

Impacts of Decentralization Policy in the Slovak Republic: The Public Participation and Its Forms within a Frame of Policy-Making Processes on a Local Level

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Abstract

An idea of necessity of decentralization policy has come to light in Slovakia since a successful overthrowing a regime of communist party in 1989. Although the first tools of decentralization policy (for example basic legislation in regard to a revival of local self-government) have already been implemented in 1990, we cannot say that their implementation has been without any problems. One of the most problematic fields has been considered citizens' attitude on the subject of utilization of those tools that have been associated with a strengthening of public participation. Especially in this case it has been proven that legal tools have to be supported or supplemented by other types of policy tools (for example information tools or administrative-organizational tools).

My main goal in relation to this paper is to present the mentioned public participation as an element that is linked to both decentralization policy and the consequential policy-making processes on a local level. Obviously, I do not present only theoretical knowledge but I do use also the empirical data that are associated with public participation tools and instruments on a local level as well as utilization of selected public participation tools or instruments by the inhabitants of the Slovak communities (i.e. on a local level).

Key words: Public participation, policy-making processes, local level.

1 Introduction

SR, alike the most of other CEE countries where a successful overthrowing of the communist parties regimes came to be real in the late 80s and early 90s of the 20th century, has gone through a few very important changes for a relatively short period (since 1989). In Nižňanský's (2002) opinion, they have been associated with three fields. The first of them has had political character (implementation of democratic elements, consolidation of democracy, horizontal and vertical division of political power, etc.), the second one has been linked to economy (elimination of the limits of market economy, extension of private property,

implementation of new tax policy, etc.), and the third of them has been related to organization of state and its bodies (new structure of public administration system, new principles of action of public administration, improvements in delivering of public services, etc.). Some of them have been started already during the existence of ČSFR (i.e. in the period of 1990 – 1992), and some later, however, no one is finished yet [1]. A reason of such situation is quite simple – establishment of a new political and administrative system is rather complicated issue that requires dozens of years then simple issue which can be solved within a relatively short period involving a few years.

This paper is dedicated to the decentralization policy that was implemented within a frame of public administration reform in the conditions of SR and its impact on the frame of policy-making processes that occur on a local level¹ with reference to the public (popular) participation and its forms.

Due to fact that the mentioned public participation as an element that is linked to both decentralization policy and the consequential policy-making processes on a local level, also a main goal of this paper is divided in two points. Firstly, I would like to present the reform and particularly the decentralization policy in the Slovak conditions as such and in terms of reform quality; and secondly, I would like to point out that the reform of public administration was the cause of a few important changes with respect to the public participation within the policy-making processes (I target especially the info-bases in regard to the mentioned processes). For this, I utilize both the description of legal conditions (derived through the content analysis) and some empirical data related to those changes (derived through some basic statistical methods). Moreover, on account of a broader context, I do use a bit more information on a political development in the cases of some events, which helps me to explain them better or in more understandable way.

2 Theoretical and Methodological Framework

Public participation² has been considered in the Western European countries as well as the USA a hot research problem for many authors from different fields of social sciences since the turn of 70s and 80s, when some of them decided to draw attention to the limitations of democracy and democratic style of governance. Consequently, it has been proven by several research works, e.g. [3], [4], [5], or [6]; that although the governments were acting under the rule of democratic principles, people were remaining in many cases rather passive than active. Even a poll did not increase. Vice-versa, it was permanently decreasing from election to election in many countries. Such situation, of course, brought up a question of legitimacy³. As far as the CEE countries, problems linked to the public participation affected the action of governments on all political levels in the late 90s too, and the symptoms were the same, i.e. passivity of people, decreasing poll from election to election, the appearance of a question of legitimacy, etc. In the recent years, many research works on phenomenon of public participation were published, e.g. [10], [11], [12], [13], [14], [15], [16], [17], [18], [19], [20], [21], [22], [23], [24], [25], etc. In this point, it is necessary to stress that there are two main concepts that explain a connection between public participation and process of acquiring legitimacy. The first one, represented for example by Ucakar or Carrol and Carrol associates political legitimacy with electoral participation of citizens [26], [27]. It means that such legitimacy is transferred to concrete persons, i.e. representatives like MPs, etc. The second concept is much broader and according Bishop and Davis can be described as an attractive strategy targeted not only at improving the policy-making processes but also at induction “frustrated” citizens a certain feeling of trust in authorities and their activities [28]. More direct explanation of this second concept was presented by Linek and Trnka who pointed out that good governance does not mean only sustaining of high electoral participation [29]. On

the contrary, it is rather utilization of various tools or instruments that help to mobilize and activate people within the frame of policy-making processes. Videlicet, electoral participation is only one of several possibilities associated with public participation for sustaining of legitimacy of any public policy. This second concept of public participation is utilized in this paper and therefore, in general the public participation can be in this point defined as participation of those actors who are given the legal right to (re)act in what concerns the policy-making processes.

Inclusion of all people within a frame of common problems solution, as a classical request of democracy, was described already by Aich as unrealistic [30]. However, as it is stated by Offe, any public initiative loses its reason as well as purpose if all potential problems solutions are formulated exclusively by politicians [31]. For these reasons the central governments in many European countries decided on necessity of decentralization policy implementation which is able to bring more possibilities for public participation within a frame of policy-making processes closer to the citizens and the others who live or work on relevant territory. In the most of those cases, the decentralization policy implementation was combined with broader public administration reform and SR was not any exception.

