introduced for the so-called collusive custody, where ACC specifically stipulates an exclusive right of the Commissioner to speak without the presence of a third person with the child / person with disabilities in collusion custody. The law in this case, at the same time establishes that the Commissioner notifies (within seven days) the exercise of his powers towards a person in collusion custody to the competent public prosecutor, for the purpose of smooth criminal proceedings. If it is a child, the law additionally stipulates that the Commissioner may speak with the child in collusion custody after an agreement with the defence counsel, who may be present during the execution of this right of the Commissioner.

It should be added that, although the law does not directly mention the possibility of the Commissioner to participate in the drafting of legislation and public policies in the field of children's rights, the law is set up so that the Commissioner for Children can be informed about upcoming draft laws, he may cooperate in their development and be involved in the remark proceedings.

The exercise of the rights of the commissioner is connected, of course, with the obligations (§ 26 of ACC) of subjects - public administration authorities, legal entities and natural persons - entrepreneurs. The law stipulates obligations of those subjects to provide the Commissioner with the necessary information, opinions, data within 20 days (with the possibility of another agreement), to ensure exercise of their rights as asked by the Commissioner and also to give access to an object where persons are held under a public administration authority decision but also to places where children are held under a court decision. The mentioned provision stipulates the obligation of subjects falling under the competence of the Commissioner, to cooperate with the Commissioner. If the responsible subject does not satisfy the request of the Commissioner in violence of law, the Commissioner will notify his superior authority and if the responsible

subject which is a public administration authority does not have a superior body, the Commissioner will submit information about this fact to the Government. Mentioned procedure does not affect the right of the natural person to deny an individual explanation if the explanation would violate the state recognized or imposed obligation of confidentiality, the seal of confession or would cause the exposure of the person or persons close to the risk of criminal prosecution. The powers of the commissioner and obligations of public administration authorities are adequate to the function of the Commissioner and are formulated in a manner enabling to effectively perform the tasks prescribed by the law.

CONCLUSION

Commissioner for Children and Commissioner for persons with disabilities can be included among controlling law protection authorities. Their basic role is to protect the individual rights of specific social groups - children and persons with disabilities. It is a specialized protection of the rights that does not replace the work of the Public Defender of Rights. On the contrary, the commissioners operate beside the Public Defender of Rights, which results in better monitoring of observance of rights of certain socially vulnerable groups of people. Introduction of the institution of Commissioners may be assessed on the one hand as a positive step. On the other hand, however, it can be added that only the future will show real results of their activities.

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SELECTED (DE)FORMATIONS OF PROPORTIONAL REPRESENTATION ELECTORAL SYSTEM USED IN THE SLOVAK REPUBLIC¹

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Abstract

This paper deals with a party list system as a subcategory of proportional representation used in the Slovak republic to elect the members of the National Council of the Slovak republic and the European Parliament. The aim of this paper is to characterize selected factors contributing to various forms of deformations, focusing on the ones that limit citizens' chances to stand for election as well as those that determine their electoral behaviour and the potential representation of their political opinions. These include the specific limitations placed on the registration of party list from voter's point of view and of course political party, preference votes, electoral threshold and the inability of voters to express their second choice, in case the party of their first choice fails to cross the election threshold.

KEY WORDS: Proportional representation, election, electoral system, electoral behaviour, National Council of the Slovak republic

INTRODUCTION

Late 1980s and early 1990s were a crucial turning point in the history of not only Central Europe. It was in this period of time that countries previously ruled by totalitarian regimes started embarking upon the journey of democratic transformation. In Czechoslovakia, the foundations of this process were laid by both communist and non-communist political leaders. The shape of the individual attributes of the new political system was one of the major dilemmas of the time (meaning both the years prior to and immediately after the split of the Czechoslovak Republic and the creation of two new independent countries – the Czech Republic and the Slovak Republic). These attributes included the electoral system that would be used for elections at all levels³. It was essential that the

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³ Election procedures/rules at all levels of political representation have changed significantly. Renewed local administration after 1990 is closely connected with direct election of mayor (first past the post system) but also with municipal parliament (semi-proportional systems). Formation of the second level of regional administration created more elected bodies - president of regional

system, once selected, be given such a form that would facilitate the integration of active and passive suffrage with only such electoral qualification that are acceptable in a democratic country.⁴ The electoral system finally selected for the election of the members of the national parliament (the National Council of the Slovak Republic) would prove to have a profound influence on the emerging party system. As M. Gbúrová (2006) states, the newly created democratic government consciously aspired to build on the tradition of the first Czechoslovak republic, including the party system and the creation of political elite and political culture after 1989. Given the circumstances, she notes, it was reasonable to expect that multiple problems would arise from the re-emergence of negative historical, political and ideological sentiments.

In the spirit of the mentioned tradition, proportional representation was selected in 1990 by the legislators. Like other existing electoral systems, it is not perfect and its practical application creates certain (de)formations which may, ultimately, have an impact on the election results.⁵ Therefore, the main aim of the paper is to characterize selected (de)formation aspects of proportional representation as applied in Slovakia for the election of the members of the National Council of the Slovak republic and the European Parliament. We focus on those aspects that pose limitations to potential candidates (rules governing the registration of party list as well as the deposit requirement) or that determine the electoral behaviour of citizens and the representation of their opinions (the entire country being a single electoral constituency, the option of preference votes, electoral threshold and the inability of voters to express their second choice). We do not pay closer attention to those attributes that are determined by the mathematical characteristics of the given electoral system.

1 SELECTED DEFORMITIES OF THE ELECTORAL SYSTEM IN SLOVAKIA

Any electoral system that seeks to fill a pre-determined number of seats inevitably creates certain deformities. In case of party list system that is used in Slovakia to elect the members of the National Council and the European Parliament, R. Chytilék (2009) identifies the following four factors as decisive self-governing region and regional parliament (see also: Brix, Švikruha, 2013). It created suitable conditions for wider participation of citizens in solution of the problems not only on the national level. (see also: Imrovič, 2016)

⁴O. Krejčí (1994) mentions four types of electoral qualification, which are accepted by democratic theory: citizenship qualification, residence qualification, age qualification, legal capacity qualification and past criminal convictions.

⁵For more on the individual characteristics of electoral systems, see Chytilék et. al., 2009, Norris, 1997, Horváth, 2004.

in determining the nature of this electoral system: district magnitude, electoral formula, electoral threshold as well as levels of electoral districts play a role in the process of the distribution of seats. We believe, however, that this list of variables does not cover all the relevant aspects. Other factors should be taken into consideration as well, including the principles governing the registration of party lists, number of multi-member constituencies, the legal limits of preference votes and the inability to express more than the first choice. Since this analysis does not include mathematical aspects, we will not address the methods applied in the process of converting the votes to actual parliamentary seats. Similarly, we do not address the issue of levels of districts since current Slovak legislation only recognises a single level.

The dominant position of political parties in the Slovak political system (further reinforced by electoral legislation) is, we believe, a major (de)formation aspect of current Slovak proportional representation system. This is closely related to party lists and rules that apply to their registration. According to current Slovak legislation, a candidate can only stand for election if placed on a party list of a registered political party, established in accordance with law.⁶ In case of parliamentary elections, in compliance with Section 50, Paragraph 1 of the *Act No. 180/2014 Coll. on the Conditions of the Right to Vote*, “a party list can be submitted by any political party which is registered pursuant to a separate law”. The conditions for the European Parliament elections are stipulated by Section 80, Paragraph 1 of the same law. We believe that such a condition in fact constitutes a specific type of electoral qualification, one which limits citizens’ right to stand for election by making it directly dependent on cooperation with a political party. Thus, since the decision to place a candidate on a party list rests solely with political parties, their role in the society grows. As a result, potential candidates for a mandate in parliament focus primarily on the party’s interests of a subject that placed them on a candidate list, inevitably relegating the interests of their constituents to the secondary position. The loyalty of the candidates elected according to this system is also debatable in the light of the continuously increasing number of independent members of national parliament. Especially in case those individuals who did not win their seats through a system of preference votes, but solely as a result of being placed in an ‘electable’ position on the party list. (see also: Popper, 1998)

Another factor that can be seen as a constraint to passive suffrage is the so called deposit. The sums for the National Council and the European Parliament elections are not identical. In order to take part in parliamentary elections, a party is required by law to pay a sum of €17.000. In case of the European Parliament

⁶ The requirements for the registration of political parties in Slovakia are specified by *Act No. 85/2005 Coll. on Political Parties and Political Movements*.

elections, the deposit is 10 times lower (€1.700). (Act No. 180/2014 Coll, §50 (4), §80 (4)) Such a measure is certainly understandable as a precaution against a large number of small parties taking part in the elections. In this sense, the deposit reduces the likelihood of excessive fragmentation of the legislature or, due to the existence of the electoral threshold, of a large number of votes being 'lost'. On the other hand, however, we believe that the deposit at the same time discriminates against political parties that are financially less well-off, thus strengthening the role that the availability of financial resources plays in the electoral process.

Assuming that we accept the premise that it is desirable to avoid fragmentation and the loss of votes, we suggest that the 'membership' clause be considered as a more viable option. This measure had in fact been used before (under Act No. 80/1990 Coll.), until new legislation went into effect in 2004 (Act No. 333/2004 Coll.). According to this principle, a political party was required to have at least 10,000 individual members. Failing that, parties were allowed to submit petitions with each valid signature counting as one party member. (Act No. 80/1990 Coll., §17 (1)) A similar measure is still in force for independent candidates standing for regional (Act No. 180/2014 Coll., §139 (9)) and municipal elections (Act No. 180/2014 Coll., §171 (9)), which mandates them to present a so-called separate document proving that a certain number of citizens required by law support their candidacy. We believe that the 'membership' condition has the potential to be more reflective of voters' support and less controversial in terms of excluding a large portion of the society from standing for election due to lack of funds.

Table 1 contains the data covering the period since the establishment of the Slovak Republic, and is split into two parts according to whether it was the 'membership' clause (until 2002) or the deposit requirement that applied (since 2006). However, we argue that the real impact of the 10,000 membership requirement is distorted by other factors that played a significant role in shaping the party system in the 1990s. In addition to the process of democratisation itself and the creation of political parties, one should not forget to take into consideration the amendment of the electoral law shortly before the 1998 elections done for the sole purpose of weakening the opposition and limiting their potential to win votes.⁷ Finally, it was the overall political atmosphere of the time, marked by dominant political conflicts, centred particularly around the emerging partocracy on one side and its rejection on the other⁸, which had

⁷ This amendment led to the formation of two influential political subjects. The so-called blue collation of five political parties (KDH, DS, DÚ, SDSS, SZS) led by *M. Dzurinda* and SMK, which also consisted of several political parties, led by *B. Bugár*.

⁸ The conflict between those in favour and against partocracy has been present in the Slovak society from the beginning of its democratic transformation in 1989. The rejection of the contemporary

a profound influence on the number of parties participating in parliamentary elections.

Table 1: The number of political parties standing for election to the National Council of Slovak republic and the number of parties that failed to cross the election threshold since 1993.

	1994	1998	2002	2006	2010	2012	2016
Number of parties participating in the elections	18	17	26	21	18	26	23
Number of parties that did not cross the threshold	11	11	19	15	12	20	15

Source: Based on the data compiled by the Statistical Office of the Slovak Republic

Another category of factors that this study explores are those that determine the electoral behaviour of citizens and the representation of their opinions. Here, preferential voting is especially important in our view, since its features directly influence the extent to which voters can influence the composition of the national parliament. There are three types of party lists. A closed list does not allow voters any space for changing the ranking of candidates, which is therefore fully in the hands of the political party. In a system that uses a relatively closed party list, on the other hand, voters are given tools to alter the ranking of candidates but only to a certain degree. Finally, an open list enables voters to make more extensive alterations and, consequently, exercise greater control over the composition of the legislature. (Klíma, 1998)

The National Council and European Parliament elections (in case of Slovak Republic) operate upon the principle of relatively closed party lists with preference votes only being taken into consideration in case of those candidates who manage to win at least 3% of the total number of votes cast for their political party. Each voter is allowed to give preference votes to four candidates in case of the National Council elections and two in the European Parliament elections.

party politics and the role of political parties in the society is often accompanied by emphasising their shortcomings and calls for new people, not burdened by ‘party history’, to replace current politicians. The growing number of independent MPs on regional and municipal level and regular emergence of new political parties on national level are two of the most typical symptoms of this tendency.

(Act No. 180/2014 Coll., § 68 (5), § 87 (6)) Current electoral law therefore makes provisions for candidates who won less preference votes to be elected than those who were more successful in this respect, which further reinforces the already mentioned shifting of candidates' focus to meeting the interests of the party, for it is the party that has the power to place them on such position on the party list enabling their election to the parliament. We therefore believe that removing the 3% clause would, even within the proportional representation system, create favourable conditions for voters to be more involved in the selection of the candidates and, consequently strengthen the relationship between voters and candidates alongside the ties between candidates and their parties as well as voters and parties.

Table 2 illustrates a specific situation (from the 2016 National Council election) in which, as a result of the rules that currently limit the impact of preferential voting, candidates were elected despite winning less support than their colleagues. *P. Pamula*, for instance, was number 12 on the SNS (Slovak National Party) party list. His party won 15 seats and since this candidate came 13th as a result of preference voting, he managed to get elected. Other candidates from the same party list, however, were considerably more successful in winning preference votes. *K. Konárik* was given twice as many preference votes as *P. Pamula*, however, since it still did not amount to the required 3% of the total votes cast for SNS, he was relegated to the position of an alternate MP. While the actual final standing of the candidates after the election is captured in the first column of the table 2, we propose a model situation (the third column of the table 2) in which the above-mentioned clause is not applied and *K. Konárik*, *J. Regec* as well as *S. Kupka*, who came 29th according to the currently applied rules, would be elected, unlike *S. Kmec*, *T. Bernaták* and *P. Pamula* (who would come 22th).

Table 2: Preferential voting – a case of the SNS party list in the 2016 elections.

Ranking after preferential voting	Party list ranking	Ranking without applying of the 3% clause	Candidate's name and surname	Number of preference votes	Percentage of preference votes
1	1	1	Andrej Danko	126 141	55,96
2	2	2	Jaroslav Paška	36 456	16,17
3	3	3	Eva Smolíková	21 600	9,58
4	4	4	Anton Hrnko	19 251	8,54
5	5	5	Štefan Zelník	13 475	5,97
6	20	6	Dušan Tittel	8 291	3,67
7	23	7	Karol Farkašovský	7 724	3,42
8	9	8	Jaroslav Ridoško	7 579	3,36
9	7	16 ↓	Stanislav Kmec	3 475	1,54
10	8	9 ↑	Rudolf Urbanovič	6 136	2,72
11	10	11	Magdaléna Kuciaňová	5 737	2,54
12	11	18 ↓	Tibor Bernaťák	3 159	1,40
13	12	22 ↓	Peter Pamula	2 955	1,31
14	13	13 ↑	Radovan Baláž	4 878	2,16
15	14	12 ↑	Eva Antošová	5 583	2,47
16	15	17 ↓	Tibor Jančula	3 211	1,42
17	16	14 ↑	Jaroslav Regec	4 548	2,01
18	17	19 ↓	Juraj Soboňa	2 326	1,03
19	18	10 ↑	Karol Konárik	5 927	2,63
...
29	30	15 ↑	Slavomír Kupka	4278	1,89

Source: Based on the data compiled by the Statistical Office of the Slovak Republic

Another problematic aspect of party list system and its ability to represent various groups of voters is the existence of a single multi-member district, created by an amendment to an already existing law by *V. Mečiar*'s administration shortly before the 1998 elections. *Act No. 80/1990 Coll. on elections to the Slovak National Council* originally divided Slovakia into four electoral districts: Western Slovakia, Central Slovakia, Eastern Slovakia and the City of Bratislava. However, this law was amended in 1998 by *Act No. 187/1998 Coll.*, creating a single electoral district. This situation has remained unchanged to this day despite new electoral law having been adopted in 2004 and 2014 and despite initial willingness of the post-1998 administration to repeal this provision.

The existence of a single electoral district can be considered from two perspectives. On one hand, we should consider its ability to reflect the plurality of opinions in the society. The proportionality of the legislative assembly can therefore be expected to increase with the decreasing number of electoral districts and, consequently, a single district should be able to minimize the discrepancies between the number of votes political parties won in the elections and the number of seats allocated to them.⁹

On the other hand, however, this system inevitably calls into question the representation of individual regions due to the tendency of the government as well as political parties towards the centralisation of power at the expense of the regions. Inevitably, this affects the composition of party lists and paves the way for small parties that have no regional roots. The regions themselves are left underrepresented at the national level, since the composition of party list is decided upon by political parties, which are under no obligation to take regional representation into consideration. As a result of this tendency towards centralisation, parties pay little attention to 'raising' regional politicians, to the disadvantage of the voters in the parliamentary as well as regional and municipal elections.

⁹For more on the size of electoral districts and proportionality, see: Chytilék et. al., 2009.

Table 3: The distribution by residence of the candidates in the 2016 elections into the National Council from the top 20 position on each of the elected parties' electoral lists.

Political parties / District	SMEK-SD	SaS	SNS	MOST-HÍD	IS-NS	SBK-NR	#SIEĽ	OLANO-NOVA	Total
Bratislava Region	6/1	9/5	3/3	4/2	1/2	7/6	3/3	3/5	36/28
Trnava Region	-	0/2	2/0	3/4	2/0	0/1	2/0	1/0	10/7
Trenčín Region	0/1	0/1	1/0	-	0/3	-	1/1	-	2/6
Nitra Region	1/3	-	1/2	1/1	2/0	2/1	0/1	-	7/8
Banská Bystrica Region	1/2	1/1	0/2	1/2	3/2	-	-	2/0	8/9
Žilina Region	0/1	0/1	3/1	-	1/0	0/1	2/1	1/2	7/7
Prešov Region	0/2	-	0/1	0/1	0/3	1/1	0/3	1/2	2/13
Košice Region	2/0	-	0/1	1/0	1/0	-	2/1	2/1	8/3

Source: Based on the data compiled by the Statistical Office of the Slovak Republic

Table 3 reflects the permanent residence of the candidates from the party lists of those parties that won seats in the 2016 parliamentary elections. We focus on the top 20 positions on each of the party lists, as these can be considered the most lucrative ones, giving candidates a good chance of being elected even without a sufficient number of preference votes. The above mentioned centralisation is clearly visible, with three times as many candidates with permanent residence in the Bratislava Region, which has the fourth largest number of eligible voters in Slovakia¹⁰, as there are candidates residing in the region of Trnava which has twice as many voters. Moreover, the number of candidates from the three largest regions combined is smaller than from the Bratislava Region (36:17 in positions 1-10 and 28:24 in positions 11-20 on the party lists).

The last of the deforming factors we would like to discuss is the election threshold, combined with voters not being given the opportunity to express their second choice. The threshold itself is an important measure preventing of a large number of political parties from winning seats in the parliament and the ensuing excessive fragmentation. This system, however, also causes some votes to be 'lost', whenever they are cast for parties that fail to cross the threshold and win any seats. These votes are then not reflected in the composition of the parliament. Table 4 shows the percentage of such unrepresented votes in the National Council elections. The percentage changes depending on the number of parties that participated in the elections and on the level of dissatisfaction with the policies of relevant political parties.

If, in such a context, voters are only allowed to express their first choice, the impact, perhaps mostly psychological, of the threshold is further enhanced. The availability of opinion polls in the media in the months and weeks leading to the elections may influence voters' decision, should the party of their first choice not appear strong enough to be elected. Consequently, they opt for a vote that is based more on strategic thinking and less on their sincere convictions, as a result of which the composition of the legislature cannot realistically reflect the variety of opinions in the society.

¹⁰ Slovak Regions ordered by the number of eligible voters: Košice (627 793), Prešov (624 452), Nitra (572 262), Bratislava (564 190), Žilina (563 592), Banská Bystrica (521 742), Trenčín (487 648) and Trnava (463 881). (Súhrnné výsledky hlasovania podľa územného členenia, 2016)

Table 4: The percentage of votes cast for political parties that failed to cross the election threshold in the 1993 parliamentary elections.

	1994	1998	2002	2006	2010	2012	2016
Number of parties that did not cross the threshold	11	11	19	15	12	20	15
Percentage of 'lost votes'	13,06	5,81	18,21	12	15,84	19,22	13,10

Source: Based on the data compiled by the Statistical Office of the Slovak Republic

CONCLUSION

Any electoral system has consequences that help to shape not only the behaviour of voters and, of course politicians but, to a certain degree, the very nature of political system. This paper has focused on the selected characteristics of proportional representation system, applied in Slovakia for the National Council of Slovak republic as well as the European Parliament elections. There are, we believe, several (de)forming features, including the restrictions placed on the registration of party lists, which limit individuals' right to stand for election by making cooperation with one of the registered political parties obligatory, and the existence of a deposit, which requires sufficient funding. Moreover, we argue that the electoral behaviour¹¹ as well as the potential for opinions of voters to be adequately represented is largely determined on one hand by the entire country being a single electoral district and by the limited impact of preference votes on the other. While the former prevents regions from having a more decisive say on national level and leaves disproportionate influence in the hands of the Capital, the latter system, combined with the lack of second choice for the voters, enables even unpopular candidates to be elected solely due to more advantageous ranking on their party lists. All these factors, we may conclude, eventually result in the election of a parliament that can never truly reflect the opinions of the voters, since they are more motivated to opt for a strategic vote, largely under the influence of opinion polls.

¹¹ For more about electoral behaviour and other factors that influence it see: Bzdilová, 2010.

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IS CONTEMPORARY POSITION OF REGIONAL SELF-GOVERNMENT IN SLOVAKIA (IN)CONVENIENT

Martin Švikruha¹

Abstract

Regional government, which creates the middle level of territorial self-government is located between the local and state level. It is the subject of interest of many experts in various social science field since its establishment. The polemics about the meaning of the regional self-government exists already since its creation. One of the main intentions during its conception was a formation of the harmonizing, activating and cooperative base for entities in region, which should lead to more efficient progress of the entire managed region. Does it fill the current system of regional autonomy in Slovakia, wheter in terms of a spatial dislocation, institutionalization, competence amenities or possibillies of real decision making declared when it was established? More than fifteen years of functioning of the higher territorial units revealed the current state of the regional level of the local government in Slovakia with all the advantages and disadvantages. The aim of this paper is to present possible alternatives to the development of this segment of public administration.

KEY WORDS: regional self-government, growth, perspective, public administration, region

INTRODUCTION

In this season, the regional self-government in Slovakia has started the fifteenth year of its existence. Enough time elapsed so we can assess how far this important component of the public administration has reached its potential which has been highlighted a lot during its formation. At the same time, it is consequently desirable to ask the following questions: Is regional autonomy a major factor in public administration in Slovakia? Is it able to fulfill the main tasks that have been defined in the process of its own configuration? What is the future of regional self-government in Slovakia? An important part of answering this consideration is to evaluate its current state.

After the elimination of the Communist regime in 1989 and the necessary political and economic changes, efforts to change the organization of public administration began to emerge. Initial implementation of these intentions took place in the course of 1990². Reforms made through first laws predetermined

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² This year, it was decided to revitalize local self-government, to separate state administration

the direction of the development of the new organization of the state towards decentralization. Several reforms in public administration gradually followed, in particular, the modification of the territorial organization of the state administration in 1996³ was important for the future territorial division of regional self-government. We cannot talk about decentralization, but only about the deconcentration of power, within the procedures that have been carried out during this period.

The first voices calling for the need to create a regional level of territorial self-government³ are emerging in a short period after the formation of Slovak Republic. This self-governing degree was well founded in the historical development of Slovakia, since in the Middle Ages it was possible to observe the tendencies leading to the establishment of dual administration, which influenced the future territorial organization of our country (Horváth-Mikuš, 2016). The absence of regional self-government in the early years of the existence of an independent Slovakia caused the prevention of rational division of functions, while at the same time preventing the subsidiarity principle from being grounded in the area of adaptation of territorial system against existing European standards. Notwithstanding the awareness of the need to transfer responsibilities from the state administration to the territorial self-government, no government, in the first years after the establishment of an independent Slovak state, has established a second level of territorial self-government.

For implementation of the decentralization of the public administration and the related conception of regional self-government in Slovak conditions the elections in 1998 became crucial, as we can talk about the deconcentration of power within the framework of the public administration within the frame of meantime held processes. The new government coalition declared the effort to reform public administration as an assumption for the economic and political stabilization of the state. The approval of the government's program statement decisively influenced the nature of the measures adopted, which were mainly

from self-government and to abolish regional authorities. Thus, in the territorial organization of the state, 4 regions were abolished and the correct arrangement was manifested by the existence of 38 districts and 121 district offices. Local state administration was also carried out by the state and by various specialized state administrations bodies operating in defined administrative units (Búšik - Berčík - Berčíková, 2005).

³ Laws were adopted (Act of the National Council of the SR on the Territorial and Administrative Arrangement of the Slovak Republic No. 221/1996 Coll., And the Act of the National Council of the SR on the Organization of Local State Administration No. 222/1996 Coll.) according to which the territory of the Slovak Republic was divided into regions, districts, municipalities and military districts. A model of 8 counties and 79 district offices was established. By introducing the regional structure of state administration, a transitional model with 121 districts was abolished (Búšik - Berčík - Berčíková, 2005).

related to the model of the territorial-administrative division, with financial security of the self-government, with transfer of the competence from the state administration to the self-government or the way of the constitution of the regional self-government bodies. On an institutional level, the self-governing system was finally completed in 2001 by the adoption of Act No. 302/2001 Coll. about the self-government of higher territorial units (Mesežnikov - Nižňanský, 2002) and on January 1, 2002, a second level of territorial self-government within the boundaries of administrative regions was finally established, which was given the name of higher territorial units or self-governing regions.

Regional self-government has become an irreplaceable element of public administration and an important part of the society's organization as it fulfills a number of fundamental tasks. Its essence lies in the fact that powers in the public sphere should be delegated to the level of public administration where they will be exercised as effectively as possible. That is, from the hands of the central government to the competence of the self-governing bodies. Šelešovský and Pavlík (2012) state that regional self-government is responsible for providing a large number of public services, managing the organization and branches of the public sectors that it justifies, establishes, manages or coordinates in order to create presumptions for the socio-economic development of the region. In order to fulfill the above tasks, it is necessary to have a sufficient level of competence and at the same time to have adequate financial means.

