

**PUBLIC ADMINISTRATION REFORM IN SLOVAKIA: 20 YEARS OF EXPERIENCE
WITH DIFFERENT INSTITUTIONAL SETTINGS AT THE LOCAL AND REGIONAL
LEVELS**

Daniel Klimovsky

INTRODUCTION

Slovakia has gone through a few very important changes for a relatively short period (since 1989). They have included political changes (implementation of democratic elements, consolidation of democracy, horizontal and vertical division of political power, etc.), economic transformation (elimination of the limits of market economy, extension of private property, implementation of new tax policy, etc.), and the administrative changes (new structure of public administration system, new principles of action of public administration, improvements in delivering of public services, etc.). Some of the related reform processes started already during the existence of Czechoslovakia, and some later, however, no one has been finished yet.

This paper is dedicated to the reform of public administration in the conditions of Slovakia. My main goal is divided in two points. Firstly, I would like to present the public administration reform and its main impacts on institutional settings with special regard to local and regional levels; and secondly, I would like to point out stages of the mentioned reform. For this, I utilize both the description of legal conditions and empirical data related to the reform.

INITIAL REFORM PROCESSES (1989-1992)

An idea of necessity of the policy of decentralization has come to light in Slovakia since the successful overthrowing of KSC and KSS regimes in 1989. The communist institutions were removed practically immediately but their replacement with a new system institutions (especially political, administrative, and economic institutions) was rather problematic than trouble-free¹. One of the most visible uncertainties on the matter of mentioned replacement was related to its tempo. Videlicet, the new system institutions were in comparison with removal of the so called old principles developed very slowly, and moreover, they were developed quite often in a chaotic and non-strategic manner. The main purpose of the political and administrative changes was to redesign political and

¹Good example of such case was a change regarding social dialogue and its actors. While in the pre-November 1989 period, there were virtually no employers' organizations (the state was almost the monopoly employer); furthermore, the freedom and rights of the trade unions were represented by the ROH, also controlled by the state, after the abolition of the ROH in the spring of 1990 new trade union organizations and organs were established by the bottom-up method (Čambáliková, 1996: 191). However, negotiating activities were quite complicated not only because of actors' lack of experience with the social dialogue under the conditions of market economy but also due to the unwillingness or incapability of some actors to respect the requirements or proposals of the other actors.

administrative systems considering their improvement and accommodation to the new social as well as economic conditions.

Figure 1: Administrative division (general state administration) of Slovakia (till 1990)



Source: Kiš and Volko, 2007: 50.

Political parties, which came into existence at the beginning of 1990, were not professional enough, did not go through long-lasting processes of ideological profiling, and often faced inner disintegration processes. After the parliamentary election in 1990, some of them (VPN, KDH, and DS) created a ruling coalition which undertook political responsibility for carrying out fundamental systemic changes after the collapse of the communist regime (Mesežnikov, 2004a: 60).

Figure 2: Administrative division (general state administration) of Slovakia (1990-1996)



Source: Kiš and Volko, 2007: 51.

The transformation of the territorial structure of government – its decentralization, particularly the introduction, or more precisely re-establishment of self-government institutions at the local level – was considered an essential task in the process of rebuilding political and administrative systems in Central and Eastern Europe after 1989 (Illner, 1999: 7), and Czechoslovakia was not an exception.

Before 1990, only state administration existed there (Figure 3). Even though the lower bodies of this state administration system dealt with all administrative and political issues and did have the right of establishment of various committees where the inhabitants could be involved, in fact (primarily because of existing strict subordination in one line) it was not possible to speak about territorial self-government in that time. Moreover, also legislation defined national committees as “state organs with self-government character” which proved their special character.

The communities (municipalities) obtained a self-government status by the Act of SNR No. 369/1990 Coll. on Communal Establishment and their prime function became an execution of public affairs administration in the extent that was not belonging to the state administration issues. By this way the Slovak communities became fully-fledged actors of policy-making on a local level.

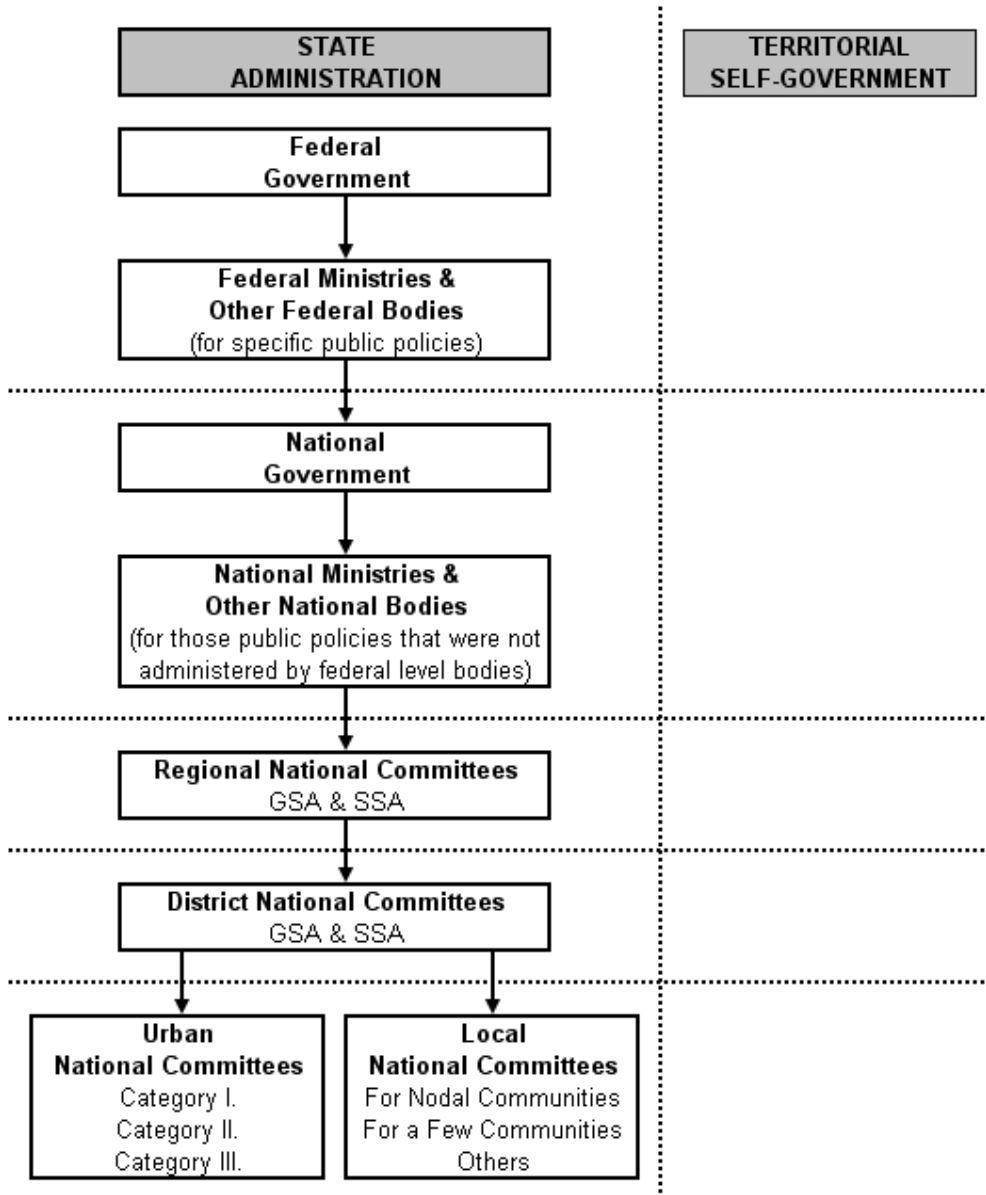
In the same year, the system of national committees was abolished and new state administration authorities were established. Important point in terms of policy-making processes (and more precisely policy-making actors) is also the fact that the mentioned abolishment was very significantly related to regional level of state administration because all regional state administration bodies were abolished (Figure 4).

STAGE OF POLITICAL TENSIONS AND INSTABILITY (1992-1998)

Next development of reform steps was affected, very markedly, by political tensions that occurred between the highest political representations of both the Czech and Slovak part of ČSFR. Especially a significant part of Slovak politicians (particularly from HZDS and SNS) called very openly for a separation of Slovakia. They based their arguments on a fact that Czech part had been preferred, and on the contrary, Slovakia's needs had been marginalized during the whole period since the end of 1989.