As it is listed in *Preparing Public Administrations for ...*, it is possible to identify five conditions that can determine reform and its quality: external pressure; internal dissatisfaction; reform strategy; mechanism for managing reform; feedback and evaluation [32]. Of course, they are connected to quality of policy-making processes too.

Speaking on policy-making processes, a 5-stages model of policy-making cycle developed by the International City/County Management Association (it involves following five stages: setting the policy agenda; formulation of the policy; taking the decision; implementation of the policy; and assessment of the policy) is utilized in this paper.

The last but not least point of theoretical framework of this paper is linked to tools or instruments of public participation. Although there are several possible ways how to classify them, I do respect and utilize, alike some other authors, e.g. [33], the theoretical concept developed by Gramberger which is accepted by OECD too. This concept contains a classification of relations between the public (particularly citizens) and politico-administrative authorities. According the mentioned author, there are three big groups of such relations: information; consultation; and active participation [34]. Obviously, every relation is a result of some instruments or tools, so it is possible and meaningful to say that there are three groups of them: part of them is associated with the information, part of them with the consultation, and the last part with the active participation. The most important part in terms of this paper's goal is that one which is described as information.

3 Implementation of decentralization policy in the Slovak conditions

An idea of necessity of the decentralization policy has come to light in Slovakia since the successful overthrowing of KSC and KSS regime 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-free. 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 administrative systems considering their improvement and accommodation to the new social as well as economic conditions.

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 [35].

The transformation of the territorial structure of government – its decentralization, particularly the introduction of territorial self-government – was considered an essential task in the process of rebuilding political and administrative systems in whole CEE after 1989 [36], and Czechoslovakia was not an exception because before 1990, only state administration existed there. The communities obtained a self-government status in 1990 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.

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.

After a series of unsuccessful political negotiations, the 1992 parliamentary election became a turning point. The winners of the election were able to agree only on the division of the common state into two independent states. Separation of SR from the Czech Republic was finally approved by the Federal Assembly of ČSFR on 25 November 1992. Consequently, ČSFR perished on 31 December 1992, and since 1 January 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.

SNR approved the Constitution of SR already before the official approval of separation. SR has characterized itself as sovereign, democratic, and law-governed state but political practice showed indeed that to declare something did not mean the same as to realize it. During the mid-90s Slovak political situation was characterized by several undemocratic incidents and stories. Although levers had already been created for public to access the policy-making process in the early 90s, strengthening public participation was not really a priority.

Moreover, in 1995 – 1997, when a ruling coalition consisted of HZDS, SNS, and ZRS, 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” [37], what was evident mainly within the frame of policy-making processes. Paradoxically, as mentioned by Klimovský, such complicated political situation activated the third sector and many NGOs, which deal with political issues, came into existence in that time [38].

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.

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. [39] characterized as a period of public administration reform discontinuance. 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.

Tendency of strengthening of state administration, especially in the period of years 1994 – 1998, resulted from political situation or more precisely from the government's policy. This tendency can be proved for example by the number of central state administration staff that was increased from 4735 civil servants in 1993 to 8022 civil servants in 1998.

In comparison to that, territorial self-government, or more precisely Slovak communities were in very difficult situation in the mid-90s. According to the Analysis of Status and Development...:

- Although a holding of state budget on GDP increased within the period of 1990 – 1994 to 10 – 14 percent, a holding of local government budgets on GDP decreased within the same period from more than 21 percent to less than 5 percent.
- The towns and communities did not win reputation in public and they were very passive in relations to other subjects (e.g. to NGOs or private enterprises).
- At the beginning there was an idea that state should support those activities of local governments which are linked to investment in infrastructure, environmental protection, and public-assistance dwellings. However, the reality of the first half of 90s shows that state did not accomplish these functions at all. Moreover, system of state grants was insufficient, unfair, and non-motivating.
- State did not have any clear and stable concept of system for a holding of local government budgets on state taxes' income (especially the so called residual method was utilized in that time). In the mid-90s SR was one of those countries characterized by a low degree of fiscal decentralization. Most public administration expenditures were made through, or at least provided for in the state budget. In other words, local levels of state administration and self-government had little leeway to make their own decisions about public finances [40]. Due to such absence, local governments could not develop any real strategic projects in that time.
- The most of the local government budgets receipts was unstable and many of them were rather coincidental or irregular than regular.
- Because of both an absence of self-government units on a regional level and a high number of delegated competences from state administration to local self-government, the units of regional as well as district state administration acted as supreme units in relation to the communities

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: DS, and SDK; and two left-wing subjects: SDL, and SOP) was its internal program inconsistency. 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.

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

The government declared to transfer the responsibility linked to public administration reform to a Government Commissioner (Plenipotentiary) for Public Administration Reform, and Viktor Nižňanský 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, 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. 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 [41].

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 that is an important element in terms of public participation possibilities. 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) [42].