1 PROBLEMS LIMITING THE REGIONAL LEVEL OF TERRITORIAL OF SELF-GOVERNMENT IN SLOVAKIA

Slovakia is a state characterized by geographical diversity, for which the economic, religious and ethnic disparities of the individual regions⁴ are characteristic. In order to develop regions with the principles of regional policy, regional self-government was created. Its function is to fulfill the tasks of the territorial self-government for which it has the specified competencies. As it is apparent from the context of the law, it imposes on the self-governing region responsibility for universal regional development. The self-governing region should also be a decisive regional policy element. Therefore, when defining it, it is appropriate to respect the standard criteria of economic regionalization in the form of homogeneity, economic and social integrity of the territory. Despite the objective determination of regional self-government as a key factor in the prosperity of the region, it is essential to recognize limitations which limit its

⁴ During year 1992, a draft model, in which 16 territorial units were supposed to be created, was drawn up (Nižňanský, 2005). The proposal should reflect historical factors, natural conditions and the modality of the regions.

performance. From the point of view of regional self-government, the following areas can be included as “problematic”:

1.1 Inadequate competence and financial capacity of self-governing regions

Since their formation, due to decentralization to self-governing regions competences have been assumed to occur more effective and, in particular, more versatile development of the regional level of self-government than it would be in the case if the competencies remained in the hands of central government or local self-government. In this context Šteiner adds that “not only the activity and internal regulation of the functioning of self-governments, but especially the basic framework and conditions in which the VÚC are currently operating, are unsatisfactory” (Žoldošová, 2010, p. 8). The legislative framework entails higher territorial responsibilities, in particular to ensure the overall development of their territory and the needs of their populations, and to ensure the development program as well as its fulfillment, which implies that higher territorial units should fulfill the role of a decisive factor in the rise of their territory and they would to a large extent affect the quality and speed of regional development in Slovakia. Due to the fulfillment of these criteria, financial options are crucial, which should be sufficient to fulfill their mission. The main income of regional self-government is currently made by share of personal income taxes, with the tax on motor vehicles being taken over by the self-governing region in early 2015. Regional self-government has a minimal share of all spending, which makes it clear that the financial strength of regional self-government is too small. (Šteiner - Kozlayová, 2010) Around one and a half billion Euros are flowing annually to the higher territorial units, which accounts for about five percent of the total public spending (Žoldošová, 2010). These resources are used exclusively to finance legal requirements in the fields of culture, transport, secondary education, and these entities remain as small as possible for developmental regional activities.

Problem in the case of self-governing regions is also a considerable amount of space devoted to certain issues that could be addressed at a different level, thus creating space for greater attention to the fulfillment of the key mission of higher territorial units in the form of all-round regional development. Being a decisive factor in the area of prosperity of the regions, which should be the main mission of self-governing regions, make some of their powers impossible for higher territorial units. Their transfer to other public authorities would increase the efficiency of the performance of higher territorial units. On the other hand, self-governing regions do not have the competencies they need in order to carry out their main mission. These competences, which should fall within the sphere

of regional self-government, include a stronger share of decision-making on the redistribution of additional EU resources, strengthening of the coordinating role in the VÚC in territorial development towards municipalities, or co-decision on regional transport and employment policy (Šteiner-Kozlayová, 2010).

1.2 Low quality and poorly functioning legislative environment

Act no. 539/2008 Coll. about the support of regional development defines as the main objective the support of regional development, which includes the elimination of undesirable disparities in the level of economic, social and territorial development of the regions, the increase of the economic performance and competitiveness of the regions, the increase of employment and the living standards of the inhabitants. We can say that this law is inadequate in terms of strengthening regional self-government. Although the law requires the self-governing region to be responsible for all-round regional development, but as a consequence of its context, it reduces it only to the duty of the statutory competences and does not create sufficient conditions for the qualitative growth of individual regions.

1.3 Defaults in the decision-making process

The quality of decision-making at the level of regional self-government can be labeled as at least controversial. Decisions at the level of regional councils have a rather operative character of a concrete solution, not a policy that creates a conceptual framework for solutions, which means that at the expense of conceptual planning of the region's development strategy for the future is preferable the current solutions in the short-term horizon. Only in a minimal number of cases can it be determined, to what regional problem the solution was addressed and adopted. At the same time, the regional challenges are identified exclusively during the preparation of the economic and strategic development of the region, while these processes are formalized (Šteiner - Kozlayová, 2010).

As one of the fundamental problems closely related to the setting of the legislative framework, we can point to the fact that the various stages of the decision-making process in the area of regional self-government, especially in the case of the prosperity of the region, are carried out in a partial and non-exhaustive way, which means that at this level there is no systematization of these processes. Since the interdependence between individual factors, whether representatives of a lower level of self-government (local) or qualified institutions involved in regional governance, is not at the required level, even in many cases it totally

absent, the management procedure is perceived as the exclusive competence of the legislature at the level of self-governing regions. This is of less relevance because participation in management processes involves the removal of other significant factors in the form of representatives of self-government, state administration or the professional public. Also, on the basis of these deficiencies found at the level of regional self-government, it can be assumed that relatively unclearly defined legislative rules governing the performance of regional self-government significantly contribute to the weak position of the main factors of regional self-government in Slovakia - higher territorial units, in their mission to fulfill their primary competency - overall development of its territory.

1.4 Low degree of influence of regional self-government on the “management” of regional development

Can regional government be identified as a key player in the development of its territory today? The regional self-government in relation to the development of the region acts as an administrator who manages the territory and its development as an administrative administrator of the region and as a regional manager responsible for the preparation and implementation of development plans (Cibáková - Malý, 2013). From a global point of view, it can be argued that its role is to act as a land manager, because regional governance is a process of coordination of different activities and interests of public and private institutions. However, the often-observable problem in practice is the absence of intensive cooperation between the local and regional level of territorial self-government and other factors, which means that local development programs often do not respect regional level programs and therefore the inter-communality between the two components of the local government is not as it is required. In the end, this means that cooperation between higher territorial units and other factors (cities, municipalities, private institutions, etc.) is at a very low level, or it can be said that it exists only in exceptional cases. This deficiency therefore manifests itself in the area of the formation and use of different cooperation instruments, when this category also includes forms of cooperation with other active factors involved in regional development.

The calculation of these deficiencies of regional self-government is not final, as there are still many problems limiting the present state of regional self-government in Slovakia and due to the extent of the article it is not possible to completely detach them. By defining these critical areas of regional self-government, we have tried to point to the need to reflect on the further direction of this part of the public administration, as the current situation is inadequate. At

the same time, we believe that the ideas for the formation of the regional level of territorial self-government have been fulfilled only partially, and it can be said that until now, “in these set barriers” the regional authorities did not fulfill the purpose of the project. As a result, it is in place to consider reforming this level of territorial self-government with the intention of its functionality.

2 PERSPECTIVES OF POSSIBLE DEVELOPMENT OF REGIONAL SELF-GOVERNMENT IN SLOVAKIA

In 2017, Slovakia will hold next elections into the bodies of self-governing regions. In this context, the issue of the importance of regional self-government and its possible changes appears regularly on the political scene. Experts in the field of public administration or other societal disciplines dealing with this issue mostly focus on adjusting the number of self-governing regions. However, we believe that this problem needs to be seen much more complex and it is much more necessary to consider changing the overall system on which the regional self-government in Slovakia currently operates. So, what are the possibilities for the development of regional self-government in Slovakia from the perspective of the future? Let us outline several options that could lead to optimization of the system of regional self-government in the conditions of the Slovak Republic.

2.1 Preservation of the current state

This option would be an adjustment of competencies and funding (strengthening of the original competences of regional self-government, especially in the field of development of the managed territory and, on the other hand, elimination of the transferred competences). Since it is a follow-up process, it is necessary to link the following three procedures - transfer of competences, transfer of finances (availability of resources) and transfer of political responsibility that are interconnected. Fulfilling this scenario would be beneficial because the principle of subsidiarity has not yet been fully met, as the central government's impact is still visible at regional level through competences and finances (shared tasks - education, social affairs ...). At the same time, one of the advantages of this step would be not only to improve the performance of public administration but also to make citizens more aware of who is responsible for what.

2.2 Focus on sectoral policy at regional level, following the pattern of the Nordic countries (e.g. Sweden or Denmark)

This alternative would represent the focus of regional self-government on certain selected competences, which it would pursue in its entirety. The current situation in the area of regional self-government competencies is not clear. It is characterized by a large number of duplications within the scope, which not only impedes public administration for the citizen, but also greatly increases the cost of administration, complicates and makes the legislation more complicated, fulfills the law enforcement, does not require high professionalism of employees and their comprehensive understanding of problems and it also creates conditions for corruption and clientelism. As a result, we believe that an increase in the functionality of self-governing regions could be achieved by getting inspired by so called Nordic model, where the focus on regional self-government units on sectoral policy applies. However, we add that the adaptation of regional self-government competences to the pattern of selected Nordic countries (e.g. Sweden⁵) also makes the implementation of the reform even at local level, as some of the „unnecessary“ competencies should be transferred from the regional level, in activity of which would just some areas stay and where they would increase their competency and financial reach.

2.3 Downfall of regional self-government

This option would be considered provided if the consolidation of the general structure in Slovakia (consolidation reform of municipalities) would be achieved, which would entail the transfer of competences to big and strong consolidated municipalities, thereby regional self-government would lose its significance - the provider of the tasks of general character, that is, tasks that are not in the current situation capable to be provided by municipalities. There are a number of foreign examples where there is no regional level within the EU public administration system (e.g. Slovenia or the Baltic States), while local self-government units fulfill the tasks of local self-government.

⁵ The most important role of regional self-government units in Sweden is the provision of health care and support of public transport. In the area of public transport, they become accustomed to exercise the competencies of implementing the regions in cooperation with the municipalities. The performance of these competencies is carried out either by means of transport companies with the ownership of municipalities and regions, or by a private carrier. However, most regions prefer the possibility of setting up common transport companies with municipalities. These two areas are obligatory and must be provided by each county. However, the most significant part of the funds from the regional budgets goes mainly to health care. In addition to obligatory competencies, regions can also exercise competences on a voluntary basis.

CONCLUSION

The debate on regional self-government, as we have said, is continually in the spotlight, but most of the time before the election of the regional authorities, affecting in particular the number of self-governing regions, less of the complexity of this unit of territorial self-government. Sloboda (2014), in this respect, states that it has not yet happened that any of the current electoral periods of self-governing regions have not been re-emerged (and consequently have fallen) a debate about their numbers (and in last period also about its means). This is not surprising, as the eight regions that almost nobody wanted (with the exception of the political parties that voted in parliament for them in 2001) had an uncertain future already recorded. Under Slovak conditions, the public is not aware of the regional level of territorial self-government, and this phenomenon can be monitored particularly in elections to its bodies⁷. It is through this election that citizens, not only in this form, find their position on the eligibility of regional self-government. It is therefore necessary to address the current situation in this area of public administration in Slovakia and to seek solutions aimed at optimizing regional self-government and increasing awareness in the eyes of citizens. Otherwise, the existence of regional self-government comes as a unit to serve the citizens for their essence.

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YOUTH POLICY IN SLOVAKIA

Michal Imrovič¹

Abstract

The aim of this article is show the current state of youth policy in Slovakia. National youth policy and local self-governments youth policy are developing in the spirit of democracy and the dimension helps develop young people's personalities and ensure its healthy development in a stable environment. Youth policy should be directed to young people, it has become a natural part of its.

KEY WORDS: Youth, Policy, State, Citizen, Self-government

INTRODUCTION

One of the activities and tasks of the state government is to cultivate and provide conditions for its citizens. Village, town is the closest to the citizen and therefore has the best, most efficient and most rational absorb interests, attitudes and needs of these citizens, contrary to how it is at the central or national level. In the context of the reform of public administration e.g. state and local self-governments support role of youth policy at all levels. Citizens have different ages, and from our point of view we will focus on youth, young people who so often tend to be strongly criticized by the rest of the population especially adults. As we have already said that young people create of towns, villages, regions.

1 YOUTH AND YOUTH POLICY

Rather, as we focus our attention on youth policy we devote the conceptual definition of youth. The concept of youth is a sociological concept that allows to understand some part of young people as age-social group. This sociological group is characterized by *“general and specific bio-psychological, socio-economic and civil-political characteristics, interests and needs. Her social status in society is linked with its social role preparation and integration into a common structure, its reproduction and development.”* (Macháček, 2008, p.20)

As we mentioned the concept of youth we are associated in sociological understanding of how socio - demographic group, but also it is a psycho - developmental group, which is understood as a certain life stages of human. Youth is *“colorful and peculiar complex social and age groups, which in many*

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competitor of adults and that it as a whole confronted with their own needs and objective.” (Ondrejkoč, 2003) We can conclude that the presence of youth is affecting the social changes that give rise and determining a change in lifestyles. There are young people with typical features and characteristics specific interests and requirements and value systems of their own, which differ from other age groups. However, it is not the homogenous group of inhabitants of the city, the region, as its attitudes, interests and requirements depend primarily on young people belonging to a social group, and therefore are different. (Ondrejkoč, 2002)

Integral part of any self-government especially local self-government e.g. municipalities, towns are undoubtedly the citizens. If we divide people by age group we find that citizens and residents aged 15-26 (30) years. Citizens of this category can be described as youth. Age limit of youth begins 15 years of age and youth period ending 26 years of age. Of some professionals, the end of youth postponed to 30 years of life, including. In the Slovak Republic in accordance with the Law for Support of youth defines youths as *“a person who has reached the age of more than 30 years.”* (Zákon o podpore práce s mládežou, 2008, §2a) From the perspective of European youth policy, the young people have age between 13 and 30 years. (Council of Europe & European Commission Youth Research Partnership, 2004) Another international document refers to young people aged 15 to 25 years. (Biela kniha Európskej komisie, 2002) We can say that the age of the young people concerned with youth policy is between 15 and 30 years. We believe that at this age a young person is able to adequately think about things related to him and his peers and is appropriate for a young person full of expression, made their observations, interests.

Youth also referred to as young people, in our view occupy an important position in the management of affairs of the village, town. They have the right to express their views and opinions as well as other senior citizens. Town, city, region has to hear the views of young people, it has them create the conditions and enabling them to be able to carry out in cooperation with local authorities important tasks. This is important for the future prosperity and development of a town. It doesn't right if we look at young people as the citizens who do not have why to express their opinion. No need to see them as something “negative or horrible” to society. And then finally it comes to young people who in future take over the position and to manage the city, municipality or region. Will it is they whose decisions we take will decide on the most important issues and trends, not only governments but also companies.

“Young people see themselves as fully-fledged citizens with all their associated rights and obligations. Investing in youth means investing in wealth of our society,

not only today but also tomorrow.” (Biela kniha Európskej komisie, 2002, p.5) According to Imrovič it is desirable to empower young people began to slope in a positive way, as well as their opinions and ideas are to become part of important decision issues concerning not only their but all residents in the villages, city. It is very wrong to exclude them from this participation and move to the edge of society. On the contrary, it is desirable to teach them to be responsible, take responsibility for all the decisions, teach them to know what is considered suitable for government, beneficial, rational to make the city prosperous. From this point of view it is important to highlight a fact that non-participation of any social group in a political process creates conditions for omission of their opinion while executing the decisions made. The omission brings a wide range of consequences not only for groups involved, but also for the whole community. (See more: Bardovič, 2015).

According Macháček *“youth policy is trying not to look at young people only as a problem but as a resource development company. Through it solves the problems of multiculturalism meshed with enlargement of the European Union, its orientation to the acquisition of information technology responds to the challenges of globalization.*” (Macháček, 2006 s.20)

Youth policy is a policy dealing with the conception, development, implementation and influencing decisions that directly or indirectly affect the life of a young person. (Sobihardová, 2005) By participating in the activities of the state, the generation of young people classified in the process of modernization changes that push towards representative democracy to participatory democracy with more possibilities and demands for responsible involvement of citizens in shaping policy. (Ondrejkoč, 2003)

Another definition of youth policy tells us that *“youth policy is a specific policy that comprehensively addresses the problems faced by children and young people in various areas of your life.*” (Gregorová a kol., 2009)

Youth policy can be understood as meaning that it is a policy that should consistently combine self-government and young people in the preparation. Young people, as we have already mentioned, should be not only objects but also subjects that will directly create the policy, respectively assist in its creation. They have been given the opportunity to participate in its creation. In this context, it is interesting to note that the content of youth policy is also moving towards participation. Participation but can also be part of the process of preparation of youth policy. In other words, youth policy at the city level should include areas where young people can get involved. The starting point for youth policy are likely to be based on a young person to mature for a full and independent citizen. It becomes a full member of the community, the city of the region, in other words

the company, with all the rights and obligations as well. (Kolíková a kol., 2005)

1.1 The legislative framework for youth policy

The basic document in the Slovak Republic concerning youth policy is the Law no. 282/2008 Coll. Support youth work. This law succeeded almost twenty years' endeavor of legislative regulation of the area concerned. The adoption of the law on "youth" *"in content ensure better conditions for the formation of a young person as an active citizen who participates in the quality of your life."* (Macháček, Bošňáková, 2008, p.9) Law governed the basic concepts as a youth etc. It defines what the environment of youth, including those working with young people and youth bodies working at the state level, higher territorial units and municipalities and defines the area of work with young people. It also regulates the accreditation of educational institutions and programs in the field of non-formal youth education, youth work funding and the creation of youth work in municipalities and at self-governing regions.

Another document that should be mentioned in the context of youth policy is a document called Key areas and action plans of the state policy in relation to children and youth in the Slovak Republic for 2008 - 2013. The document defines priority areas and actions implemented by state authorities, municipal authorities and other bodies in various spheres of life of young people. The starting point for the elaboration of this document the experiences of the Concept of State Policy towards Children and Youth in 2007.

Important document for the promotion of youth is a document of financial support programs for children and youth activities for the years 2008 -2013. These are programs designed to ensure systematic, purposeful and effective support activities for children and young people outside formal education with financial support. Regarding financial support are focused on systematic and regular work with children and youth at the time outside of the classroom, the active use of free time to civic participation of children and youth in society, to volunteering for young people to information and counselling activities for youth continue to informal education of children and youth, a better knowledge of the situation of children and youth in the areas referred to using the youth research, education and voluntary and professional youth workers and youth leaders.

A new document is the strategy of the state policy towards youth in the Slovak Republic for the years 2014 -2020. Youth Strategy 2014 - 2020 defines the objectives, the main challenges and propose strategic objectives and measures to be attained States in cooperation with local government, non-governmental sector and other entities for young people. Special attention is given to youth

work, which is another tool to help and support young people. Draft strategy consists of eight areas: education, employment, volunteering, healthy lifestyles, social inclusion, participation, creativity and entrepreneurship, and in the field of youth and the world. Slovak Republic Strategy for Youth for the years 2014 - 2020, will replace the current document Key areas and action plans of the state policy towards children and youth for the period 2008 - 2013. The strategy is designed to ensure that duplicate the EU Strategy for Youth: Investing and Empowering, 2010 – 2018.

In the European context, the youth policy conducted in accordance with European documents. The important document is European Commission White Paper “A new impetus for European youth” (Whitepaper on Youth). The White Paper is the basic document of the European Union, which defines the objectives and direction of youth policy in the European Community. The document describes trends in the youth field from a European perspective. It addresses the key ideas, such as active citizenship for young people, developing independence, participation, information, voluntary service by young etc. It defines the process of OMC as a form of involving young people in decision-making in public affairs. It also provides an overview of European activities aimed at young people.

Recent documents on Youth Strategy is the European Union (EU), which bears the name of Investing and Empowering 2010 - 2018. Document was adopted on 27 November 2009 and significantly reviewing youth policy in the European Union. Newly defined youth policy objectives of the European Union are as follows: to create more opportunities for youth in education and employment; improving access and full participation of young people in society; Fostering mutual Solidarity between society and young people. Fields of action: education, employment, creativity and entrepreneurship, health and sport, participation, social inclusion, volunteering, youth and the world.

1.2 Youth policy at national level

Youth policy is implemented at the national level, the city level, the self-government region level and at European level. Youth policy in the Slovak Republic, learn and gradually apply modern principles of democratic European youth policy, it is a matter of fact positively affected. In line with the European youth policy “*State policy must be based on the conditions and aspirations of the target group and the policy objectives set by the relevant public authorities. State youth policy should reflect the tasks and obstacles young people face in their transition from childhood to adulthood, and it should be based on the policy objectives and guidelines adopted by the local city council, the national*

government or intergovernmental organization “ (Európsky rámec mládežníckej politiky, 2004, p.4)

State youth policy in Slovakia is being implemented in conjunction with a higher level which is the European dimension and the lower level to the government. In other words “idea” magical triangle “or” tripartite “in Slovakia is already a reality.” (Macháček, 2009) All of these levels are institutionally linked to each other and thus form a whole.

Fundamental motivating principles on which has become state policy towards youth and to facilitate its effective partnerships are the generations, solidarity and social justice, active and participatory citizenship and ensure social and economic integration. (Macháček, 2002)

Partnership generations lies in partnership and trusting relationship between young and elder generations parties (local authorities). It is essential that older generation fully respect young people together and act as co-actors, respect of youth policy, which focuses on preparing for life in a modern, open and constantly changing society.

The principle of solidarity and social justice focuses on the need to improve the social conditions of youth and understand the life chances as equal opportunities and at the same time to help socially weaker members of the younger generation.

Principles of active and participatory citizenship lies in the active participation of young people in social, political and economic development as a means of its own socialization. It is important that young people are also involved in various sectoral policies such as housing, non-formal education and not in active participation in leisure-time activities of young people.

The principle of ensuring social and economic integration is the need for the application of the young adults in economic and social life and the need to seek all possible ways that contribute to reducing problem behaviours in young people and also has the task unmask socially vulnerable youth. (Macháček, 2002)

For implementing the state policy towards youth it is necessary to define its objectives. For the baseline targets youth policy character. In youth work has been focusing on creating opportunities as search problems, thus contributing to the formation of cross-cultural, environmental, ethical, civic attitudes of young people and the improvement of their way of life. Acquire and respect the opinions, perceptions of young people, particularly in the formulation of youth policy strategies within the formulation and implementation of regional development concepts, accept and support their initiatives to enhance the environment and human relations at central and local levels. Another objective is to create conditions for education and learning experience within the formal as well as informal education, which will ultimately help young people be fully

applied in the labour market, and also in civil society. It also creates a system of monitoring the implementation of youth policy, e.g. creating the preconditions in the framework of sectoral policies and the effectiveness of the use of instruments of youth policy. (Gregorová, a kol., 2008)

Youth policy, given its specific focus on the young, can be classified into different areas. Basic areas in which youth policy is implemented awareness, participation, non-formal education, volunteering and social implications. There are areas used by the state policy in relation to young people.

The area of information directly related to the work with information. The role of this area of information and provision of information to young people about activities related to them, for them are useful and important. Versatile working with youth information covers all topics that interest young people, and therefore may include a wide range of activities. These include mainly consulting, partnership-building and networking, various seminars, training courses. Information and counselling for young people dedicated mostly youth information centres. The document, which is dedicated to information and information for young people is the European Youth Information Charter.

Other area of youth policy is participation. Participation means participation in, be involved a process. The content of the concept of participation of youth is youth participation in decision-making on public issues, about things that concern them. This is a measure of civic engagement and practical work experience. Youth participation is thus the involvement and participation of young people in the planning, make decision process and implementation of activities and projects related to public life. In other words, young people through participation become co-actors, as co. Documents supporting the area of youth participation is also, a newer edition is called the Revised European Charter on the participation of young people in towns and villages.

Non-formal learning complements formal education system (eg. School, etc.) and its training. It is based on a participative and learner and carried out voluntarily, with regard to the selection of the appropriate forms and methods of education.

Volunteering can be seen as unpaid, conscious activity that is carried out by choice, for the benefit of others. Volunteer respectively. volunteer is a person who without financial reward devote their time, their skills, knowledge, energy for the benefit of other people or companies. Youth volunteering is based on the principle no obligation, gratuity and informality. Volunteering is characteristic for serving public benefit company. (Gregorová, a kol., 2008)

Institutional provision of the state policy in relation to children and youth is ensured through:

1. the bodies of state and local self-governments,
2. other institutions established by the state, municipalities,
3. NGOs
4. funds, foundations, commercial organizations and private entrepreneurs.

State policy in relation to children and youth have made through self-administration measures on the level of regions and municipalities, which carry out the policy closest to children and youth. Thus applying the principle of subsidiarity. State creates a kind of partnership links with NGOs working with children and youth. In addition, the implementation of the state policy in relation to children and young people using the school facilities such as leisure centres, school activity centres, school clubs for children and others.

The state policy towards youth is realized and maintained through the tasks in the action plans and sets out the main areas of interest in which it is present. There are these areas:

- education,
- employment / business
- families,
- housing / transport
- youth participation in social and political life - participation,
- information and communications technology,
- mobility,
- environment / rural youth,
- free time of children and youth
- culture,
- health and healthy lifestyle.
- children and youth, socio-pathological phenomena and their prevention.

1.3 Youth policy at local level

Before we get to the actual youth policy at local level, it is necessary to recall how effective must be implemented. The efficiency is especially should assist and contribute to the decentralization of public administration, eg. transfer of competencies from state administration to self-government. In other words, an important attribute for the implementation of government youth policy is decentralization of public administration, which applies to the principle of subsidiarity. This means that any task to be carried out, to be as close as possible to the citizen, in this case to young people. Thus, the case shall be decided at the level where they emerge and as close as possible to the citizen.

The decentralization process is for young people an opportunity to increase the participation rate, as many public sector competencies in education, development and youth care are transferred to local and regional authorities. In other words, government should create conditions to enable young people, based on their expressions of interest to collaborate in running the government. It is therefore natural that the government should young people be viewed not only as customers but also as partners with which it can communicate and work together for the benefit of both parties and the community as a whole. It has perceived needs of young people just by being closest to them. Coordination of care for children and youth is one of the original jurisdiction of municipalities and regions. From the rules the law is clear that it can, and the sustainability of its operation also has to work in this field. It is the most efficient way to arrive at the fulfilment of the real nature of youth policy at the local level. (Kolíková, a kol., 2005)

Youth policy at the local level is regulated in key european documents which are the European Commission White Paper “A new impetus for European youth” (Whitepaper on Youth) and the European charter on the participation of young people in towns and villages in its revised form.

The starting point of the content of these documents, we can identify and basic pillars of youth policy at the local level and considered to agree with them. For basic pillars are the following:

- start-up and development of youth participation and training for active citizenship,
- development of volunteering as a natural form of participation of young people, and manifestation of initiative and solidarity,
- providing targeted information for young people and the youth,
- systematic cooperation of all entities dealing with children and youth. (Miháliková, a kol., 2005)

The European Charter on the participation of young people in towns and villages in the revised document is of key importance for local government. At the same time, we charter it specifies a starting basic pillars, which are:

- participation of young people in local and regional life must constitute part of a global policy of citizens' participation in public life,
- all sectoral policies should have a youth dimension.
- particular attention must be paid to the participation of young people from disadvantaged sectors of society and from ethnic, national, social, sexual, cultural, religious and linguistic minorities in local and regional life. (European Charter on the participation of young people in towns and villages, 2003)

Part of the local (local) youth policies are the same components that make it up. It is a component as a national youth policy (the relevant provisions) and local challenges and issues. Under the relevant provisions of the State youth policy should be implemented to address the specific challenges and local communities thus local village. In other words, measures by the state to be applied locally. As mentioned earlier, some of the tasks and objectives set out within the national youth policy can be delegated to other decision-making levels, e.g. the authorities' bodies of municipalities or cities. It is therefore essential that the provisions of national youth policy were realized and implemented at the local level. Also, the flow of information between levels should be improved and it is the responsibility of regional authorities to obtain information about the state youth policy and seek ways of implementation in their municipalities.

Similarly, we see space on youth policy for closer co-operation between young people and authorities of self-governing bodies. It is necessary to have a certain proportion of co-decision with representatives of local government in order to gain the practical experience and know face the challenges that come in parallel with the development of the city. The same is declared by the National report on youth participation, which says "*A young teenage man should be above all the opportunity to learn how to use this law in their future civic and political life.*" (Národná správa o participácii mládeže, 2006, p.6)

Based on the content of the European Charter on the Participation of young people in municipalities and regions, which says that "*young people are citizens of municipalities and regions in which they live, in the same way as any other age group, and therefore must have access to all forms of participatory in society*" (European Charter on the participation of young people in towns and villages, 2003)

We conclude that the status of a young person must be seen as equal to other inhabitants of the village. Despite his age should not be isolated from the happenings in the life of the village, on the contrary, it should be an integral part of real participation in community life.