Figure 3: Organization of public administration system (1982 – 1990)²

² In the cases of two biggest Slovak cities – Bratislava and Košice – there were national committees (National Committee of City of Bratislava and National Committee of City of Košice) on a level of other regional national committees, the so called borough national committees (they were on the same level as district national committees) as well as local national committees. Among these national committees a strict subordination was present, i.e. local national committees were subordinated to borough national committees and they were subordinated to national committees on a city level.



Key: GSA – general state administration; SSA – specialized state administration.

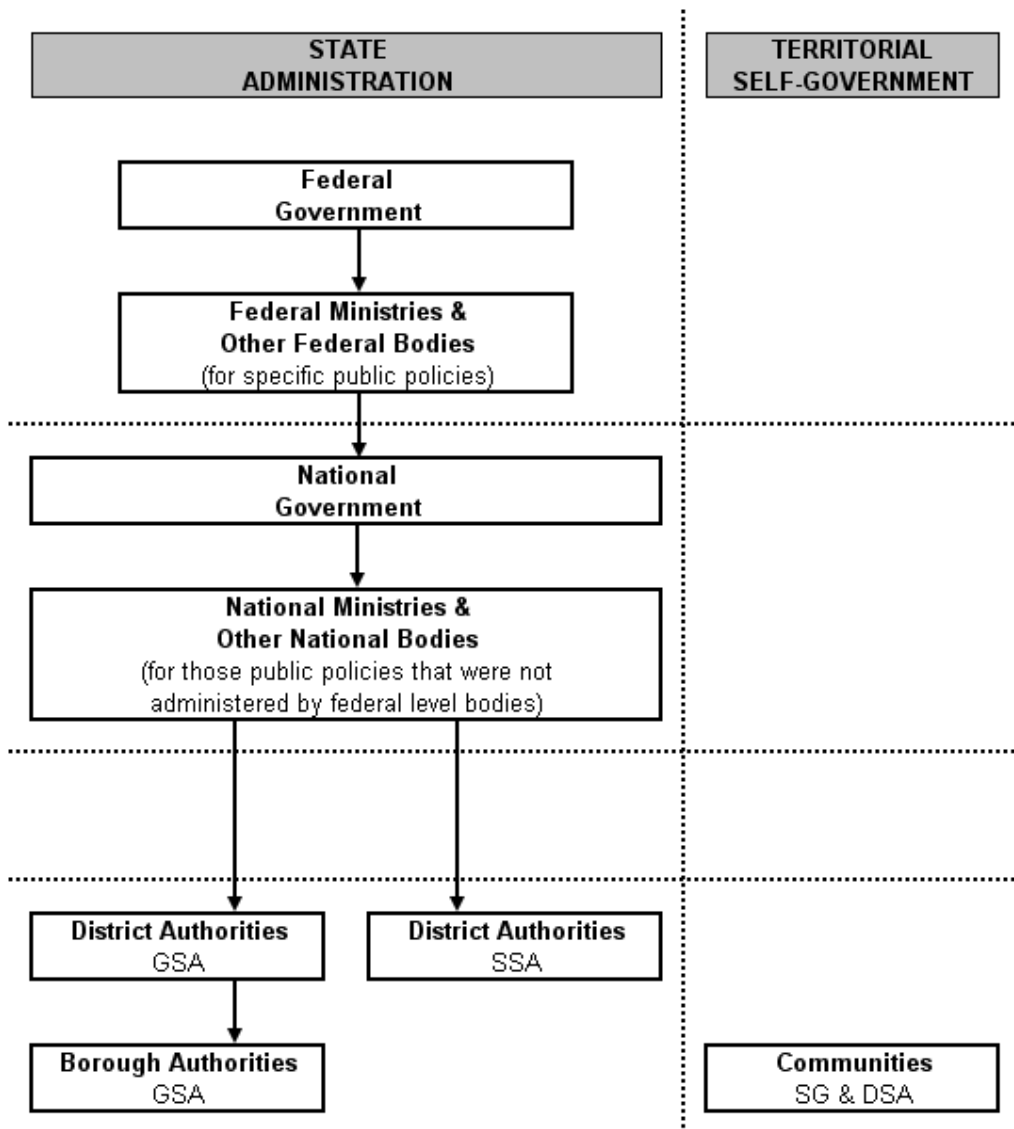
Source: Čechák and Lacina (2001) [modified by author].

After a series of unsuccessful political negotiations, the 1992 parliamentary election became a turning point. The impatient winners of the election – Prime Minister Václav Klaus in the Czech Republic, and Prime Minister Vladimír Mečiar in Slovakia – were able to agree only on the division of the common state into two independent states. For them, a referendum³ on the matter seemed a needless obstacle on the way to this ultimate goal. Thus, no referendum took place, and on 1 Janu-

³ As it is stated by Procházka (2004), Vladimír Mečiar as the chairman of HZDS, before the parliamentary election in 1992, promised voters that Slovak citizens would have an opportunity to decide about the future of Slovakia in a referendum. However, after the election, he “forgot” all his promises and HZDS as well as Vladimír Mečiar personally was strictly against such a referendum on the future of ČSFR.

ary 1993, Czechoslovakia was dissolved. Although a formal celebration of independence took place in Slovakia, it was not accompanied by popular enthusiasm but instead by ambivalence (Bútorová, 2004: 99-100).

Figure 4: Organization of public administration system (1990 – 1992)

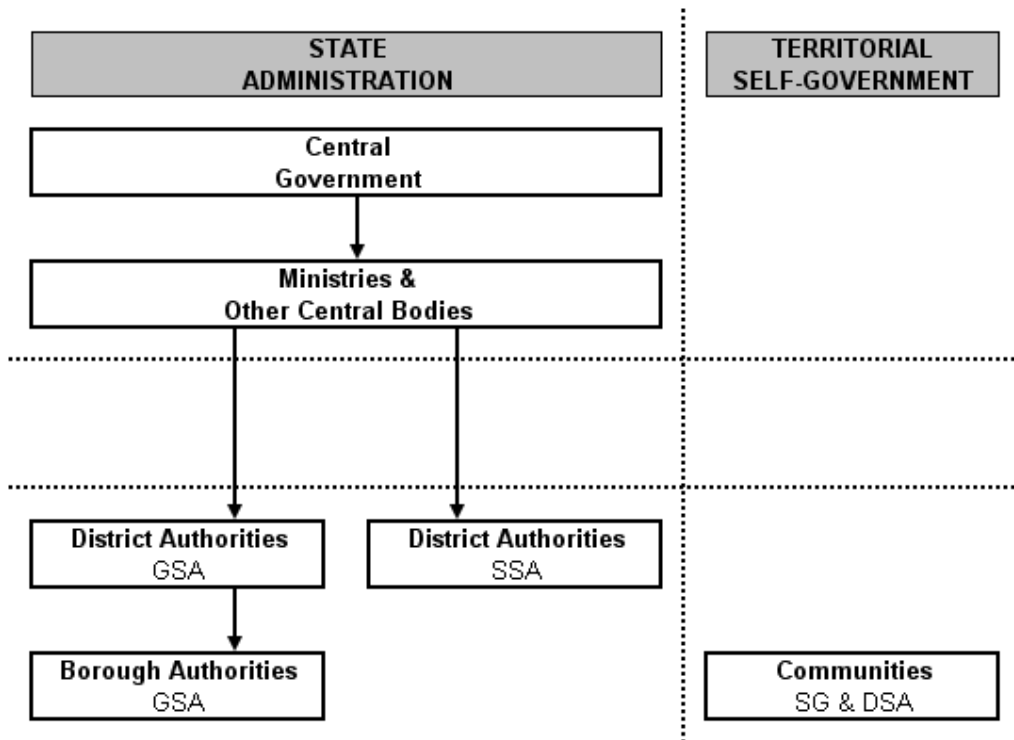


Key: GSA – general state administration; SSA – specialized state administration; SG – self-government; DSA – delegated state administration.

Separation of Slovakia from the Czech Republic was finally approved by the Federal Assembly of ČSFR (Constitutional Act of the Federal Assembly of the Czech and Slovak Federal Republic No. 542/1992 Coll. on Decay of the Czech and Slovak Federal Republic) on 25 November 1992. Under the rule of this constitutional act Czechoslovakia perished on 31 December 1992; and since 1 Janu-

ary 1993 two succession states have started to develop their own political and administrative systems. Obviously, due to unitary character of these states, they discontinued in utilization of a federal political level (Figure 5).