At the same time the government was deciding on an establishment of regional self-government units and their bodies. However, the ruling coalition did have according Kňažko and Nižňanský, in the half of its term of office, diametrically opposing opinions on the transfer of state property to the self-government units [43]. As stated by Demeš, 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. 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*) [44].

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. 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 versions), and therefore their approved versions varied from proposed ones. 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. 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.

As far 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 periods. 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 (Table No. 1), 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 live in these 70 % of all Slovak communities; the smallest community called Príkra has only 7 inhabitants but has the same competences as the biggest Slovak communities.

Table No. 1: Size structure of the communities in SR (1996).

Size Category (Number of Inhabitants)	Communities				Inhabitants		
	Number	Share in %	Cumulative Share in %	Number of Towns in Category	Number	Share in %	Cumulative Share in %
<i>Up to 499</i>	1.206	42,01	42,01	0	334.064	6,21	6,21
<i>500 – 1.999</i>	1.299	45,25	87,26	2	1.295.809	24,09	30,30
<i>2.000 – 4.999</i>	242	8,43	95,69	19	710.414	13,21	43,51
<i>5.000 – 19.999</i>	83	2,89	98,58	74	808.927	15,05	58,56
<i>20.000 and more</i>	41	1,42	100,00	41	2.229.718	41,44	100,00
OVERALL	2.871	100,00		136	5.378.932	100,00	

Source: [45] – modified by author.

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 [46].

There were three important turbulences within the ruling coalition formed on the ground of parliamentary election in 2002 which, in the end, led to the shortening of government's term of office (i.e. in 2006). First one occurred when a part of SDKÚ's MPs, dissatisfied with the activities and behavior of the Prime Minister, Mikuláš Dzurinda, called for his abdication. A strong quake inside the ruling coalition brought up another issue, this time on the subject of an unexplained loan of then Minister of Economy, Pavol Rusko, who, in the second half of 2005, lost the other political partners' confidence. The last of these turbulences came into light when KDH started to strictly request an agreement between SR and Apostolic See on a contract on exception of conscience. The coalition partners did not respond to this request (which was a bit surprising especially from the side of SDKÚ), and KDH abandoned the ruling coalition. Consequently, a political pressure on the government was so intense (and not only from the side of previous opposition subjects but also from the side of “opposition newcomers”) that the government's term of office was shortened (although only for a few months). The most important in terms of policy-making processes is that all these turbulences initiated problems 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 reforms.

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). In light of quality of policy-making processes on a local level, 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 [47] on both local and regional level. Many political actors as well as common people automatically connected fiscal decentralization to higher revenues in local and regional self-government budgets and 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 [48]. Fiscal decentralization was not implemented at the same time as decentralization of competences, and because it was implemented later, some serious problems occurred. As it is mentioned by Palúš, especially the superior territorial units and their bodies were completely dependent on the state budget [49].

Even though 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 mentioned, that according ZMOS's internal research, only 11 towns lost due to fiscal decentralization and its compensation mechanism in 2005 [50]. For that reason it was supported by ZMOS too.

Due to huge amount of powers that had been transferred to self-government units, a political discussion on a stricter and wider external controlled emerged at the same time. 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. [51], considered it a meaningful and necessary element which reflected an increase of territorial self-government importance. This change introduced a “new” stakeholder on a local level indeed.

Although it is visible that the reform of public administration system in SR was during whole researched time (i.e. 1989 – 2006) markedly influenced by politics, it is still possible to identify a few differences that differentiate two main periods, i.e. 1989 – 1990 and 1999 – 2006 in terms of characters of policy-making processes.

First of all, these periods vary from one another in terms of existence of a reform strategy. While public administration reform processes in the second period were strategically planned (besides other reasons it was possible also due to the fact that there existed a continuation in the governments' main public policies) and several strategic documents importantly influenced the practice, public administration reform in the first period was rather spontaneous (although nobody can say that it had not been prepared) rather than really strategically planned. Also public participation was higher in the case of the second period because the mentioned documents were provided for open discussion before their approval.

Secondly, an external pressure (especially international) on public administration reform and its steps was very visible in the second period. It was related to the effort of SR to join the European Union, and several political actors – i.e. stakeholders in fact, for instance the European Committee) commented and evaluated SR's policies in this field as well. Obviously, there was an external pressure related to the first period too but it was drowned out by various movements in the Czechoslovak society that wanted to shake off its communist heritage.

Thirdly, as far as internal dissatisfaction is concerned, it was present in both cases even though it differed from case to case. In the first period, internal dissatisfaction reflected relation to the previous non-democratic development and the absence of democratic elements in political as well as administrative systems (for example absence of real territorial self-government). Internal dissatisfaction in the second period reflected rather a disobedience to the legally implemented democratic elements as well as the failures within the relationships

between SR and its international partners. In both cases, public participation played a quite important role, although it was more institutionalized in the second period.

Fourthly, very similarly to the previous notices, a mechanism for managing reform in the second period was prepared in a more suitable way. On the one hand, it is linked to the mentioned spontaneity of the changes during the first period; on the other hand it corresponds with very short governments' terms of office that were typical for the time following the so called Velvet revolution in 1989.