An important attribute of their social integration village offers youth policy at the local level, effective set of measures for overcoming the contradictions that operate in the modern village, town and region: on the one hand, there is anonymity and tightening in love, on the other hand it is a challenge of public life and will "change things". And the means to overcome these contradictions are currently civic participation, volunteering, information and education. (Gregorová a kol., 2008)

Currently, youth inflected in several areas. When you realize that young people need to have as a first-time voter, we have to teach them to civil political

responsibility. It is necessary to participate in the exercise of self-government municipalities and the city was the natural part.

Create conditions for mobilizing young people for participation in local government is not about to give young people a variety of offers for leisure activities, this is not the way of participation. The point is that the young person can actually participate in the actual decisions of self-regulatory bodies on matters which are the concern. Therefore, necessary to change the approach on the part of government authorities towards young and rather ask them what would be needed for life, how he dealt with the task, and so on. In other words, to involve them in solving specific tasks. Only in this context it can be preserved cycle of prosperity and urban development of municipalities, regions.

CONCLUSION

Only by knowing the youth urban policy in Slovakia objective, conceptual, useful, rational and efficient. Its success rate and building the will of the representatives of the competent local authorities to those that work with youth. Recall that the unorganized youth is a part of youth policy, which concerns them as well. This means that as citizens and residents are young people referred to as a youth. Youth is part of the state due to European standards of democratic principles create youth policy at all levels.

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THE POSSIBILITIES AND LIMITS OF THE COUNTY ESTABLISHMENT IN HISTORICAL PERSPECTIVE

Dalibor Mikuš¹

Abstract

At the present time, there are continuous discussions about changing the number of regional units, with politicians offering various alternatives. Most of them, however, do not correspond to the historic set-up of the regions that were developing for several centuries with the denomination “župy” (counties). In this context, we'll try to inspect the problematics from the historic perspective in our contribution, while analyzing the county models applied during inter-war Czechoslovak Republic (CSR). Thus, we focused on a specific form of a county system of administration from organizational and functional point of view, while we also attributed an important role to a political aspect. During the analysis of the county model of government in Slovakia within the CSR, we have to build on the historic and political facts that proved to be critical in creation of regional administrative units. We have incorporated the whole problematics into a wider scope of social development, for the purpose of better explanation of each individual relationship. We divide the existence of the county system of administration into two variants: in time intervals from 1918 to 1922 and from 1923 to 1928, each of which we have analyzed in a separate chapter.

KEY WORDS: regional unit, county, historical development

1 TRANSITORY MODEL OF THE COUNTY SYSTEM OF ADMINISTRATION

In comparison with the previous period until 1918, formation of CSR as a new state entity in the Central European space meant a significant qualitative change for Slovakia in many ways. If we take a deeper look at the problematics of the regional administration, we can notice an interconnection with the political development. The administration system, including a regional element, was defined in the first hours of the existence of the state by the adoption of Act no. 11/1918 Coll., referred to as the “Reception Act”, which regulated the basic principles of operation of the public administration authorities and the legal environment. In fact, it adopted the previous functional laws and regulations from Austria-Hungary, and thus preserved the whole government system. The basic problem, however, was a different culture in Slovakia and Czech lands. While the Czech lands belonged to the Austrian part of the monarchy, Slovakia,

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on the contrary, was a part of Hungary. Thus, administrative and legal dualism deforming the unity of the political system, was created (Act no. 11/1918 Coll. Of laws and regulations).

In the matter of division of the regional units in Slovakia, there was almost complete continuity on the model of county administration of Hungary.

Picture 1: Regional units existed in period 1918-1922



Source: Gurňák, 2014

With the set in of a new borders of CSR into this original whole, Slovakia consisted of twelve complete counties including their centers, with Hontianska, Komárňanská, Novohradská and Zemplínska counties belonging to it for the most part. On the contrary, territorial remains of the counties with centers in Hungary were added to the chosen units. Komárňanská county was expanded by small parts of Rábska and Ostrihomská county and Zemplínska county by the part of Užská county. So the territory of Slovakia was divided into 16 counties: Bratislavská, Nitrianska, Komárňanská, Tekovská, Trenčianska, Hontianska, Zvolenská, Tučianska, Liptovská, Oravská, Novohradská, Gemersko-malohontská, Spišská, Šarišská, Abovsko-turnianska and Zemplínska. Within them, the district model has also been preserved, as portrayed in the following addition (Gurňák, 2014).

The representatives of the Ministry of administration of Slovakia, led by Vavro Šrobár, tried to bring the redesigned county model to life as fast as possible, therefore at the end of 1918 first Slovak counts were already appointed. However, the full performance of their functions was obstructed due to their lack of control over the whole of administrated area as they encountered the administrative structures under Hungarian influence. Performance of the administrative system

was therefore conditioned by successful take over by the army of CSR, which was completed only in the course of 1919. Most problematic were the areas of Central and Eastern Slovakia, which were taken over at the beginning of June, 1919 by the Hungarian army. In these areas a so called Slovak Republic was formed, designed by the example of Russian socialist establishment (Šuchová, 2011).

Within it, general power was taken over by the revolutionary executive committees established hierarchically from the center to the smallest administrative units in towns and villages. Through them, the policy of nationalization and expropriation of landowners was pushed through, previously applied in Russia since the takeover of the country by the communist powers in 1917. However, the existence of this state was conditioned by the support of Hungarian army, which had to leave this area by the decision of the Triple Entente accepting the Czechoslovak Republic. Definitive demise of the Slovak Republic is dated just three weeks after its establishment on July 7th, 1919, when the territories were taken over by the Czechoslovak army and properly incorporated into the new state. In matters of public administration, this short historical epoch represented a first attempt to implement the socialist elements in this area, and it was later largely followed by developments after the communist coup in 1948 (Mosný, 2010).

After the takeover of Slovakia by the state army forces, a military dictatorship was temporarily established for the purpose of consolidation of things. During this time, the regional administration could not fully perform its functions, while the army forces were directly involved in the functioning of the system. The continuous threat of the borders of CSR, which had been affecting the administrative system, ended only after the intervention of Triple Entente powers through the means of Treaty of Trianon adopted in 1920, which firmly established the southern border of CSR with Hungary and solved the issue of territorial integrity (Olivová, 2012).

2 THE “FIRST-REPUBLIC” MODEL OF THE COUNTY SYSTEM OF ADMINISTRATION

By securing the territorial integrity based on the decision of victorious powers, the possibilities for the stabilization and unification of the administrative mechanisms in the CSR were reopened. The biggest conflict occurred at a regional level, where Slovakia continued the tradition of county system of government, while Czech practice was based on the historical division of the territory into lands. It is clear from this fact that, in solving this question, one side had to submit to the other. We need to redefine the investigation of the problematics in wider

political and social context in order to better understand the whole process. The basic precondition for shaping the structure of public administration, including its regional element, was the creation of comprehensive legal framework defining individual aspects of society's life. A significant milestone in this way can be considered the date of February 29th, 1920 and the adoption of Act no. 121/1920 Coll., which represented the first regular Constitution of the CSR. In the matters of the public administration and its components, it created basic prerequisite for the creation of organizational and structural models through subsequent laws and regulations. The application of democratic principles in terms of the division of power and the general extension of the right to vote has created a basis for the creation of a certain degree of self-government at the regional level as well. By reading the Constitution itself, we find reference to these problematics only in a more general sense. The Preamble defines the state entity as a republic formed of one „Czechoslovak nation“ consisting of two tribes². Explicitly it was a unitary entity, while the position of Slovakia as a separate autonomous entity was not considered at all. It has become just one of the requirements of certain Slovak political parties in the upcoming period (Act no. 11/1918 Coll. Of laws and regulations).

Following the adoption of the Constitution, a preparation for a large administrative reform was launched in order to create a unified public administration system on the regional level. The need for changes was highlighted by the diversity of applied models in individual parts of the state introduced by the 1918 “Reception Act” based on the original pre-war structure. While on the territory of Slovakia as a part of Hungary the so called county system was used, in the Czech lands under the domination of the Austrian part of the monarchy, only the system with the highest unit of the district was applied. Another problem of administrative character emerged in connection with Sub-Carpathian Rus', which became part of the Czechoslovak Republic. It was the territory of the former Hungary, mostly inhabited by the Rusyns. After the First World War in December, 1918, the Rusyn compatriots in the US had decided of their will to join the CSR, which was sealed on May 8th, 1919 by joint voting of the local national councils in Uzhhorod under the condition of a declared autonomy by the representatives of the Czechoslovakia. The Constitution included the fulfillment of the requirement in the first chapter by establishing the Sub-Carpathian council and the establishment of the governor function, which was supposed to be at its head. In practice, however, the autonomous principles have never been fulfilled and the unitary state structure has been preserved (Act no. 11/1918 Coll. Of laws and regulations).

² The Preamble was based on the idea of Czechoslovakism, which was definitely pushed through only in the times of the First World War.

The adoption of structural changes ensuring the unification of the administration system has been the subject of time-consuming political debates culminating in the approval of the “County Act”. The counties were promoted to basic administrative units of the whole of CSR. The adopted model divided the state into 21 counties, with six of them set up in Slovakia. However, their design and organizational element differed significantly from that of the Hungarian model (Volko, Kišš, 2007). Within the framework of the structure of power, counties should have been subordinated to the government, respectively to the Ministry of the Interior. In individual county centers, county offices should have been set up, in which the county authorities would have operated. Citizens have obtained the right to directly elect members of the council for a period of six years, thereby the self-governing element has been supported. In case of Slovakia, there was an exception consisting of the appointment of one third of members by the government in order to provide higher expertise. The county council had competence to intervene in the normative, economic and financial matters. Each of them had a financial commission with supervisory powers whose members were appointed by the Ministry of the Interior (Act no. 126/1920 Coll. On county and district authorities).

With regard to the specific of the Czech lands, another authority called the county committee³ should have been created and led by a count. According to the law, it was created from the center of the council, following the character of the land committees from the period of the monarchy. It was competent to play an important role in the preparation of the annual budget, the negotiating documents, and at the same time represented the supervisory authority towards the commissions and lower self-governing units (Volko, Kišš, 2007). The number of members in individual councils should have corresponded to the number of inhabitants. The minimum number of members was set to be 35 in case of counties with population lower than 700 000, with one member being added for each 20 000 more. The principal difference from the previous period of Hungarian domination was the possibility for citizens to participate in the whole process through the use of active, respectively passive right to vote. The primary barrier to expressing citizens about public affairs within the administrative unit in the previous period was the application of censorship based on property ownership, which excluded the majority of the population from the electoral process (Act no. 126/1920 Coll. On county and district authorities).

The law was also applied on the district level as the lower administrative unit. At the head of each district was the district chief, who was the state official just

³ The county committee was to be composed of eight regular members and eight alternates, who also remained members of the county councils (Act no. 126/1920 Coll., on county and district authorities).

like the count. Citizens had the right to directly elect representatives to the district committee, with the only difference with the county being a shorter election period set for four years. The structure of the office copied the county structure to a large extent, the difference was mainly within the competence framework. Generally, the district authorities had to ensure all economic activities that exceeded the possibilities of individual towns and villages. In order to achieve the specific objectives and implement resolutions of the county committee, several district committees could join in (Vojáček, Schelle, 2007). The law also allowed the creation of so called „faculty district associations“ created by the common procedure of the districts, while in case of the operation of the enterprise for the production and distribution of electricity⁴, districts from different counties could be joined as well. In other cases, the boundaries of the regional units had to be respected.

During the introduction of the Act, we purposefully used a conditional form, because the full implementation became a longer-term process. From the perspective of its approved form, it was necessary to adopt a subsequent decree of the government of CSR, which had the power to bring the reform into practice. Critics of the Act, especially from the Czech lands, pointed out the need to adopt another series of laws creating space for the nationwide application of the reform due to the foreign element of a county as the regional administrative unit in this part of the CSR. According to the proposed scheme, the German population would prevail in two out of 16 counties in the territory of the Czech lands, which was met with refusing opinion of representatives of some of the Czech political parties (Vašš, 2011).

The issue of the reform has been the cause of widespread political disputes, which constantly stalled the application of legal efficiency. Mainly on the Czech side, the idea of a limited introduction of the Act into life, consisting of two phases of application was promoted. It was first to be applied only on the territory of Slovakia and later to be adopted by the whole state. This would mean creating a model that would further divide the organization of administration in the CSR. The Slovak political representation was more united on this issue, although some reservation was presented by the Slovak People's Party and the Slovak National Party, who had already requested the introduction of autonomy in the territory of Slovakia. The Social Democratic Party, which feared lower electoral gains in the first regional elections due to the break-up of the radical Communist Party, has surprisingly hampered the implementation process as well (Olivová, 2012). The debate of the political representatives of the CSR came to an end on October 26th, 1922 with the Government Order no. 310, which talked about “the establishment of a county system of administration in some parts of

⁴For this type of association, also the denomination “power district association” was used (Schelle, 2008).

the republic”. Specifically, it was exclusively the territory of Slovakia, where the original Act began to apply from January 1st, 1923, even though with slight modifications. Thus, the reform effort failed to fulfill its primary objective of establishing a unified model of territorial administration throughout the CSR that would overcome the heritage of individual parts of the Czechoslovak state. In fact, the result was more like the opposite, as the regional administration’s differentiation was further deepened.

The new model divided Slovakia into six counties, significantly reducing their number compared to the previous period of the Hungarian state. Larger administrative units at the regional level were supposed to create options for better performance of administrative and self-government activities. By application of the county model, territorial units called “great counties” were created, named due to their territorial aspect (Schelle, 2016). Applying the new county model meant, from the structural point of view, the reduction of their number from original sixteen in the transitory period to six. The following addition portrays the boundaries of each county, which, when compared to the previous model, shows almost no similarities.

In addition to the quantitative changes, the new arrangement also involved the demise of the original official authorities, administrative committees and the former municipal offices, as mentioned above, when analyzing the individual elements of the County Act adopted in 1920. However, we did not come closer to the district structure, which has been changed to a large extent. By Government Order no. 378/1922 the administrative territory of Slovakia was divided into 79 districts together with the cities of Bratislava and Košice, which acquired unique position at the district level (Government Order no. 378/1922).

Picture 2: The model of counties 1923-1927



Source: Volko and Kišš, 2007

For the real performance of the county system, it was still necessary to occupy the individual authorities personally. Citizens had the right to decide directly on their deputies in free elections. It should be noted, however, that in this case the political aspect also played an important role in the realization of the electoral act itself. Representatives of political parties have not been able to agree on a single election date, with the Social Democrats even wittingly stalling the decision. As already mentioned, they feared electoral fiasco after the separation of the more radical communist wing. The Slovak People's Party, on the other hand, did not like the exception for the counties in Slovakia, which allowed the central Prague government to appoint one third of the county councils, in the case of "special circumstances". The People's Party considered it an attempt to ensure direct influence on the functioning of the administration, putting into question the whole county model. The Ministry of the Interior eventually set the election date on September 30th, 1923, which was almost nine months after the implementation of the County Act and three years after its adoption (Olivová, 2012).

From the perspective of the topic of our contribution, we will not deal with the specific gains of individual political parties, but we will understand them through the aspect of expressing attitudes of voters to the overall model of the regional administration. Such a view allows us, above all, to fundamentally divide the sides into two blocks. On one side, the Slovak People's Party comprehensively opposing the applied county model, but trying to occupy as many chairs in the councils as possible. Their strategy was presented very clearly on November 12th, 1923, at the party congress in Bratislava by the chief secretary, Pavel Macháček: „*Our direction is the path of the extreme opposition. We have to be elected to various commissions and participate in their meetings in the role of hard critics*”. Thus, the county councils meant a place for representatives of the Slovak People's Party, from which they could demand the transformation of the system of regional administration into fully self-governing units, based on fulfillment of the primary condition of the autonomous position of Slovakia. On the other side, stood the candidates of agrarians as the supporters of Czechoslovakism, who were part of the central government and advocated for the adoption of the reform (Vašš, 2011).

The election results eventually meant the victory of the Slovak People's Party with the gain of more than 400 000 votes followed by agrarians with a gain of approximately 290 000 votes. Citizens, by this direct voting, generally leaned to the line of refusal of a county system that did not create full self-government. As a consequence, the development of the counties was very problematic, the critics asked for further reformation, and the idea of Slovak autonomy was

increasingly mentioned. Centrifugal tendencies were also triggered by central government interventions in the formation of the councils, which made the appointment of members due to “special circumstances” the rule in all six “great counties”. They argued that such a procedure was based on securing higher expertise and paralyzing the majority position of Hungarian representatives. Formal appointment was based on the initiative of the count, who moved his proposals for approval to the Interior Minister. Since 1926 the process has been extended by the approval of the minister with a power of attorney for the administration of Slovakia. The representatives of the Slovak People’s Party have completely refused the interventions in the administrative system by the Prague and considered them to be the element of centralization. The Slovak National Party shared the same attitude, which further deepened the destructive processes within the county authorities.

Under such circumstances, the functionality of the administrative system at the regional level could not be fully secured. Opposition parties have caused difficulties with their obstructive activity that has been hard to overcome. So the counts have often addressed the Interior Minister, but he did not have the power to do anything about the conduct of directly elected deputies in the councils. Thus, the activation of the county administration was very slow. Although the citizens have been informed about the work of counties through regularly published Authority newspapers, they have not been able to make any decisions in practice. In Nitra county, even the entire election had been questioned, and the council began to function properly only in November 1926, which means several years after the election (Schelle, 2016). When judging the county reform as a whole, we can state on the basis of the analyzed facts that it has not fulfilled the primary purpose of unifying the administrative system in the CSR, and its application on Slovak territory has met with a wave of criticism since its inception. Based on the results of the elections, most of the councils did not fulfill the real tasks and rather create the appropriate space for public promotion of the political program of the opposition parties. The entire “First-republic” county model turned out to be dysfunctional in historical contexts, which eventually led to its definitive abolition and replacement by the region units in 1928.

CONCLUSION

During the first Czechoslovak Republic despite the democratic foundations guaranteed by the Constitution, it was not possible to build a functional unified system at the regional level. In our publication, we have thoroughly focused on analyzing and evaluating the county system of administration in Slovakia, and

we cannot consider any of the applied models to be successful. Although the first model between 1918 and 1922 was only a temporary solution to the arrangement of this level of the administrative mechanism and was based on the original scheme of the Hungarian state, we can definitely evaluate it more positively. First of all, it followed up the historical demarcation of individual counties that copied the borders of regions with the natural separation of the boundaries of geomorphological nature applying socioeconomic factors. The malfunction of the system was not due to a bad adjustment of system elements, but to external factors that we have clearly defined in our article. The “First-republic” model of the county system of administration based on the reduction of original counties from sixteen to six completely negated the historical element and the naturalness of the regions, which ultimately significantly impeded their further development. We could even say that this change has triggered a chaos in the arrangement of administrative units at the regional level, which has been dragging on to this day. The adjustment of the system and intervening from the central government in their management by delegating one third of the nominees to the elected councils largely negated the self-government element and caused their dysfunction.

Looking at these models of the county system from today’s point of view, sixteen regional units would be suitable for application at the present time as well. Even when formulating official government proposals in the process of creating a regional self-government at the turn of the millennium, this model was found to be the most appropriate, according to analyzes by the plenipotentiary of the government for the public administration reform, Viktor Nižnanský. Only as a result of the adoption of the compromise solutions, the model of the twelve higher territorial units was approached, and in the final vote, the current reduced form of eight self-governing units was adopted.

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THE STRUCTURE OF CITY DISTRICTS OF PRAGUE AND BRATISLAVA AND THEIR STATUS WITHIN THE SELF-GOVERNMENT

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Abstract

Worldwide capital cities including European ones are mostly divided into districts, circuits, precincts and so on. The position of these partial territorial and administrative units is not always the same. In my paper I will focus on the case of two Central European capitals – Prague and Bratislava. Both consist of a number of urban areas and their structure and functioning present certain common features, but also differences. Bratislava has 17 city districts, Praha has them much more – 56. The distinction is the size of the town and population. My contribution deals with the structure, but also with their place at the municipal level. Self-governing models in the Slovak and Czech conditions are not identical and we can notice various circumstances in them. In addition, the capital cities are special cases.

KEY WORDS: Prague, Bratislava, city district, self-government

INTRODUCTION

As I mentioned above, the subject of my paper is the structure of urban areas or city districts in capital cities of Slovak and Czech Republic – Bratislava and Prague. They have also an important role in the system of self-government. Districts have the status of municipalities with the resulting powers. We can define them as the subjects of regional self-government and their legal relations are regulated by a special law. The internal town zoning has its crucial importance in the distribution of financial subsidies, for example. It is reflected also in the relationship between city and urban areas in sub-municipal matters. The status of capital cities is unique in many aspects - compared to other cities in the state. The question is whether this adjustment is rare in European conditions. The comparison of legislation of selected European capital cities shows that the Czech Republic and Slovakia are not the exception. Specific laws have also other capital cities in Europe, for example Bucharest (Romania), Zagreb (Croatia), Warsaw (Poland) or Tirana (Albania). There are several reasons for the application of individual legislation related to these towns (Mäeltsees, 1995). As the most important we can consider geographic factors (vastness of

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the territory which is covered by cities), demographic (high percentage of the population of the country lives permanently in the capital city), economic (major cities are usually significantly concerned with making the overall GDP of the country), but there are also reasons of political, cultural or symbolic character.

In my opinion, the primary purpose of zoning to city districts or urban areas is the realization of the principle of subsidiarity that approach decisions about public matters closer to citizens – and they are territorially divided in different parts of the city. The structure of institutions of city districts is basically identical with the structure of municipalities and especially consists of local board, council, mayor and the office of city district. The status and acting of these bodies, as well as rights and obligations of their members, are largely similar to legislation of main metropolitan bodies. However, with regard to the specific status of the capital city is the range of powers of the individual city district' bodies quite different. It is regulated with mentioned special laws and also with The Statute. The realization of public authority, which is reserved for local government units, is provided by particular institutions (except for matters of independent powers related to local referendum). Their definition and also the determination of competences are the most important issues from the perspective of the execution of self-government. In connection with mentioned status of the capital cities which are municipalities divided into districts, we can see various debates. One of them talks about the fact that in the capital city will also set up bodies of both self-government units – municipality and city district. Reality in our conditions is quite similar to this statement. In Bratislava and Prague operate the authorities on „citywide“ level and also on the level of city districts. The difference is in Prague. Citywide bodies administrate the town as a municipality and also as a province (or region). Bratislava belongs to separate province (Higher territorial unit - HTU) with other counties – Malacky, Senec and Pezinok. Institutions of this HTU are independent from the capital city. Mayor of Prague is the governor of Prague region too. On the other hand, Mayor of Bratislava and the governor of HTU are two different persons with diverse powers. It is thus established two-tier level of municipal authorities in the field of autonomous powers. The structure of the citywide bodies in Prague is almost identical with the structure of other territorially divided statutory cities in Czech Republic.

1 TERRITORIAL BASIS AND THE DIVISION OF THE CAPITAL CITY OF PRAGUE

Territorial basis defines the extent of the territory on which the institutions of the capital city can dispense their competences in a certain field of social

relations. Prague is the largest city of the Czech Republic in this aspect. It is extended on an area of approximately 496 hectares. From the cartographic point of view constitutes the territory of Prague only one cadastral section which is further divided into 112 smaller cadastral sections. They are the basic units for registration of estates and buildings (Act No. 131/2000 Coll., on The Capital City of Prague, 2017). Prague is characterised by a multi-tier division of its territory which can be viewed from four different aspects:

1. Aspect of territorial and self-governing structure - Prague is as a territorial and self-governing unit divided into 57 districts. Their status and powers are established with mentioned Act on the Capital City, other special laws and The Statute. This zoning is almost similar to the statutory cities – it is a specific group of towns in the Czech Republic. Some sources assign Prague to the group of statutory cities just because of the division into boroughs. On the other hand, it is quite debatable argument. Prague is not the part of the enumerative list of statutory towns in the Act on Municipalities. The other point is that statutory towns can divide their territory into districts or boroughs with their own self-governing bodies and Prague has a mandatory direction to establish this division. In addition, there is only marginal influence of the Act on Municipalities and Act on Regions to the adjustment of legal conditions of the capital city. City boroughs have entirely coequal position in the field of the execution of their independent competences. Nevertheless, it does not depend on largeness or population. For other spheres of public administration - boundaries of districts are not legally relevant. Number of Prague's districts is relatively constant. For now, the last borough was established in 1992 and it was Troja. City districts are legal entities of public law, but they are not endowed with general legal personality. Their ability to act independently in legal relationships is limited on cases expressly provided by Act on the Capital City or Statute (Act No. 128/2000 Coll., on Municipalities, 2017).

2. Aspect of state administration - Prague is divided into 22 administrative circuits for execution of delegated powers from the state administration. For the service of the state administration is the area of capital city only one administrative district. If the delegated powers are entrusted by law or Statute, particular boroughs can be also the administrative district. So, the complex execution of delegated powers was entrusted only to some city districts. The reason is quite significant differences in the size of the individual boroughs and in particular the number of their inhabitants. Therefore, it would be inefficient, if all districts would practise delegated powers in the same extent. During the last century, the number of administrative districts was changed several times. For example, the first administrative division

from 1923 included 13 city districts and their boundaries fully followed the territorial division by cadastral areas. Since 1989, this number is gradually increased. An ambition is that the various administrative agendas will be closer to citizens. The current arrangement into 22 administrative boroughs is effective from 1st July 2001. It is interesting that borough whose bodies have extended competence of state administration, has the name according to its administrative district. Names of 35 remaining boroughs stayed according to the cadastral area which is the territorial basis of each of them or in which is the seat of the borough's bureau. City districts are also marked as „large and small“. The criteria is similar -executed scope of delegated powers. Territory of small boroughs covers approximately one-third area of the capital city and live here 15% of the population. In my opinion, the division of the capital city to different parts can be quite problematic. As I mentioned before, their current boundaries are not the same with the boundaries of individual cadastral areas. There are some cases that one cadastral area is part of several boroughs. The determination of correct affiliation of the border area to a particular city district is then quite difficult.

3. Aspect of territorial division of the state – this form of division is based on the Act on Regions. According to this Act is not the territory of Prague a part of any region or county, but is a separate territorial unit. It is divided into 10 administrative areas – from Prague 1 to Prague 10 (Ordinance No. 564/2002 Coll., on Territories of Counties of Czech Republic, 2017). Some areas are composed of only one district (Prague 1 - Prague 3), other areas (Prague 4 - Prague 10) consist of several districts. In this connection it should be noticed, that this method is used purely for the operation of the state administration bodies and other bodies from this field. The capital city of Prague and its authorities do not use it in their activities (independent or delegated powers).

4. Aspect of division for electoral purposes - division of Prague for electoral purposes is quite different in comparison with other municipalities. The electoral system for elections to the Lower Chamber of Czech Parliament is regulated with the Act No. 247/1995 Coll. on Elections to the Parliament. It divides the territory of the Czech Republic into 14 electoral districts. Their territory is identical with the territory of the higher territorial units. The capital city creates for elections to the Lower Chamber of Czech Parliament only a single constituency. For the Senate elections there are created 81 constituencies. Ten of them refer to the territory of Prague (Act No. 247/1995 Coll., On Elections to the Parliament of the Czech Republic, 2017).