Figure 5: Organization of public administration system (1993 – 1996)



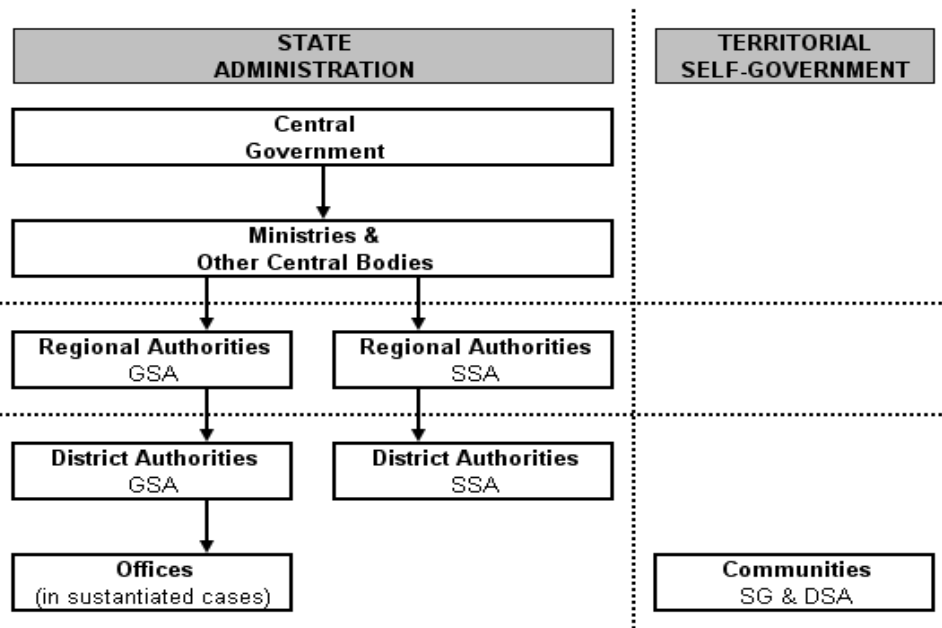
Key: GSA – general state administration; SSA – specialized state administration; SG – self-government; DSA – delegated state administration.

SNR approved the Constitution of SR (Constitutional Act of the Slovak National Council No. 460/1992 Coll. the Constitution of the Slovak Republic) already before the official approval of separation. SR has characterized itself as sovereign, democratic, and law-governed state (Article No. 1 of the Constitution of Slovakia). Political practice showed indeed that to declare something did not mean the same as to realize it. As it was pointed out by Szomolányi (2004), in the case of Slovakia, the democratization was everything but not a simple and straight-lined process. During the mid-90s Slovak political situation was characterized by absence of consensual elite issuing into the polarity of society. Although levers had already been created for public to access the policy-making process in the early 90s⁴, strengthening public participation was not really a priority. Policies of the

4 Several important related acts were enacted: Act of the Federal Assembly of the Czechoslovak Socialistic Republic No. 83/1990 Coll. on Association of Citizens; Act of the Federal Assembly of the Czechoslovak Socialistic Republic No. 84/1990 Coll. on Right of Assembly; Act of the Federal Assembly of the Czechoslovak Socialistic Republic No. 85/1990 Coll. on Right of Petition; Act of the Slovak National Council No. 369/1990 Coll. on Communal Establishment; Constitutional Act of the Federal Assembly of the Czech and Slovak Federal Republic No. 327/1991 Coll. on Referendum; Constitutional Act of the Slovak National Council No. 460/1992 Coll. the Constitution of the Slovak Republic, etc.

government in that time were met with disapproval of a significant share of the population which participated in demonstrations organized by opposition parties and civic associations in Bratislava as well as in other cities in SR (Mesežnikov, 1997: 19). Moreover, in 1995 – 1997, during the era characterized by a “struggle over the rules of the game” and political instability, the idea of a consolidated democracy in SR was considered more uncertain than just “a variant of an unstable regime”⁵ (Szomolányi, 2004: 9), what was evident mainly within the frame of policy-making processes. The so called “Slovak way of transformation” pursued from 1994 by the governing coalition, was characterized by a long-standing conflict between the highest state executive officials (especially President vs. Prime Minister), antagonism between the ruling coalition and the opposition, the adoption of legislative and administrative measures designed to concentrate all political power and to eliminate room for the competitive interplay of political forces, the use of authoritarian methods to solve social conflicts, the repression of political rivals (including illegal engagement of the secret service), political and economic cronyism, conflict between the state (executive power) and representative of civil society, and mounting tension between executive officials and ethnic minorities (Mesežnikov, 1999: 13). Paradoxically, as mentioned by Klimovský (2005), such complicated political situation activated the third sector and many NGOs, which deal with political issues, came into existence in that time.

Figure 6: Organization of public administration system (1996 – 2001)



5 As it is stated by Mesežnikov (1997), the government coalition did not only completely eliminate the ability of the opposition to influence who would occupy key functions in the state administration but also filled those posts with its own members or adherents (the most important information about every candidate was his/her political affiliation). Thus, personnel changes within the system of public administration after December 1994 did have the character of cadre purges, and the ruling coalition's activities related to occupancy of free public functions signified the cynicism and arrogance of the coalition toward the opposition as well as its scorn for professional and moral quality.

Key: GSA – general state administration; SSA – specialized state administration; SG – self-government; DSA – delegated state administration.

Source: Nižňanský (2005) [modified by author].

It is not surprising that the government did not have a real concern over decentralization in such a political situation. With regard to reforming public administration, the government fulfilled only two of its pledges. One involved a “horizontal” integration of the national government system, which reduced the number of local offices of the national government. The other was a new administrative structure, which divided the country into 8 regions and 79 districts (Figure 6). The effect of these measures was not to streamline the system but in fact to make it more inefficient, as the number of government offices, state officials and public expenditures all increased (Kling, Nižňanský and Petráš, 1999: 108). Furthermore, the mentioned division did not respect both the demands or needs of the public, existing local self-government units (communities) and their associations, as well as various political subjects (for instance political parties); and proposals of the other subjects like specialized expert groups or associations of the communities. This gave birth to division that deformed regional relationships, deepened the socio-economic differences among the established regions, and was not accepted by the public on an adequate scale.

Figure 7: Administrative division (general state administration) of Slovakia (1996-2004)



Source: Kiš and Volko, 2007: 55:

The government representation at regional as well as district level was a combination of two organizational forms: all-purpose bodies (general state administration) and specialized de-concentrated bodies (specialized state administration). All-purpose bodies were organized along general lines and were controlled by the government, while specialized de-concentrated state administration authori-

ties were organized on a functional basis and exercised their functions either in districts or in regions⁶ (Malíková and Staroňová, 2004: 58).

Speaking about the period between 1989 and 1998 in terms of public administration reform, we have to take into account that the period between years 1992 and 1998 was, by a few authors – e.g. Pilát (2003) –, characterized as a period of public administration reform discontinuance⁷. On the one hand, it is not strictly right because some important (in terms of state administration) acts were approved by NRSR in 1996, however, on the other hand, from the self-government point of view, it is quite clear that public administration reform (and especially a qualitative reform) was not in governments' policy mainstream.

The government's plan in regard to continuation of public administration reform prepared in the fall of 1995 and presented to parliament in the spring of 1996, provoked a strong criticism from the opposition parties and representatives of various communal and regional associations. NRSR passed the Act on Territorial and Administrative Division on 22 March 1996. President Michal Kováč returned it to parliament for additional deliberations, objecting to, among other things, the law's inclusion of Bratislava in a region consisting of surrounding towns and villages, which would clearly dilute the political independence of the country's capital. The president's objections did not change any views in parliament, and the act was passed without a change on 3 July 1996. The Act on the Organization of Local State Administration abolished or amended dozens of acts and government decrees, and replaced 448 first-tier and 128 second-tier organs of local state administration with 8 regional authorities and 79 district authorities. The original text of its draft, prepared by the Ministry of the Interior, was accompanied by a great number of objections – not only from self-government representatives but from the central government itself (Nižňanský, 1998a: 48). Final versions of both mentioned acts concentrated political power especially in the hands of the central government. In retrospective Nižňanský (1998b) emphasized that the year 1996 could, in terms of public administration reform, be evaluated as a year of definitive deviation from original conceptions regarding decentralization of society that had occurred in the very early 90s. State administration was strengthened to the prejudice of territorial self-administration which became evident particularly in regional policy.

