

CENTRAL AND EASTERN EUROPEAN ISSUES

CZECHOSLOVAK FEDERATION IN COMPARATIVE PERSPECTIVE: STEPS FOR HETEROGENEOUS SOCIETIES

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Abstract

This paper stems from the complexity of the Czechoslovak federation and its subsequent dissolution in 1993 as an output of separatist tendencies and moods of the political leaders. Such case study serves as a grounded model for further investigation of current trends of separatism and calls for autonomy in heterogeneous societies, as illustrated in comparative perspective of Spain and Belgium. We argue on multiple levels, finding the common grounds of separatism, federalism and autonomous regions compared to centralist policy making of the institutional framework. Based on this we have developed the criterial distinction of neuralgic points for each of the researched countries which then serves for final interpretation and analysis. The methodological approach is thus constructed around the case tracking method combined with the comparative framework analysis of the models of state-regional autonomy with the prospects of possible steps for heterogeneous societies.

Key words: *Czechoslovak federation, heterogeneous society, separatism, Spain, Belgium*

THE ROLE MODEL OF SEPARATISM AND DISSOLUTION – THE CASE OF CZECHOSLOVAKIA

The Czechoslovak Socialist Republic adopted an important document in the framework of the so-called reform process "Czechoslovak Spring"¹ in its legislature on October 27, 1968. It was the Constitutional Act. 143/1968 Coll. on the Czechoslovak Federation (hereinafter "the Constitutional Act"), accepting the governing relations within a heterogeneous society. Its real content application had proved ineffective due to the impact of the August invasion by Warsaw Pact troops and the subsequent mandatory application of the normalization policy. The achievements of the Constitutional Act have been progressively restricted and its content, and the idea have not been achieved until 1989 and the events known as the Velvet revolution [Svatuška 2003]. Within the transition process and democratization many centrifugal forces that were in the past decade ingrained came to the surface. These trends have resulted in a turbulent period and ultimately led to the division of the common state and the emergence of two successor states- the Czech Republic and the Slovak Republic.

As already indicated, the Constitutional Act anchored the new circumstances in the relations of Czechs and Slovaks, which were based on well-established principles of the federation. The main attention was devoted mainly to the text definition of the scope of both republics and their competences, but also the determination of parity and non-majorization at the federal constitutional institutions. Structure, content and the reference of the constitutional text can be viewed as a fully democratic with the preservation of elements of federalism. Although the fulfilment of such ideas had never taken place and, through interference, modification and amendment of the Constitution in the years 1969-1971, the situation *de facto*, although not *de jure* returned to the original forms of centralization. The analysis of the Constitutional Act is based over the fundamental theoretical and methodological approaches and knowledge. The constitutional amendment of 1960 consisted of 8 parts and 151 articles. The wording of the articles and the main starting points of the law reflected one of the basic requirements of time - Slovak national emancipation. This is documented in the first part of the Constitutional Act where the framework of the provisions reads that "*both Republics mutually respect each other's sovereignty and the sovereignty of the Czechoslovak Socialist Republic;*"² *as well as the Czechoslovak Socialist Republic respects the sovereignty of nation states*" (Constitutional Act on Czechoslovak Federation 1968). Based on this article a triple sovereignty had emerged. Derived from that, another important aspect arose – the constitutionally implied principle of dual citizenship according to which "*a citizen of either of the two republics is also a citizen of the Czechoslovak Socialist Republic*" (Constitutional Act on Czechoslovak Federation 1968).

¹ Czechoslovak Spring or Prague Spring is the term describing the events in Czechoslovakia during spring months of 1968 when the reform government led by the first secretary of the Communist Party Alexander Dubček had adopted series of reform measures leading to liberalization of the regime and sort of democratization. This process is inevitably related to the Warsaw Pact army invasion to Czechoslovakia in August 21 1968.

² Compare to Constitutional Act 143/1968 on Czechoslovak Federation where the equivalent Czech and Slovak Federal Republic is constituted

The entire second part of the Constitutional Act divides powers between the federation and the republics, and puts a clear definition of the of federal, republican and shared responsibilities. Through the following parts the legislative, executive and judicial powers are divided innovatively and in a democratic way, but mainly there is a closer specification of the highest state authorities of the Czech Republic and the Slovak Republic (in Part VII) and hence the replacement of the asymmetry. The republics disposed their own legislative bodies and their representatives were situated in the newly-constituted upper house (House of Nations) on the basis of parity and in accordance with the principle of non-majorization. The position and competences of the upper house were in an equivalent position to the lower chamber which also constitutes one of the key elements of the federal systems. Certainly, an important moment was the creation of three governments - Czechoslovak, Czech and Slovak.