2 TERRITORIAL BASIS AND THE DIVISION OF THE CAPITAL CITY OF BRATISLAVA

The focus of this chapter is on the theoretic and international context of spatial organization of local government in the current borders of Bratislava. Territory of Bratislava consists of cadastral areas appurtenant to boroughs. Only the City Council with the consent or at the request of residents can create, abolish, merge and split districts or make other changes with their borders. Actually, Bratislava is in certain aspects a specific grouping of 18 municipalities (with elected bodies) - 17 boroughs and the city as a whole. This system reflects the principle of respect for the formerly independent municipalities which were gradually integrated into present-day Bratislava. It should be noted that Bratislava has three cadastral areas with no separate district status (Vinohrady, Nivy, Trnávka). They belong to different boroughs. Local government is in the whole period since 1990 organized on the principle of two-tier model. Nevertheless, there were several more or less intensive discussions about the reorganization of the self-administration. We can characterize the past era since mentioned year as the gradual formation, refinement and optimization of two-tier self-government arrangement in Bratislava. There were also some encroachments by the central state in the form of amendments of the Act No. 377/1990 Coll.

One of the problems of application the two-tier model of local government in major cities is the impact of diversified size structure of boroughs (primarily measured by the population of the city district). This problem can be enhanced with a specific combination of the position and function of borough. We can find a large, central and multifunctional districts and on the other hand, there are small, marginal and single-function (for example residential) districts. Therefore, their role in decision-making processes of the city, interests, needs and a range of services that they provide may be quite different. These characteristics can also significantly limit the possibilities of local governments of boroughs (especially the smaller ones). Structural constitution of city districts enters into the processes of the functioning and operation of local government in major cities. Bratislava has in terms of size and quantity of city districts less appropriate structure. A higher number of boroughs with considerable differences in size can be documented in several ways. While the smallest city district Čuňovo has just over thousand citizens, the largest – Petržalka - has over 105,000 inhabitants (Buček – Korec, 2013). Currently, we can divide the boroughs of Bratislava into four size groups:

- Small city districts in size to 8,000 inhabitants (7 districts – Čuňovo, Devín, Jarovce, Rusovce, Záhorská Bystrica, Vajnory, Lamač)
- Medium-sized city districts with 15,000 - 20,000 inhabitants (4 districts -

- Devínska Nová Ves, Vrakuňa, Rača, Podunajské Biskupice)
- Large districts with 30,000 - 40,000 inhabitants (4 districts - Dúbravka, Karlova Ves, Nové Mesto, Staré Mesto)
 - The group of two largest boroughs – Ružinov (70,000 inhabitants) and Petržalka (105,000 inhabitants) (Statistical Office of the Slovak Republic, 2017).

Bratislava in current borders also ensued gradually by the integration of the surrounding villages. Therefore, Bratislava consists of 17 city districts (and 20 cadastral areas) now. However, in recent decades it did not carry out the process of spatial expansion (accession of surrounding villages) or merging the boroughs (leading e.g. to a lower number of city districts), but neither the process of disintegration (separation). Joining or merging of dwellings is the possibility which is exactly defined in Slovak legislation. Nevertheless, the accession of other municipality was not realized after 1989. On these processes significantly affects the legislative framework and interest/disinterest of concerned citizens. The current legislative conditions and the reality of citizens' participation in local politics make this alternative in practice completely impossible. Processes of accession are limited by the citizens' consent of both concerned municipalities. It would require a successful local referendum in both of them (with the participation higher than 50% of voters). This aspect is quite complicated nowadays. Especially referendum throughout Bratislava about joining of a smaller or larger municipality has minimal chance to successful result – with the current rate of citizens' participation in referendum is it unlikely. One of the real candidates to join the capital city was the municipality of Marianka in 1996. Despite the successful local referendum (work, study and other activities of residents are closely linked to Bratislava) was not the accession put into practice (Kráková, 2009). Separation of some city parts is also not unusual within the spatial organization of the local government. In fact, this alternative was not carried out in the case of Bratislava after 1989. This is a significant difference compared to the smaller Slovak cities. They faced quite extensive detachment process of prescriptive associated municipalities in the past (e.g. Banská Bystrica, Žilina). One of the factors why this process was not successful in Bratislava can be a quick application of the two-tier model of local government. It satisfied the needs of citizens in former independent municipalities (and their local elites) with the form of local government in city districts. On one hand, this stability of the territorial framework within the self-government of Bratislava is advantageous in terms of a few decades. On the other hand, it is questionable in the long term. We can expect that these conditions will be necessary to release in the future.

3 THE COMPARISON OF THE ISSUE IN TERMS OF PRAGUE AND BRATISLAVA

A two-tier model of self-government in major cities is significantly predominant approach in Central European states. It is also established in substantial number of the capital cities in neighbouring countries. In this context, the number of the city districts in Bratislava is shown as too high (which is certainly true also for Košice in Slovak conditions). The biggest number of boroughs has Prague (1.23 million citizens), but from 57 districts has 22 (Prague 1 - Prague 22) more extensive range of delegated powers which also provide to smaller boroughs. In the case of Prague we have to rather perceive mentioned structure of 22 boroughs as more important. In terms of spatial organization was the most proposed change the formation of a new central part of the Bratislava – it should be called “The City” or “Inner City.” This model should include five central city districts (Staré Mesto, Nové Mesto, Ružinov, Petržalka, Karlova Ves). These boroughs had already in 1999 created the most compact built-up area of the town (Buček, 1999). From recent attitudes is it again the financial aspect and a solidary subsidy of larger urban areas which raises opinions about the requirement of integration the smaller boroughs with larger. We noticed a similar debate in Prague in relation to its smaller city districts. There are 35 small city districts in Prague. The municipality bureau examined their operation and maintenance costs for several times. Similarly to Bratislava, there were also attempts to merge these small boroughs with larger. The main reason was always financial saving. But most of the mayors have still concerns from this scenario. According to them, this step can destroy the local civic engagement. Moreover, they are afraid that distant town halls will not deal with their problems. Representatives of smaller districts are concerned that the aim of amendments can be the resumption of control over land-use plan. In fact, around the whole city are estates which are attractive for developers. They want to use it for building the flats or for other purposes. The mayors of large city districts are not united in question of the admission of new residents and territories. Now, it is still not clear how would Prague divide money between districts after the merger. The subsidies are currently counted according to the number and age of the population or infrastructure. The reduction of boroughs has to be supplied through the amendment of Act No. 131/2000 Coll., on the Capital City of Prague. Another condition is the approval in Czech Parliament (Brendlová, 2012). In particular, the mayors of boroughs want to change the direction of city policy. The first step is the candidacy to self-government bodies on the citywide level. This approach relates mainly to mayors with no political affiliation.

CONCLUSION

Cities at the highest levels of urban hierarchy present territorially extensive and very complicated units at the global and national scale. They have many features, specific areas, communities etc. Their local governments face a difficult task to manage this diversity and create conditions for the realization of partial aims. In North America and Western Europe is the issue of self-government in large cities and metropolitan regions widely debated and examined topic for many decades (Norris, 2001). It is related to the development of modern cities, their spatial growth, increased demands for diversified public services and democratic governance. The newest literature is focusing e.g. on more comprehensive understanding of self-administration combined with the concept of new governance, examination of the cooperation between the various levels of self-government, horizontal cooperation of local government units, partnership of actors from different sectors etc.

Table 1: The comparison of size structure of boroughs in selected cities in 2013

	The number of city districts	The average number of inhabitants in city district	The number of inhabitants in the smallest city district	The number of inhabitants in the largest city district	The ratio of the smallest to the largest city district
Bratislava	17	25 471	1014	105 763	104,30
Košice	22	10 940	468	40 695	86,96
Budapest	23	75 391	19 982	145 510	7,28
Prague	57	21 649	277	127 700	461,01
Vienna	23	74 552	16 700	177 200	10,61
Warsaw	18	94 916	22 811	220 682	9,67

Source: Author, Statistical Offices of Slovakia, Austria, Poland, Hungary and Czech Republic

The topic of self-government in major cities markedly enforced after 1989 in Central and Eastern Europe. The first impulse was the need of formation a new democratic principles of organization the local government - including the issue of self-government in major cities. The selection of an appropriate model of its

organization was really necessary. The big challenge for the local governments of major cities was the growing importance and stronger pressure from different actors in urban development. These cities have become the centre of interest by the business sphere in various sectors in the periods of economic growth. Democratic conditions also developed a diverse civil society. It also found their legitimate place in the processes of governance at the local level. The situation is specific in the capital cities where the interests accumulate even more - including those of the central state to adequately fulfill the particular functions.

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THE LEADER APPROACH – PRINCIPLES OF PARTNERSHIP OF PUBLIC, PRIVATE AND CIVIL SECTOR (APPLICATION OF PRINCIPLE OF PARTNERSHIP IN LAG OZ MIKROREGIÓŇ RADOŠINKA 2007 - 2013)

Mahuliena Sochorová¹

Abstract

The LEADER approach is one of the most successful principles of rural development in the European Union. One of the seven basic principles of the LEADER are prerequisite participation of public, private and civil sector in the process of development of the territory. The aim of the article is to evaluate the position of individual sectors in the process of formation and functioning of LAG OZ Mikroregión RADOŠINKA in the period 2007 - 2013. Qualitative method is used in obtaining information, through personal interviews with representatives of the municipalities in the LAG OZ RADOŠINKA 2007 - 2013. The results presented are partial results of a dissertation paper of author called the position of local government in the process of implementation of rural development policy in the Slovak Republic. The results of interviews showed that the mayors of municipalities perceived the status of sectors variously and they consider the key sector for the process of creation and functioning of the LAG is public sector (municipalities). From all three sectors the LAG were most ready for cooperation. Civil sector played a role of moral support within the processes and functioning of LAG as a communication channel. The least active sector was the private sector, as it reflected lowest willingness to cooperate.

KEY WORDS: LAG OZ Mikroregión RADOŠINKA, principle of partnership, public sector, private sector, civil sector,

INTRODUCTION

The LEADER approach is one of the most effective approaches to rural development in the European Union. It is a complementary program of the European Union. It was first put into practice in 1991 as a support tool for the development of rural communities by involving local partners in the development zone. In the programming period 2007 – 2013 it was first applied in the Slovak Republic, when LAG could receive funding from the European Agricultural Fund for Rural Development. One of the specific principles of LEADER is the

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establishment of a local action group (public-private partnership), where actors with different sectors (private, public, civil) cooperate on a basis of multi-sectoral partnerships. The partnership principle in the European Union is considered as an important principle to ensure spending of EU funds and thus the development of the territory of the Member States (Hradiská, 2008). Local action group can be regarded as a living organism with given rules, their way of living and specifics.

The aim of this paper is to find out what position the individual sectors had in the process of formation and functioning of LAG OZ Mikroregión RADOŠINKA in the programming period 2007 - 2013. Furthermore, to focus on whether it is possible to define key sector (entity) in the process of creating LAG. If so, what position the other sectors had? To achieve the aim of the paper the information obtained through qualitative research are used, in the form of personal interviews with mayors, who in the period 2007 - 2013 stood at the birth of LAG OZ Mikroregión RADOŠINKA. There were interviews also with mayors, who serve at present and have experience with membership in the LAG.

In the first part of the article the principle of partnership structures in the LAG and its importance is defined. The second part focuses on the legislative conditions that determine the formation of local action groups and thus makes the creation of the partnership of representatives from all three sectors of society. The third section presents the results of controlled interviews with mayors of municipalities, which lists a variety of views on the role and position of the representatives of the sectors within the establishment and functioning of the LAG OZ Mikroregión RADOŠINKA in 2007 – 2013.

1 REPRESENTATIVES OF SECTORS AS ACTORS OF PARTNERSHIP

The partnership principle in the LEADER approach plays a key role in the formation and functioning of local action groups (a type of public-private partnership), “it encourages socio-economic players to work together, to produce goods and provide services that are creating maximum added value in their local area” (Babinský 2015, p. 16). Within the meaning of the article the partnership is seen, as a cooperation of various actors from all three sectors of society: public, private (business), civil (non-profit). It can be defined as collaboration and cooperation of various social groups, institutions, formal and informal authorities and active citizens². All concerned actors of the sectors have an impact on making decisions, have access to financial assistance, the information

² Member of the local action group can be: professional organizations and unions (farmers, micro-enterprises), trade associations, citizens, local organizations, local political representatives, environmental associations, cultural and community services, including the media, women's associations, young people (Approach LEADER: basic guide, p.10).

and contacts they exchange. For the functioning of the partnership, it is important to meet regularly and share information in the area of access to finance (Tvrdoňová 2009, p. 47). Individual actors enter voluntarily to the partnership. It could be said that “voluntary” cooperation of actors from the public, private and civil sector is one of the conditions for the successful fulfilment of common objectives and increasing the success to solve common problems (Hradiská 2008, p. 257; Kostrová 2014, p. 11). By the municipalities, for example, there is relationship that the need and willingness of cooperation between municipalities is increasing in line with their increasing problems (Pustá, Dolná 2010). It should be emphasized that within such a partnership does not formally exist superiority and subordination of one player over another (Tvrdoňová 2009, p. 47). All actors are seen as equal partners, with equal obligations and rights to benefits from the partnership.

It is not right to argue, that before that, there was no cooperation between municipalities and actors within the municipalities, or that the different actors in the municipalities didn't participate in public life. Entry into the EU after 2004 brought form of cooperation in the form of LAG. It was a new way of cooperation of local actors acting in the legislatively defined, organized and institutionalized structure.

2 LEGISLATIVE

The existence and operation of public-private partnership, such as LAG, is contingent by the legislation adopted at three different levels. In the programming period 2007 - 2013 at the level of European Union, were the basic documents Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development, that established strategic priorities at level of Community on each axis of rural development program. At the national level, it was the Rural Development Programme of SR 2007 - 2013 that adjusted the principles of the Community in the field of rural development to be suitable for the Slovak Republic. At the local level, strategic documents were integrated strategies of local development in the territory (each territory have developed their own development strategy, which had to be approved by the governing body - the Ministry of Agriculture and Rural Development). The legislation is drawn up for each seven-year programming period of the European Union, meaning that the LAG is active seven years and then it must apply for the status of LAG again. Legislation and adjusted rules differ within the programming period, therefore it is very important, to follow current legislation during the assessment of LAG.

Although the actors in a given type of public-private partnership work on a voluntary basis, we can say that the legislation has set two basic conditions that must be fulfilled. The first is that LAG must have its institutional structure and their bodies (general meeting or the members meeting, the Presidency) are made up of representatives from all three sectors of society. The second is the requirement that on the level of decision-making, the economic, social actors and representatives of civil society (farmers, rural women, young people and their associations as well as local activists) must represent at least 50% of the local partnership (Council Regulation (EC) no. 1698 / 2005). This information is reported mandatory in policy documents of each LAG.

Such legislative amendment can be considered, even as a means of enforcement of cooperation between actors in the territories. The purpose is to create a common, integrated development strategies of area, institutional structures of LAG and above all to obtain benefits of LAG. To involve local actors into partnership in order to create the LAG, therefore, is one of the initial and most important steps that must be taken at the beginning of the process of LAG.

3 LAG OZ MIKROREGIÓN RADOŠINKA 2007 – 2013 – POSITION OF SECTORS

LAG OZ Mikroregión RADOŠINKA in the period 2007 - 2013 united actors in the eleven municipalities of Nitra region. By the number of municipalities, it belonged to the local action groups with the lowest number of member municipalities.³ Upon its establishment in 2008 it had 59 members from different sectors: public sector 15 (municipalities, primary schools, kindergartens), private sector 11 (agricultural cooperatives, entrepreneurs, companies), civil sector 33 (unities of pensioners, hunting associations, youth associations, active individuals, in particular members of municipal councils including) (Usmernenie pre administráciu osí 4 LEADER z Programu rozvoja vidieka SR 2007 – 2013, annex no. 6 Zoznam členov verejno-súkromného partnerstva (MAS) 2007). Within the interpretation of results of personal interviews with representatives of government, it was important to point out that LAG OZ Mikroregión

³ During the programming period 2007 - 2013 there were 29 LAGs in Slovakia. LAG OZ Mikroregión RADOŠINKA was one of a relatively small number of member municipalities. The lower number of municipalities within the local action groups had Local Action Group Chopok juh (9), Civil Association for Development of Region Spiš (9) Local Action Group Stará Čierna Hora (6) "Local Action Group of Mikroregión Teplička" (4). Regional Association Dolná Nitra had the representation of the eleven municipalities. For comparison, the local action group with the highest number of member municipalities was Naše Považie (44) (National Rural Development Network, 2016).

RADOŠINKA was one of the local action groups, where most financial sources were implemented by self-governments (see more OZ Mikroregión RADOŠINKA 2016).

3.1 Public sector

All self-government representatives agreed that the driving force behind the whole process of the local action group were representatives from the public sector - municipalities. At that time, especially after the entry to the EU in 2004, the municipalities had a great interest in cooperation in programs that could help municipalities to receive funding or in any way to contribute to their development. This is evidenced by the fact that before experiencing the LAG OZ RADOŠINKA, the municipalities founded the Association of Municipalities OZ RADOŠINKA in 2007. The common aim was to complete the missing infrastructure (sewerage), as manifestations of a lack of funds in the budgets of the municipalities were quite noticeable. In accordance with this, there was dominant enthusiasm that they could apply the LEADER approach to the public sector and thus in some way to help municipalities and their citizens in their connection with investment projects.

The mayors stated two reasons, why they decided to establish a local action group. Some mayors have seen the creation of structures LAG primarily for their personal gain. LAG funding meant additional source of funds for municipalities that they would otherwise not received. Certainty that municipalities receive these funds was after developing an integrated strategy of territorial development and after the conferment of status of local action group by relevant ministry. A secondary reason was to support cultural and social life of local communities and to raise public awareness. It was about the service of offering information on the life, activities and opportunities of individual municipalities to citizens from the surrounding area.

The position of the public sector - municipalities, can be defined as follows. Representatives of municipalities were those who were the first to have information from all sectors on how to set up LAG. It was thanks to their contacts at other levels of government (e.g. self-governing region). Nevertheless, it should be noted that the public sector began with information which has been mediated as in Slovakia there were no experience in this type of cooperation. We can say that they really did not know how will the whole system work.

By the decision of the representatives of municipalities to try to apply for the status of the local action group, they took over the responsibility for the course of creation of the LAG. Municipalities perceived initial full responsibility for

the organizational, financial and any other burdens associated with the process of creation.

As one of the conditions of LAG were representatives from all sectors of society (it was necessary to fulfil the quotas prescribed by the legislation), the municipalities had to look for potential members of the future local action group. They played the role of disseminators of information about the system and the meaning of a local action group. Each mayor was in charge to reach potential LAG members in their municipality. Firstly, to inform members of municipal councils, since consent to membership of municipality in LAG must be approved by the councils of each municipality. Very important was to inform the citizens of the municipality⁴. Further, the mayors addressed and informed the entrepreneurs and non-profit organizations on the possibility of organizing themselves into local action group.

The tasks of mayors were also providing initial joint meetings, providing administrative and procedural matters, the provision of facilities for meetings, and later the permanent office of a local action group.

3.2 Private sector

In view of mayors the private sector is perceived as a low active with low interest to participate in the operation of the LAG. The position of the private sector in the operation of LAG was felt very little. It had several reasons. The business sector was rather skeptical from the beginning. According to the mayors, the reasons for skepticism were doubts about the functionality of LAG, and also little awareness and subsequent insufficient understanding of the nature and importance of LAG. Since with the LEADER approach and structure of the LAG actors in all sectors met for the first time, it was difficult to predict the amount of the final benefits from membership of LAG for entrepreneurs (but also for other subjects).

The cooperation of agricultural cooperatives was the most awaited, whereas the territory of OZ Mikroregión RADOŠINKA is predominantly agricultural. Agricultural cooperatives were a specific group of entrepreneurs. They were interested to cooperate, but they were not able to use the financial benefits of LAG. They were large entities, which were able to get more financial support by the state programs than membership in LAG. If they were members of the

⁴ Information was ensured by means of traditional methods of dissemination of information in the community: municipality board, newspapers, radio, assemblies ... It is important to take into account the fact that the use of mail communication and social networking at municipal offices in that period was not widespread as at present. Similar means of communication at municipal offices were in the early stages.

LAG, they could apply for funding directly from the state, which played an important role. It has been known that part of the funds should be used by the private sector, but at the beginning there was an ambiguity of adjustment of the conditions and nothing could be promised to private sector. Many entrepreneurs were discouraged by this uncertainty already from the beginning. According to the mayors, entrepreneurs perceived that LEADER does not yet have much to offer for them. Also during the program period, the private sector, which entered the local action group rather marginalized. Some entrepreneurs got off from the LAG.

Furthermore, the mayors said there were too circumscribed conditions to develop an integrated local development strategies. Integrated development strategy was prepared in a hurry, this meant that the period of preparation was short and communication between municipalities, citizens, was in line with the limited time conditions. Most information had those who draw up a given strategy. The main goal was as quickly as possible and at the time the best possible preparation of documents for the formation of LAG.

On the other hand, mayors perceived that entrepreneurs co-worked so, as to fulfil the basic requirements for maintaining the structures of the LAG and its institutions. Community representatives saw it mainly as an aid for territories as such, even though in most cases they supported the municipality projects, i.e. projects in the public sector. The mayors realized the disappointment of the private sector. They admitted that in the programming period, only little was offered for the private sector and they see greater chances for this sector in the next programming period 2014 - 2020.

3.3 Civil sector

Actors from the civil sector (individuals - FO, civil society organizations) in the structures of LAG left very positive perception according to the mayors. They regarded them as a component that had a real interest to cooperate, participate and regularly attend meetings to prepare integrated local development strategies. According to the mayors, individuals and civil associations perceived LAG as a tool of regional development and also as something innovative. They rather shared enthusiasm and willingness to cooperate. Mayors were addressing particularly active individuals, which was expected to actively perform within the local action group.

Position of the civil sector was perceived by representatives of municipalities from different angles. First, civil sector served as a communication channel. It provided information for citizens that were not associated in agency of local

action group. Mayors saw that citizens perceive them as too busy, as a result of fulfilling the functions designated to them by law. They did not have enough time to inform the public outwards. Civil sector took over this role and provided information to outside persons and subjects about the work of LAG. In this respect, foreknowledge was important for citizens to take local action group as their and felt like they are a part of it. Second, mayors consider all active citizens and civil society organizations as an element of moral support in the structures of LAG. When they were solving the problems, they performed as a supporting element that brought the invigorating energy to overcome obstacles.

Mayors admitted that civil sector also failed to use the funding possibilities of LAG. The civil sector was prepared to cooperate, but on the base of adjusted conditions it could not actually implement the projects, in particular because of the method of financing projects - refund procedure. In municipalities operated small civil associations, which had as a source of their revenue often just member dues. Even if they have expressed their interest in submitting the project through LAG structures, minimal financial boundaries of the project challenged appeal of several thousand euros. Reimbursement of projects was set in the method of refunds, so the project had to initially fund the subject and after its implementation, the project costs were reimbursed. Civil associations and individuals had not prepared financial resources or a fund, through which they were able to co-finance the project. Possible loan, accounted for the sector rather burden than help. The civil sector (such as folklore groups, local artists), however, applied in a variety of cultural and social activities organized by local action group or member municipalities, which helped to strengthen the bonding element of cultural and social area, which was offered by the local action group.

CONCLUSION

In the conclusion, there could be statement that the principles of public-private partnerships such as LAG within the LEADER approach were fulfilled more – less formally in the case of LAG OZ Mikroregión RADOŠINKA, which had a further impact on the functioning of LAG form. Formally, everything was right, LAG had members from all sectors, who are committed to a common and equal cooperation. However, in personal interviews mayors argued that individual sectors, in the process of formation and functioning of LAG OZ Mikroregión RADOŠINKA had different positions. Municipalities were responsible for initial steps for formation and structure of the LAG. They also took over on themselves all the financial and organizational burden of the initial processes. They were fulfilling the role in reaching out to potential members of the local action group.

The private sector, represented by entrepreneurs, according to the mayors did not come forward to cooperate or has been unable to formulate their demands and expectations from LAG. Consequence of this is that during the program period it failed to mobilize and extract funding from the LAG. Private sector gave up its position and requirements in the beginning of the process of LAG, where their activity was the most important. The civil sector shared enthusiasm and was willing to assist in the formation of local action groups. On the other hand, according to the mayors, it was not ready to articulate their demands, and even if it were, the lack of sufficient financial resources for co-funding of the projects. The problem was the system of reimbursement of projects by means of financial recovery.

Ultimately a key role in the whole process was played by the municipalities. In this case, from all three sectors, they were the most motivated and ready for cooperation in LAG. They believed this idea, disposed with public financial resources and were able to handle the refund procedure. Their options were also increasing even in the context of low activity to define the needs of other sectors and they formulated their own needs into development strategy of the area. Result was, that in the disbursement of funds, priority was given to the public sector. Funding obtained through LAG helped municipalities to get money that they would otherwise have not received. Mayors advocated the opinion that from its own budget the municipality could not afford such investment activities - particularly small municipalities or some mayors consider these funds as an additional investment activity - larger municipalities.

The answer of question, what position was held by other sectors, could be answered as follows. Private and civil sector played a supporting role. They held a formal membership. The civil sector, from the perspective of the municipalities, acted as an element of motivation and as the disseminator of information. Factors that influenced the sectors position in the process of creation and in the functioning of the LAG, may be named as inexperience with action in the structure such as LAG, restricted conditions in developing an integrated strategy for territorial development, lack of time to prepare the territory for LAG, changing conditions of the bodies and the lack of financial resources especially in the civil sector.

In conclusion, it should be stressed that the formation of structures that previously did not have a similar foundation in these areas is very difficult and complicated process. All participants were in conditions of imperfect information and they lacked actual experience with the operation of the LAG. On the other hand, representatives of municipalities considered the formation of LAG as positive and they were aware of the proper gaps.

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Usmernenie pre administráciu osi 4 LEADER z Programu rozvoja vidieka SR 2007 – 2013, (2007). Annex No. 6 Zoznam členov verejno-súkromného partnerstva (MAS), Archive MAS OZ Mikroregión RADOŠINKA

COMPARISON OF MODELS OF SELF-GOVERNMENT IN THE SLOVAK REPUBLIC AND THE CZECH REPUBLIC BASED ON THE CASE STUDIES OF GALANTA AND MIKULOV

Peter Černý¹

Abstract

Dissertation topic is aimed at analysis of models of public administration and municipal government in Slovakia and the Czech Republic after the year 1993, when two self-governing republics – Slovakia and the Czech Republic were established on 1st January 1993 after the common state the Czech and Slovak Federal Republic had ceased to exist. In this part of the thesis we would like to present individual models of public administration in Slovakia as well as in the Czech Republic, to analyse the role of municipal government and its individual bodies (city mayor, mayor vs. corporation, city council, the head comptroller and a position of controlling in municipal government...) with the aim to identify “the power of position” of individual bodies of municipal government in both countries. Our task is to analyse and define municipal election results from the year 1993 in two specific cities in Slovakia and in the Czech Republic, carried out with the aim to use this information meaningfully and effectively for their potential comparison. These cities – Galanta and Mikulov – are specific because of their minority representation, closeness of borders with neighbouring countries, climate, orientation towards agriculture, their historical trauma and other comparable characteristics representing these regions. In modern history, both cities are partner cities cooperating in many different areas. Recently, not only city corporations of both cities have cooperated closely but also specialist bodies of both municipal governments, for example, conference on renewal and revitalisation of cultural sights, school organizations, museums, libraries etc. Moreover, there is also coordination with regional self-governing units (where Galanta and Mikulov belong) – the Trnava – Self-governing Region and South Moravian Region and relevant bodies of public and state administration of both countries.