Even worse conditions were created for regional development. Several expert groups – for example expert group of ZMOS, expert group of Ján Čarnogurský's government (1991 – 1992), or expert group of Vladimír Mečiar's third government (1994 – 1998) – prepared a few variants of division of Slovak territory into the regional self-government units in the first half of the 90s, and some of them were even utilized in various government documents. However, these proposals remained always in paper, and were never implemented in practice. The widening of the “scissors” gap in development across regions after 1989 was primarily the result of historically accumulating differences in economic, demographic and socio-cultural potential. This was the result of differences in the modernization in which some regions were bypassed even by the technical aspects of modernization. Thus,

6 Some of them created a two-tier administrative system (i.e. on both district and regional level), e.g. tax revenue offices or environmental offices.

7 Nižňanský (2002) stated the same but as he puts it, the period of reform discontinuance was even longer, and namely he spoke about the period of 1990 – 2001.

regions with above-average levels of fixed capital (in the sense of basic infrastructure) such as Bratislava and its surroundings, Košice, Trnava, etc. contrasted extremely sharply with other regions which are starkly “undercapitalized” such as Čadca, Spišská Nová Ves, Nové Zámky, etc. However, it was also a result of the inadequate regional policies of the central governments and of insufficient opportunities for regions to undertake their own development policies (Krivý, 1997: 289) during the whole period of the 90s.

CONTINUATION OF REFORM PROCESSES (1998-2006)

Although the results of parliamentary elections in 1998 indicated ongoing strong position of HZDS within the Slovak political scene, because of zero-coalition potential of this party, a new ruling coalition was created. The main problem as well as the weakest point of that ruling coalition (this coalition involved two right-wing parties: SMK, and SDK; and two left-wing subjects: SDL, and SOP) was its internal program inconsistency. While SMK and SDK preferred rightist solutions of public problems and utilizing of rightist principles within a policy-making, SOP and especially SDL preferred leftist principles and behaved very often according to their own preferences and not in compliance with agreement that had been made by their representatives on 28 October 1998. The key reason why these different parties had joined in, stemmed from the previous government's style of policy-making and primarily from an identification of common political enemy personalized by the controversial chairman of HZDS and the Prime Minister of previous government, Vladimír Mečiar. Moreover, a party discipline of the ruling coalition's parties sometimes malfunctioned, what was associated not only with differences in priorities of these parties but also with a fact that SDK was an artificial political party including a few independent parties⁸. A pretty good example, in Malová's (2004) opinion, of such politically undisciplined behavior can be illustrated by the activities of the then Minister of Justice, Ján Čarnogurský, who was not a member of SDK (he was a member of KDH) but occupied a ministerial position on behalf of SDK, and who sometimes acted in compliance with the needs or interests of KDH rather than with those of SDK. Thus, although the government approached preparation and implementation of reform steps, the intensity of these steps was limited by the political composition of the government and their character was quite selective (Mesežnikov, 2004: 63-64).

In spite of political preferences and other contexts mentioned above, every member of this ruling coalition declared willingness to start a large-scale reform of public administration system that would lead to its modernization and stronger orientation on citizens' needs. Such declarations were

⁸ The amendment to the Law on Parliamentary Election was a tool in the hands of the then-ruling coalition to weaken the opposition in general and individual opposition groupings in particular. It required that each individual party in a coalition secured at least 5 % voter support to be given seats in parliament, and the main reason for such an element was a fact that it should prevent then-opposition parties from forming standard pre-election coalitions and thereby using the full potential of individual coalition members in the election (Mesežnikov, 1999: 15). Therefore the representatives of KDH, DÚ, DS, SDSS, and SZS – i.e. the representatives of parties which started to co-operate together in 1997 as a standard election coalition uniting five political entities of various sizes and ideologies for the purpose of a desire to preserve democracy by attaining sufficient electoral support to reverse unfavorable developments and create a broad-based coalition of democratically-oriented political parties (Mesežnikov, 1999: 42) – in 1998 started to discuss openly the following organizational setup of SDK in order to find an optimum form of participation in the parliamentary election. Finally, in March 1998, SDK was registered by the Ministry of the Interior as an independent political party.

included in the program proclamation and did have connection with Slovakia's effort to become a full member of the European Union.

The activities of the government between November and December 1998 focused on analyzing the current state of affairs in the country and in government ministries, and on creating conditions for the expedient rectification of the flawed pieces of legislation adopted by the previous government. A detailed analysis of the situation in which the previous government had left the country was published in February 1999 in the so called Black Book (almost every ministry published its own Black Book) (Mesežnikov, 1999: 25).

The government declared to transfer the responsibility linked to public administration reform to a Government Commissioner (Plenipotentiary) for Public Administration Reform, and Viktor Nižňanský, who, at that time, was the director of economic think-tank M.E.S.A. 10, was consequently appointed in February 1999. However, as far as the mentioned responsibility, under pressure coming from the side of SDL as well as SOP, the ruling coalition had to change the declared plans. Finally, the responsibility was divided among eight officials (four Deputy Prime Ministers, Minister of the Interior, Minister of Finances, Head of the Office of Government of the Slovak Republic, and mentioned Government Commissioner for Public Administration Reform), which embarrasses the existing situation. The absurdity of this decision, and the chaos it sowed in the responsibilities of the various actors was apparent as early as December 1999, when SDL accused the Government Commissioner for Public Administration Reform of not having done a sufficient preparation for the reform of public administration. This party also demanded that a single person be made responsible for preparation of the reform, and proposed that the entire agenda be transferred to the Deputy Prime Minister for Legislation (this position was taken over by a representative of SDL) and to the Ministry of the Interior⁹. But it was soon apparent that SDL's demands flowed from its partisan interests – this party objected to the extent of decentralization proposed, the structure of local state administration offices, as well as to the swiftness of the reform and thus it tried to gain control of the management of the reform (Kňazko and Nižňanský, 2001: 107). Draft Conception of Decentralization and Modernization of Public Administration was approved by the government on 11 April 2000.

Figure 8: Territorial division of Slovakia (proposed model of 12 regional self-government units)

⁹ Ironically, it was SDL along with SOP that had most vehemently opposed the idea of leaving preparation of the reform up to an individual government commissioner, and had demanded that various ministers be given responsibility for it (Kňazko and Nižňanský, 2001: 107).



Source: Sekcia verejnej správy Ministerstva vnútra SR, 2001.

In May 2000, NRSR passed the Act No. 211/2000 Coll. of Laws on Unrestrained Access to the Information and on Changes and Completion of some other Acts. The entire legislative process was accompanied by a support campaign led by NGOs under the slogan “what is not secret is public” (during the vote, the law was supported not only by MPs belonging to the ruling coalition but also by MPs representing SNS, an opposition party at that time; HZDS was boycotting the parliamentary session) (Mesežnikov, 2001a: 19). This act created broader space and more possibilities for involvement of the public in policy-making processes.

At the same time the government was deciding on an establishment of regional self-government units and their bodies. Members of government negotiated the regional division of 8 units and 12 units in June 2000. With the exception of two ministers from SMK, all members voted on 12 units variant (Figure 8)¹⁰. An integral part of public administration reform should also mean a reduction of regional as well as district state administration. However, the ruling coalition did have according Kňažko and Nižňanský (2001), in the half of its term of office, diametrically opposing opinions on the transfer of state property to the self-government units. Even the state bureaucrats (i.e. especially senior civil servants) were being jealous of surrendering property related to the devolution of powers. Some of the ministers (particularly those from left-wing parties, i.e. SĎĽ and SOP) wanted to retain their influence over that property, which was in direct conflict with the principles set out in the Strategy of Public Administration Reform. In this context, in September 2000, SĎĽ utilized the

10 This result was, as given by Kňažko and Nižňanský (2001), a bit surprising, because while in 1999 SĎĽ preferred the 3 + 1 model (three regions, i.e. Western Slovakia, Middle Slovakia, and Eastern Slovakia + Bratislava), and was willing to accept a maximum of 8 regional self-government units, in June 2000 SĎĽ ministers supported the mentioned proposal. The behavior of two government members representing SMK reflected a dissatisfaction of this party with the government disapproval linked to an establishment of the so called “Komárno župa” (SMK requested an establishment of an independent regional self-government unit that should have involved six districts which are characterized by high share of citizens with Hungarian nationality and are situated in the South-West part of SR) as well as with the government decision to divide these districts between two regions (SMK restricted its demand later and asked for involvement of all these districts into one regional self-government unit).

right of veto in order to stop the proposal on abolition of regional and district state administration authorities with general competences and on their replacement by the regional or district state administration authorities with specialized competences.