The Constitutional Act quite rightly included in its content the most important conflict areas in the environment of Czech-Slovak relations in the legal and constitutional line. These are therefore subject to create a balanced state bodies and setting relations with federal institutions. However, a very important line had been played by the general social environment that lived far from the decision-making process of the constitutional institutions, while their attention was directed especially on the Slovak side for anchoring the foundations of national emancipation to the form of separatism, which is fully manifested in the process of democratization after 1989. Separatism, in its theoretical basis similar to other dogmas of political science, promotes specific interests of a narrow range of groups or individuals, while the dominant part of the nation becomes a hostage of those interests. Usually, scholars focus on normative rather than positive arguments related to theoretical and legal foundations of the rights of groups to secede [Buchheit, 1978; Horowitz, 2003]. There is also a widespread range of determinants and issues related to economic, cultural and political aspects of separatism. It cannot be evaluated differently in case of separatist (in its extreme variation) tendencies of Slovaks during the period of the Czechoslovak Republic, appearing alongside of the real and justified requirements of federalization. After 1989, the negotiations of the government of national understanding³ resulted in the qualified requirements of the Slovak side towards the real application of the federal values adopted by Constitutional law in 1968. However, the difficult realization and a common reluctance on the Czech side contributed to the escalation of sentiment in the Slovak society, which began to manifest itself in an open separatism and questioning the functionality of Czechoslovakia. This rhetoric is familiar with many political actors and the epitome of nationalism and separatism became the Slovak National Party (SNS) and its representatives. This statement confirms the fact that in the parliamentary elections in 1992, the party solely manifested the independence of the Slovak Republic. After the elections, the wave extended to a wider range of the political spectrum and secessionist rhetoric is then typical for the representatives of Slovakia dominating the Movement for a Democratic Slovakia (HZDS) and the Christian Democratic Movement (KDH). In a very stuff political environment and the threat of tension escalation the winning political parties

³ The name of federal governments led by Marián Čalfa in 1989-1990 and 1990-1992

ultimately adopted a compromise on the division of common state and the emergence of two successor countries.

Slovak separatism in Czechoslovakia in its radical form only appeared sporadically and was not a subject to long-term consolidation. Its effects are mainly associated with the action of Andrej Hlinka and his party in the 30's of the 20th century within the existence of the Slovak State in the years 1939-1945 and finally, after 1989 in the context of transformational change. Support for these activities, as documented by various sources and claims, reaches back into exile environment and many foreign organizations and foundations of Slovaks financially and morally contributed in supporting the autonomist sentiments. Focusing on the period after 1989 the major part had been played by the already mentioned Slovak National Party. It renewed its activity in the Czech-Slovak party system in 1990 and immediately signed up for the program following up on the idea of historical SNS acting in the years 1871-1938. In the elections of 1990, the party took fourth place and won 10.96% in the House of the People, 11.44% in the House of Nations and 13.94% in the Slovak National Council and the location in the parliamentary opposition. Following the elections in 1992 SNS repeated the fourth place with a 9.39% gain in the House of the People, 9.35% in the House of Nations and 7.93% in the Slovak National Council, but this time within the Slovak coalition government led by Vladimír Mečiar and the HZDS [Rychlík, 2012: 149, 300]. A very important research criterion is reflected through assumption that Czech political leaders had sought the federal mandates while Slovak political representation preferred the republican principle of political mandating.

As mentioned above, SNS was the only political platform prior to 1992 elections openly demonstrating its position to future relations between Czechs and Slovaks in one state: *"In the constitutional arrangement our opinions and intentions are clear - a declaration of state independence of the Slovak Republic and involvement in European cooperation under our own name. By the adoption of the Constitution of the Slovak Republic and international security guarantees of the independent Slovak Republic we aim to finish the Slovak nationality"* [Slovak National Party Electoral Program 1992]. The nature of the selected article corresponds to the real political practice of SNS leaders in the legislative field, political rhetoric and the overall approach to the issue of maintaining a common federation. After 1992 elections HZDS also moved towards this approach, thus creating a common Slovak government and the implementation of many steps leading to the disintegration of Czechoslovakia was only logical result of the situation. the events took a direct way, under the supervision of government most MPs progressively adopted important and symbolic documents such as the Declaration of Sovereignty of the Slovak Republic in July, the Constitution of the Slovak Republic in September and representatives of the Slovak government coalition jointly took vote for the adoption of federal constitutional law on the dissolution of Czechoslovakia in November 1992.