And fifthly, feedback, particularly the critical one, was not as strict and strong in the first period as in the second one. For example, reforms implemented by the government (2002 – 2006) were attracting a lot of international attention. However, reformers were mostly the focal point of criticism at home, what was partly justified by the incompleteness of reforms. Such criticism was also the result of insufficient communication with the public (Szomolányi, 2004: 22-23). Although incompleteness of reforms and insufficient communication were typical for the first period too, the feedback was not so strong. Maybe it was caused by ongoing expectations, and maybe by economic uncertainty and existence of many serious economic problems. As far as evaluation, it is quite early yet, to speak about all impacts of that part of public administration reform which started in 1998 (or more precisely in 1999) because some tools were implemented just one or two years ago. The feedback from the side of the public was not very huge in the first period however, in the second one there occurred a few open debates that were organized by various NGOs.

4 Public participation on a local level and its forms in the Slovak conditions

4.1 Tools and instruments of public participation on a local level

The fundamentals for public participation as such can be detected in the Slovak Constitution. From the public participation point of view, the most important constitutional articles are included into its second chapter, and especially in its third part where the political rights are described (the most of them are involved in the Table No. 2).

Table No. 2: List of rights/freedoms/liberties that are protected and guaranteed by the Slovak Constitution.

Rights/freedoms/liberties	Right/freedom/liberty belongs to:	
	Everyone	Citizens
<i>Guarantee of nondiscrimination</i>	■	
<i>Guarantee of absence of forced labor or services</i>	■ (possible legal exceptions)	
<i>Freedom of thought and conscience</i>	■ (conditions)	
<i>Freedom of speech</i>	■ (conditions)	
<i>Right to information</i>	■ (conditions)	
<i>Right of petition</i>	■ (conditions)	
<i>Right to assemble</i>	■ (conditions)	
<i>Right to associate freely</i>	■ (conditions)	
<i>Right to strike</i>	■ (conditions)	
<i>Right to establish political parties</i>		■ (conditions)
<i>Right to participate in the administration of public affairs – self-government issues</i>	■ (conditions)	

<i>Right to participate in the administration of public affairs – state issues</i>		■ (conditions)
<i>Right to access to the elected or other public posts</i>		■ (conditions)
<i>Right to initiate referendum on a national level and to participate in it</i>		■ (conditions)
<i>Right to appeal to the court for reexamine the lawfulness of decision of public administration body</i>	■ (conditions)	
<i>Right to use mother language in dealings with the authorities</i>		■ (conditions)
<i>Right to participate in the solution of affairs concerning relevant national minority or ethnic group</i>		■ (conditions)
<i>Right to put up resistance</i>		■ (conditions)

Source: [52].

Obviously, the mentioned rights are not any final set of all rights associated with public participation. Vice-versa, they create only legal ground for the other rights that are associated with public participation within the frame of policy-making processes. Therefore, it is possible to speak about quite a number of different tools of instruments of public participation on a local level, too. By utilizing the Gramberger's classification as well as the policy-making cycle developed by the International City/County Management Association they can be classified in the way that is put to use in the case of Table No. 3.

Table No. 3⁴: Tools of Public Participation on a Local Level

Stages of Policy-Making Process	Gramberger's (2001) Classification	Tools/Instruments
<i>Setting the policy agenda</i>	Information	- obligatory publication (official communal panel) of communal board's program before its session - optional publication (communal broadcast, telecast, web-site, newspaper, etc.) of communal board's program before its meeting - publication of a report (minutes) of communal board's session
	Consultation	- notices presented in the sessions of communal board (warnings and notices from the side of the deputies of communal board or mayor) - membership in various committees of communal board - involvement in the public opinion researches or opinion polls
	Active Participation	- information call - meetings of citizens-voters with their deputies - proposals presented in the sessions of communal board or addressed to the mayor (complaints and other incentives from the side of communal residents) - residents' petitions - residents' demonstrative activities
<i>Formulating the policy</i>	Information	- obligatory publication of communal board's program before its session - publication of a report (minutes) of a session of communal board (including presented proposals and counter proposals)
	Consultation	- proposals and notices presented in the sessions of communal board (proposals and counter proposals from the side of community deputies or mayor) - membership in various committees of communal board - organizing of public hearings or gatherings of communal residents - involvement in the public opinion researches or opinion polls
	Active Participation	- information call - meetings of citizens-voters with their deputies - proposals and counter proposals presented in the sessions of communal board (comments, remarks, etc.)
<i>Policy Selection</i>	Information	- obligatory publication of communal board's and mayor's decisions - publication of a report (minutes) of a communal board's session
	Consultation	- voting (within the election) - polling (within the referendum) - appeal for presentation of residents' requirements or perceptions in the sessions of communal board - organizing of public hearings or gatherings of communal residents - involvement in the public opinion researches or opinion polls
	Active Participation	- information call - meetings of citizens-voters with their deputies - initiation of gatherings of communal residents - initiation of election