Evaluative report of the European Committee consequently criticized the government in November 2000 due to fact that an approbation of concrete acts associated with public administration reform as well as approval of Act on Civil Service were put off (Kling and Nižňanský, 2001: 208).

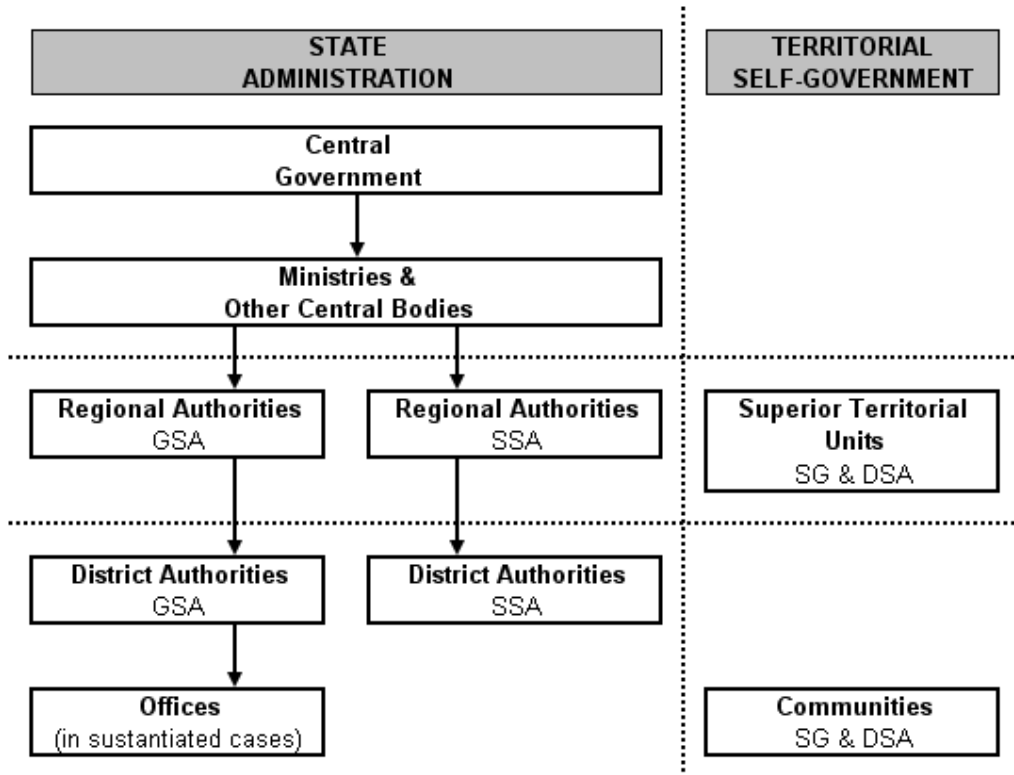
Figure 9: Territorial division of Slovakia (approved model of 8 regional self-government units)



Source: Kiš and Volko, 2007: 55.

As stated by Demeš (2001), the NGOs did not stay passive in this situation any more and began to be much more active in relation to the public administration reform. After the conference “Civic Vision of Slovakia: The Third Sector on Public Administration Reform” (Občianska vízia Slovenska: Tretí sektor o reforme verejnej správy) organized by S.P.A.C.E. Foundation in January 2001 for all relevant political actors, they started a campaign called “For a Real Public Administration Reform” (Za skutočnú reformu verejnej správy) in March 2001, which was supported by petition activities. Consequently, the activists from more than 300 Slovak NGOs published a public appeal called “Accomplish What You Have Promised, Make Terms, and Revive a Real Public Administration Reform” (Splňte, čo ste sľúbili, dohodnite sa, oživte skutočnú reformu verejnej správy).

Figure 10: Organization of public administration system (2002 – 2004)



Key: GSA – general state administration; SSA – specialized state administration; SG – self-government; DSA – delegated state administration.

In such atmosphere, the government agreed, during its special session on 1 April 2001, on two law drafts in regard to establishment of regional self-government units and their bodies. The government approved a decision on creation of 12 parallel regional units and bodies – 12 regional state administrative authorities and 12 regional self-government units, i.e. 12 + 12 model (although SDĽ and SOP did not support this variant, they did not use the right of veto). Although there existed quite a large resistance against this model from the side of some political subjects¹¹, for instance ZMOS also preferred the mentioned government proposal declared in the official public statements

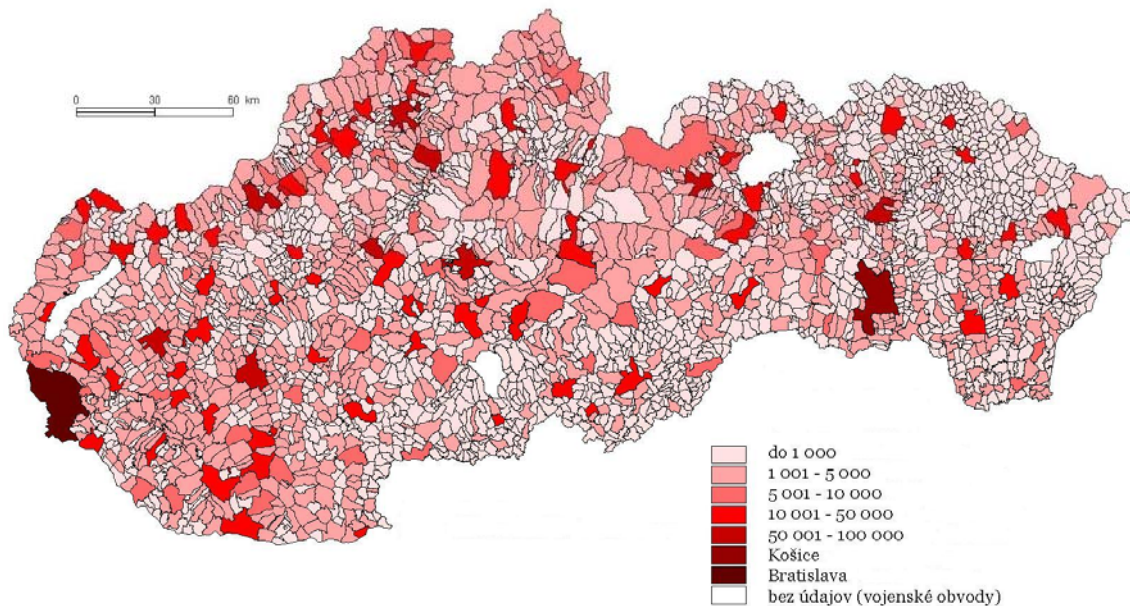
11 The government proposal of 12 + 12 model was under the pressure of criticism especially from the side of opposition political subjects. HZDS preferred the variant of 8 regional state administration authorities and parallel 8 regional self-government units. SNS advocated the division variant with 4 regional territorial units (Bratislava, Eastern Slovakia, Middle Slovakia, and Western Slovakia). Its representatives emphasized that such territorial division would be optimal in terms of state budget balance. Probably the most criticism, concerning public administration reform, came from the side of Smer-SD. At the beginning of 2001 its representatives criticized public administration reform as such. For example, Boris Zala stressed that it would internally disintegrate state and state would lose its control function which would cause many serious problems related to the functioning of state administration as well as territorial self-government. The chairman of Smer-SD, Róbert Fico, marked this reform as “organized diffusion of chaos” and as “mafia-way how to divide a territory, influence and money” (Mesežnikov, 2001b: 105). However, critical comments on public administration reform and primarily territorial division came from the side of ANO as well, because it demanded a model of 16 regional self-government units.

presented by its representatives. However, these drafts were not (on 4 July 2001) supported during the parliamentary discussion on them by all political subjects of a ruling coalition (the left-wing parties, i.e. SDL and SOP, did not vote on their approval in the proposed versions¹²), and therefore their approved versions varied from proposed ones (Figure 9). Finally NRSR approved three important acts that were influenced by the mentioned events: Act of the National Council of the Slovak Republic No. 302/2001 Coll. of Laws on Self-Government of the Superior Territorial Units (the Self-Government Regions); Act of the National Council of the Slovak Republic No. 303/2001 Coll. of Laws on Bodies of Self-Government Regions Election and on Completion of Civil Court Rule; Act of the National Council of the Slovak Republic No. 416/2001 Coll. of Laws on Some Competences Devolution from State Administration Bodies on the Communities and Superior Territorial Units. The most unaccountable point linked with political activities concerning approbation of these acts was distinct, focusing on regional division of Slovak territory instead of a complex appraisal of quality of this part of public administration reform (Figure 10).