One of the basic attributes of destructive direction was also the overall geopolitical context of the early 90's in Europe. After the collapse of the Soviet Union, the countries in the eastern parts of the European continent occurred in a situation reminiscent of the end of World War II conditions. However, this time states regaining independence from the yoke of the Warsaw Pact consistently sought establishing of the democratic mechanisms, leading to their immediate inclusion among potential

candidates for membership in relevant international organizations such as the EU or NATO. Unfortunately, this effort quite logically led in some cases to nationalist and separatist tendencies which we have witnessed not only in Czechoslovakia but specifically in the case of Yugoslavia or other former states of Soviet Union. Europe was actually on the verge of its political existence, and very advantageously used the official end of the Cold War for its integration intentions. Although the West intervened only moderately and simply, for the long-term perception the EU had created an image of organization that is worth to be part of, and on this basis the voters in each country resorted to prefer pro-European political parties over the past two decades. The main mission of Europe was to maintain a peaceful situation on the continent, as it sometimes has failed, but in the case of Czechoslovakia be able to count at least the victory of prioritizing personal ambitions of the central protagonists of Czechoslovakia split, bringing the whole process vigor in addition to non-conflict, even without the need for official verification through referendums.

Referendum, in this case, can be seen as a legitimate mean of simple validation of intended policy actions. The history has already been used in similar contexts of international concern, such as the fate of Swedish-Norwegian Union, but also in the same period during the disintegration of Yugoslavia and the Soviet Union. In Czechoslovakia, it came to a definitive decision not to accept the referendums in dividing Federation in the process of adoption of the constitutional act on the dissolution of Czechoslovakia. The law was adopted by the republican as well as federal representative bodies, while specifically "*the Slovak National Council rejected the referendum as a condition of validity*" [Gronský, 2007: 561]. Its adoption was done in an environment of current Constitutional Act 327/1991 Coll. on the referendum, but despite the long criticism it had not collided with the application. The text states that "*the referendum may be submitted to citizens of the Czech and Slovak Federal Republic to decide on the core issues of the constitutional arrangements of the Czech and Slovak Federal Republic*", or that "*on the proposal for withdrawal of the Czech Republic and the Slovak Republic in the Czech and Slovak Federal Republic can be decided only by referendum*" [Gronský, 2007: 309]. Significant data for this case is the optional possibility of a referendum on fundamental issues of constitutional arrangement, i.e. the split of Czechoslovakia, which did not allow any of the republics to opt-out but to become a successor state. For a different wording of the article with regard to an obligatory referendum related to changes of state borders would be a critique of the political protagonists certainly more justified. In this case, however, the mentioned issue gets in more moral level, which is, however, in terms of representative democracy and free mandate only a symbolic tool. Thus, let's consider the other arguments for traditional democratic referendum supplement, especially for the typical Western European liberal societies, and take with reserve several attempts to implement that in terms of transforming country, which may seem awkward. As interpreted by Pithart, the non-use of referendum in such break points of the common states established the sources of distrust in society to parliamentary democracy institutions [Pithart, 2015: 417]. Yet more problematic is the referendum eligibility and its legally binding form in current perspective of the sovereign Slovak Republic after 1993 [Greguška-Ružarovský, 2014].

The root of the problem in the context of the development of ideas of coexistence of heterogeneous societies, Czechoslovakia included, are the difficulties in capitalizing

one of the components of the system which is of particular historical, cultural and political reasons to feel non-fulfillment of their desires and expectations. It encourages the possibility of infecting the society with local nationalism which with sufficient amount of historical and political pillars, may turn into an open separatism and lead to destructive efforts.