KEY WORDS: Public Administration, Self-government, Municipal Elections, the Chief Controller, Political Parties, the Town Council, the Mayor

INTRODUCTION

The public administration can be seen as a set of processes, which in the Theory of State and Law represent a form of functional state, or the management of community-based activities carried out by state administration and self-

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government institutions as well as by public institutions. Public services, including public administration, meet the basic needs of citizens, the state and society. (Klimovský, 2008; Škultéty and col., 2002) They belong to typical features how to build a civil society. They make a significant contribution to the cohesion of a society and are a component of cultural identity in all European countries. In view of our membership and the membership of the Czech Republic in the European Union, countries in which the transformation and creation of a democratic model of public administration and self-government took place after the year 1989, we are working with the term “The European model” of civil society. Public services should be based on the requirement that everyone should have access to universal services at affordable prices, let us say that the part of them is used by the citizen for free. (Koudelka, 2007) The prerequisite of a successful and competitive economy is an institutional framework based on values such as the rule of law, enforcing law enforcement, sanctioning violations of rules, effective and flexible enforcement of treaties, separation of political and economic power, transparency, competitiveness and public scrutiny. The creation of such an institutional framework is directly linked to the existence of high-quality public services and especially public administration. For public administration, it must be understood that it is constituted on the principle of citizenship and must support a humane and just society that ensures the protection of fundamental rights and freedoms without any discrimination. Public administration has key importance for development of the economy and the creation of job opportunities. (Gut'an, 2017)

However, the decisive and starting point for designing of a modern public administration system is the position of a citizen. It follows from the logic of the principle that community is a basic and natural community in which the citizen must realize the right to participate in public affairs. The rule is that basic life functions of citizens, for example, work, housing, education, health care, social care and others are provided. Relationship between state administration and self-government should be governed by the principle of cooperativity, based on what these institutions associate. It is an effort to create good conditions for citizens' lives. The assumption is that public administration creates a coordinated and strategic perspective for optimal environment for the development of the private sector, which generates resources to finance public needs. (Čmejrek, 2008)

Although we must in this assessment of the socio-political situation say that (especially after the year 1989) it has gained some dynamism, some new elements of its functioning. We mean an increase in the political interests of the state administration, which can also lead to non-cooperativity, respectively, promoting optimal relations between the private sector and public administration.

In this context we observe major shortcomings and a permanent socio-political problem in the Slovak Republic, as well as in the Czech Republic, where one of the towns – Mikulov - belongs. The system of local authorities and regional authorities should be established on the basis that public administration powers are governed by a public administration that is able to do so at the most precise and professional level. Both the Slovak Republic and the Czech Republic are not just the countries that their citizens and other Europeans see as two subjects which began to write their new history two decades ago. They are mostly perceived as cultured nations which under the influence of different circumstances (both internal and external) have decided to split up in a very civilized, cultural way and start writing their own story. On the new foundations, with a new vision of the world and with a new perspective.

This is how we see it from today perspective, after the year 1989, because in 1918 the first Czechoslovak Republic was founded not as a unity of two equal subjects, but as a Czechoslovak state for one nation - Czechoslovak (see historical statements by TG Masaryk, Dr. E. Beneš, etc.). However, decades of coexistence in one state, a common overcoming of the period of unfreedom in 1989, also means takeover the foundations of public administration, state administration and the newly developed model of self-government as a pillar of political power, important for the functioning of the newly-emerging republics, the Slovak Republic and the Czech Republic, into new conditions.

Therefore, we focus on the characterization and comparison of the models of public administration and municipal self-government in the Slovak Republic and in the Czech Republic after the year 1993. At the same time, we analyze the position and competencies of self-governing bodies - mayors, town councils, village councils and commissions. Also, the position of the inspector and the role of the control in self-government in the Slovak Republic and in the Czech Republic based on case study researches of the towns of Galanta and Mikulov. We also want to point out the participation of citizens, which is based on results of municipal elections because without it the representative democracy in a society cannot exist. Other points are the specifics and system of functioning of the self-governing bodies that are bound to a certain local or a regional area where citizens gained new experience in the 1990s during the democratization of the society and formed contacts with the political scene. By comparing models of local authorities in individual towns that reflect regional specifics, we point out what can be used to reflect in our conditions as well.

1 POSITION OF THE SELF-GOVERNMENT IN THE PUBLIC ADMINISTRATION SYSTEM

The self-government of the Slovak Republic

The second part of the complex concept - public administration - is self-government. In public administration, executive activity and influence of social life represented by means of state character (Koudelka, 2007). It is not possible to identify the concept of self-government with the state administration, especially in regard with political power of the state administration. On the other hand, together with the state administration, the self-government participates in the implementation of public affairs. (Průcha, 1998)

It is important to emphasize that self-government units do not only implement their own administration, but they are often also delegated to the state administration. Self-governance is presented as an activity of a governing character. (Briestevský, 2008) It is related to the fact that the self-government does not only represent the operation but also the creation of self-governing power within the limits of valid law. Self-government gets its own aims, which are directed towards its accomplishment.

The sub-system of self-government includes three relatively separate parts:

- Territorial self-government,
- Interest self-government,
- Special (other) self-government.

The territorial self-government represents the municipality, which is understood as a separate territorial and administrative unit of the Slovak Republic. The fundamentals of the municipal self-government in the conditions of the Slovak Republic can be defined according to the Law on Local Self-government (Tekeli, J. – Hoffmann, M. 2014) as “Community decisive and carrying out all acts relating to the administration of the municipality and its property, all matters which, as its self-governing operation is governed by a special law unless these acts are legally performed by a state or other legal entity or natural person. Self-government of the municipality is carried out by inhabitants of a village:

- a) Municipal authorities,
- b) Local referendum,
- c) Assembly of the inhabitants of the municipality

The Law on Local Self-government has created a broad legal framework for the autonomous functioning of municipalities and towns. This became a stable and viable part of the new public administration system in the Slovak Republic. Despite some problems and open issues, the principles used in the Law on Local Self-government ensured bigger stability of the whole system during the political turbulence of previous years - especially in the 1990s. At the beginning more dynamic development was obstructed by financial problems arising from the macroeconomic problems of the transforming national economy. Despite this tension in financing municipalities, a standard technical, social and cultural operation of towns and municipalities was ensured. Municipalities actively disposed with their property. It is important to say that municipalities have fulfilled a wide range of tasks, which are usually provided under the pressure of public requirement in an autonomous environment for specific self-governing deciding. In the management activities of the municipalities significantly dominated is the economic management of local services and the tendency to use instruments and activities to initiate the socio-economic development of entire administered territory. The administrative and managerial apparatus of the town and municipal authorities has been focused on it. In both republics, the task of specifying and transferring many tasks from the state administration to the self-government gradually took place, as well as the tasks resulting from the integration process within the European Union.

The self-government of the Czech Republic

The Basic definition of the structure of self-government of the Czech Republic defines the Constitution of the Czech Republic (the seventh chapter) Article 99 of the Constitution of the Czech Republic and it says, "The Czech Republic is divided into municipalities which are basic territorial self-governing units and higher, self-governing regions". A municipality is defined as a basic territorial self-governing community of citizens and as a public law corporation. (Pomahač a kol. 2013) The municipality has its own property; (Kopecký – Prucha – Havlan – Janeček, 2016) it has the territorial and property responsibility that results from its position. A similar concept has a region; it is defined as a territorial community of citizens and a public corporation. A self-governing region has the right to self-government to the sphere given by the law and in accordance with needs of that region. A region also acts in legal relations, dealing with its own property, managing it separately according to the law, securing the needs of its citizens and taking care of the development of its territory. An essential and accompanying feature of the self-government of the Czech Republic (as well as

in the Slovak Republic, which only confirms what was said in the introduction - common history and development of public administration) is the principle of decentralization and subsidiarity, making decisions is delegated to the lowest possible level. (Jüptner – Polinec, a kol. 2009) Even after the dissolution of ČSFR and at the same time these two republics joined to the European Union, it remains a typical element in the further development of public administration. The main differences have occurred in the areas of municipal self-government and its individual elements that we will analyze. These are the following mechanisms of self-government, or more precisely, their competencies:

1. Structure of self-government in Galanta and Mikulov,
2. Status and method of election of a mayor - his competencies
3. The method of an election of town council deputies - their competencies
4. Status of a chief controller – his function and competence,
5. Status and tasks of the town council, commissions at town councils,
6. Analysis and assessment of the “power” and the range of competencies in the performance of the municipality of Galanta (as type of county town) and Mikulov as part of the larger unit, Břeclav county in the South Moravian Region.

This is a subject that is suitable for analyzing and interpreting their impact on activities and performance of both municipalities of Galanta and Mikulov. For the exact illustration, at the beginning of this section, we also describe the organizational structure of both municipalities in Galanta and Mikulov, with elected and unelected representatives of self-governments. From our point of view, it is important to know the differences in both self-governments.

Elected authorities of Galanta:

- Mayor of the town – is elected in the polls directly by citizens of the town (method of election is the one-round),
- Town council - 19 members / deputies.

Both entities are elected directly by the citizens in accordance with the Act no. 369/90 Coll., the Law on Local Self-government.

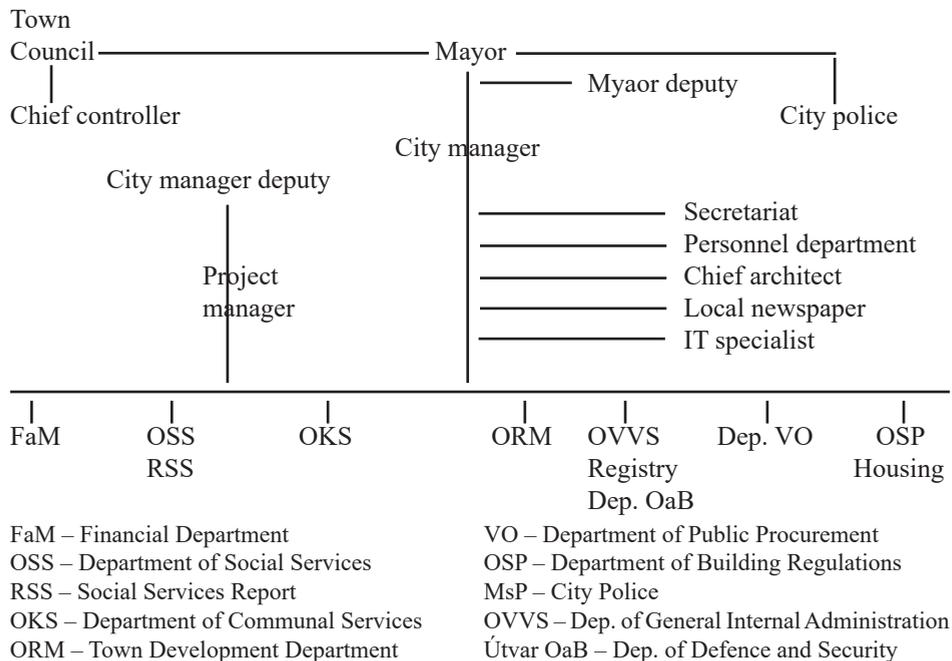
- The chief controller of the town - is elected by the municipal council members for a period of 6 years. The position of the chief controller must be independent from the town council, which is elected by the citizens only for a period of four years, also the function of the mayor who is elected for four years.

In the current parliamentary term, the city council does not work, although it follows from the dictum of the law that it depends on elected representatives of the town (deputies and mayor) whether they form the city council on the basis of a political agreement. This is also one of the fundamental differences in the functioning of self-government in monitored towns.

The functions of boards and committees at the Galanta Town Hall are consultative.

- Finance Committee
- Committee of Investment Construction, Environment, Cultural Sights, Transport and Public Order
- Committee for Trade, Services and Tourism, and Regional Development
- Committee on Culture and Inter-city Relations
- Committee of Education
- Committee of Social Health and Housing
- Committee for the protection of the public interest
- Committee for Sport, Youth and Physical Education
- Legislative committee

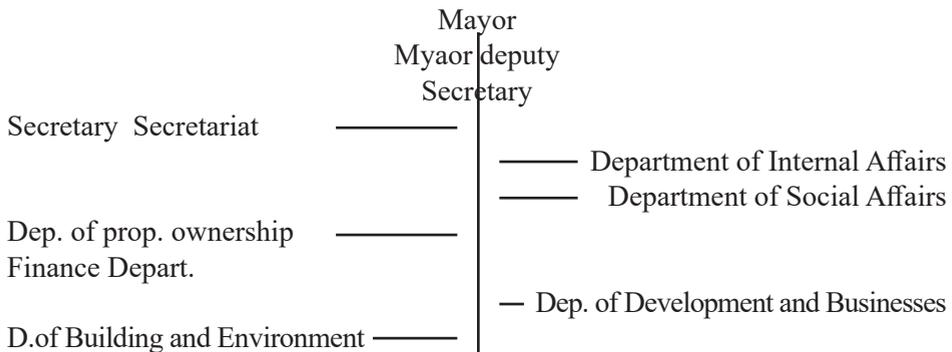
Scheme 1: The organizational structure of Galanta Town Hall is as follows:



The municipalities of Mikulov are elected by the town council. It has 25 members/deputies according to §84 of Act No. 128/2000 Coll. The council elects the mayor, mayor deputy and members of the town council from among themselves. The city council of Mikulov has 7 members/mayor, deputy myaor and 5 deputies. The election of the myaor of Mikulov is not done directly by the citizens, but through the deputies who have been elected by the citizens in the particular elections to the self-government. The council prepares proposals for negotiation with the town council, ensures the fulfillment of resolutions adopted by it, and its competence is reserved in the Law §102 of Act No. 128/2000 Coll. The Law on Self-government (general establishment). Elected bodies in the Mikulov municipal government are also council of the city council. They are advisory bodies to the city council. The city council set sup the following commissions after the other elections in 2014:

- Advisory Committee (workshop)
- Committee of Education,
- Committee for the Crime Protection and Security,
- Committee of Social Health and Housing,
- Committee for culture
- Committee for Sport and Free Time,
- Committee fir Investment Construction and Architecture,
- Committee for Strategic Regional Development
- Editorial Board of “Mikulov Newsletter“.

Scheme 2: The organizational structure of Mikulov Town Hall is as follows:



In terms of population, it is interesting to mention the latest census. On 1st January 2013, the town Galanta had 15 999 inhabitants and the town Mikulov had 7410 inhabitants. In this context, it is necessary to take into account the

number of inhabitants of both towns, the number of constituencies, resulting number of deputies and ways of creating town councils, commissions, way of choosing the mayor, etc. These results also show the interpretation of municipal elections and municipal policies in the towns Galanta and Mikulov, Electoral rules and evaluation of individual elections, comparison of election results, development of electoral participation, voters' behavior compared to other elections, occupation of the mayor's post, and direct election of the mayor. It is necessary to see the basic demographic and economic data in both towns and their impact on municipal elections and communal policy, on mayor-deputies relations, their "acting" in the elections from the perspective of the success of the candidacy for the position of the mayor, or town council deputy. These all are questions - the topic that comes from the nature of this work, which can be elaborated in detail either individually or as part of a broader material.

2 THE CHIEF CONTROLLER AND HIS POSITION IN THE SELF-GOVERNMENT

It plays very important role in the public administration management system at all its levels, in the self-government, it plays the role of feedback. In fact, this means that the quality and efficiency of self-government performance depends on the quality of control. The development of the control system in self-government cannot exist without the continuous improvement of the entire management system and effective forms of work organization.

Control as an effective, organized activity is a specific discipline. The particularities of the control, its specifics, the application of control methods and procedures are a prerequisite for the objective finding of the facts of the subject matter of the inspection. Above all the purpose of the control is to find the facts of the subject matter, to compare the status with the status required by the relevant legislation, to identify the causes of the deficiencies and to address them by adopting measures. This intention should be common to both the control body and the auditee. In addition to evaluating the performance of the audit, it should be noted that this activity is also accompanied by conflicting situations that arise from the point of view of the identified deficiencies by the control bodies and the controlled entity. However, we consider that the conflict is a natural way of formulating opinions whose aim is to find solutions and eliminate identified problems with respect to all arguments of the control participants.

The control procedures that set the objective state of the controlled reality and the way in which it is demonstrated are precisely the basis of the control activity that can not be prescribed. Each control requires a separate approach,

individual procedure and a separate formulation of the results of the inspection. The controlling power of self-government is defined by the Law on Local Self-government, which introduced into our legal system also the function of the main controller of the municipality. The main controller of the municipality has as an organ of the municipality an important and irreplaceable position in the municipal self-government. He controls surveillances and verificates activities. The role of the chief controller is to ensure the control of the municipality's activities in terms of aspects such as legality, efficiency, economy and efficiency. He is independent and impartial in his activities.

The chief controller is accountable for his work to the town council and he provides them reports directly about his control activities. These reports are prepared as public informative materials summarizing the audit findings, causes and consequences of identified deficiencies. The chief controller works on controlling activities according to the rules set in the Financial Control Act on the Self-government. Auditor's tasks are reflected in the the Law on Local Self-government. These include also the elaboration of a control plan, which must be processed and submitted to the town council for approval at half-year intervals. The main controlling activities of the chief controller are primarily reflected in the main obligations, which are guaranteed by statutory regulations.

In making a plan, the chief controller, reflects citizens' impulses and also provides scope for the demands of deputies of the town council. If deputies approved control, he is obliged to carry out the auditing. The main activity of the chief controller is the legal duty to draw up opinions on the draft budget of the municipality and the final account before their approval in the town council. By processing an opinion on the draft budget of the municipality he generally makes a preventative control because he assesses and defines the realities of the baseline, specifies the budgetary risks, index and rate of growth or decrease of the relevant budget items and decisive balance of budget ratios. With effect from 1st January 2015, the chief controller of the municipality must monitor the state and development of the municipality debt during the budget year. The chief controller is obligated immediately inform the Ministry of Finance of the Slovak Republic if the total amount of municipal debt is 50%, 58%, 60% of the actual current income of the previous financial year. ¹ (Tekeli, J., p.95). It is important to comment decisive facts on the final account reasons and consequences that have influenced the management in the previous budgetary period or, if appropriate, also reflect the following period. (Veverková, 2015)

The control system of self-government in the Slovak Republic, the focused controls are made in accordance with § 18e, the Law on Local Self-government, which establishes control rules. Control actions consist of some stages, when

the inspection starts with the preliminary preparation of the control, continues with the control itself and ends with the implementation of the control results. It means that each self-governing unit - a municipality within the Slovak Republic is also subject to controlling activity with all its subjects which are subjects of the analysis of the actual situation in the monitored period. In contrast with the Slovak Republic, the control of municipalities in the Czech Republic is conceived on another principle. According to Act no. 128 / 2000 Coll., The Law on Local Self-government, the control activity concerning the management of the municipality and the final account of the municipality, has the choice, by law within a given time, to ask for an examination the management of the relevant office of the self-governing region, an auditor or an auditing company. If the municipality does not ask for a review of its management by the relevant regional authority, nor it asks for a review by the auditor, the management of the municipality shall be assessed by law by relevant regional self-governing authority. If the municipality does not request the self-government region or the auditor for the review on time, the self-government region is obliged to make control, at its own expense. In the case of self-government of town Mikulov and its controlling activity, the committees of the town council - the Controlling Committee and the Financial Committee - play an important role here. The Controlling Committee is responsible for:

- monitor the implementation of the resolutions of the Town Council and the City Council,
- control compliance with the legislation by other committees and the Town Hall in the area of independent competence,
- fulfill other control tasks by which they have been mandated by the Town Council,
- solves and discusses the proposals of council deputy (member) for negotiation pursuant to Act no. 128 / 2000 Coll.b §82 (a),
- solves and discusses the comments and suggestions of the council deputy (member) to the chairmen of committees based on Act no. 128 / 2000 Coll. Section 82 A).
- Finance Committee solves:
 - control the management of the property of the town and its financial means
 - fulfills other tasks assigned by town council

Final account of the municipality

In Galanta, the report on the results of the survey of the management of the municipality for the previous calendar year will be discussed by the town council until the 30th July next year and it will take measures to remedy the

shortcomings. The approval of the final account of the municipality is reserved to the town council without any reservation, subject to reservations, on the basis of which the self-government unit takes the necessary measures to correct identified errors and deficiencies. From this point of view the control activity, it is necessary to state that the fundamental difference in the creation of self-governments in the Slovak Republic and in the Czech Republic is in the creation of a separate and independent function of the chief controller in Slovakia, in the Czech Republic, this status and competence is given to the self-governing region, or to an auditor. In connection with this issue, whether it is necessary to have a chief controller in the local government (which does not exclude the possibility of using the auditor) or as in the Czech Republic (the municipal self-government cooperates with a relevant self-governing region or an auditor). We consider that it is necessary to say that they have another character with different opinions. The self-governing region in the Czech Republic, the auditor in the Czech Republic and also in Slovakia are interested in and mainly control the state of accounting, the correctness of the accounting procedures, the observance of the budget structure in the accounting of the individual accounting operations and confirm the correctness of the accounting profit. They supervise the formal matter. Therefore, the position of the chief controller of the municipality in Slovakia, which is part of the "Municipality with his advisory voice", reacts at every meeting with the preparation of any material as an absolutely independent entity from the nature of its function, it is fundamentally different. He reports on the reported economic results in terms of assessing and defining the causes and consequences of the given situation, the economic result that preceded it, he also describes the causes and damaging consequences in the case of negative economic and management problems with a view to remedy. We see him as an independent authority focusing on the content control page. From the point of comparison of the control activity, we consider it is positive (the comparative models of the self-governments of the Slovak Republic and the Czech Republic) to have a chief controller in the municipality because of more effective functioning of self-governments in this area.

CONCLUSION

First of all, we must say that the character of the reform of public administration and self-government in the 1990s was largely conditional upon the collapse of the common state of the Czechs and Slovaks. It was necessary to build a new system that would be efficient, cost-effective, close to the citizen, modern, compatible with the functioning of self-government in EU countries, de-politicized, etc.

The closest partner who had to deal with - reforming - his public administration and self-government was the Czech Republic. It was also necessary - in both countries - to create, apart from the self-government of municipalities and towns, the self-government of the regions. Other important moment was to look for the way and form of funding for these public administrations, while taking care to control their funding, whether through the Chief controller or other control bodies. Citizens expect the public administration is competent, incorruptible, and always in accordance with the law. Well-functioning self government bodies appear to be the appropriate instruments for achieving this aim. In this context, it is not only about a mayor of municipality (in Slovakia elected directly, in Czech Republic indirectly), but also about local assemblies. These are ultimately the driving force of local government in both countries.

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A CHANCE TO RESTART PUBLIC ADMINISTRATION REFORM IN SLOVAKIA¹

Vladimír Melas²

Abstract

The aim of the paper is to point to the reform of public administration. How did governance change after the reform process. How the whole public administration process was underway. It is very important to point to the aspects that are related to the reform of the public administration. The reform of the public administration has brought many changes. It is named Open, Reliable and Efficient Public Administration, referred to as ESO. The reform of the public administration is linked to the communication strategy, political support as well as other aspects. The reform of the public administration is mainly to serve the citizen.

KEY WORDS: public administration, reform, process

INTRODUCTION

The time between the fall of Communism and the end of the 1990s in Slovakia and other Eastern and Central European countries is often described as a period of missed opportunities (Nižňanský 2002; Verheijen 2003). The early 1990s have been a suitable era for not only democratic transformation and economic transition but also public-administration reform. “*Eastern countries arose a re-evaluation of administration perception*” (Imrovič – Švikruha, 2015, p. 35). However, most of the countries in the region, including Slovakia, failed to “catch up” with the West during this period. Slovakia nevertheless managed to pass key administrative reform measures – especially in terms of decentralisation and deconcentration in the early 1990s (Tables 1 and 2).

However, regarding modernisation and civil-service neutrality, the Slovak public administration still had a long way to go. The general election in 1998, which saw an unprecedented level of public mobilisation against the Meciar regime, also brought in a new grand-coalition government with plans to continue with the public-administration reform – both in terms of further decentralisation and modernisation.

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Since local decentralisation had already been more or less completed, the first key public-administration reform goal of the 1998 coalition government was the creation of a new, regional and self-government tier of government. The so-called higher territorial units (*župy*) came into existence in 2001³, and first regional elections were held in the same year. The Slovak case study illustrates how the lack of administrative and political culture can easily lead to a public-administration reform acting as a double-edged sword – both in terms of decentralisation and modernisation. Ever since the year 1990 Slovak municipalities, even compared to municipal governments of other Central and Eastern European countries, have enjoyed a considerable level of local and regional decentralisation – both for the good and for the bad. The paper covers this process and points out some of the drawbacks and lessons learned from the Slovak public administration reform in terms of its decentralisation.

Furthermore, decentralisation efforts were supplemented with modernisation, which meant an increasing emphasis on management, control and education.⁴ The new legislation offered the means to public-administration modernisation. For instance, the Civil Service Act⁵ introduced various innovative measures which were meant to form and uphold modern, flexible, politically neutral and high-performance civil service – just as the EU accession criteria specified and requested. Among various other measures it is worth mentioning the creation of the Civil Service Office and the introduction of the Civil Servants Code of Ethics. However, soon after Slovakia joined the EU, the Act was severely and gradually weakened until its current form which lacks sufficient political-neutrality safeguards and allows government ministers and other political appointees to hire and fire civil servants as they wish⁶.

The key factor which influenced Slovakia's public-administration reform process – both decentralisation and modernisation, was the accession to the EU (Košťál et al. 2012). Prior to the 2004 accession, Slovakia was required to meet numerous strict criteria – which it did more or less successfully. Since EU membership was among the top priorities for all parliamentary parties, EU conditionality also led to an unprecedented cross-party consensus on the issue of regional decentralisation and public-administration modernisation.

³ Regional Municipalities Act 302/2001.

⁴ See MESA 10 (1999) for the complete Strategy of Public Administration Reform in the Slovak Republic.

⁵ Civil Service Act no. 312/2001. Other legal provisions were also implemented, e.g. the Public Service Act. However, the case study will focus on the Civil Service Act only, which best illustrates the challenges and lessons learned from Slovak public-administration reform.

⁶ For more information and detailed narrative of the reform process of modernisation and decentralisation in Slovakia, see for instance Jacko 2013.

The paper will now discuss and provide a narrative of the latest public administration reform, officially named as the “ESO reform”, which commenced in 2012. The authors will also analyse some key similarities and differences between the current and the last key public administration reform of the early 2000s. The paper will particularly point out methods, challenges, results and outcomes, and some lessons learned from the specific reform efforts. The authors approached Viktor Nižňanský, the architect of the previous key public administration reform; and Adrián Jenčo, the General Director of the Public Administration Section at Ministry of Interior, one of the key people behind and in charge of the current reform. In March 2013, they both provided the authors extensive interviews which have brought some new insights into the respective reforms and which reveal previously unpublished information and government plans.

1 A THE “ESO” REFORM

In March 2012, Slovakia saw an unprecedented election result with the Smer-SD party winning enough votes and seats that it formed the government unilaterally and is 7 seats short of a constitutional majority.⁷ The historically first Slovak democratic one-party government since 1989 announced a new wave of public-administration reform, dubbed “ESO” (Efficient, Reliable, Open).⁸ However, despite having a clear parliamentary majority and a decisive and functioning central government, depoliticisation is very unlikely. The official government programme makes no mention of changes in politico-administrative relations (Programové vyhlásenie ... 2012). Instead, the social democratic government is promising a new radical wave of public-administration reform in terms of modernisation and increasing effectiveness and efficiency, and though not mentioning it by name – very much in the *New Public Management* fashion.⁹

1.1 State Administration Shake-Up

Perhaps one of the clearest government reform goals is to decrease the number of most state-administration offices from 613 to 72. The government promised and has already delivered dissolution of 64 regional offices of specialised state administration.¹⁰ It also plans to reorganise, merge and bring most remaining local

⁷ SMER-SD currently holds 83 out of 150 seats as of April 2013.