Immediately after the decision of NRSR, Viktor Nižňanský took his discharge from the function of government commissioner, and Ivan Mikloš, the Deputy Prime Minister for Economics, refused to guarantee the form public administration reform. The representatives of ZMOS, various NGOs, and communities protested against the approved territorial division and likened it to violation of democratic principles or political failure. ANO even requested suspension of whole public administration reform and its main argument was linked to weak legal preparation and vaguely defined competences of superior territorial units' bodies. However, nothing happened and a question of continuation in public administration reform was overshadowed by forthcoming election.

Figure 11: Size structure of the communities in SR (2004)

12 These two coalition partners behaved in contrast to proposal that was approved by the Government of SR (Government Decrees No. 23/2000; 491/2000; 293/2000), Council of the Government of SR for Public Administration, Economic Council of the Government of SR, Council of ZMOS, Congress of ZMOS, and ÚMS. It was paradoxical because in all of the mentioned bodies they did have their own representatives, and they used to support the mentioned proposal there.



Key: “bez údajov (vojenské obvody)” – without any data (army zones).

Source: Zvolenský in: Čavojeec and Sloboda, 2005: 19.

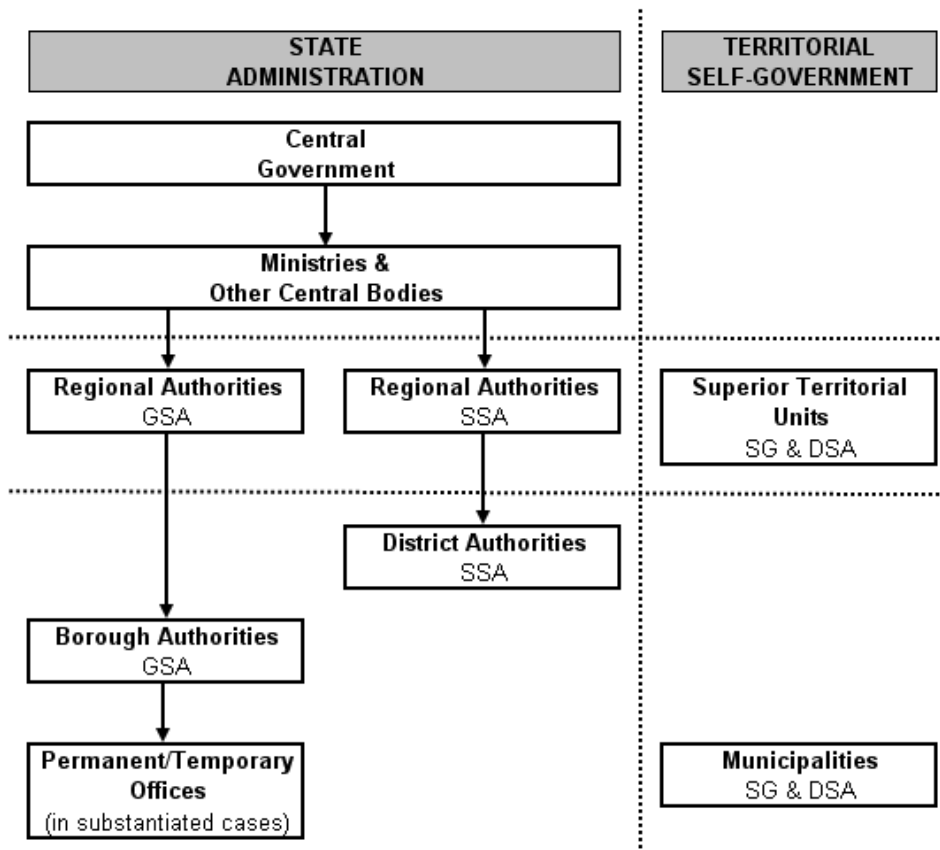
Concerning as the competences, these were transferred from the subsystem of state administration to the relevant territorial self-government units, i.e. communities and superior territorial units in several periods¹³. The reason why the interested actors took a decision on such periodical approach was an accentuation of necessity to provide an adequate time for both the superior territorial units and communities to prepare themselves for a proper execution of those competences. However, even if the mentioned periods were longer, it would not be possible for the most of communities to be prepared for it. The problem is that there are too many very small communities (Figure 11), especially in the countryside of Eastern and Southern parts of SR. For better understanding, I can choose just two numbers and use one example: nearly 70 % of all Slovak communities have less than 1.000 inhabitants, and only a bit more than 16 % of total population of SR lives in these 70 % of all Slovak communities; the smallest community called Prikra has only 10 inhabitants but, under the rule of the Act of the SNR No. 369/1990 Coll. on Communal Establishment as amended, it has

13 For instance, there were five different periods for transfer of some competences from state administration units to communities under the rule of the Act of the National Council of the Slovak Republic No. 416/2001 Coll. of Laws on Some Competences Devolution from State Administration Bodies on the Communities and Superior Territorial Units as amended: as per January 1st, 2002; as per April 1st, 2002; as per July 1st, 2002; as per January 1st, 2003; and as per January 1st, 2004.

the same competences as the biggest Slovak community with a one-level communal self-government¹⁴ – Prešov, with more than 90.000 inhabitants.

After the parliamentary election in 2002, a ruling coalition of right-centrist (conservative as well as liberal) political parties – SDKÚ, SMK, ANO and KDH – was created. From the viewpoint of program orientation, these parties promoted market-oriented policies in the social-economic fields and adhered to basic liberal democratic values. The government program of this coalition presented an ambitious plan of sector reforms concentrated on a short period of time (Mesežnikov, 2004a: 64).

Figure 12: Organization of public administration system (2004 – 2007)



Key: GSA – general state administration; SSA – specialized state administration; SG – self-government; DSA – delegated state administration.

Source: Nižňanský (2005) [modified by author].

14 Bratislava and Košice are the biggest Slovak communities (there are more than 450.000 inhabitants in the case of Bratislava, or 240.000 inhabitants in the case of Košice) and, under the rule of the Act of SNR No. 377/1990 Coll. on Capital of the Slovak Republic Bratislava as amended as well as the Act of SNR No. 401/1990 Coll. on City of Košice as amended, use the so called two-level communal self-government, where one level is created by city en bloc and its self-government bodies, and the second one involves city parts (Bratislava is divided in 17 city parts, Košice in 22 city parts) and their self-government bodies.

There were three important turbulences within the ruling coalition formed on the ground of parliamentary election in 2002 (the mentioned coalition consisted of four right-wing parties: ANO, KDH, SDKÚ, and SMK) which, in the end, led to the shortening of government's term of office (i.e. in 2006). However, despite of them, the government was able, without exception of a period at the very end of its term of office, to push ahead several important reforms¹⁵.

The poll linked to the second regional self-government election in 2005 was characterized as political disillusion; (approximately 18 % of electorate voted in the first round, however the poll in the second round was only a little bit more than 11 %). Empirical data derived from various surveys or political analyses (Klimovský, 2006; Klimovský, 2007; Mesežnikov, 2006) that were developed before this election supported a hypothesis about a low degree of citizens' awareness and interest in the activities of regional self-government bodies within the period of their first term of office¹⁶.

As far as public administration system is concerned, the government implemented fiscal decentralization and put into practice some substantial changes concerning state administration (particularly on its sub-national levels).

Figure 13: Administrative division (general state administration) of Slovakia (2004-2007)

15 The second government of Mikuláš Dzurinda was very often marked as rightist-oriented one. Mainly the common Slovak citizens, who were under the influence of various mass media as well as the parties in opposition, considered it, as Javůrek (2004) pointed out, the rightist government and therefore all its reforms received a title "rightist", too. But such approach is simplified rather than correct indeed. Videlicet, the most of the realized reforms had only an anti-collision character, and public administration reform was not an exception. Therefore, any attempts to create a conditional connection between its shape and rightist-oriented government are incorrect and imprecise. Many of the implemented changes were necessary, and it was a coincidence that there was no sufficient political willingness to put them into practice earlier. Such connection caused a fact that public opinion on public administration reform was connected with public opinion on the government and its other activities.