Table 1: Critical junctures and neuralgic points implied from the functioning of the Czechoslovak federation

Criteria			Czechoslovakia
Constitutional system	Position of the nations		Triple sovereignty
	Citizenship		dual
	Republican institutions symmetry		yes (from 1968)
	Republican legislative bodies		yes (from 1968)
	Republican governments		yes (from 1968)
	Upper house of the “federation”	Representation	yes (from 1968)
		Non-majorization	yes (from 1968)
Relation to lower house		equal	
Approaches to separatism	Political parties		SNS (from 1990)
	Electoral programs		SNS (1992)
	Elections	1990 (SNS)	House of the People 10,96%, House of Nations 11,44%, Slovak National Council 13,94%
		1992 (SNS)	House of the People 9,39%, House of Nations 9,35%, Slovak National Council 7,93%
	Government participation		SNS (Slovak government, 1992-1994)
	Favorable geopolitical situation		
Referendum	Obligatory		no
	Realization		no

This argument had been perfectly confirmed in the case of Czechoslovakia, where in a very short time the society has adopted a vision of autonomy, despite the general credibility of the brand attached to the Czechoslovakia. Newly restored party system did not possess enough power and will in a very important time to suppress extremist influence in any case, however, the composition of the parliament truly reflects the awkward mood in society. In addition to political influence, which we have mentioned above, a significant role was played by media and its irreplaceable role which contributed to the spread of particular expressions and statements related to extremism. Historically, unfortunately interpreted more often by politicians rather than historians, the politics have built up efforts to return to the roots of Slovak emancipation, sometimes stepping back to the times of Great Moravia. We must acknowledge though that in the period 1918-1992 within Czechoslovakia an idea of excellence and stiffness of the Slovaks in the process of "Czechoslovakization" had grown. Undemocratic regime in the years 1948-1989, however, significantly distorted

ways of looking and thorough assessment of the development of relations between the two nations. Its past presence is ultimately reflected in the decisions taken in each part of the process of transition.

The sum of all these findings at the end of the evaluation report on the state of federalism in Czechoslovakia offers space for defining the criteria relevant for the determination of the key elements and features needed for handling the process of comparison and not least also help determine whether the case of Czechoslovakia as a heterogeneous federation is not comparable due to its own specifications. The individual criteria are divided into several groups and thus reflect the need to draw attention to a broader spectrum than just the political and constitutional system of the examined environment. Rather, it is to be seen as wider social and geopolitical conditions in which constitutional institutions adopting the legislation operate.

THE MODELS AND FORMS OF SEPARATISM IN WIDER EUROPEAN CONTEXT: BELGIUM AND SPAIN

The current situation and the environment on the European continent are even more determined by actions of the EU institutions than it was in early 90s of 20th century. This assumption is also important in relation to the individual Member States that sense the position of a sort of "caretaker" of legislative action in fulfilling the mission of Europe consisting of strong regions.

Nation states, i.e. Member States also share the sense of nationhood which practically binds them through the notions of collective identity, shared culture and values, languages, collective memory and also myths of origin, society membership and sense of common destiny [Schmidt, 2004]. From this assumption, the European Union lacks such measures of identity, therefore bringing up the construct of wider influence over the identity, agenda setting and policy making in the nation Member States [Weiler 1995]. The vast literature on the europeanisation topic indices that such process is limited only to new accessing countries and thus not being part of the „old“ Member States of the EU.

Despite the ambiguous definition of the concept of europeanisation, authors [Radaelli, 2003; Börzel, 2005] generalize and generally accept the context of europeanisation as the EU's influence on national policy or domestic impact resulting from EU membership. This definition, however, to a large extent can be applied just to the new Member States and acceding countries in the light of the fact that the political conditions and EU conditionality for the integration of new countries were practically incorporated to late 80s, when the strategic goals of democratization and integration of the European Union were extended to the geographical territory of Central and Eastern Europe.

The dynamics of study and research on europeanisation has brought new insights, previously unrecognized explanations and arguments on three key theses: understanding and analysis of the impact of international politics at the domestic level to operationalize international management system on domestic policy (in terms of research framework) and define the relationship between transnational political agenda and system changes at the level of national policies [Radaelli, 2004]. Giuliani (2003) to this effect argues that europeanisation is not an option and solution

(explanans, phenomenon that explains the dependent variable), but on the contrary, it is a research problem (explanandum, that is an issue that should be studied and explained). Europeanisation also does not provide any solutions to theoretical and empirical concepts. The concept of Europeanisation in light of the diverse variables should be used, in particular to identify the problem that should be solved rather than explaining the source of the problem.

