

REGIONAL DEVELOPMENT IN THE CZECH REPUBLIC: TAKING HISTORICAL DEVELOPMENT INTO CONSIDERATION

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Introduction

Decentralisation and regionalisation would appear to be magical words in the last decade of the twentieth century. We have the feeling that these structures did not exist before, as if they are something new and unusual. The European Union promotes subsidiarity, which is supposed to make the policy coming from Brussels clear for its citizens. People are searching for a solution to their problems after decades of experience with central states, in particular, in former socialist states, in their immediate surroundings, in their home countries, in their regions. The continuing globalisation of our environment certainly contributes to this. Practise will show whether the new regions meet the demands imposed upon them. These self-governing units receive support mainly thanks to the Charter for Communal Self-Government and the Charter for Regional Self-Government, which already exists in a proposed form for formulating jurisdiction that they will have to adapt according to the experiences gained over a period of time.

In view of the fact that national aspects play an important role in the question of decentralisation and regionalisation we will also deal with them in this lecture.

Juridical and historical development in the territory of the Czech Republic

The historical Lands of the Czech Crown, Bohemia, Moravia and Silesia have a long tradition of decentralisation. As early as in the middle of the thirteenth century 12 regions were created with their own penal law, police and adminis-

trative jurisdiction. Courts consisting of the nobility and regional parliaments supported these.

Under pressure from the ruling house this jurisdiction was constantly restricted. For example, in 1528, it was decreed that parliaments were only allowed to sit if the sovereign gave approval. Later on, also, the sheriff was appointed by the ruling house and not, as before, chosen from among the members of the parliament. From 1750 administration in this sense was finally nationalised.

The year of revolution, 1848, was supposed to bring a change with greater autonomy. The Minister of Internal Affairs, Count Stadion, drew up ideas concerning this. Despite the fact that on 31st July 1849 Minister Bach confirmed the need for greater self-governing units in the regions this idea was abandoned in the next decade, which became known, to history as 'Bach's absolutism'. In its place the state's interest turned to centralism, or to put it more correctly, the merger of various administrative bodies. As the basis of this principle a supreme statute was issued on 25th January 1853 concerning the activities of district, regional and governors' offices and the judiciary. In order to implement this statute committees made up of representatives of 'political offices' and judicial and financial authorities were set up. The new organisation came into existence on 12th May 1855. Judiciary in the regions was integrated into the government through this reorganisation. Not until a law was passed on 31st August 1868 was the judicature separated from administration. The jurisdiction of the regional authorities was further curtailed. They became the 'link' between the political authorities of the land and the political office of the first chamber thus increasing the power of the governor. This meant that the regional authorities were seen to be redundant. In Moravia they were dissolved on 5th June 1860, in Bohemia after the February Constitution in 1861 through a statute passed on 5th June 1862. After the restoration of constitutional life in the monarchy the apparatus for political administration was founded on the basis of the December constitution by law no. 44 passed on 19th May 1868. This law existed in principal until the downfall of the monarchy. It worked so well that the First Republic took over its structure without practically any major changes.

The term 'political administration' meant all the jurisdiction of the land, which was the responsibility of the Ministries of Internal Affairs, Culture, Education and Defence. The jurisdiction of the governor was also redefined on 19th May 1868. In administration he became the first authority in the land. He was responsible for matters concerning political administration, which for this purpose was divided into national, district and communal areas and it was provided with its own statutes for this purpose. A special law regulated the influence of the governor in finance and trade. Instead of the regional authorities, which were no longer restored during the period of the monarchy, the district execu-

tive became the main power with a sheriff at its head. In 1911 a commission was set up to reform state administration, which was also to deal with the re-establishment of the regional authorities. They were supposed to begin functioning again on 1st January 1919.

Decentralisation and regionalisation in the First Republic

In October 1915 the 'Cleveland Agreement' was signed between Czech and Slovak representatives. It consisted of five points. Point no. 2 dealt with the federal division of the state. For Slovakia this meant that it would have its own parliament and its own administration. The Cleveland Agreement was annulled by the Pittsburgh Agreement. Here there was no mention of federalism; in its place was the idea of a unified Czechoslovak nation.

The First Czechoslovak Republic took over the structure of the lower authority as had existed at the end of the First World War. The Ministry of Internal Affairs remained the higher authority as before. The jurisdiction of the local authorities was regulated in the First Republic in February by the acts no. 75 and 76 Coll. Universal, secret elections were introduced for men and women. The term of office for an elected representative was limited to 4 years, in 1933 this was prolonged to 6 years. The principle that the election of a mayor from among the representatives had to be confirmed either by the Ministry of Internal Affairs or by the district authority (Act no. 122/1933 Coll.) has to be seen as a restriction on autonomy. The introduction of a local financial committee, which had the right to control all the expenses of a municipality, was considered in socialist literature as a 'reactionary strike' against the self-government of the municipalities.