16 This is contrary to Peter's (2006) assumption about relationships between sub-national governments and their clients. According to that assumption, sub-national governments are, in general, closer to the actual delivery of many public services, and also have closer relationships with their partners in delivering services. This proximity to the actual work of government and their contacts with clients can lead to their becoming absorbed with the needs of community or region (Peters, 2006: 18).



Source: Kiš and Volko, 2007: 72.

The government decided and parliament consequently approved a huge reduction of general state administration in 2003. The most visible part, from citizens' point of view, of such reduction was an abolishment of all district state administration authorities and a re-establishment of borough state administration authorities. The main idea of this resulted from a government effort to reduce general state administration (because of large transfer of competences from regional or district state administration to regional or local level of self-government), and vice-versa, to strengthen its specialized parts (Figure 12). A reduction of civil servants was, as stated by Kling and Pilát (2003) in the period of years 2002 and 2003, slower than planned and proclaimed by the government (for example, 770 civil servants should be withdrawn as per the 1st May 2003 but the term was prolonged as per the 1st July 2003, and only 382 civil servants were withdrawn in fact).

Since 1989, all ruling coalitions have endeavored to influence personal policy linked to the system of state administration. Some of them secreted own endeavors, some of them acted openly and without any regard for public opinion. There were even such ruling coalitions which criticized their predecessors but their own activities were the same if not worse. A typical example, as listed by Láštík (2004), is the replacement of principals (politically affiliated in SĎP or SOP) in some district authorities at the end of 2003 by persons who politically belonged to the actual ruling coalition's parties (i.e. ANO, KDH, SDKÚ or SMK). It occurred, even though it was officially decided by the Act of NRSR No. 515/2003 Coll. of Laws on Regional Authorities and Borough Authorities and on Changes and Completion of Some Other Acts, on the 5th November 2003, that those district authorities would be abolished and replaced by borough authorities as per the 1st January 2004 (Figure 13).

Issue of fiscal decentralization became a true “hit” in the public debate on public administration reform and its continuation. All major political parties pledged to decentralize power over public

money, and all advocated accumulation of the self-generated revenues of self-government units (Kling and Nižňanský, 2003: 195) on both local and regional level. Viktor Nižňanský, before its implementation, stated that many political actors as well as common people automatically connected fiscal decentralization to higher revenues in local and regional self-government budgets. It seemed it could be difficult to explain that fiscal decentralization should play “only” a role of suitable tool which shifts decision-making processes regarding fiscal tools or instruments (mainly taxes, i.e. tax policy) from central level to lower levels (Manca, 2003: 3).

Although fiscal decentralization was expected with big apprehensions primarily from the side of self-government units and their associations, after a relatively short period their representatives complimented its impact. For example, Pilát and Valentovič (2006) mentioned, that according ZMOS's internal research, only 11 towns lost due to fiscal decentralization and its compensation mechanism in 2005. For that reason it was supported by ZMOS. However, because of mechanism of fiscal compensation, the representatives of biggest towns (for example Banská Bystrica, Nitra, Trnava or Žilina) were not as satisfied as the smaller communities. As a consequence of such situation an internal tension in ZMOS¹⁷ occurred (for example, the representatives of mentioned towns threatened ZMOS by a suspension of their memberships).

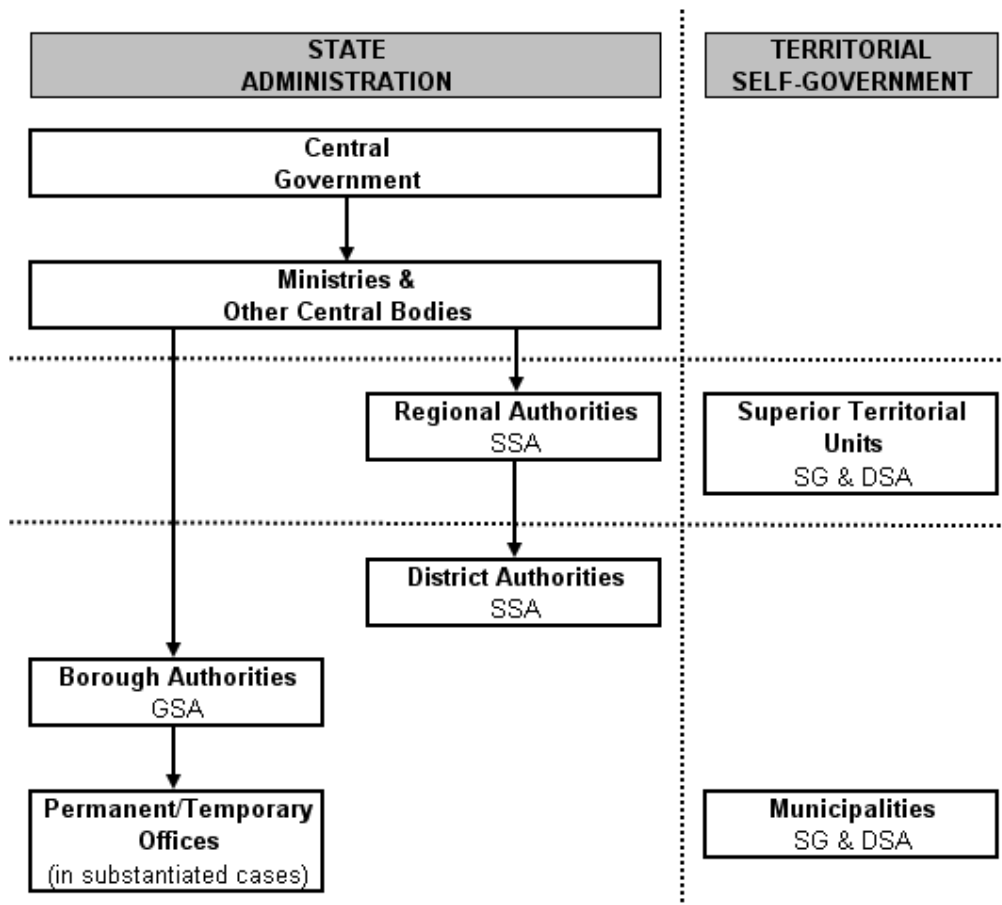
Despite of strong opposition at the side of ZMOS, on 27 September 2005 NRSR approved an amendment of the Constitution of SR and introduced an external control, realized by NKÚ and its organizational units, with respect to territorial self-government (until this period, external control could have been done only in the cases of execution of delegated state administration tasks). ZMOS considered it a possibility for groundless state interference with self-government issues but the most of experts – e.g. Pilát and Valentovič (2006) – considered it a meaningful and necessary element which reflected an increase of territorial self-government importance.

Besides mentioned changes, several interesting and in some cases also rational proposals concerning territorial self-government were drafted in 2004 and 2005. First of all I have to mention a document called Communal Reform which had been elaborated by Viktor Nižňanský, Government Commissioner (Plenipotentiary) for Decentralization of Public Administration. This document involved, besides other elements, justification and proposals for an amalgamation of units on a communal level of territorial self-government. Viktor Nižňanský was inspired by amalgamation processes in some European countries (for example in Nordic countries, Poland, or some German states) and proposed two possibilities for an elimination of too high fractionalism associated with communal territorial self-government in Slovakia. The representatives of ZMOS, especially its chairman Michal Sýkora, stressed that communal reform has been necessary but amalgamation is possible only if the principle of spontaneity be adhered. Besides this proposal, some experts as well as politicians called for a re-arrangement of regional division of Slovak territory. While creation of more regional territorial self-government units in the Eastern part of SR (for instance Region Spiš or Region Zemplín) was supported mainly by the regional political actors, an issue of independence of Bratislava (with a position of self-government region) was supported not only by Bratislava's

¹⁷ Pilát and Valentovič (2006) mentioned that according to ZMOS's internal research, only 11 towns lost due to fiscal decentralization and its compensation mechanism in 2005. For that reason ZMOS supported it.

representatives but also by many experts. However, all these proposals failed to attract broad political or public interest and support.

Figure 14: Organization of public administration system (since 2007)



Key: GSA – general state administration; SSA – specialized state administration; SG – self-government; DSA – delegated state administration.