These processes are sometimes faced with the reluctance of acceptance by nation states, reflecting particularly complicated historical context of ethnic development in their territory. The result is a patchwork of different models of constitutional arrangement and differences between regions, not only in Europe but also from the national perspective. The forefront of a public interest is composed of the cases of non-homogeneous societies in which generally one of the components experiences long-term (or continuous) dissatisfaction with their role in the existing state unit, which is a sign identical with the mood of Slovaks within Czechoslovakia. Today, these and similar moods appear in Belgium (the Flemish and Walloons confrontation), Spain (within autonomist efforts of the Catalans), the UK (with the attempts of Scots' independence), but also in Italy and France. For comparison it seems Belgian and Spanish cases serve as best from the following reasons:

- Belgium is a federation, Spain unitary state of regional character with elements of a federation, but in the long term this model as a whole is rather ignored
- Constitutional specifications and measures toward regions and nations
- Symmetry or rather asymmetry of the regional authorities and their share on nation-wide political mechanisms
- Separatism in the party system and share of such subjects on regional and national policy
- In Belgium the initiative toward country disintegration is vivid specifically in Flanders politically associated with the party programs and the party leaders; in Spain such dominant position is devoted to *Convergència i Unió* (CiU) political platform
- Dilemmas in the referendum issues related to its legally binding norm from the separatist perspective

Federal system in Belgium has evolved throughout the long post-war period, and gained its ultimate momentum especially in the late '60s. Gradually, there have been taken legislative and constitutional acts towards decentralization and the formation of regions and communities on territorial and language principle, which culminated in the adoption of a new federal constitution in force since 1993. The long-term initiator of this effort is part of the Flemish population, which refers to sort of limiting their own development at the expense of Walloons (same feeling particularly distressed Czech society against the Slovak population in the early 90's). The Belgium thus constitutes Flanders, Wallonia and the Brussels region and consists of the Flemish, French and German population. The system thus interacts with three components that must emphasize the consensual policy making with elements of consociational democracy. Deep democratic traditions, however, allow the implementation of this policy competition within the defined legislative borders and have more self-sustainable rather than self-destructive character.

Another significant centrifugal point within the Belgian relations is the symbol of the capital Brussels, which, in addition to the role of the center of the European integration, indirectly implements the role of the Belgian constitutional institutions. Yet Brussels illustrates, at least symbolically through its yellow flag color the important role in relations of the "Flemish Black Lion" and "Walloon Red Rooster" in the Belgian flag.

Spain is advocated in this research as a model which is not officially known as a federation but carries many of the features, such as the existence of strong regional units. The roots of Spanish separatism is deeper than in the case of Belgium, but today's quasi federal environment finally began to establish itself after the fall of the regime of Francisco Franco at the end of the 70's. The newly adopted democratic constitution secured the regions an important position, which was assumed by an asymmetric definition with the status of the country all among them. Among the most competent we may introduce Catalonia, as well as the Basque Country, Galicia and Andalusia. Separatism in the early days of this comprehensive reform had developed in its violent form, the intensity of policy actions and decisions spread much later. Current events are concentrated in Catalonia, which held independence referendum on its territory in 2014, but it has been announced as invalid and unconstitutional by the Spanish Constitutional Court. Spain is divided into 17 autonomous communities and two autonomous cities. Cultural and competence differences among them are very significant. Madrid, the capital city plays rather opposite role compared to Brussels and its tendency to centralism implies mostly negative attitude in the regional parts of Spain (that effect, which could be continually advocated in Czechoslovakia toward centrally oriented Prague).

The specific status and powers of the regions and communities in Belgium is derived from six state reforms that have been implemented in the country since 1970 and have included the adoption of the Constitution in 1993. It is the basic document for the formulation of new different constitutional reforms taking place at the federal level on the initiative of regional political parties. The specificity of Belgian federalism also lies in the absence of written constitutions in the level of regions and communities, which allows the transfer of regional policy, legislation and interests into federal level. The Constitution only minimally refers to the definitions of nation which is exceptional in art. 193 which frames the Belgian nation only in conjunction with state symbols. Flanders is therefore deemed as region or community based on the constitutional text and Flemish community do not possess the status of a nation which would, in terms of cultural and ethnic aspects, be problematic compared to the Slovaks and Catalonians. Belgian citizenship is also unique and individual community components do not differentiate. Similar is the case of the Catalans in spite of the dominant Spanish nation with a unique Spanish nationality (citizenship) throughout the country. Ethnic and cultural disparity and alienation of Flemish and Walloons was already highlighted by Duverger, with the proximity of the Czechs and Slovaks appearing much stronger. Despite, regarding the question of coexistence in the common state before its division he was considerably skeptical.