		<ul style="list-style-type: none"> - initiation of referendum - involvement in the sessions of communal board - residents' petitions - residents' demonstrative activities
<i>Policy Implementation</i>	Information	- publication of the obligatory as well as optional information in regard to implementation of selected tools
	Consultation	<ul style="list-style-type: none"> - mayor's application for the residents' assistance or co-operation in regard to implementation of selected tools - involvement in the public opinion researches or opinion polls
	Active Participation	<ul style="list-style-type: none"> - information call - meetings of citizens-voters with their deputies - involvement in the implementation of selected tools (e.g. voluntary brigade)
<i>Policy Assessment</i>	Information	- publication of the information in regard to outputs that are associated with the implementation of selected tools
	Consultation	<ul style="list-style-type: none"> - appeal for presentation of residents' satisfaction or dissatisfaction in regard to policy implementation in the sessions of communal board - organizing of public hearings - involvement in the public opinion researches or opinion polls
	Active Participation	<ul style="list-style-type: none"> - information call - meetings of citizens-voters with their deputies - proposals presented in the sessions of communal board or addressed to mayor (complaints, remarks, and other incentives from the side of communal residents) - evaluation of outputs from the side of various NGOs, think-tanks, etc. - residents' petitions - residents' demonstrative activities
<i>Policy Conclusion</i>	Information	- publication of the information in regard to necessity to conclude relevant policy
	Consultation	<ul style="list-style-type: none"> - voting (within the election) - polling (within the referendum) - appeal for presentation of residents' requirements or perceptions in the sessions of communal board - organizing of public hearings or gatherings of communal residents - involvement in the public opinion researches or opinion polls
	Active Participation	<ul style="list-style-type: none"> - information call - meetings of citizens-voters with their deputies - initiation of public hearings or gatherings of communal residents - initiation of election - initiation of referendum - involvement in the sessions of communal board - active refusing of realized policy, e.g. strikes, demonstrations, petitions - passive refusing of realized policy, i.e. lack of interest in regard to policy

Source: [53].

4. 2 Brief empirical overview on the selected information tools and instruments of public participation

The last part of this paper contains very brief and selected results (obviously, they will be completed by the rest data results and developed by other statistical methods later) from a survey that I organized in the period of March – May 2007. However, before the presentation of them, I have to clear some other information that are linked to this research.

The plan of my research was completely subordinated to the basic aims of analysis and the structure of methodology also respected this. As for the type of my research, I chose a survey which provides broad opportunities of analysis. The questionnaire of my survey contains both open and closed questions which were divided into two basic parts – a demographical part and a part measuring selected elements of public participation.

A basic research troupe (a theoretical population) can be defined as the inhabitants of all communities in SR (5.384.822 inhabitants). With regard to time and economic conditions of my research, I decided to define my accessible population as the population which is represented by the inhabitants of communities in the Prešov Region (796.745 inhabitants) and the Košice Region (770.508 inhabitants).

The primary criterion for selection of the research sample was the number of inhabitants in the communities. Accordingly, I divided the communities in both mentioned regions into five categories:

- the smallest communities (less than 500 inhabitants) – this category involves 42 % of all Slovak communities and 6,2 % of overall Slovak population;
- small communities (500 – 1.999 inhabitants) – this category involves 45,3 % of all Slovak communities and 24 % of overall Slovak population;
- middle-sized communities (2.000 – 4.999 inhabitants) – this category involves 8,4 % of all Slovak communities and 13,2 % of overall Slovak population;
- big communities (5.000 – 19.999 inhabitants) – this category involves 2,9 % of all Slovak communities and 15 % of overall Slovak population;
- the biggest communities (20.000 and more inhabitants) – this category involves 1,4 % of all Slovak communities and 41,6 % of overall Slovak population.

Three communities (from all communities that are situated in the Prešov Region and the Košice Region) were randomly selected in every of these categories, i.e. 15 communities in overall, and consequently the questionnaires were distributed among their inhabitants (50 questionnaires in every of them).

For detection and measurement of utilization of various public participation tools or instrument I used a set of items with the five-point Likert scale (1 = always, 5 = never; or 1 = certainly yes, 5 = certainly not). The reliability of the set of items was measured by the Cronbach's Alpha. Every item in this set has higher α than 0,95. Thus, I can say that the set of items in regard to above mentioned utilization is consistent and obtained data assimilation in the analysis is correct in terms of statistical significance. This survey is quite broad and in view of the extent of this paper I decided to concern myself only with selected data and some basic statistical results. Therefore, as I have already mentioned, I do present only partial data (i.e. data extracted from 250 questionnaires) that can help me to illustrate the main points in this paper.

The research sample contains 250 respondents from five communities (Bystré, Medzilaborce, Petkovce, Poša and Vranov nad Topľou). In terms of gender, the research sample is divided into two groups: 120 men (48 %) and 130 women (52 %). The structure of the research sample from the age viewpoint is following: less than 26 years old respondents (24,4 %), 26 – 40 years old respondents (28,4 %), 41 – 60 years old respondents (31,2 %), respondents who are older than 60 (16 %); from the education viewpoint is following: respondents with basic education or with secondary school education without a graduation (33,2 %), respondents with secondary school education with a graduation (53,6 %), respondents with university degree (13,2 %); from the employment status viewpoint is following: respondents who are employees (54,8 %) – 35,8 % from this number of employees work in public sphere, i.e. either as civil or public servants, unemployed respondents (12,8 %), pensioners (18 %), students (13,6 %), respondents who did not marked their employment status (0,8 %); and in terms of activity for some political party is following: respondents who work for some political party (10 %), respondents who do not work for any political party (90 %).