The planned establishment of 15 regions, which was intended to remove the duplication of administration, did not occur as a result of the so-called district administration act of 29th February 1920. From 1st January 1923 they only existed in Slovakia and only in a limited form. The Czechs feared that in certain areas the Germans would have supremacy.

In 1927 political administration was reorganised by the act no. 125/1927 Coll. The body of the newly set up districts was the district authority, which consisted, according to the number of inhabitants, of 2/3 elected representatives and 1/3 experts. The district authority elected from among its members a district committee that was presided over by a district administrator. The district administrator was responsible to the regional president and the Ministry of Internal Affairs but not to the district authority. The district authority was given certain jurisdiction by law principally in economy. Among the other bodies of the district authority it was compulsory to have a financial committee that was

made up equally of members of the district authority and experts. The highest element of self-government was regional self-government. Despite the fact that after the founding of the First Republic all the jurisdiction of the regional parliaments, which had existed up until that time was transferred to the central government, four regional units, Bohemia, Moravia-Silesia, Slovakia and Sub-Carpathia, were established by a public administration law in 1927. In each unit bodies were set up which corresponded to those at district level.

'The Socialist State'

In its manifesto published on 4th February 1845 the Slovak National Council again demanded the federalisation of the state. However, during discussions concerning the preparation of the Košice programme they backed down. The Košice programme talks about the autonomous statute of the Slovak bodies, the Slovak Council was recognised as a legislative representative of the Slovak people which was to be responsible for national power in Slovakia. But due to the fact that national bodies were also supposed to be Czech bodies at the same time, the Czech Republic was not on an equal footing with Slovakia. The Slovaks did not achieve their aim, namely the establishment of two federal states with equal jurisdiction. This situation acquired the name 'asymmetrical solution' in Czechoslovakia. Through this phrase the Slovaks wanted mainly to express their dissatisfaction with the situation that had arisen. However, in comparison with the idea of Czechoslovakism, which was promoted during the First Republic, the Košice programme was successful. It was followed by the 'Prague Agreements'. In the third, on 28th June 1946, while the existence of Slovak bodies was again confirmed, the government in Prague gained practical control over the directive activities of the Slovak National Council.

The Constitution of 9th May 1948 guarantees democratic principles provided they serve the people. With regard to Slovakia, two basic rights (clause VIII and clause IX) and the whole of section of 5 in the Constitution were devoted to it. Outwardly the Slovak bodies were fully recognised. Their jurisdiction, however, was restricted by the jurisdiction of the ministerial chairman (§ 102 a § 110).

Regions with their own national committees were set up by act the no. 280 of 21st December 1948 in the Czechoslovak Republic. By constitutional acts nos. 12, 13, 14 Coll. on national committees, passed on 3rd March 1954, their operation was extended to regional, district, municipal and local committees and their duties subsequently defined: 'National committees are local bodies of state power, they govern the economic and cultural structure of socialism according to government guidelines and the laws of the republic. (§ 1 of constitu-

tional the act no. 12 Coll. of 3rd March 1954). The numbers of regions in what is today the Czech Republic were reduced from thirteen to eight by reform in 1960.

In 1956 it was found that in view of the socialist reforms, which had occurred the state, had to decentralised. This finding resulted from the 20th Congress of the Soviet Communist Party, which denounced the previous period as the period of 'personality worship'. Constitutional amendment no. 33 of 31st July 1956 gave the Slovak bodies the powers that they had had before the Constitution of 9th May 1948 became valid. Paragraph 102 was amended in such a way that the government conceded its powers towards the Slovak National Council, its convocation, transferral or dissolution. But just three years later in 1960 the new socialist constitution annulled these concessions. As justification for this it was said that the amendment had not been thought over or prepared sufficiently. Just as the Communist Party had claimed in the 1950's that Slovakia must be governed centrally so that it could be better helped, now it was declared that Slovakia had reached such a high level that it did not need its own governing bodies. Clause no. 41 (2) of 11th July 1960 entitled the National Assembly to revoke the laws, which the Slovak National Council had passed. After the session of the central committee of the Slovak Communist Party on 3rd-4th April 1963 at which those Slovaks who during the fifties had been denounced as 'nationalists' were rehabilitated, there arose a new situation which forced the Slovak Communist Party to give Slovak bodies, specifically the Slovak National Council, greater powers. In a party document issued in May 1964 an expansion of powers was agreed upon between the central committees of the Czech and Slovak Communist parties.

In the Czech Communist Party's resolution of 28th January 1968 a new constitution was called for. It was to include a new solution to the relations between the Czechs and the Slovaks. The Slovak bodies were to be constructed according to the Košice programme. The National Assembly reacted on 27th February 1968 with an amendment to constitutional clause no. 91. This made Bratislava the capital of Slovakia.

