

## POLb1135, Spring 2020

### Study Material – Political System

Basic information:

Slovakia is a parliamentary democracy with a classical division of power into three branches. In this material, I will concentrate on several aspects of the political system only, and I will not provide a detailed explanation of rather obvious mechanisms given the nature of the system. I will not focus on simple facts such as that government is responsible to the parliament as such measure is not unique to Slovakia, and it is common in all parliamentary democracies. The primary concern of this study material is the position of the president based on both formal and real powers.

Main issues:

#### 1. Presidential elections

After 1993 Slovakia adopted a parliamentary vote which elected the first president Kováč. After his five year term, the parliament was unable to elect any person to the office, and for roughly one year, the country had no president at all. As a solution, direct presidential elections were established and since 1999 five such elections were held leading to four different presidents (one reelected so far). To gain a better understanding of why the direct presidential elections were introduced, check the materials for lectures concerning Vladimír Mečiar as well as the lecture on referendums (referendum 1997). Based on that, you should be able to explain the main reasons why such change occurred and why was this process prolonged and complicated.

Presidential elections use a two-round system. If none of the candidates receives a majority of votes in the first round, a runoff takes place with two strongest candidates, and the one with more votes becomes president. In this regard, note the strange definition of winning conditions in the first round. According to the Slovak Constitution, for a victory, a candidate needs to obtain a *majority of valid votes of the eligible citizens*. The trouble with this definition lies in *valid* and *eligible*. Providing the condition would be set as a majority of votes of all eligible citizens, the number of votes would be set as 50 per cent plus one vote of all voters with the right to vote. However, with *valid* votes, the situation is more complicated given that citizens that do not attend the election cannot cast a valid votes; thus the number of valid votes and number of eligible voters differ. Despite criticism of this measure, the Constitution includes this norm for more than 20 years without a change. Most constitutional lawyers support the idea that to win the elections in the first round, the majority of all eligible voters

is required. However, some object that inclusion of the word *valid* makes this condition unclear (and what is more, for the second round the Constitution does not mention *valid votes* but only *votes*). This alternative opinion thus states that only the majority of those who attend the first round is required for victory. Luckily, so far no candidate has received the majority of those who participated in the election, and these disputes have been only hypothetical. In case of interest, observe the 2024 presidential election providing the current president keeps her support. In case of a turnout between 50 and 60 per cent, it is reasonably possible she obtains more than 50 per cent of votes of those who attend (and less than 50 per cent of all eligible voters).

## 2. Relations between presidents and governments

Each of the presidents faced different governments and their Prime Ministers. In the lecture, you can find various relations depending on whether the presidents and governments had similar ideological profiles or if they belonged to rivaling blocs. In this material, I will deal with three of the five presidents.

The most critical relationship between the president and Prime Minister occurred in the second half of the 90s between president Kováč and PM Mečiar. Check the lecture on V. Mečiar for more details. Although Kováč was elected as a candidate of HZDS, in the next years their ways separated and finally, Kováč became the biggest rival of PM Mečiar. The conflict escalated to extremities as the son of the president was kidnapped, and Mečiar (during the vacating presidential office in 1998-1999) granted amnesties on this crime.

Another case was president Gašparovič. During his two terms, he faced several governments what affected his behaviour. In periods of governments led by Robert Fico, the president was strictly loyal and used his powers only occasionally. On the contrary, in years 2010 and 2012 under the cabinet of Iveta Radičová (his rival from the 2009 presidential election) he was very active and used all his powers to block or delay the activities of the government. Check the usage of veto power in the slides to see those two models of different behaviour.

The final relation I mention is the one between Andrej Kiska as president and Robert Fico as PM. The two met in the runoff in 2014 presidential election where Kiska won the office of president. The campaign of SMER-SD against Kiska before the election was especially negative. Kiska was depicted as a tax evader, usurer and Fico also repeatedly mentioned that Kiska belonged to Scientology ranks. Although the period shortly after the 2014 presidential election seemed to calm down, with the upcoming years, the tension between the president and the government increased. After the murder of J. Kuciak and his fiancée and after Kiska announced potential political career as a leader of a new party, the negative campaign against his person intensified (more on this in the lecture on 2020 general election).

## 3. The formal and real position of presidents in Slovakia

To draw a more general picture of the position of Slovak presidents, their formal powers present only part of the story. Each of the presidents had a specific role and behaviour, and in some cases, it varied in time (Gašparovič as the best example). In sum, Slovak presidents never formed a specific power bloc that would allow them to become the strongest actor in the country (the government always occupies this position). One reason why the role of president is limited is based on their partisan background. Until now, none of the previous party leaders became the president. The only one that tried that was Robert Fico in 2014, but he was not successful in this effort. Until such candidate succeeds in presidential elections it holds that presidents in Slovakia have only a limited role (and far from any semipresidentialism) despite their formal powers are not the weakest in the region of Central Europe.

Some notes for discussion and reflection:

- Compare the positions of Czech and Slovak presidents to evaluate which play a more significant role in the political systems. Think about the resources and conditions that affect these differences.
- In theory, the way how the presidents are elected affects their power position. Directly elected presidents typically enjoy a more influential role than presidents elected by parliaments. Think about factors that give directly elected presidents these benefits.