⁸ From the Slovak *efektívna, spoľahlivá a otvorená*.

⁹ For media coverage of the reform, see for example: TA3 2012; Sita 2012; Pravda 2012; Kovac 2012; RTVS 2012a.

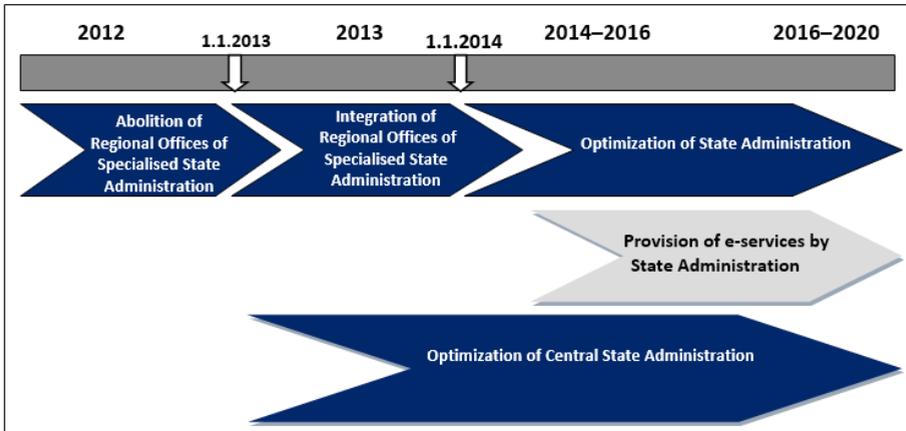
¹⁰ Act no. 345/2012 on Some Measures Regarding Local State Administration. The 64 offices

state-administration offices “under one roof”. They are now based in different buildings and towns throughout Slovakia, and the plan is to have only 72 Area Offices left which would represent the 79 existing Slovak districts (Bratislava and Košice having only one Area Office each), ideally based in as few buildings as possible and with easy electronic contact and access points. The Minister of Interior, who is responsible for the ongoing reform, argues it will make public services and state-administration staff costs cheaper, more efficient and accessible (RTVS 2012a). The reform programme and government representatives also emphasise in a rather PR-exercise way values such as transparency, quality, client approach, accountability, citizen involvement in decision-making and a “system of strategic planning and management” in civil service (Programové vyhlásenie ... 2012; 33). If the reform is fulfilled as planned, it will arguably deliver a significant public-administration reform, primarily in terms of its modernisation but also in terms of a considerable drop in central government spending. It should also bring a major enhancement to the quality of public services provided.

However, critics point out that the proposals that have been put forward so far lack goals in terms of depoliticisation and/or further decentralisation but instead bring only structural changes to the bureaucratic system and an “illusion” of a reform in terms of resources saved (e.g. *Hospodarske noviny* 2012; RTVS 2012b). If successful, the reform will merely bring a decrease in the number of state-administration offices present in municipalities and regions but not of their officials and staff (RTVS 2012b). The amount of public resources to be saved is also put into question. The government announced that thanks to the reform it will save up to 400 million EUR until 2015 and 700 million EUR until the end of 2016 – this would account for 1% of GDP of Slovakia (Sakova 2012, Jenčo 2013). However, the critics argue that if any resources are cut, this will be due to overall cuts in government spending, not because of the benefits of the reform per se (RTVS 2012b). So far, considering the sheer scale of the reform, proposed structural changes and the amount of resources to be saved; the government has produced only very few and limited reform proposals, which lack any reform analysis.¹¹ In terms of politico-administrative relations, the ongoing reform is very unlikely to change the status quo, too. The reform stages which include the abolition and integration of regional offices of specialised state administration (until end of 2013) and the optimisation of central and overall state administration (beginning of 2013 and 2014) can be seen in Table 3 below.

ceased to exist on 1 January 2013.

¹¹ The only officially available information through the Ministry of Interior website: MINV SR 2013a; MINV SR 2013b.

Table 3: The “ESO” public-administration reform stages

Source: Sakova 2012.

1.2 The Master Plan

Despite being publicly viewed as a project of the current government, the ESO reform was not an idea of the current government but had been initiated by the Radičová’s administration (Jenčo 2013). But the name “ESO” was created during the current government. Various analyses have been carried out since 2012, some had been initiated and already started during the previous government. The current reform team also made quite an unusual decision to retain all staff who had worked on the project under the previous government. Without any major changes or alterations, the current government was able to devise, finalise, launch and promote own reform “master plan”.

The reform plan comes with a number of general and “common sense” principles (Jenčo 2013):

1. Each year the government spends 40 million EUR on rent. The government should not to pay rent for offices of state administration.
2. A citizen does not know which office is meant for what. The government should be closer to the people and the intention is to simplify the process and make it more customer-friendly.
3. The key goal of the reform is not to sack people but to save money. Hence, the government has not so far announced any planned redundancies but instead focuses on the money saved.
4. Any government-made reform analysis is their “know-how”. Instead of revealing detailed government plans and analyses, the government will

each year announce how much money has been and will be saved through the reform.

5. State administration and self-government could work much more economically and efficiently. The government plans to offer outsourced state services for local self-governments,¹² and also has plans for further self-government reform.
6. The current state administration system is too fragmented and complicated. The government instead plans to copy the already existent territorial divisions - 79 districts of Slovakia and will create corresponding 72 “one stop shop” offices. Bratislava and Košice has more districts but will only have one such office each.¹³
7. If the public sector is not working, take inspiration from the private sector. The government plans to introduce front office and back office, clearly taking inspiration from the private sector. Each district will have its own “one stop shop” called the Contact Administrative Citizen Point (i.e. KAMO¹⁴) with a number of extra Integrated Service Points (i.e. IOM¹⁵) located for instance at village and town halls, post offices, etc. This should also function as an anti-corruption tool. KAMO will limit corruption because the client will not get into direct or any contact with the staff making a decision, but only front desk staff who has no authority to make a decision. Other proposed changes and private-sector-inspired plans will include introduction of performance management into the system of state administration which will also increase audit and control.¹⁶ This will also include performance measurement and a system of staff motivation through the amendment of the Civil Service Act.

¹² For instance, previously just the Ministry of Interior had 50 area state administration offices and each was making public contracts on all services necessary, including utilities and other necessary products and services. These offices will be abolished (i.e. their administrative-legal status) and their original role will be centralised through the support centres. The plan is also to set benchmarks and minimal requirements for specific job descriptions. For example, payroll officer will have a set minimum of staff he is responsible for. Furthermore, once having such a system put in practice, the Ministry plans to offer its services via support centres to local self-governments too, i.e. via outsourcing.

¹³ According to the government, this will be beneficial also in terms of civil defence. The whole coordination process in case of emergency will be simplified. The one chief of staff of local state administration present in the district will be able to make decisions much more effectively. Hence, the government intends to give back districts their old structures and roles and to merge all existing offices together.

¹⁴ In Slovak, “Kontaktné Administratívne Miesto Občana”.

¹⁵ In Slovak, “Integrované Obslužné Miesto”.

¹⁶ The government wants to know how many people are needed in order to effectively react to changes that the reform will bring.

In September 2012, the Ministry of Interior was required to finalise the ESO reform plan. The strategic document which has not been so far made publicly available and which further elaborates the reform details mentioned in this paper is called “Elaboration and Completion of the ESO Reform”¹⁷ and. As of January 1, 2013 the government has synchronised state administration and support services have been fully launched. On October 1, 2013 there will be more competences moved and this will affect 4 thousand state administration office staff. 40 other government agencies will merge with local state administration. Legislation which will cover this is as of April 2013 already in the parliamentary legislative process.¹⁸

1.3 Beyond ESO

The unpublished action plan includes reform phases until the year 2020, hence it is unlikely that integration of state administration offices will be the end of the reform. According to Jenčo, there are more teams working also on other government goals (2013). However, because the current government does not intend to ever publish the concrete action plan, the reform arguably has a key limitation – lack of verifiable data.

There is also an ongoing audit which commenced in January 2013 and which looks at the efficiency and effectiveness of used resources and government decentralisation – especially in terms of decentralised powers granted to local and regional self-governments. In Jenčo’s words, the audit’s aim is to:

Thoroughly review the state of performance and competencies undertaken by bodies of self-government at both levels (municipalities, regions); also to review the state of their funding in order to achieve high quality, cost-effective and efficient execution of these competencies. The audit will analyse both the transferred powers and the original self-government competences. The audit is currently [March 2013] being carried out by all ministries and other central government agencies. The role of the Ministry of Interior in cooperation with the Ministry of Finance is to prepare a summary report on the results of the audit together with a draft of proposed measures. Deadline is set to 1 October 2013. (Jenčo 2013)

The government will analyse the situation from a pre-2005, post-2005 and post-2011 perspective. This data will be provided and analysed by individual ministries, together with an internationally renowned external audit company. One of the key tasks is to get rid of duplicity, for example in terms of school offices. Then, using this gathered information and also information from

¹⁷ In Slovak, “Rozpracovanie a dopracovanie reformy ESO”.

¹⁸ See NRSR 2013 for the proposed wording of the new legislation and the statement of purpose.

municipalities, the Ministry of Finance, Ministry of Interior and the external audit company will do an analysis and prepare recommendations. Based on this audit the government wants to find out which decentralised or devolved powers are useful and which would better be returned to the central state administration. Also, having such information, the government will have necessary data which would help analyse the potential merger of municipalities.

Critics argue that the ESO reform is too narrow and lacks a more complex approach – especially misses the opportunity to improve running of local and regional self-governments. However, Jenčo argues that the government limited the reform to state administration only, partly because the central government does not have any measures to influence local self-governments (Jenčo 2013).¹⁹ Instead, the government plans to set an example itself through its state administration offices and wishes to inspire self-governments too. According to Jenčo, the government identified further 300 million EUR in the local self-governments in terms of their potential cost saving cuts. Hence, not only (re)centralisation but also a major territorial reform is likely before 2020.

2 REFORMS COMPARED

Seemingly different, the paper will now attempt to more closely compare and contrast the two key public administration reforms, the decentralisation and modernisation reform of early 2000s; and the current ESO reform. The authors selected 6 key points which will be discussed in further detail: scope of the reforms, reform staff, political support behind the reforms, role of EU conditionality, communication strategy, and reform outcomes.

2.1 Scope

In terms of scope, the reforms are at first glance very different. The two pillars of the first reform were decentralisation and civil service modernisation, whereas the ESO reform's so far publicly announced targets are to through reorganisation of the system of local and regional state administration and Jenčo (2013) also emphasises improvement in citizen access to government services and its simplification. However, according to the interview conducted, the current government wants to continue and go beyond the ESO reform and already has plans also in terms of (re)centralisation, major territorial reform, and last but not least civil service staff motivation (ibid). Hence, although being so

¹⁹ Although one could argue that despite so many powers already being vested in local and regional self-government, the central government still retains considerable power over self-government, especially through distribution of collected proportional tax (in Slovak, "podielové dane").

far viewed as being rather narrow and local state administration-focused, the ESO reform has a much far reaching plans. If successfully and fully delivered, it will likely outreach the previous reform also in terms of scope.

2.2 Staff

One of the key differences between the two reforms is in the people who have been in charge. Viktor Nižňanský used to work in the third sector organisation MESA 10 and later became a politician in order to deliver the public sector reform that he had previously worked on. He argues that had it not been for him becoming an active politician, the reform would have been much harder, if not even impossible, to deliver (Nižňanský 2013).

This is in clear contrast to the current reform. Adrián Jenčo used to work in a private multinational company as an IT and customer support expert and had no previous working experience in the public sector or politics (Jenčo 2013). Similarly, Denisa Saková, the Ministry of Interior's Chief of Staff (MINV SR 2013c) who is also in the core reform team and is Jenčo's direct superior, used to work for the same multinational company and also as a senior consultant at one of the major multinational consulting companies. Between 2007 and 2010 she worked

as a general director of the IT, Telecommunications and Security Section of the Ministry of Interior. The core reform working team includes between 5 to 10 people, but in total from 50 to 100 people have worked on the ESO reform agenda. As a result of key staff having extensive managerial and private sector experience, and reform plans confirm it, the reform team takes inspiration from the private sector – both in terms of managerial style and reform content (Jenčo 2013).

By contrast, Nižňanský worked closely with his former third sector colleagues and created his own new team at the Government Office. This was necessary because of the arguably strong politicisation of government staff during the previous Mečiar's government (Nižňanský 2013). On the other hand, the current government let the whole ESO team stay despite the change of the government and only the top management team is new (Jenčo 2013). This is clearly not in line with the more than 20-year practice of government staff shake-ups following each general election (e.g. Beblavý and Beblavá eds 2011). One could argue that this decision also illustrates the new managerial style – i.e. ignoring political background but instead focusing on staff merit.

In terms of international staff support, which was available due to various inter-governmental grants and support schemes at the time, Nižňanský (2013)

nevertheless chose to do the reform more or less “in-house” as he believed there were enough experts in Slovakia – both in the government and in the third sector. The current reform team is similarly made up of home experts only. However, the current government unlike the former one did neither approach nor consult any third sector or academic experts. By contrast, it has “headhunted” some high calibre private sector managers, including Mr Jenčo and Mrs Saková and put them in charge of the reform. What is more, the current reform team is taking inspiration from international experience too. The team works with the OECD on a project directly related to the public administration reform (Jenčo 2013). OECD will not only comment on the reform but will also make suggestions which might be used during the implementation process.

2.3 Political support

In order to successfully pass any public administration reform, political support is necessary. In terms of party politics and in Central and Eastern Europe domain, this has until very recently²⁰ meant mostly the support from a coalition government and its members of parliament for the respective public administration reform legislation. The general election of 1998 brought in a plethora of political parties which had united against the then Mečiar’s government and formed a grand coalition government which included 4 main coalition parties which themselves consisted of more than 10 political parties in total. In such a complex political situation a major public administration reform seems all but straightforward. Nižňanský (2013) argues that if it had not been for him becoming a member of the ruling government party of the day and later the Government Plenipotentiary for the Public Administration Reform, the reform would not have been passed as planned. Because of his political position and government status, he was able to influence and persuade the parties and their MPs to vote for crucial pieces of reform legislation. Nižňanský adds that despite having a multi-party government, the ruling parties were able to agree on crucial issues, especially in terms of the EU membership efforts. Hence, if necessary, he made use of leverage from the conditionality of EU membership (ibid). Nevertheless, he did not always succeed and a number of public administration reform acts were either not passed, or were passed but not in line with the original government intent (ibid). However, the former reform plans had the support of the public and especially of the self-governing municipalities and its representative organisations, such as the influential municipal lobby/interest group ZMOS²¹. Naturally, they had supported the reform because it was going to grant them much more power and

²⁰ As of April 2013, Slovakia and also Hungary have one-party governments with clear majorities.

²¹ In Slovak, Združenie miest a obcí Slovenska

also more financial resources. Last but not least, Nižňanský also stressed the importance of a working “reform triangle” (Figure 1). The triangle consisted of three key people and their respective government offices which were behind the public administration reform. Interestingly, all three of them, Prime Minister (Mr Mikuláš Dzurinda), Minister of Finance (Mr Ivan Mikloš)²², and Government Plenipotentiary for Public Administration Reform (Mr Viktor Nižňanský), had previously worked closely together in the MESA 10²³ NGO.

2.4 EU conditionality

EU conditionality played a crucial role in the former public administration reform but arguably and to a different extent in the current reform too. Nižňanský admits that if it had not been for Brussels pushing for regional and further local decentralisation, the decentralisation reform would have been implausible (2013). Furthermore, Ľubomír Plai, the only Civil Service Office Chairman before the Office got abolished, argues that the EU conditionality also played a fundamental role in the modernisation and depoliticisation process of public administration – mainly of the Slovak civil service (Jacko 2013). Similarly to Nižňanský, Plai argues that one of the few and perhaps the only working argument he often had to use in order to gain political support for any changes in the system of civil service was the EU conditionality.

Interestingly, EU conditionality although of a different kind has also played a significant role in the ESO reform. Despite being already a member of the EU and having the euro as Slovakia’s currency, the ongoing financial and economic crisis influenced the current government’s top priorities. The government plans to meet the EU’s target of a maximum three per cent GDP deficit in 2013 (Vilikovská 2013) and will in later years strive for a balanced budget. The ESO reform is an indivisible part of this plan (Jenčo 2013). Jenčo also admits that the government’s priority to save public resources via cutting state administration spending is the main driving force behind the reform. If successful, the ESO reform is meant to save up to 400 million EUR until 2015 and 700 million EUR until the end of 2016, which would account for 1% of GDP of Slovakia (Sakova 2012, Jenčo 2013).

²² Mikloš became the Minister of Finance in 2002 but previously held a post of the Deputy Prime Minister for Economic Affairs.

²³ MESA 10 is an NGO and a think tank which played a crucial role in the government reforms of the first and second Dzurinda’s government.

2.5 Communication strategy

The modern world of politics cannot ignore the importance of a well thought out communication strategy. Nižňanský admits that he spent days and weeks campaigning and at various stakeholder meetings in order to explain and get support for his reform and ideas. The government, MESA 10 and other institutions published numerous policy materials and analyses of the then still ongoing reform (e.g. Nižňanský 2002, 2005; Mesežnikov and Nižňanský 2002). The media were provided with all necessary reform documents (Nižňanský 2013) and as a result one could hardly say that there had not been enough policy information made publicly available. In terms of its effectiveness, Nižňanský argues that he managed to secure the support of the municipalities (i.e. ZMOS), of the academia and also of the public (ibid). However, one of his main defeats was the vote on the final number of self-governing regions. Nižňanský ever since argued for the 16-regions model but in the end due to political calculation, the 8-regions model was passed and is not likely to change. Nevertheless, due to the complex political situation at the time, it is hard to argue whether a different communication strategy would have made any difference.

The ESO reform team took a completely different approach. Inspired by *Leading Change* and other work of John P. Kotter (1996), Jenčo acknowledges the influence of the theory and practice of change management (Jenčo 2013). He argues that communication plays a crucial part in any reform process and details such as how exactly they want to cut costs is their “know-how” which they will not reveal – neither to the public and media, nor to researchers. One of the explanations given is that having their full intention made public, it could have been understood differently and could jeopardise the whole reform project. However, according to Jenčo, the reform team is also in contact with the OECD and keeps them informed about the reform developments. Being in contact with such a highly recognised and influential international inter-governmental institution, gives the reform even more international recognition and potential backing if needed.

2.6 Outcomes

Institutionally, the former reform has been a relative success (Jacko 2013). But democracy cannot work without the people. The two rounds of the first regional elections in 2001 were signified by very poor turnout, which continued and even dropped by the time of the second regional elections in 2005 (2001:

26.02%; 2005: 18.02%; 2009: 22.9%).²⁴ In light of these percentages, one may argue that the regional government still struggles to attract greater public interest and political engagement. Critics of the reform also argue that it represented only limited structural changes to the system of public administration and that a more personal approach was missing (Agh 2003). The reform process was predominantly concerned with the territories, their numbers, boundaries and the selection of regional capitals. This was also reflected in the parliamentary and public discourse. Instead of being granted extra rights, the public was for instance more concerned with the benefits they or their towns would get from being the regional capitals. Even Viktor Nižňanský admits (despite overall success of the reform) that further reforms should have been taken in order to bring government and decision-making closer to the people and make the government more effective.²⁵ Nižňanský was at the time dissatisfied with the rise in the number of civil servants, and he also pointed out that further reforms would be needed to deliver changes that he had originally hoped for. The key architect of the reform blames the politicians and their private interests for failing to deliver a more successful administrative reform at the time (Nižňanský 2002, 2013).

Regarding the success or outcomes of the ESO reform, we should refrain ourselves from commenting due to the still ongoing process and lack of verifiable data. Nevertheless, the first signals show that the reform has so far gone ahead as planned and that the government might save even more money than originally planned (Piško 2013, Jenčo 2013).

CONCLUSION

Public-administrative reform is not an end but merely a means to an end. In order to have a successful administrative reform, clear and/or cross-party political support is needed, and the reform has to be accompanied by a longer administrative and political culture change. The Velvet Revolution (1989) signalled the first wave of change in the system of Slovak public administration. The first decentralisation phase soon followed, and only six years later the government commenced deconcentration of public administration. The year 2001 was crucial for the public-administration-reform continuance – both

²⁴ Slovak Statistical Office: <http://app.statistics.sk/vuc2009/sr/tab2.jsp?lang=sk>; http://app.statistics.sk/vuc_2005/slov/results/tab2.jsp, <http://app.statistics.sk/volby01/webdata/slov/tab/tab1.htm>.

²⁵ For instance, he was disappointed with the rise in numbers of civil servants and duplicity due to the co-existence of Regional Assemblies (established 2001) and Regional Offices (established 1996) (Nižňanský 2002). For another useful summary of the reform including recommendations, see Nižňanský 2005.

in terms of decentralisation and modernisation. The peak reform efforts were reached in 2004 when Slovakia joined the EU. Afterwards, Slovak civil service has experienced a move back in terms of further politicisation of politico-administrative relations. The recently announced and commenced government plan to improve the quality, effectiveness and efficiency of public administration could indeed signal a new wave - a chance to restart public-administration reform, but critics remain rather sceptical.

In terms of the two analysed reforms, they are all but the same. Nevertheless, one can identify a number of similarities, for example the EU conditionality playing a crucial role in both reforms. Slovak decentralisation requires more impact assessments to objectively evaluate the extent of the reform success. Having fragmented local government could be viewed as a good example of subsidiarity and a high level of local democracy, but in order to achieve effectiveness, political culture and active civil society must be present in the long run. The considerable level of decentralisation and fragmentation has brought opportunities for public participation on the one hand but often at the cost of efficiency on the other. The current ESO public administration reform has some sound aspirations as well and seems well planned. Researchers should watch out for any early accomplishments or failures.

To conclude, current reform developments in Slovakia give hope that public administration will be closer to the people and move even further to its original purpose – to serve citizens at better quality and less cost.

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OF QUALITY IN PUBLIC ADMINISTRATION, PUBLIC AFFAIRS AND PUBLIC POLICY EDUCATION

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Abstract

Developing quality public service education and, in turn, quality public service is an ongoing challenge. Programs around the world are urged by accrediting bodies and other stakeholders to develop measures or indicators of quality and to meet established standards. As the world becomes increasingly more interdependent, common problems can often be met with common solutions when possible. However, in the field of public administration education seeking that common ground may be a challenge. Though the challenges may be similar around the world, differences among countries affect the implementation of solutions. This paper looks at the people and the process (collaboration) that impact successfully producing standards of quality (the product) for public service education and training.

KEY WORDS: public administration, public service education, education

INTRODUCTION

There is what seems to be a common recognition among public service educators and practitioners that preparing individuals for public service is a global challenge – whether through traditional initial preparation in educational avenues such as universities, institutes and schools, executive/mid-career education, or government-sponsored civil servant training programs (UNDESA/IASIA, 2002; IIAS, IAD and IASIA, 2007; NASPAA 2009). Because the public seeks high quality services, organizations in the public sector must be high performing. In order to perform well, persons working in the public sector should be of the highest level of skill and preparation. Consequently, the institutions that educate and train public sector workers must continuously strive for excellence because better governance can fundamentally be linked to the more effective preparation of public administrators (Task Force on Standards of Excellence in Public Education and Training, 2008; Newcomer & Allen, 2010). Public service education and training (i.e. public policy, public administration and public affairs) programs must have as one of their primary goals the need to produce public sector leaders with knowledge, skills and abilities to meet the challenges of the rapidly changing global environment. Caddy and Vintar found that there

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is a link between economic development and the presence of professional public administrators and a competent and well-established public sector management (Caddy & Vintar, 2002). According to Bertucci, “Developing strong leadership in the public sector is a crucial task in order for any country to prosper. In fact, the quality of government leadership has a great impact on the quality of governance, which in turn is often closely related to the level of development of a region” (Bertucci, 2007). Similarly, Mishra asserts that the effectiveness of service deliver by public agencies depends on the competence of individuals managing public organizations. He further states that “it becomes an immediate objective and goal for every government to ensure that its public servants are educated and trained properly and adequately to meet the challenges posed by globalization and supra-national organizations on one hand and web technologies on the other.” Such an objective can be achieved if the standards and quality of higher education systems, particularly public administration education and training are enhanced by adopting innovative methods (Mishra, 1999).

How should the goal of achieving quality public service education be met? Educational and training institutions and their accrediting bodies have put forth concerted effort to ensure this is accomplished. Achieving this goal, however, requires a holistic approach. Stakeholders and collaborative partners must go beyond academic and civil servant training and one-dimensional agency conversations. In an environment of increased global interdependencies, it is essential for public sector stakeholders around the world, and across agency and organizational boundaries, to communicate about shared educational concerns and interests and to identify and pursue standards that will equip current and future public sector professionals with the capabilities to address complex social challenges. This paper holds that the process of collaboration should be clearly defined, and that having a process accepted by all stakeholders produces better results – in this case better quality standards of quality for public service education. Using a ten point model of collaboration defined by Hudson et al. this study looks at several themes that may promote better interactions among public service stakeholders in order to better define and measure standards of quality for public service education and training.

1 QUALITY STANDARDS AND GLOBAL COLLABORATION

Defining and determining quality public service education can be arduous. Defining quality is obscure, especially in higher education. The meaning of quality can be interpreted and applied differently by different organizations (van der Krogt, 2005; Burrows and Harvey, 1992; Pfeffer and Coote, 1991;

Gibson, 1986). Each organization has a different perspective on quality. Harvey and Green note that “this is not a different perspective on the same thing but different perspectives on different things with the same label” (Harvey & Green, 1993). Pfeffer and Coote observed that in assessing quality in higher education the traditional concept is useless because it provides no definable means of determining quality (Pfeffer & Coote, 1991).

The method of assessing and measuring quality is important and should be explored in global conversations. Though there are numerous models for assessing quality Burrows, Harvey and Green explore four themes that appear consistent in many models.

- Conformance to specification or standards
- Quality as fitness for purpose
- Quality as effectiveness in achieving institutional goals
- Quality as meeting customers ‘stated or implied needs

The Task Force on Excellence in Public Administration Education and Training suggested eight standards of excellence for public administration education and training:

1. Public service commitment in all activities – teaching, research technical assistance and other service activities
2. Advocacy of public interest values
3. Combining scholarship, practice and community service
4. The faculty are central
5. Inclusiveness is at the heart of the program: A critical element in the achievement of excellence in public administration education and training is an unwavering commitment on the part of faculty and administration to diversity of ideas and of participation
6. A curriculum that is purposeful and responsive:
7. Adequate resources are critical (Task Force on Standards of Excellence in Public Education and Training, 2008)

While each of these approaches has some relevance in assessing quality in public administration education and training the model for quality has been the acceptance of standards. Standards define an expected level of requirements and conditions against which quality is assessed or that must be attained (van der Krogt, 2005). In using standards as a means of measuring quality it is important for education stakeholders to have a common understanding of how each standard is defined and applied (Burrows, Harvey, & Green, 1992). It is important to consider the diversity of cultures, forms of government and other areas of

uniqueness. In a recent paper presented by Laurel McFarland and Younguck Kang they assert that in assessing the quality of international institutions there is a need to take account of national and regional distinctiveness (McFarland & Kang, 2013).