Table No. 4: Obtaining the relevant information through the various information instruments or tools.

Value of frequency	Official communal panels	Communal newspapers	Official communal web-sites	Communal broadcasts	Communal telecasts	Participating in the sessions of communal board
<i>Always</i>	20,0	21,2	7,2	31,6	8,8	4,8
<i>Usually</i>	26,8	27,6	8,8	30,4	9,6	4,4
-	19,2	16,0	9,6	18,8	10,4	6,4
<i>Rarely</i>	10,0	6,8	13,6	6,8	10,8	16,0
<i>Never</i>	19,2	23,2	56,8	10,8	54,8	64,4

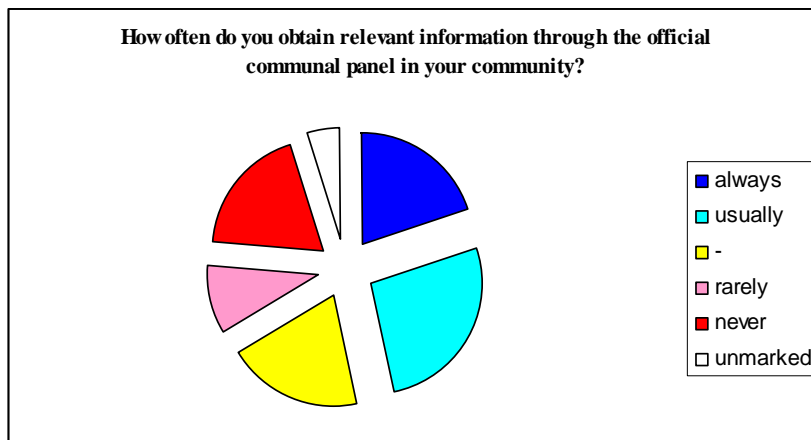
Unmarked	4,8	5,2	4,0	1,6	5,6	4,0
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In general, it can be namely stated that in the Slovak conditions during the whole researched period (i.e. since 1989) a low or insufficient citizens' awareness regarding public administration and its activities, and particularly territorial self-government and its activities, has prevailed. High number of citizens have not distinguished self-government competences and competences belonging to state and its bodies – typical example is unemployment issue [54], or have not known what bodies are created and for what reason [55]. Problems have risen also due to ambiguity of self-government units' or their bodies' denomination [56], [57], [58], and due to ambiguity of denomination of self-government legal enactments [59], which names are the same or similar to those of legal enactments of state administration bodies. Last but not least, the reason for many problems linked to public administration relates to dissatisfaction with activities of state or public servants [60], and with activities of communal or regional politicians, officials, or other representatives [61].

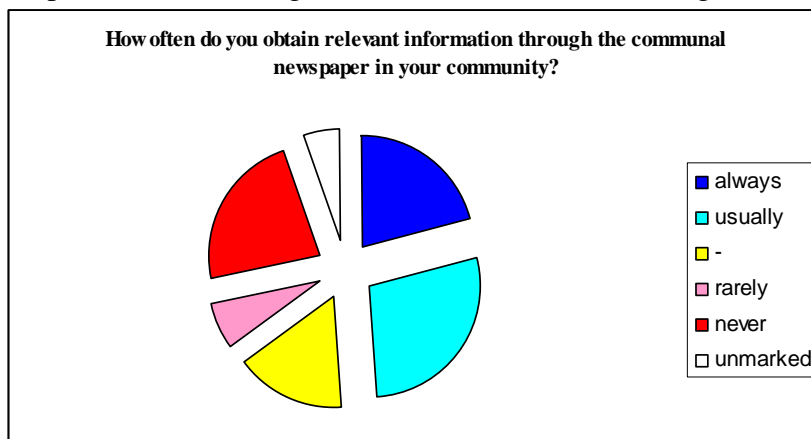
Due to the mentioned low citizens' awareness, the presented results are linked to the information and its potential ways. I have concentrated myself in six basic ways – through the official communal panels; communal newspapers; official communal web-sites; communal broadcasts; communal telecasts; and participating in the sessions of communal boards.

As it is quite visible (Table No. 4), the inhabitants of Slovak communities prefer communal broadcasts (more than 61 %), communal newspapers (more than 48 %), and official communal panels (more than 46 %) as the most often utilized instruments for the information (Graph No. 1, Graph No. 2, and Graph No. 4).

Graph No. 1: Obtaining the relevant information through the official communal panel.

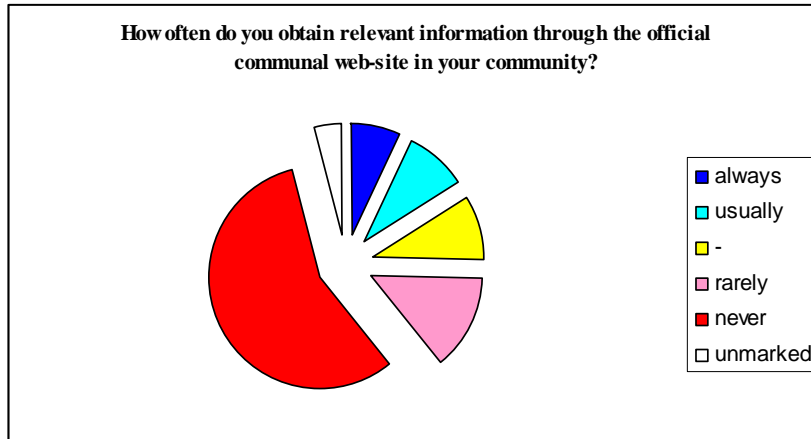


Graph No. 2: Obtaining the relevant information through the communal newspaper.