Source: Nižňanský (2005) [modified by author].

STAGE OF AD HOC REFORM PROCESSES

New government that came into power in 2006 has not mentioned continuation of decentralization processes in its program proclamation. Despite of Prime Minister's pledge to reduce 20 % from overall number of civil servants, bigger reduction of that number has not been fulfilled yet.

However, the government succeeded in other program proclamation commitment, and elaborated a proposal of act which was consequently approved by NRSR and which is to abolish the regional authorities (Figure 14) for general state administration performance. Furthermore, the government successfully proposed (in the beginning of 2009) abolishment of a few ministries (Ministry of Envi-

ronment and Ministry of Construction and Regional Development). Both of them were managed by SNS's nominees, and at both of them huge corruption scandals came into light during the previous period. Paradoxically, both of them should be abolished after the next parliamentary election, and therefore it is still open question whether they will be really abolished.

Concerning regional and local government structures, no big changes have been implemented. The Governmental Commissioner for Territorial Self-Government, Ján Turčan, were trying to prepare some program, or more precisely some solution for too high fragmented local structure. However, no final version has been presented so far, and there is a lack of public discussion on this matter too.

STAGES OF REFORM PROCESSES

For the purpose of responding the second aforementioned question, I utilize an earlier division elaborated by Mesežnikov (2004a). Obviously, due to further development, his division must be modified and therefore I have added one more stage:

- stage of radical political transformation, and creating conditions launching the economic transformation (the end of 1989 – the first half of 1992);
- stage of hampering, even stagnation of the political democratization process; implementation of selective reform steps in the socio-economic field was limited; the so called perverted form corresponding with the necessary support to establish a semi-authoritarian regime (the second half of 1992 – the end of 1998);
- stage of restoring political democratization processes, and carrying out reform steps in socio-economic fields that correspond with the basic framework of a liberal-democratic regime (the end of 1998 – the beginning of 2006) (Mesežnikov, 2004a: 59-60);
- stage of critique and reappraisal of the policies (and especially their reform parts) of previous government, and attempts to their modification (mid 2006 – up to the presence).

Similar but a little bit different division of development of SR provide the criteria linked to processes of coalition bargaining. Coalition bargaining usually involves two processes. First one is linked to program negotiation, the second one to distribution of ministerial (or other senior) positions. With respect to theoretical background developed by Laver and Schofield (1990) and Martin and Vanberg (2004), there are three models of that bargaining:

- First Model: The strongest party which invited the other parties for a creation of ruling coalition enforces the other partners own priorities as well as ways how to reach them.
- Second Model: Every member of ruling coalition decides independently about public policy within entrusted branch, and is fully responsible for it.
- Third Model: All members of ruling coalition respect common program priorities, they response together, however, they accept a fact, that a guarantee has been assigned for every branch and therefore this guarantee has the biggest impact on the final form and shape of entrusted public policies.

As far as the Slovak conditions are concerned, as put by Mesežnikov (2004b), since the establishment of SR the first of those models had been utilized by the central government. The change occurred in 1998 when the second model was implemented into the policy-making processes on a central level. The third model (although in some branches still the second one remained) came into effect during the second term of office of Mikuláš Dzurinda's government (i.e. in between 2002 – 2006). The Róber Fico's government, however, showed that the central government returned back to the first model in which Smer-SD and especially his chairman¹⁸ played the most crucial role.

CHALLENGES INSTEAD CONCLUSIONS

In spite of many reform processes and implemented changes, Slovak system of public administration is still far away from the state when the relevant subject could be fully satisfied. There are several problems which should be solved in the near future. From all of them I can mention two the most serious ones:

- The very first problem which has to be solved in the near future is a too high fragmentation of communal self-government units. The increasing problems of rural areas in Slovakia have caused a gradual outflow of economically active people to towns or urban areas. Furthermore, young people who leave villages to study in towns do not return to their villages after finishing their studies because they see no future there (especially if their villages belong among the group of smallest or the group of small communities, i.e. less than 500 inhabitants or less than 2.000 inhabitants). Rural areas are thus becoming depopulated and are increasingly inhabited by elderly people and pensioners (Kling, 2003: 473). Many of such atomized units are not even able to perform their tasks, and recently have to look for cooperation possibilities. The unification of their approaches should indeed be introduced.
- Very serious problem seems to be a low degree of citizens' awareness too. In this point it is quite fair to expect a quantitative as well as qualitative change on the sides of all interested and relevant political actors. E-government seems to be a good way how to better and intensify the information stream, but it should not be the only means. Improvement of communication between the citizens and their political representatives through various public hearings or public discussions could be very helpful, too. An effective information policy provides for the existence of mutual communication channels which help to achieve planned goals.

18 Róbert Fico (aware of his own power in terms of results of parliamentary election in 2006, and the following increase of Smer's popularity among the Slovak electorate) has acted rather authoritarian many times in the position of Prime Minister. On the one hand, he persistently disclaimed failures of his party-mates (for example failures of the Minister of Finance, the Minister of Interior, the Minister of Labour, Social Affairs and Family, or failures of the Minister of Health); on the other hand, he openly presented Smer's interests as the government's interests and generated a pressure on ES-HZDS as well as SNS to accept them. Moreover, his pressure led in some cases to forced abdication of ministers from these two smaller ruling parties but although various scandals have been linked to Smer's nominees as well, the two smaller ruling parties either did not dispose with a position to press them to abdicate or they did not have interest to do so.

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ABBREVIATIONS:

Names of the Political Parties:

ANO (Aliancia nového občana) – Alliance of the New Citizen

DS (Demokratická strana) – Democratic Party

DÚ (Demokratická únia) – Democratic Union

HZDS (Hnutie za demokratické Slovensko) – Movement for a Democratic Slovakia

KDH (Kresťansko-demokratické hnutie) – Christian Democratic Movement

KSČ (Komunistická strana Československa) – Communist Party of Czechoslovakia

KSS (Komunistická strana Slovenska) – Communist Party of Slovakia

ĽS-HZDS (Ľudová strana – Hnutie za demokratické Slovensko) – People's Party – Movement for a Democratic Slovakia

MNI (Maďarská nezávislá iniciatíva) – Hungarian Independent Initiative

SDK (Slovenská demokratická koalícia) – Slovak Democratic Coalition

SDKÚ (Slovenská demokratická a kresťanská únia) – Slovak Democratic and Christian Union

SDE (Strana demokratickej ľavice) – Party of the Democratic Left

SDSS (Sociálno-demokratická strana Slovenska) – Social Democratic Party of Slovakia

SF (Slobodné fórum) – Free Forum

Smer-SD (Smer – Sociálna demokracia) – Direction – Social Democracy

SMK (Strana maďarskej koalície) – Hungarian Coalition Party

SNS (Slovenská národná strana) – Slovak National Party

SOP (Strana občianskeho porozumenia) – Party of Civic Understanding

SZS (Strana zelených Slovenska) – Greens’ Party of Slovakia

VPN (Verejnost’ proti násiliu) – Public against Violence

ZRS (Združenie robotníkov Slovenska) – Association of Workers of Slovakia

Other Abbreviations:

ČSFR (Česká a Slovenská Federatívna Republika) – The Czech and Slovak Federal Republic

NKÚ (Najvyšší kontrolný úrad) – Superior Controlling Authority

NRSR (Národná rada Slovenskej republiky) – The National Council of the Slovak Republic

ROH (Revolučné odborové hnutie) – Revolutionary Trade Unions

SNR (Slovenská národná rada) – The Slovak National Council

SR (Slovenská republika) – The Slovak Republic

ÚMS (Únia miest Slovenska) – The Union of Towns of Slovakia

ZMOS (Združenie miest a obcí Slovenska) – Association of Towns and Communities of Slovakia

Daniel Klimovsky is lecturer and researcher at the Department of Regional Science and Management, Faculty of Economics, Technical University of Kosice, Slovakia. He completed his PhD study in 2009 at the Comenius University in Bratislava, Slovakia, and during his study he absolved several research stays abroad. Furthermore, he took part in several international research projects as well as international scientific events (Network of Institutes and Schools of Public Administration in CEE - NISPAcee, Regional Studies Association - RSA, European Regional Science Association - ERSA, World Civic Forum - WCF), and he is an author of several book chapters and journal articles. He deals especially with policy making processes at the regional and local levels, local and regional governance, and with public administration reforms and their impacts on local and regional governments and their performances.