Public administration and management training (PAMT) in developing countries has expanded and diversified in the past three decades. Five preconditions have been identified as necessary to ensure the effectiveness of that training:

- training policies and management of institutions,
- the educational system,
- the stock of educated personnel,
- personnel policies and systems,
- the administrative culture of governments

Few less-developed countries (LDCs) have formally adopted training policies, especially related to public enterprises (Paul, 1983). These factors should be considered as standards are defined.

1.1 The Need for Global Collaboration

How to raise and sustain standards of excellence in public affairs education and training is a longstanding and perennial challenge (UNDESA/IASIA Task Force, 2007). In a working paper produced by USAID the author notes the importance of quality improvement in education globally and the desirability of international collaboration in order to facilitate improvement (Kendall, 2006). Accrediting bodies such as the Network of Schools of Public Policy, Affairs and Administration (NASPAA) also recognize the significance of collaboration in quality improvement. The preface to NASPAA Standards 2009 states: “As the needs of the public sector change, NASPAA must undertake an earnest discussion of how to best educate and develop public affairs leaders, ensuring that graduates of accredited programs obtain the relevant and competitive skills and competencies they need to excel in public service professions” (NASPAA Standards 2009: Defining Quality in Public Affairs Education).

Comparable discussions were held by the United Nations Department of Economic and Social Affairs (UNDESA), the International Association of Schools and Institutes of Administration (IASIA) and similar bodies. These discussions on how to best educate and train public affairs leaders should not be confined within individual schools, accrediting bodies or associations but should have broader participation. As there are many high quality programs around

the world as well as “a striking rise in international flows of students, faculty, scholarship and international jobs in public affairs” the discussion of standards of quality should include input from around the world and across stakeholders. The discussions should be collaborative in nature, taking into account both the similarities and differences of the participating stakeholders. Recognizing the emerging international trend, McFarland concluded that an internationalized set of standards and an international accreditation process would require an internationally convened body to create and administer it (McFarland, *International Accreditation Issues: NASPAA White Paper*, 2007).

While international accreditation has not been broadly agreed upon, conversations about quality public affairs education abound. Questions continue to be raised about the need for common standards. Common goals do not necessarily mean common standards. An examination of the standards of NASPAA, EAPAA (European Association for Public Administration Accreditation) and the Standards of Excellence in Public Education and Training developed by the Task Force on Standards, to name a few, show that most standards are general in nature and are often very similar to, or taken from, each other. If this paradigm continues the question of quality public affairs education should focus on the knowledge and skills required for public sector management/administration, the extent to which we can measure and/or assess quality and the extent to which public affairs academic and training programs can effectively carry out quality improvement. Are the requirements the same or similar for academic and training programs? Who, or what individuals, organizations or institutions, can best define what will be most beneficial for education and training programs?

1.2 Stakeholders in Public Administration Education and Training

In September 2012, the second European Congress on Global Education held in Lisbon, Spain brought together international organizations, governments, local and regional authorities, civil society organizations, as well as educators from Europe to facilitate a dialogue, a learning experience and strengthen political commitment to global education among stakeholders (Ruano, 2012). Similar Congresses have been held in Latin America, the United States and other parts of the world. In order for public service education and training to benefit from such assemblies representatives from all continents, individuals from developed and less developed countries, international organizations, governments, local and regional authorities, civil society organizations, as well as educators must be a part of the discussion.

The concept of stakeholders stems from the sense of cooperative agreement or arrangements. According to Correia, the stakeholder concept “emerged in the 1960s among academics at the Stanford Research Institute, who proposed that, instead of focusing exclusively on shareholders, a firm also should be responsible to a variety of stakeholders without whose support the organization would collapse” (Correia, 2005). The term was made known by R. Edward Freeman, who included in his definition any or all individuals or groups who can affect or is affected by the achievement of the organization’s objectives (Freeman, 2010). In that vein most commonly defined stakeholders in public administration are citizens, policy makers, and corporations or businesses. These are the same stakeholders for public administration education and training with the addition of faculty and students. Globally, those contributing to the discussion of standards for public affairs education depend on the political and administrative culture and organization of each country. These different stakeholders may play different roles or have different input into what knowledge, skills or competencies are needed for public service; the stakeholders, however, remain fairly consistent.

The discussions about public affairs education must be structured so that all stakeholders are represented and all contribute to the conversations. There are numerous models of collaboration. The model defined by Hudson et al. takes a comprehensive approach to promote more productive discussions. This model is explored below taking into consideration previous discussions as well as existing paradigms of collaboration among public service organizations.

1.3 The Collaborative Process

The literature on collaboration provides many definitions and structural possibilities. The general meaning of the term collaboration is to work together toward a common end. It assumes an association among the participants and that participants in the process “co-labor to achieve common goals, often working across boundaries and in multi-sector and multi-actor relationships. Collaboration is based on the value of reciprocity and describes the process of facilitating and operating in multi-organizational arrangements to solve problems that cannot be solved easily by single organizations” (O’Leary, Gazley, McGuire, & Bingham, 2008). Brna states that the “notion of collaboration appears to be almost universally accepted as being valuable as a way of encouraging learning to take place in the classroom. However, the term collaboration is often used as if it were either unambiguous or intentionally vague. The literature on collaboration indicates that there is a significant degree of disagreement” (Brna, 1998).

Hudson et al. in reviewing the literature on collaboration identify ten components of collaborative endeavors. Like the research of Hudson, this paper notes that there is no one-best-way of collaboration codified. However, recognition of the more dominant factors found in the literature may help those organizations encouraging a collective discussion to promote quality public service education. Hudson's stages are:

1. Contextual factors: expectations and constraints
2. Recognition of the need to collaborate
3. Identification of a legitimate basis for collaboration
4. Assessment of collaborative capacity
5. Articulation of a clear sense of collaborative purpose
6. Building up trust and principled conduct
7. Ensuring wide organizational ownership
8. Nurturing fragile relationships
9. Selection of appropriate collaborative relationship
10. Selection of a pathway (Hudson, Hardy, Henwood, & Wistlow, 1999)

Contextual factors: expectations and constraints

The authors suggest that individuals or groups involved in the collaborative process begin the process by exploring what participants expect from the process as well as possible restrictions or limitations. Honest conversations must be promoted at this stage so that geographical, cultural financial and other possible obstacles are considered. Can possible limitations be the manner in which past collaborations regarding public affairs education and training have taken place? Previous interactions have been organization or institution specific. For example, discussions among accrediting bodies have been limited to those bodies such as discussions among academic and training institutions. While each of these groups bring input from their organizational stakeholders, is this sufficient? Are discussions at this level one-dimensional? This issue must be raised and resolved as collaborators begin discussions.

Recognition of the need to collaborate

This point has previously been established in this study and among many of the stakeholders in public administration education. Several accrediting bodies and other organizations including UNDESA/IASIA in 2003, Network of Schools of Public Policy Affairs and Administration (NASPAA) in 2003 and 2007, and the European Association for Public Administration Accreditation (EAPAA)

in 2006, the European Association for Quality Assurance in Higher Education (ENQA) 2005, and others have been discussing quality standards. There are a number of reports with similar findings, exploring the notion of how to measure quality (UNDESA/IASIA, 2002; IIAS, IAD and IASIA, 2007; NASPAA 2007). Similar discussions may have been held among organizations and institutions that train public administrators. Their findings are not so prevalent in the literature.

The United Nations Department of Economic and Social Affairs and the International Association of Schools and Institutes of Administration began exploring the development of international standards for public administration and training. What resulted was a series of papers that explored the critical issues in public administration education and training with some prescriptive observations on the delivery and design of public administration education and training programs and the standards applied to evaluating the quality of those programs (UNDESA/IASIA Task Force, 2007).

A paper issued by USAID emphasized the lack of progress in this area. According to the author, "Education quality improvement experiences emphasize the potential benefits of collaborative practices. Although international education literature highlights the desirability of participation, the development community has had little success implementing collaboration-based processes, and participatory efforts are often piecemeal and ineffective" (Kendall, 2006).

Identification of a legitimate basis for collaboration

The achievement of excellence in public administration education and training is the basis for collaboration. Individuals preparing for leadership roles in the public sector should be adequately prepared to address global problems and challenges. According to Rosenbaum and Kauza, challenges such as climate change, natural disasters, and economic obstacles faced by governments worldwide, health issues that are not contained within geographical boundaries, terrorism and poverty are problems faced by the majority of countries around the world require leaders that are well-prepared and competent (Rosenbaum & Kauzya, Introduction, 2007). For these reasons, and numerous others, collaboration on how to best prepare students and public servants should be in the global arena with global contributors.

Assessment of collaborative capacity

The literature and basic definitions of collaboration indicate that successful relationships are built on mutual goals and trust among participants. Hudson

et al. note that collaboration can often be based on altruistic assumptions about individual and organizational behavior which can often result in less than satisfactory relationships among collaborators and less than satisfactory outcomes of the collaboration. Given the complexities of both aligning and competing interests among participating organizations, collaboration is often a challenge (Hudson, Hardy, Henwood, & Wistlow, 1999). The 2011 Memorandum of Understanding between EAPAA and NASPAA highlight an arrangement that prevents such competition. The document acknowledges “the shared goals and procedural overlap” of the two agencies and develops a way in which potential areas of competition between the two are eliminated. A model of inter-organizational collaborative capacity (ICC) developed by the Naval Post-Graduate School addresses such an approach. “A key assumption of this model is that building collaborative capacity requires deliberate leadership attention and the alignment of organizational design elements toward collaboration” (Hocevar, Jansen, & Fann, 2012). The leadership of NASPAA and EAPAA is exemplary for future efforts.

Articulation of a clear sense of collaborative purpose

Collaborative arrangements defining mutually beneficial solutions to problems must go beyond the needs of any one individual or organization. Regular and effective collaboration among governments, nongovernmental organizations, educational and training institutions and communities can strengthen quality improvement efforts (Kendall, 2006). Hudson et al. emphasize that goals and objectives need to be clear to all collaborators, and be realistically capable of attainment. Goals and objectives lacking clarity or attainability will diminish collaborative enthusiasm (Hudson, Hardy, Henwood, & Wistlow, 1999). Lessons on collaboration learned by the USAID in a project in Malawi indicate that successful collaborations:

- Treat local stakeholders as full collaborators.
- Provide broad frameworks, space to identify local problems, and support to effect change.
- Create ongoing and generative communication between actors and institutions.
- Allow local realities to lead policy and programming reform (Kendall, 2006).

In the final report of the Task Force on Excellence in Public Administration Education and Training, Blue Wooldridge similarly suggests:

- Commitment to a clearly described vision and mission
- Focus on quality services for the client
- Empowerment of employees
- Valuing diversity
- Communicating effectively (Task Force on Standards of Excellence in Public Education and Training, 2008)

These elements should assure that the purpose is well established and participants feel the process will be mutually beneficial. According to Rosenbaum, building a community of excellence that is constantly debating the critical issues of the public sector and the relevant processes of administration and policy formation and evaluation, as well as the efficacy of the various approaches to problem solving is implicit in public administration education and training. (Rosenbaum, *Excellence in Public Administration Education: Preparing the Next Generation*, 2007)

No matter how hard public administration academic and training programs attempt to match their programs with comparable programs elsewhere, they cannot ignore local contexts in their curriculum design efforts. Therefore, as far as public administration standards are concerned, the craving for universal knowledge is conjoined with the pressure for local relevance. How to address those intertwined issues should form an important component of cooperative endeavors (UNDESA/IASIA Task Force, 2007).

Building up trust and principled conduct

Trust based on a perception that all collaborating members are competent is the beginning. The willingness among participants in the process to trust one another is critical to exploring problems sharing information, creating innovative ideas or taking risks that will move education and training programs toward excellence in program quality. Building trust and sometimes consensus requires addressing a number of issues, including stakeholder concerns, lines of effective communication and flexibility to improve outcomes and sustainability (Kendall, 2006). According to Child:

- Trust generates a willingness to overcome cultural differences and to work through other difficulties that arise in collaborations.
- Trust encourages people to work together to cope with unforeseen circumstances, thus permitting them to adjust more rapidly and with

less conflict to new circumstances which contracts and other formal agreements may not have foreseen.

- Trust provides an alternative to incurring the costs and potentially demotivating effects of close control and a heavy reliance on contracts.
- Trust encourages openness in exchanging ideas and information, which is a necessary condition for problem solving, innovation and other forms of knowledge creation (Child, 2001).

Ensuring wide organizational ownership

Organizational representatives to the collaborative process must be in the position to obtain buy-in to collaborative decisions from others in their organizations. This requires full-participation by all collaborators. Each participant should believe the process is fair and that they have full access to the process. Smith et al. emphasize that trust emerges as a key antecedent to cooperation (Smith, Carroll, & Ashford, 1995).

Selection of appropriate collaborative relationship

Natalya Kolisnichenko finds that all sectors – public, private and nonprofit – are heavily involved in the provision of public administration education. After undertaking a survey of practices within and across countries, she concludes that no one model approximates all experiences (Kolisnichenko, 2005). There must be an effort to balance collaboration and competition. Because cooperation and collaboration can be a win-win situation for all involved, competition should be minimal.

Selection of a collaborative pathway

According to the authors of this model collaborators should consider different pathways to achieve their goals. The natural science disciplines have created a number of different pathways to collaborate that began with research. Meetings of professional associations, accrediting bodies and the creation of special entities to explore the challenge of quality public service education and training have all been tried, yet the discussions continue. Perhaps one of the pathways is to merely continue the discussions. Participants at these meetings continuously take back new information to their organizations that energize positive change.

CONCLUSION

Stakeholder collaboration in the definition of quality, implementation and measurement of standards, and the improvement and evaluation of programs arguably increases the likelihood that the resulting changes to programs will more effectively meet the needs of various stakeholders, be judged meaningful and successful by a wide range of stakeholders, have fewer unintended consequences, and be more sustainable (Kendall, 2006). Lots of efforts have been made in attempting to ensure quality public service education. Whether there should be common international standards, standards that are country or program specific, or whether there should be continuing discussions about common global challenges continues to be debated. Is there a sufficient amount of global cooperation already to promote quality public service education? These questions must be explored by public service stakeholders. What may be helpful in those conversations is to note successful models of collaboration and to incorporate them into the conversations.

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QUALITY OF PUBLIC ADMINISTRATION AND HUMAN CAPITAL

Peter Lukáč¹

Abstract

This paper explores, both formally and empirically, the mechanisms that lie behind the varying levels of effective public administration taking place across nations and looks at how education affects the quality of bureaucracy. The first section develops theory in which good governance is a function of the extent to which educated citizens can hold officials accountable for their actions. The presence of democratic mechanisms of control and an increasingly informed electorate, measured through the level of education, may explain the governmental effectiveness in cross-countries regression. This second hypothesis tested also on a cross-national dataset of expert evaluations of bureaucratic structures, the impact of the recruitment of public servants on public administration quality. We looking at the quality of recruitment public servants — those officials who influence policy design and implementation.

The aim of this study is therefore to focus on the relationship between level of education and quality of government for 37 countries. We rely on cross-country data regressions. The empirical research confirm that the education is positively associated with the quality of government. We found that higher educational attainment among society and recruitment of civil servants based on meritocracy is associated with higher state governing capacity, resulting in better decisions and better development outcomes.

KEY WORDS: public administration, government, education, development

INTRODUCTION

The quality of the public administration is important for economic competitiveness and societal well-being, because the main preferences of the citizens are goods and services (Imrovič – Švikruha, 2015). Recent literature on economic governance (Ahrens, 2002) consider that the quality of public administration and “good governance” or “state capacity”, is relevant factor for economic growth. Economists have started to view dysfunctional government institutions as the most serious obstacle to economic development across the globe (Rodrik, Subramanian, and Trebbi 2004). There are several reasons for why governments might fail. Besley (2002) argues that “government might fail because of ignorance, influence (corruption and rent seeking), and the quality of

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leaders". Along the same line, Chong, La Porta, Lopez-de-Silanes, and Shleifer (2012) argue that there are one reasons for bad government: political economy. The political economy arguments hold that governments in poor countries are less accountable because citizens have few opportunities to exercise their voice [.....] An alternative view of bad government holds that low productivity of government services is explained by the same factors as that in the private sector. Part of the problem might be inferior inputs, including human and physical capital as well as technology".

Only few studies exist that compare bureaucratic quality and administrative performance internationally at the aggregate level. Most research compares administrations within one system and focus on the performance of local administrations. Some recent publications had attention for overall public sector performance, and also focused on the performance of the public administration, for example the work: Public sector efficiency: an international comparison of Afonso and coauthors (2003). This paper aims to fill the gap.

A starting point for a discussion of administration is to suppose that citizens of any country prefer to be governed by an honest and competent official. We will argue that educational attainment is a good candidate as a proxy for quality of government. This paper explores if education of societies do matter for quality of administration, and through which mechanisms. Accordingly, to account for varying levels of effective governance across nations, this paper develops, in its first section, a principal agent model in which good governance is a function of the extent to which citizens can hold officials accountable for their actions. For instance, if education raises voter turnout or the awareness of the electorate in terms of economic and social issues, one could expect the quality of administration decision-making process to improve in the long run. We discuss background issues that motivate our test linking a country's administration institutions and the educational attainment of society. We show that both the presence of democratic mechanisms of control and an increasingly educated electorate, explain considerably well the distribution of governmental effectiveness across a country sample. We begin by discussing why we might expect educational attainment to be a signal of competent administration. As level of education goes up, administration accountability rises, and the space for rent-seeking declines. Also this paper suggests that existence of mechanism of professional, merit-recruited, bureaucrats which require any assumptions on higher competence, higher morals is a mechanisms of control.

This article proceeds as follows. The first section develops a principal-agent model in which good governance is a function of the extent to which citizens can hold political officials accountable for their actions.

Also connection between education and quality of administration is presented. In the second section, the concept of quality of administration is outlined. In the next section, the data is introduced. The relationship and results from the regression analyses are presented in the fourth section

1 A THEORY OF POLITICAL ACCOUNTABILITY. DOES EDUCATION MATTER?

Public accountability is an ambiguous topic. The basic elements of the discussion on public accountability have been in relation to the organization, the powers and the ethics of public authority. To develop a theory of the causes of good administration (good governance), we explore the institutional and informational conditions under which the public can induce bureaucrats to behave well. Principal-agent theory has been used extensively in public administration, implementation analysis to examine the problems associated with management and administration. The governance is a game in which a principal, the public, delegates on an agent, the policy-maker, a given set of instruments to execute certain goals. A critical management problem is delegation. Delegation occurs when a principal, who cannot easily perform the task, instead hires an agent to accomplish the task. Principals have difficulty knowing if they hired the right person and whether the task is being accomplished appropriately. This two problems are known as adverse selection and moral hazard. Moral hazards arise because the principal and agent often have conflicting goals and views of risk. Principal cannot assume the agent will act in the principal's best interest. This conflict is exacerbated because monitoring the actions of an agent can be costly. Adverse selection problems leave principals in the position of not knowing if they have hired the right person for the job and if the agent represents the principal. This delegation process is not exempted, however, from considerable political tensions due to the existence of both heterogeneous interests and informational asymmetries between the principal and the agent. First, policymakers and voters may have interests at odds with each other: the former may be simply interested in enriching themselves while in office or, even if they are honest, their ideas about what enhances the welfare of the public may differ from what the public itself wants. Second, the principal and agents may differ in their corresponding levels of information about the state of the world, the policies to be pursued and their welfare consequences. If the public is less well informed than the policymaker, the latter can more easily impose her preferences or even exploit the public. In short, the delegation of decision-making and policy implementation responsibilities, a "must" in modern representative democracies, automatically

opens up the possibility for significant inefficiencies among political practitioners (Waterman 1998). Our interest is in considering whether the problems identified through principal - agent theory can be easily mitigated in the context of quality of administration. We specifically focus on two aspects of the principal-agent model:

1. The methods available to principals for minimizing the effects of the principal - agent dilemma— contracting, monitoring.
2. Overcoming the adverse selection problem requires a large pool of potential agents from which to select, so the principal is in a position to reject all unqualified agents.

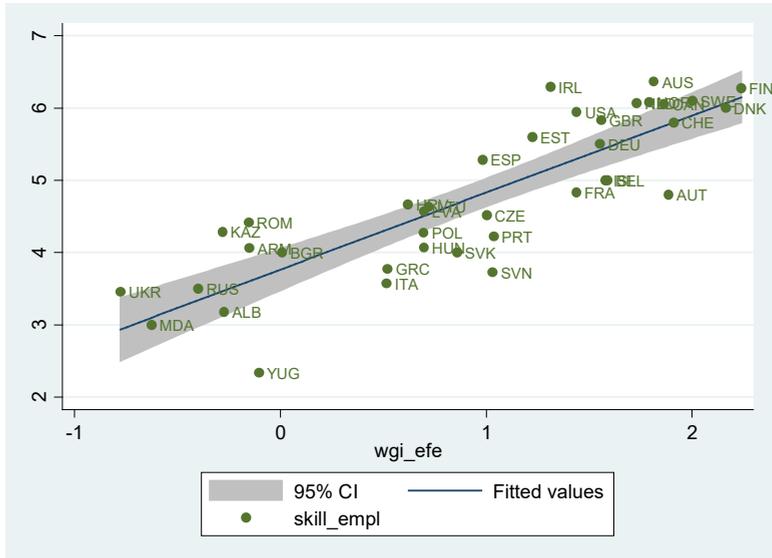
The solution to the delegation problem lies in the public setting up a control mechanism, such as regular elections, to discipline the policy-maker. If electors vote retrospectively, that is, if they look backwards to the results provided by the incumbent before casting their ballot, elections should make policymakers accountable to the public. Being dependent on electors' support, politicians would strive to deliver good services and refrain from extracting rents. Yet that solution may be only partial. As we show formally below, the effectiveness of any control mechanism depends both on the instruments that the public has to collect information on the behavior of the government and on the ease with which the control device can be exercised.

The second control mechanism that discipline administration officers is management and recruitment of public sector employee. Improving recruitment strategies, education and flexibility, and fitting motivational structures account for the fact that public servants are the major resource of a service-oriented public sector. Motivated and competent employees are a key determinant of an excellent public administration with regard to business contacts and the general perception of the public sector among citizens (Demmke and Moilanen, 2010, p. 202). Rauch and Evans (2000) in study of 35 developing countries test the impact of the level of meritocratic recruitment, the existence of competitive salaries and the degree of internal promotion and career stability on bureaucratic performance. The level of meritocratic recruitment seemed to reduce the level of corruption in the pool of countries analyzed. Merit recruitment is the existence of competitive formal examinations and the possession of university degrees among the employees of core economic agencies.

In order to improve bureaucratic performance, one should select “better types”. This can be done through two related procedures. First option would be to “screen” the potential pool of candidates and select the most competent among them. Alternatively, one can ask candidates to “signal” their capabilities

in a competitive formal examination or in a given educational degree – that is, the standard entry procedure to administration. These are thus two observable characteristics of this mechanism of “selecting better types” that do not need to go hand in hand. Enforcement of meritocratic recruitment requires verification of whether entry into government service has been conditioned on passage of a civil service exam or attainment of a university degree. Implementation of internal promotion requires that higher-level agency positions be filled by current members of the civil service. The first observable recruitment feature would be according to merit as opposed to acquaintance or loyalty to their political superiors. The second mechanism would not deal with how to prevent adverse selection but how to reduce moral hazard. This mechanism would consist of “creating better types” through socialization. Those norms would be the joint effect of many characteristics by the existence of career stability and lifelong tenure, the prevalence of internal promotions over lateral entries to the public service, and the development of special laws covering the terms of employment for public sector employees instead of the general labor laws prevailing in the country. The high number of interactions among the public servants would create a sense of common norms which would for example discourage corrupt behaviors (Dahlstrom 2011).

Figure 1 displays the relationship between Quality of public administration and skills recruitment graphically using the WGI Index score for the year 2010 and merit recruitment. The scatter plot reveals the variation of the relationship among countries. Eastern European countries are clustered to the left, reflecting their lower levels of QoG. Western and Northern European countries are clustered in the upper right corner, reflecting both higher levels of QoG and higher levels of skill recruitment.

Figure 1: Quality of public administration and skills recruitment

Source: Own calculation (Torell dataset, WGI dataset)

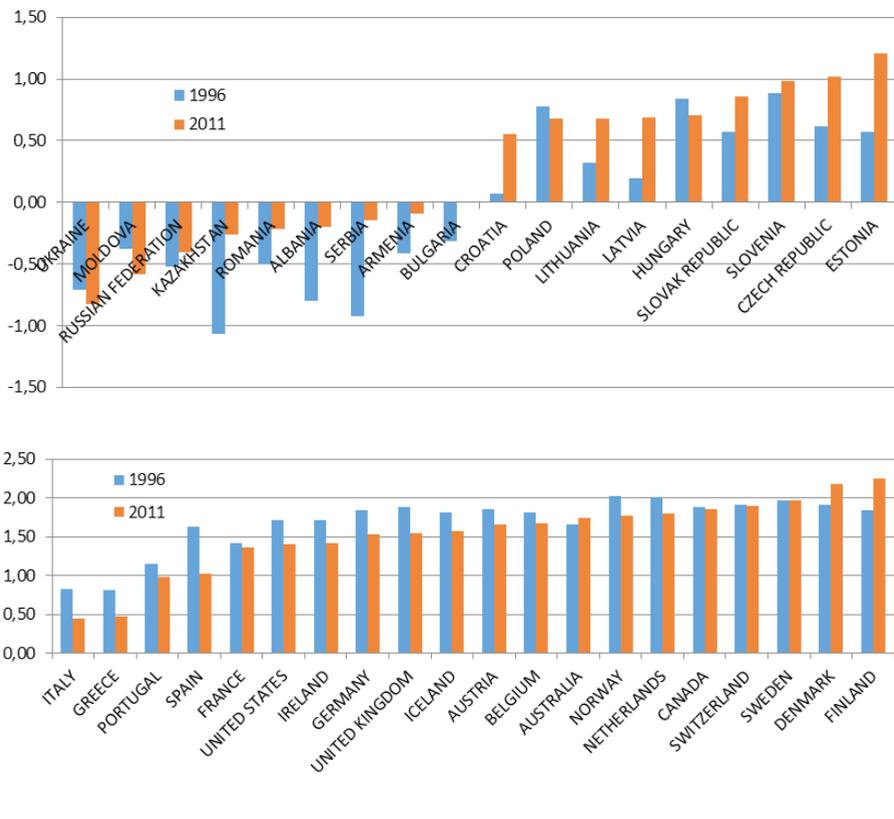
The second view is connected with human capital theory which reflecting how education increases skills. In this context, Dee (2004) finds that educational attainment has a large and statistically significant effect on voter participation and support for the freedom of speech. He also finds that additional schooling increases the quality of civic awareness as measured by the frequency of reading newspapers. Milligan, Moretti and Oreopoulos (2004) looks at the effect of extra schooling induced by compulsory schooling laws on the likelihood of becoming politically involved in the U.S. and U.K. They find that, in both of the countries, educational attainment is positively related to several measures of political interest and involvement. Boix and Posner (1998) argue that good government depends on “the ability of citizens to hold elected representatives accountable for the quality of the governance they provide”. They suggest that education makes citizens sophisticated consumers of politics who monitor the government closely and are eager to punish underperforming governments for example in the ballot box or in protest. Therefore, in communities high in social capital political accountability will be greater, which leads to an improved government performance. The alternative view of education is a signaling theory where individuals become educated in order to demonstrate to prospective employers that they are able. This view would also lead us to expect more educated officials

to be more competent so that education could serve as a signal for competence. It is also reasonable to posit a link between educational attainment and public spiritedness. There is empirical evidence that more educated individuals are more civic minded. A human capital interpretation of this finding would suggest that part of the skill-set learned in education is an appreciation of the needs of others. Moreover, education would have a central role in the production of social capital. Djakanov et al. (2003) suggest that each community faces a set of institutional opportunities determined by the human and social capital of its population which, in turn, affect the quality of government. Glaeser et al. (2004) produce empirical evidence in line with this view, and argue that, as postulated by Lipset (1960), human capital accumulation and growth cause institutional improvements. Botero, Ponce and Shleifer (2012) show that when the education level of the general population is high, citizens are more likely to effectively hold governments to account and thus instigate government discipline.