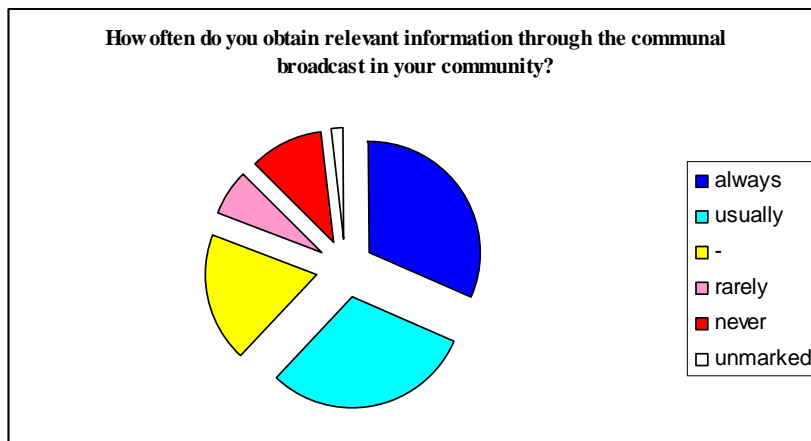


On the other hand, the communal telecasts, and official communal web-sites are utilized by a quite small part of population – more than 65 % (in the case of communal telecasts), and even more than 70 % (in the case of official communal web-sites) of all respondents never utilize them or utilize them only rarely (Graph No. 3 and Graph No. 5).

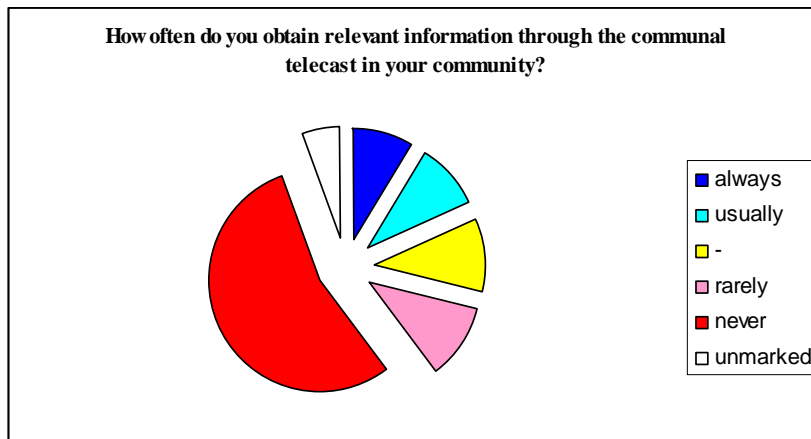
Graph No. 3: Obtaining the relevant information through the official communal web-site.



Graph No. 4: Obtaining the relevant information through the communal broadcast.

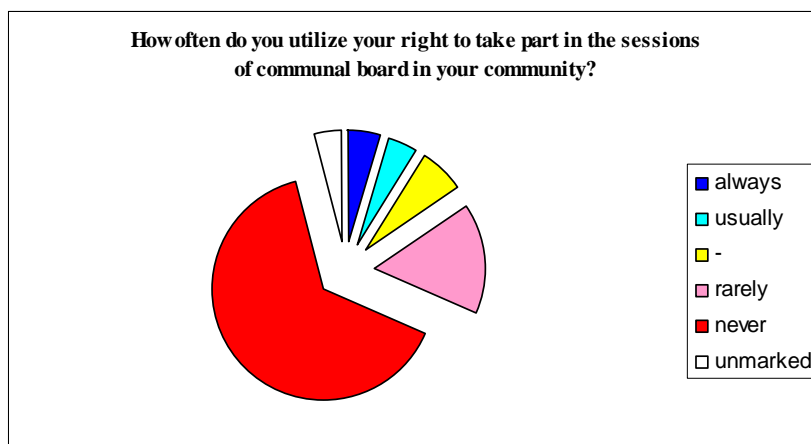


Graph No. 5: Obtaining the relevant information through the communal telecast.



A quite big surprising appeared by the results concerning obtaining the relevant information through the communal web-site. Only 16 % of all respondents said that they had used to utilize this possibility usually or always. If we take into account, that one of the fundamental points of the public administration reform in SR was modernization and implementation of E-government than we can speak about a failure both the central government as well as the local governments. In the case of the communal telecast, low utilization can be caused by high number of small communities that are not interested in such tool (from financial reasons at least). As far as the possibility to take part in the sessions of communal boards, 64 % of all respondents declared that they had never used it, and other 16 % declared that they used it just rarely. Consequently, 9,2 % of all respondents use this possibility always or usually at least (Graph No. 6).

