

Overview of the relevant democratic reforms that have taken place at the local level in the Czech Republic since 2000

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a. The scene and context for local government and democracy

From 1948 till 1989 Czechoslovakia, whose western part (the present Czech Republic) were the Czech Lands - Bohemia, Moravia, Silesia, and the eastern part (the present Slovak Republik) was Slovakia belonged to the Soviet sphere.

In 1969 the unitary Czechoslovakia was transformed into a federation of the Czech and the Slovak Socialist Republics. The communist regime collapsed in Czechoslovakia in autumn 1989 and the process of the country's overall democratisation and political, administrative and economic reconstruction, was launched. After three years - as of January 1993, Czechoslovakia was peacefully dissolved by agreement of political representations of the two member countries. Two independent states – the Czech Republic and the Slovak Republic – came into existence. The relationships between the two countries have been friendly since the split.

The Czech Republic is a unitary state which has (as of 2012) 10.5 million inhabitants living in 6 251 municipalities, 598 of which are cities (1.2 million live in capital Prague). The urban population amounts to about 70 % of the total. The country is divided into 13 regions plus the capital Prague and into five NUTS 2 regions of cohesion.

In January 1996 the Czech Republic applied for EU membership. The accession talks started in 1998, the agreement on accession was signed in 2003 and the country became EU member on May 1, 2004. The Slovak Republic followed.

b. The scene and context for the reforms at the local level that have taken place

Self-government on the local (municipal) level had existed in the Czech Lands (the historical territory which is presently the Czech Republic) since the 1860s until 1948 when it was abolished by the communist regime and was substituted by an administrative system based on the principle of “democratic centralism”. This principle required a vertical subordination of lower levels of the territorial government and administration to the higher administrative levels and instituted their horizontal control by the Communist Party bodies.

After the communist rule had collapsed in the Czech Republic in autumn 1989 the country's political, administrative and economic systems were thoroughly reconstructed. The reconstruction concerned also the system of sub-national government. The reform of sub-national government was a stepwise process which was designed in late 1990, started in 1991 and continued in several stages until 2005. First, the local government, then the regional government were reconstructed. The fine-tuning of the reform has been going on until the present time – for example, a recent document of the Czech Ministry of the Interior has proposed a strategy for an amalgamation of small municipalities, declaring it to be yet another stage of the reform.

c. and d. The motivating policy, political reasons, goals and objectives for reforms

As mentioned above, reforms of sub-national government – both its local and regional level – were part and parcel of the overall democratic reconstruction of the Czech Republic after the collapse of the communist regime. They were implemented stepwise, beginning in 1990. In autumn 1990 new local councils were elected in the first democratic local elections since 1948. The elections were preceded in 1989 and early 1990 by a wave of spontaneous disintegration of many rural municipalities which had been forced in the 1970s and early 1980s to merge against their own will with their larger neighbours. As the result, the number of municipalities grew dramatically in the Czech Republic in an uncontrolled way within a couple of months by some fifty percent and reached more than six thousand. With small fluctuations their number has stabilized on this level.

In 1993 the Constitution of the Czech Republic confirmed the changes of the municipal system and stipulated in its chapter VII that the self-government of municipalities as the basic territorial self-governing units and of regions as the higher-level territorial self-governing units is guaranteed.

The Constitution further declared that municipalities and regions have the right to self-government and that the state can intervene in their matters only to protect the law. Municipal elections have been taking place in regular 4 year intervals since 1990.

Municipalities are corporations of public law which can have their own property using it according to own budget. The Constitution introduced the integrated system of subnational government where the same local bodies are entrusted with the execution of both local self-administration and state administrative tasks.

The Constitution and the Law on municipalities defined the system and structure of local government and set the rules of their operation. The law stipulated that the territorial self-government is an expression of the right of the population living in a territory to manage independently the territorial affairs within the scope defined in the Constitution and legislation. Municipalities are communities of citizens entitled to exercise self-government. They are corporations of public law authorized to possess their own property, have their own incomes and manage financial means according to own budget. They act in legal relations in their own name and bear responsibilities resulting from them. Within their independent responsibilities which include all matters that are in the interest of the municipality and its citizens (unless such matters are entrusted by law to regions) municipalities are entitled to issue generally binding ordinances and establish their own organizational components and legal entities.

A separate Law on regions (the regional system) defined the structure and responsibilities of regional self-government.

The territorial self-government is not vertically hierarchical - the self-governing authorities are not subordinated to the state nor are municipal authorities subordinated to the regional ones. The state can intervene in territorial self-government only in cases provided by law and for reasons of upholding the law.

Several amendments of the Law on municipalities followed in the subsequent years.

e. The sources of the reforms

The reforms of local and regional government in the Czech Republic were internally driven by the need to provide a legal framework for the new democratic subnational-level authorities.

Also, awareness that the country intending to apply for the EU membership should comply with the European standards played some role, but not a decisive one. In 1999 the Czech Republic signed the European Charter of Local Self-Government.

Also the system of local government which existed in the Czech part of the pre-war Czechoslovakia was remembered as an inspiration when designing the reform.

f. Examples of reforms that have taken place

a. The set of partial reforms which anchored the democratic system of subnational government after the demise of the communist regime belong to this category (see below under g).

b. Here belong the introduction of *local referenda* and of *the public access to information* (see the respective laws mentioned below in g) as well as some provisions in the Law on municipalities which guarantee the openness of local governments' activities to public scrutiny.

g. Inventory of the most important laws which governed the reconstruction of the subnational government after 1989

1993: Constitutional law Constitution of the Czech Republic

1997: Constitutional law on establishing of higher-level self-administering territorial units

1999: Law on free access to information

2000: Law on municipalities (the municipal system)

2000: Law on regions (the regional system)

2000: Law on elections to regional councils

2000: Law on capital Prague

2000: Law on information systems of public administration

2001: Law on elections to municipal assemblies

2002: Law on officials of the territorial self-administering units

2002: Law on specification of municipalities with commissioned municipal offices and of municipalities with extended powers

2004: Law on local referendum