1.1 Quality of public administration

In order to test the theoretical arguments, we need data on quality of administration and the structure of the bureaucracy. But measuring these qualities directly is difficult especially as, in practice, they are multi-dimensional concepts. How do we determine whether performance has improved or whether the quality of a certain public administration is better? There is no market value for measuring government outputs. “The” quality or “the” performance of bureaucracy is hard to measure, as we are dealing with quite diverse and not clearly delimited concepts. The authors refer to the quality of the bureaucracy, they quite frequently use a broad range of concepts. When it comes to measuring performance, and comparing performance of different governments, scientist use specific indicators for example corruption as proxy for bureaucratic quality. Bai and Wei (2000) use “quality of bureaucracy” and in research on economic efficiency reduce quality to absence of corruption. Mauro uses an index of ethnic division of a country as proxy for institutional efficiency (Mauro, 1995).

To measure quality of administration, we employ data from different sources. First measure of government rely on widely used World Bank Indicators Government Effectiveness, combines perceptions of the quality of public services and bureaucracy. Government effectiveness (variable in model: WGI) is measuring the competence of the bureaucracy and the quality of public service delivery and scores range from -2.5 (lowest) to 2.5 (highest) (Kaufmann et al. 2009). Table 1 shows the scores for the 38 countries.

Figure 2: World Bank Governance Indicators

Sources The World Bank. World Governance Indicators Dataset

After fifteen years Finland, Denmark and Sweden emerge as the best performing bureaucracies. Ukraine, Moldova and Russia get the worst scores. Within the EU25, Italy and Greece are ranked the lowest, and they are clearly lower than the ones in 1996, the first year of measure. The government performance of the Post-Socialist Countries shows a mixed picture. A number of Central and Eastern European countries made significant progress since 1996. Government effectiveness scores increased for Croatia, Latvia, Lithuania, Estonia. Czech Republic is also among the countries were scores have increased. On average, countries in Central and Eastern Europe (CEE) and the Baltics significantly outperformed those of the Commonwealth of Independent States (CIS), in which output is lower.

We use also Index of Bureaucracy Quality (variable: ICRG) drawn from the International Country Risk Guide (ICRG). We measure the quality of government with index obtained from the International Country Risk Guide (ICRG) built up by jointly considering corruption and competency indicators. In particular, our quality of government index (QOG) is the simple average of the ICRG variables “Corruption, Law and Order and Bureaucracy Quality.” Note that, in line with our model which suggests that less competent politicians endogenously adopt more predatory behaviours, corruption and bureaucracy quality are highly correlated in the data. Higher values indicate higher quality of government. High points are given to countries where the bureaucracy has tends to be somewhat autonomous from political pressure and to have an established mechanism for recruitment and training.

In this paper we also use indicator from “Quality of Government Survey” (from Quality of Government Institute Quality) based on a country-expert survey answered by public administration experts worldwide (Teorell 2008). The general purpose of the survey is to measure the structure and behavior of public administration across countries. The survey covers a variety of topics which are seen as relevant to the structure and functioning of the public administration such as meritocratic recruitment, internal promotion and career stability, salaries.

The dependent variable (*skill_adm*) is the degree of meritocracy in recruitment, measured as the country average of the answer to a question where the respondents are asked to evaluate how often the following statement applies: When recruiting public sector employees, the skills and merits of the applicants decide who gets the job? The question thus captures the level of meritocracy in recruitment, regardless of the procedures used. Meritocracy in recruitment consists both of the absence of undue influence over the recruitment process, but also of the presence of mechanisms which find the best candidates.

1.2 Model and variables

To test the relationship between education level and the public sector and government performance, we will use an ordinary least squares (OLS) regression model. We will run regressions using government performance level (assessed using different indicators) as the independent variable, education level and quality as the dependent variable, and macro-economic indicators as control variables. The following equation shows the model:

$$\text{Quality of Government} = \alpha + \beta_1 \text{Educ} + \beta_2 \text{control} + e$$

The variables employed are:

1. For our first variable of interest we rely on the Barro and Lee (2010) dataset on educational attainment. We measure education with the average number of years of education attained by the adult population (over age 25). According to Barro and Lee (2010), there are large differences in education attainment of the general population across countries. Those measures have been widely used throughout the economic literature. We have decided to measure quality of education through the level of PISA test scores.
The followings control variables is also introduced to test the robustness of our measures:
2. The log of per capita income to measure the impact of economic development. The data correspond to 2009. They come from the World Bank.
3. The size of government, measured as proportion of public revenues of the central government over GDP. The sign of the variable may go in either direction. On the one hand, larger governments may imply higher public wages and hence both lower incentives to accept bribes among civil servants and better public services. On the other hand, a bigger state may signal more opportunities for corruption and inefficiencies.
4. We also control for the size of population.

1.3 Results

In this section we will show the estimates of the regressions used to test the model and attempt to explain the existence or absence of relations. The results of the analysis are summarized in Table 1 and 2. In Table 1, we first present the regression results from a standard OLS regression estimation, where we can compare six estimation. The findings presented were obtained by including two variables connected with education and all statistically significant variables. First, it is clear that the model's overall performance is very good. The variables in the model explain 63-87% of the variation in quality of administration. We observe that the level of quality of education significantly affects the quality of administration. As shown in tables 1 and 2 as well as in figure 1, there are positive relations between the education and three widely used measures of quality of bureaucracy variables. The stronger correlation is between skill indicators of administration and quality of education. Countries with higher levels of education may be more likely to adopt meritocratic recruitment procedures, and in such countries the population might be better able to monitor the government.

Furthermore, the supply of adequate civil servants might be larger, which would most likely improve overall quality (Rauch, Evans, 1999). The control variables remain robust, with GDP per capita and population amount being negative determinants of a quality bureaucracy. The choice of control variables is partially inspired by Rauch and Evans (1999). In their publication they already posited that high income countries show a strong tendency to have higher bureaucracy ratings. Per capita income is correlated, with better performance. The impact of per capita income partly reflects the fact that richer nations have more resources.

Table 2: The effects of education on quality of public administration

VARIABLES	ICRG	WGI	ICRG	WGI	Skill adm	Skill admi
qual_edu	0.267*** (0.0817)	1.174*** (0.218)			1.364*** (0.427)	
year_edu			0.0195 (0.0208)	0.0816 (0.0665)		0.163 (0.0965)
gdpcapita_ppp	1.14e-05*** (1.88e-06)	3.28e-05*** (5.03e-06)	1.65e-05*** (1.79e-06)	5.42e-05*** (5.73e-06)	4.14e-05*** (9.85e-06)	6.36e-05*** (8.32e-06)
govexp	0.00162 (0.00258)	-0.00285 (0.00689)	0.00629** (0.00273)	0.0170* (0.00871)	-0.0438*** (0.0135)	-0.0192 (0.0127)
popul	-6.18e-07* (3.55e-07)	-2.98e-06*** (9.48e-07)	-6.81e-07 (4.57e-07)	-3.31e-06** (1.46e-06)	-3.17e-06* (1.86e-06)	-3.71e-06* (2.12e-06)
					-0.874 (1.927)	
constant	-0.737* (0.369)	-4.986*** (0.985)	0.0870 (0.248)	-1.250 (0.791)		2.741** (1.149)
					0.738	
Observations	33	33	37	37		37
R-squared	0.816	0.875	0.785	0.790		0.689

Robust standard errors in parentheses, *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

Source: Own calculation

All regressions were checked for heterogeneity using the White test and the Breusch- Pagan test.

As shown in the top of table, the variable: years of schooling is statistically insignificantly related to quality of government. Average years of schooling is a particularly incomplete and potentially misleading measure of education for comparing the impacts of human capital on the economies of different countries. It implicitly assumes that a year of schooling delivers the same increase in knowledge and skills regardless of the education system (Hanushek 2010). It also highlights the potential role for using the international data on cognitive skills in model. The last control variable that is used is public expenditure. The amount of money a government has available to spend is very likely to influence its performance to a great degree, as it can simply spend more money on more projects and therefore will tend to perform better. But the results are mixed.

CONCLUSION

In this paper we have explored the impact of education on the variation in government performance in 37 countries. Our explanation of this connection is straightforward. How well any government functions simply hinges on how good citizens are at making their administration and politicians accountable for their actions. Control of public officials depends on two factors. First, elections allow citizens to discipline politicians to respond to the voters' interest. Second, the recruitment of good public officers. This paper has addressed one important question in comparative politics: Has education of society impact on public administration? Since, the effective operation of government institutions depends on the ability of citizens to hold administration accountable for the quality of the governance they provide, education will produce good governance to the extent that it makes citizens consumers of government activity. Active participation help do this by providing opportunities for citizens to discuss civic affairs, increase their awareness of political issues and argue about whether the government is doing everything to improve welfare. Knowing that their government officials are monitoring, administration elites will work harder to govern effectively. In this paper we synthesize a relevant literatures based on principal theory and human capital explanations. We find positive correlation between quality of education and administration. In countries, when level of education is low, citizens' demand for longterm investments in bureaucratic capacity is also low. They expect leaders to provide basic services more in line with the patron-client model.

Our empirical results and conclusion are similar those of Lipset (1960): a democracy, to perform properly, to develop QoG, needs as a "prerequisite" some level of economic development. To start with, income increases may foster QoG

because countries can be expected to afford better institutions and many variables correlated with income, such as schooling levels or urbanization, may decrease the social tolerance of “bad governance”. An alternative view of bad government in countries holds that low productivity of government services is explained by recruitment process. In order to improve bureaucratic performance, one should select “better types”. This can be done through two related procedures. First option would be to select the most competent candidates. The second mechanism would autonomy from politics. Our analysis demonstrates that higher quality of education leads to a higher quality of the public administration even after controlling for various socioeconomic between countries.

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DIFFICULT IMPLEMENTATION OF SIMPLE INFOACT IN THE ENVIRONMENT OF SMALL MUNICIPALITIES IN SLOVAKIA

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Abstract

The right for information is one of the fundamental political rights, in Slovak Republic it is guaranteed by the Constitution of the Slovak Republic and further regulated by the act no. 211/2000 Coll. on free access to information, effective as of 2001. Public authorities thus, according to this act must disclose all the available information, except of those that are expressly excluded from the disclosure by the law. Despite the relatively long period this Act has been in force, problems incur with its implementation. The most significant shortage incurs at information disclosure by small municipalities in Slovakia, that, for various reasons fail to follow the obligations stipulated by the law. This post initially aims attention to theoretical and practical knowledge regarding information disclosure in Slovakia, taking small municipalities into account.

KEY WORDS: information, law, act, municipality, citizen

INTRODUCTION

Until 2001, in Slovak Republic, legal regulation of general access to information, which would accurately define the extent of information for disclosure of which every human has right, did not exist. While it was possible impose access to information under the provisions of Constitutional Act no. 23/1991 Coll. (Charter of fundamental rights and freedoms) or Constitution of the Slovak republic that anchor the right for information, public authorities mostly did not comply with the provisions of these acts or did not know how to exercise the in practice. There were not set information disclosure procedures, and while these were mentioned in several special acts, these did not regulate comprehensive information disclosure only to certain persons in specific situations, respectively, information disclosure under these acts depended on the subjective judgment of a public authority. The change occurred with the implementation of the Act no. 211/2000 Coll. on free access to information (hereinafter “Law on free access to information” or “Infoact”), which has brought up the postulate that everything that is not secret, is public. The act regulated in detail the conditions,

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the procedure and the scope of the free access to information, while the act itself became the execution of the right to information.

1 DEFINITION OF THE TERM INFORMATION

The basic concept of the act on free access to information, is the concept of “information”. The term *informatio*, respectively *informare* means “give something a form”, “make familiar” to “lecture” is of Latin origin (Pour and col., 2009), which in itself indicates the longevity of the denomination. Originally the act itself did not contain a precise definition of this term, and only after amendment no. 341/2012 of 2012, adopted in order to transpose EU Directive 2003/98/EC of 17 November 2003, its statutory definition has been introduced. Information is in terms of the provision of § 21b section 2 of the act on free access to information “*any content or part of it, particularly the recorded contents of a document, records stored electronically, in the form of an audio recording, audiovisual recording or audiovisual work, in whatever form, recorded on any medium*”, and the law explicitly states that the information is not a computer program.

In the scientific Central European literature, we can find several definitions of “information”. According to the two most widely used interpretations of the information, it means “*any notification that broadens the knowledge of the receiving party*” (Madar and col., 1995, p. 336) or “*any energy or material manifestation that may make sense either to those who communicate it, or for those who receive the report*” (Mates-Matoušková, 1997, p. 27).

2 RELEVANT SUBJECTS AND WAYS OF INFORMATION DISCLOSURE

According to this Infoact, Obligees have the obligation to disclose information. Those are institutions, organizations, and in some cases individuals that exercise public administration, decide on the rights and obligations of citizens, manage public funds or operate in the public interest. Infoact specifically defines the categories of entities required to disclose information in § 2. The majority of Obligees is fully obliged to information disclosure which means that the range of information that must be provided is all the information at their disposal or that ought to be at their disposal. However, the Act also refers to the Obligees who disclose information only to a limited extent.

Except of Obligees, the subject on the other side are so called entitled persons. The constitution of the Slovak republic as well as the Infoact show that everybody has the right to information, which means that this right belong to all natural and legal persons.

Act on Free Access to Information recognizes two ways of information disclosure. The first way is so called Mandatory disclosure of information (active disclosure), when the Obligee must disclose information without having to be previously asked to do so by anyone and the other way is to disclose information at the request of Applicants.

According to § 14 section 1 of the Infoact, the application for information disclosure may be made not only in writing (letter), verbally, by fax, electronic mail (e-mail), but also in other ways that are technically feasible for the Obligee (eg. telephone). Infoact in its § 14 section 2 expressly stipulates that the application must clearly state to what Obligee the application is addressed, must contain the applicant's identification data as well it must be clear what information it concerns and also what way of disclosure the applicant proposes. The application for information disclosure, under the § 14 section 3 of the Infoact is deemed to be filed on the day it was announced to the Obligee competent to hear the case.

Information, in the context with the § 16 section 1 of the Infoact, may be disclosed mainly verbally, by inspection of the file, including the possibility to make extracts or copies on a data carrier, providing access to copies of originals containing required information, telephone, fax, mail or e-mail. If it is not possible to disclose information in a way proposed by the applicant, the Obligee and the applicant must agree a different way of disclosure.

According to § 17 of the Infoact, the Obligee must deal with application for information disclosure without delay, within 8 working days as of filing the application at the latest. For dealing with applications of blind persons for information disclosure in the Seeing Eye (ie. Braille) scripture, the time period extends to 15 working days. For serious and particular reasons, the Obligee can extend the time period to respond by maximum of eight working days. According to § 27 Section 2 of Act on Administrative Procedure, the time period shall begin on the day following the date on which the event determining the beginning of the time period occurred. In the context with the § 18 of the Infoact, dealing with the application on the information disclosure is either referred to as providing the requested information within the statutory time period or issuing of written decision on the non-disclosure of information.

In addition to information disclosure upon the application, the act on free access to information introduced the obligation of the authorities to disclose certain range of information (actively), i.e. without a specific request. This is called mandatory disclosure of information provided for in § 5, § 5, § 5ba § 6 of the Act on free access to information.

Infoact in § 5 defines the range of information that statutory bodies (except for Obligees under § 2 section 3 of Infoact) are required to publish. This basic information shall be published at the seat of the Obligee and at all its workplaces in a public place. The provision of § 6, first sentence of the Infoact states that except for the municipalities that are not cities, such entities are required to disclose basic information also *“in a way enabling mass access”* Such an access is in § 4 section 2 on Freedom of Information Act defined as *“access of unlimited number of applicants by telecommunication device, especially through the Internet.”* Although the law does not require the municipality to publish information on the Internet, the municipality may on its own initiative to inform the public through its Web Sites.

In addition to the disclosure of basic information, clearly specified Obligees must out of their own initiative publish on the internet also some more information about their activities that are specified in § 5 of the Infoact.

Act. 546/2010 Coll., which amends Act no. 40/1964 Coll. (Civil Code) and certain other acts, which entered into force on January the first 2011, also provided for the mandatory disclosure of contracts, orders and invoices in the Act on freedom of information. This issue is contained in the provisions of § 5a and §5b of the Infoact.

3 SMALL MUNICIPALITIES AND THEIR ROLE IN THE RESIDENTIAL STRUCTURE SLOVAK REPUBLIC

In terms of the Constitution of the Slovak republic and act no. 369/1990 coll. on Municipalities, municipality is generally considered the basis for local governments, which brings together persons having their permanent residence, and performs its independent (the original) and transferred activity.

The present residential structure in Slovakia, consisting of 2890 municipalities, of which only 140 are towns, is characterized by severe fragmentation and the high proportion of so-called small municipalities. Under the term small municipality is generally understood a municipality that achieves small population. Several Slovakian theorists generally agree in specification of this definition on population of less than 1000 (Tichý, 2005; Čavojec-Sloboda, 2005).

Current status of residential structure in Slovakia has its origin in the past. The period of communist government, when the processes of centralization, concentration and directive management dominated in the society, were also reflected in a change in the structure of the municipalities in Slovakia, in particular as to the number of administrative units. While in 1950 there were 3.344 municipalities in Slovakia altogether, at the end of the previous regime

in 1989, the figure fell to 2.694, which was the lowest status of the number of municipalities in Slovakia in recent history. Of the various types of integration, the processes of merging municipalities in the sub-urban areas to towns and merging two rural municipalities particularly prevailed. Locally, these processes took place mainly in central and western Slovakia. Only 31 out of nearly 800 administrative changes made at that time meant the demise of the municipality. Most of the merged municipalities never lost their identity and existed in the form of the part of a municipality, which was confirmed immediately after the fall of communism. (Sloboda, 2004).

After the revolution in 1989, extensive changes began in the territory of Slovakia and within the residential structure, original status was restituted. In early 90s, the processes of disintegration of communities were most significant. (Sloboda, 2004).

As Nižňanský and col. (2014) report, in the period of 1989 – 2000, 283 territorial changes took place in Slovakia, of which 250 were disintegrating and 33 integrating. The largest number of municipalities was created by separating from other rural municipalities (132), by spin-offs of the municipalities from towns, 95 municipalities originated. Within the integration, the most realized was the affiliation of rural municipalities to another rural municipality (26).

According to the last census in 2011, there were 2.890 municipalities in Slovakia, and 138 of them had the status of town. As of January the 1st 2016 the, the municipalities Turany in the district of Martin and Gabčíkovo and in the district of Dunajská Streda were added to the towns.

The largest share in the residential structure in Slovakia still have rural municipalities, up to 5,000 inhabitants, they make up 95,4% of the total number of municipalities in our territory. According to the census, most municipalities belonged to one of these two size categories - municipalities with a population of 500-999 (772 municipalities) and municipalities with a population of 200-499 (761 municipalities). Together with municipalities in the first size category to 199 inhabitants (383 municipalities), in Slovakia there are 1.916 municipalities with fewer than 1.000 inhabitants, which represents 66.2% of the total of 2.890 municipalities (Statistical office of the SR, census 2011).

According to Sloboda (2004), small municipalities are concentrated in two main areas, namely the south of central Slovakia (Southern-slovakian and Rožňava Basin) and in north-eastern Slovakia. Klimovský (2009) states that those are the most fragmented and the least developed regions where there is the highest number of municipalities with a population not exceeding the limit of 250 inhabitants. Most of the municipalities in this size category are located in the remote areas with marginal economic and society-wide significance.

Since the Act on Municipalities has been adopted, opinion appears that fulfilment of the principle of decentralized state and a more efficient, cost-effective performance of tasks is prevented by fragmented residential structure in Slovakia, hence a large number of small municipalities. This problem needs to be resolved in order to achieve greater effectiveness of dealing with the administrative agenda and the provision of services and paving the way for the transfer of other services to the local level, which, because of the fragmentation of municipalities must be provided by other bodies (Nižňanský and col., 2014).

4 THE APPLICATION OF THE INFOACT IN SMALL MUNICIPALITIES IN SLOVAKIA

With the adoption of the act on free access to information in the Slovak Republic, the principle of publicity of government has been asserted. Public authorities must therefore disclose all the available information, except the information protected in the public interest, and information expressly excluded from disclosure by the law.

The topic of the attitude of public authorities to information disclosure is after the effectiveness of the act on free access to information much discussed with prevailing negative connotation. Public authorities consider the scope of freedom of information as an obstacle to the exercise of their activities, whether in the form of extra work, which must be carried out by the office, or in attempt to conceal their own corrupt behaviour, or in the form of feedback, which they receive in case that solution proposed by them in the form of various decisions is deemed unreasonable, of poor quality or contrary to the public interest.

From a number of studies carried out after the effectiveness of the Infoact (Kuhn and col., 2013; Dubéci, 2013) it turns out that especially in the case of small local governments a number of problems associated with the exercise of the right to information in practice are reported. Problems arise particularly in case of information disclosure upon application of entitled parties. Repeatedly cases arise where many municipalities totally ignore the application for information disclosure or the refuses access to required information or does not respect the statutory period for requests and their exercise their legal obligation after its lapse, respectively after urges from the applicants. Those are typical examples of inaction by public authorities. Sometimes this inaction is justified by that the Obligee has not been idle, but uses the opportunity envisaged by the provisions of § 18 section 3 and § 19 section 1 of the act on free access to information and fictitious decision is issued. However, the act in § 18section 2 expressly requires the Obligee to render a written decision in case that the required information

shall not be disclosed, even if only partially. If the Obligee, within statutory time period does not disclose the information requested, nor decides on the non-disclosure of information and does not issue the written decision, he violates this legal obligation. By the Inaction of the Obligee or the Appellate Body, offense is committed. The Supreme Court of the Slovak Republic in its decision of 16 June 2010, ref. no. 6 SŽi 1/2010 confirmed that although the act on free access to information envisages issuing of fictitious decision as a result of inactivity of the Obligee, but it is not allowed by the law and it is illegal, because the applicant for the information has the right that the Obligee issues a written decision setting out the reasons pursuant to § 47 of the administrative procedure Act.

In case of small municipalities it as well is not sporadic that they do not respond to a specific question in the application for information disclosure or respond in a manner that is not sufficient for the applicant. The fact arises either from inattention, misunderstanding or at the end it can also mean resentment of authorized officials of municipal authorities to disclose information they need from any reason to keep confidential.

Deficiencies can be observed even in the very form in which small municipalities disclose information. According to § 14 section 2 of the Act on Freedom of Information it is up to the applicant to determine the way of disclosure. This means that if the applicant's requests disclosure, for example, in writing, Obligee should not deal with the application, other than in writing. It happens, however, that small municipalities ignore requested way of disclosure of information and makes that information available in the way that suits them best. This way is incorrect. Infoact itself in the provision of § 16 section.7 foresees a situation where if it is not possible to disclose information in a manner designated by the applicant, the Obligee must agree with the applicant on another way of disclosure. However, the act does not expressly regulate the situation where the Obligee and the applicant do not reach agreement.

Claims of the professional association bringing together the districts in Slovakia - Association of Towns and Municipalities of Slovakia - that under the Act on Free Access to Information municipalities are disproportionately and often unnecessarily burdened with applications for information disclosure and thus can not devote to governance of public affairs (Piško, 2013) is obviously not true. From extensive research that has been carried out (Dubéci, 2013) it turned out that in case of small municipalities we register minimal interest in using this tool to gather information, the number of applications has continuously stagnant character. The increase begins in larger municipalities and cities, which is understandable due to the number of citizens, activities or assets, but even here the number of applications each year does not increase. Subject matters of

the info applications also revealed no anomalies that would indicate systematic abuse of the act. Except for a few isolated cases, applications related to expected civic themes. Applicants are particularly interested in the salaries and bonuses of public officials, public procurement, conclusions of negotiations of self-government bodies, the use of public space and construction procedures.

Application of the Infoact in small municipalities in Slovakia, however, reflects a number of challenges that small settlements face. Based on theoretical information as well as our own experience we included the following as the most important:

1. Inadequate staffing of small municipalities

Small local municipalities do not have sufficient economic capacity, as they do not produce real tax revenues. This condition significantly limits their fiscal independence, which is reflected in a lack of qualified personnel in the execution of the state administration and in carrying out its self-government tasks, including the provision of public services. It is connected with the risk of low efficiency of local public services and high administrative public spending. From our experience, we know cases where the mayor is not only a political actor, but also the sole or chief administrative officer working many times to half, if not less working time.

2. Unawareness, respectively. poor knowledge of officials of small municipalities about the Law on Free Access to Information (low proficiency)

This issue mostly comes from the low level of education of employees of small local governments or their unwillingness (sometimes total resignation) for further training, resulting in the absence of necessary knowledge and its subsequent practical application.

3. Lack of material and technical equipment of small municipalities

Prerequisite that the municipality can electronically communicate with the public and provide information, is the quality and modern technical and technological equipment of the office, and not just the hardware equipment of these institutions, but above all, intelligent software background which is linked to the portals of the public authorities and also other facilities (printer, copier, scanner, fax). Most small municipalities lack sufficient technical and technological background, and often does not even have the basic office supplies.

Generally speaking, the issue of the right for information in the conditions of small municipalities in Slovakia is nowadays in our territory relatively broad, but mostly only in theory. The main drawback is hitherto virtually absent procedures and methods that would allow to systematically solve problems in disclosing information. In connection with the ever-present problems with which municipalities cope in general, especially the municipalities with the smallest population, within the professional circles repeatedly questions arise about possible communal reform. This is the change of current arrangement of relationships and competencies in the field of public administration, especially in local governments. In essence, it is possible to perceive it as a tool for strengthening of cooperation between municipalities or as a tool that should lead to merging of municipalities. The Slovak academic environment so far only keenly debates on this subject matter, but with no specific practical outcomes. The situation is different abroad. In several European countries, successful large scale consolidation of reforms occurred since the 50s of the 20th century which led to a significant reduction in the number of municipalities. The fragmentation of the local residential structure has been dealt in various forms by national governments - from voluntary cooperation between municipalities, through categorization of municipalities by the volume of delegated powers or creating common offices to merging of municipalities. In general, states that have undertaken the municipal reform so achieved the elimination of unwanted condition that led to the poor performance of the small municipalities. It can be reasonably concluded that by these changes, even greater transparency in the management of public finances has been achieved as well as more efficient and easier access to information.

CONCLUSION

The act on free access to information is deemed essential tool of public control that helps in the fight against corruption and lack of transparency. Its role can also be seen in the gradual building of relationships between citizens and public authorities. Several researches showed, however, that the problems in disclosing information that accompany the Infoact from the beginning of its existence, especially in the environment of self-government, still persist. Many municipalities still have not adopted the basic postulates of the law, and it is obvious that many times it is due to administrative and operating conditions in which they are situated. In the future it will be necessary to find an effective way to change once and forever this undesirable state.

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