Graph No. 6. Obtaining the relevant information through the participating in the sessions of communal board.



5 Conclusion

Public participation tools and instruments which can be utilized on a local level in the Slovak conditions or their essential part at least, from legal point of view were established already in the early 90s. Otherwise, the next development “brought” some improvements (e.g. unrestrained right to ask for information from various public authorities) but in terms of the policy-making processes on a local level, status of those tools and instruments on the present varies not in a high degree from their status in 1990. However, the experience in their utilization is another “pair of shoes”. On the one hand, several research works showed that people had been either not well-informed enough or dissatisfied. These results indicate low willingness of the public authorities (both political and administrative authorities) to work with the public in order to be interested in their activities. On the other hand, people have not accepted new public participation tools or instruments yet what make whole situation more difficult. Typical example is possibility to obtain the relevant information through the official communal web-sites. In comparison to that, long-acting tools or instruments are accepted and utilized without any big troubles, although they are not as efficient and effective as the other (“modern”) tools or instruments. In this point the information through the official communal panels, communal newspapers or the communal broadcasts can be mentioned. It is so although there are several insufficiencies associated with them – i.e. in the case of communal panels for example their static character, in the case of communal newspapers their different periodicity, in the case of communal broadcasts their inefficiency, etc.

Next development, in my opinion, should be accompanied by the more intensive work of local governments with inhabitants and by improvement and consequent stabilization of some public participation tools. I keep in my view particularly utilization of the official communal web-sites in this case.

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Abbreviations:

Names of the Political Parties:

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

DS (Demokratická strana) – Democratic Party

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
 SDK (Slovenská demokratická koalícia) – Slovak Democratic Coalition
 SDKÚ (Slovenská demokratická a kresťanská únia) – Slovak Democratic and Christian Union
 SDL (Strana demokratickej ľavice) – Party of the Democratic Left
 SMK (Strana maďarskej koalície) – Hungarian Coalition Party
 SNS (Slovenská národná strana) – Slovak National Party
 SOP (Strana občianskeho porozumenia) – Party of Civic Understanding
 VPN (Verejnosc' proti násiliu) – Public against Violence
 ZRS (Združenie robotníkov Slovenska) – Association of Workers of Slovakia

Other Abbreviations:

CEE – Central and Eastern Europe
 ČSFR (Česká a Slovenská Federatívna Republika) – The Czech and Slovak Federal Republic
 FZ ČSSR (Federálne zhromaždenie Československej socialistickej republiky) – The Federal Assembly of the Czechoslovak Socialist Republic
 GDP – Gross domestic product
 NGO – Non-governmental organization
 NKÚ (Najvyšší kontrolný úrad) – Superior Controlling Authority
 NRSR (Národná rada Slovenskej republiky) – The National Council of the Slovak Republic
 SNR (Slovenská národná rada) – The Slovak National Council
 SR (Slovenská republika) – The Slovak Republic
 OECD – Organization for Economic Co-operation and Development
 USA – United States of America
 ZMOS (Združenie miest a obcí Slovenska) – Association of Towns and Communities of Slovakia

¹ On this subject I accept Wehling's approach that involves a differentiation between “local” and “communal”. When he speaks about “local” political level, he refers to a bounded space (in the sense of normative as well as institutional boundary). On the contrary, when he speaks about “communal”, he keeps it in view of activities. It means that “local” is linked to polity (i.e. local polity as a space where local government can act), and “communal” to policies that are formulated and implemented by the smallest (usually self-governmental) administrative-political units (i.e. communal policies as the policies of local government) [2].

² In the case of this paper it is more precisely to use concept of public participation instead of citizens' participation since, at least for the case of the Slovak communities that existed on a local level, not only the Slovak citizens may become active actors in policy making but also foreigners, for instance.

³ Decentralization of powers as well as decentralization of decision-making mechanisms is considered by some authors (e.g. [7]) condition or prerequisite of democracy. However, the truth is that there are only few research works that were dealing with connection between decentralization policy and democracy [8]. In spite of this statement, it is not necessary, as it is stressed by Smith, to doubt of a fact that lower political levels provide the citizens and other political actors an area, where balance among the interests of those various actors is guaranteed [9].

⁴ Sources: Act of the FZ ČSSR No. 83/1990 Coll. on Association of Citizens as amended; Act of the FZ ČSSR No. 84/1990 Coll. on Right of Assembly as amended; Act of the FZ ČSSR No. 85/1990 Coll. on Right of Petition as amended; Act of SNR No. 346/1990 Coll. on Bodies of Communal Self-Government Election as amended; Act of SNR No. 369/1990 Coll. on Communal Establishment as amended; Act of SNR No. 377/1990 Coll. on Capital of the Slovak Republic Bratislava as amended; Act of SNR No. 401/1990 Coll. on City of Košice as amended; Constitutional Act of SNR No. 460/1992 Coll. the Constitution of the Slovak Republic as amended; Act of NRSR No. 211/2000 Coll. of Laws on Unrestrained Access to the Information and on Changes and Completion of some other Acts as amended; Act of NRSR No. 416/2001 Coll. of Laws on Some Competences Devolution from State Administration Bodies on the Communities and Superior Territorial Units as amended.