On 27th March the central committee of the Slovak Communist Party issued a communiqué in which it promised its citizens greater rights and freedoms. The Communist Party promised the full use of the asymmetrical model and the separation of legislature from the executive in Slovak bodies. An action programme of 5th April 1968 speaks openly about federalism and dualism.

On the fiftieth anniversary of the founding of the Czechoslovak Republic constitutional act no. 143/1968 Coll. was revoked. This was maybe only to put off the decision concerning important matters of jurisdiction. It must be viewed in connection with the arrival of foreign troops. So an exact solution was not found, for example, for the division of powers between the federation and the

individual states. This situation – mainly the unwillingness to give up the leading role of the Communist Party and democratic centralism – did not give the federalisation of the republic any chance.

Decentralisation and regionalisation after 1989

During this period there were many controversial discussions about decentralisation and regionalisation. Czechs and Slovaks could not come to an understanding regarding decentralisation. In 1993 the state divided in two.

Self-government is guaranteed by clause no. 8 of the Constitution of 16th December 1992. In section VII the concept, powers and rights of self-governing units are defined. The Czech Republic is divided into regions, districts and municipalities.

In 1990 an act was passed on municipalities in the territory of what is today the Czech Republic (Act no. 367/1990 Coll., 4th September 1990), the model for which was the Charter for Communal Self-Government. According to this act 6,590 municipalities act independently in their tasks, among which are the economic, social and cultural development of the municipality (clause no. 13 of the act). Municipalities can unite with other municipalities in a larger formation. So, for example, they can become members of cross-border communal working groups such as Euroregion Egrensis. It is important for municipalities that they can collect taxes independently, on the other hand they are supported by the state.

The national committees in the regions were dissolved in 1991. Since then there has been a lot of discussion about the territorial and administrative division of the republic. The government, which was elected on 27th June 1996, pointed out the need in a government declaration for the introduction of regional autonomy (see part of the coalition agreement of 28th June 1996 S. 3. Part 7, State administration and self-government). For the first time a separate department was set up for the development of regions, towns and municipalities. The Ministry for Local Development began functioning on 1st November 1996.

On 23rd October 1997 parliament passed a constitutional act on the creation of higher territorial units and an amendment to the constitutional act of the Czech National Council no. 1/1993 Coll., the constitution of the Czech Republic (see Constitutional Act no. 347/1997 Coll., of 3rd December 1997). According to this act 14 regions should be formed with effect from 1st January 2000. Their powers should be allocated by the appropriate laws. Until that time all powers, which are not within the exclusive jurisdiction of, the municipalities

(see the Municipalities Act) come under state administration (see Czech National Council act no. 425 Coll., of 9th October 1990 on district authorities).

Powers exist which can bring communal self-government under the supervision of district authorities. In these cases the district authority takes over the controlling function (clause no. 5 of the District Authorities Act). District authorities can double-check a municipality's financial situation if a municipality requests it (see the District Authorities Act, clause no. 5 and clause no. 20 on municipal self-government).

Amongst other things, district authorities are responsible for health, culture, sport, local transport, roads, education (as far as the buildings are concerned). The head of a district authority is appointed according to the suggestion made by the Minister for Internal Affairs (see clause no. 8 of the District Authorities Act, identical regulation also exists in Slovakia).

A district assembly that must be convened within 60 days of local elections can be considered a self-governing body (see part 6 of the District Authorities Act). The district authority must determine the number of members within 10 days of the elections. Members are voted for in secret elections. A district assembly can approve the distribution of funds to individual municipalities, and approve and control the budgets of district authorities, but it does not the right to alter the amount of funds (§ 18b). Because an assembly has the right (§ 18c) to issue tasks within its authorisation to the head of the district authority, it has an influence, for example, on the number of personnel in a district authority and the amount of individual material and staffing expenditures (§ 16). In this way the head of the district authority is answerable to the assembly even though he or she is appointed by the central state.

Understandably (according to the Charter for European regions) self-governing powers can be held primarily by those regions, which are of a certain size both in terms of area and number of inhabitants. According to the EU the regions formed by the constitutional act of 3rd December 1997 are not particularly suitable. For this reason the European Union has asked the Czech Republic to form regional structures which correspond to the needs of recallable operational units (NUTS II) necessary for 'Regional Funds'. In the Czech government resolution no. 417 of 17th June 1998 the decision was taken to create a pilot project in the Ústecko and Karlovarsko regions. On this basis (NUTS II) the country would be divided into eight regions, not fourteen. Because the constitutional act of 3rd December 1997 is still valid and the necessary acts for its implementation still have to be drawn up, at the moment there exist and should continue to exist two types of region, 'EU regions' and 'national' regions.