The Belgian Constitution defines the competences covered by federal and regional authorities; however, the symmetry of regional authorities is quite problematic. An

important factor for the full inclusion of all communities is indeed fulfilled but partial asymmetry causes uneven representation due to their possibility of self-governing regulatory structures of their bodies. In such system, the creation of regional legislation involves the Flemish Parliament (accumulative competence of the region and the community), the Walloon Parliament, then the Parliament of the French Community, the Parliament of German-speaking Community and the Parliament of Brussels - Capital Region whose structure and mandate acquisition is the most complicated in the context of bilingualism over its territory. At these five levels then interact executives headed by the Prime Minister of the region, unfolding its mandate from the majority in the regional parliament.

At the federal level the representatives of the regions are represented in the upper chamber. In the sixth state reform in 2011, which was aimed at the election of 2014 and the unification of federal, regional and European elections to a single date as well as the corresponding harmonization of terms, it had to reduce the number of members of the Senate from 71 to 60, with 50 members elected indirectly from five regional parliaments on the basis of allocation coefficients, the remaining 10 are then co-opted.

Overall, the ban on majorization is thus practically irrelevant since there are 5 levels of authorities and the political decisions are usually driven by the creation of a consensual proposal. Relations to the lower chamber are determined through the existence of three different "speeds" of the legislative process, basically speaking, the important decisions (eg. Constitutional revision laws on the structure of the state of the cooperation agreement between the Federation and the regions and communities and many others) must be approved in the Senate. On the other hand, a departure from the direct election of senators and other principles such as no salaries for performing their duties or the lack of legislative initiative weakens the public perception of the institution, including the impact on the everyday political practice and thus approaching it to the position of the British House of Lords. Based on this constitutional analysis we may express the proposition that the strength and competence of regional legislatures overwhelmed the function of the upper house, as a paradox, composed of the same representatives in both institutions.

Yet more problematic may seem the symmetry of the stratification of Spanish autonomous communities. Based on the principles of restoration of historic reminiscences after 1978, some traditional autonomous communities gained very specific status and position within the territorial division of the monarchy and established such a system based on the asymmetry of the territorial units toward the state. Exposing of a specific example we get a significant contrast between the Catalan separatism and Castilian (Madrid) unitarism. This contradictory perception and approach in the issue of coexistence of heterogeneous community is the main indicator of the Spanish national issues related to the state arrangement. Constitution of 1978 in its eighth part carefully defined the status of autonomous communities and also specified the eligibility of individual statutes, which in the form of a formal agreement set out the relationship between them and Madrid, but also the basic principles of autonomous activity. Statute of Autonomy of Catalonia, which has many features typical for the federal units' constitutions, was created in 1979 and has gone through several revisions, including the latest in 2006. It clearly defines

and determines the Catalan nation and recalls Catalan citizens, but not derived from an official citizenship [Statute of Autonomy of Catalonia, 2006]. Institutional symmetry at the level of autonomous communities is in principle respected and individual self-government levels have their own legislative bodies, but also the executive branch, which is headed by presidents. At the national level, however, the regional interests are not (following the example of Belgium and in general all other federations) quite coherently presented on the floor of the Upper House. The method of creating the personnel of the Spanish Senate is in fact quite specific – out of 266 seats 208 are elected directly and 58 through the appointment by each regional council. Moreover, the term of office of both chambers and the date of the elections is harmonized, so the public preferences are reflected very consistently in the composition of both chambers. The assigned coefficients for senators are derived from the number of inhabitants and together with the applied electoral system favor rather nation-wide political parties at the expense of the regional parties. Practically, there is no discussion regarding implementation of some regional interests in the context of a share in the creating of the Spanish legislation and the majorization of legislation from Madrid is quite obvious. This thesis is also confirmed by Řichová [2009:180] who claims the controversy of the original idea of the upper house creation since it ought to represent the political interests of the elites from Franco's regime. The proposal to create transparent Senate with autonomous representation of regions had not been successful, albeit kind of hyper representation of regions was practically achieved through compensation of low level powers compared to lower chamber. Such variation can be observed in legislative competences of the upper house which are rarely used.

The predefined framework of relations of the supreme constitutional institutions and the degree of interdependence with the authorities of the autonomous communities determines the party system in the country, which, after the transition to democracy has established itself as a strong bipartism model. Still, there is an important role of strong regional political parties whose influence is devoted through the ability to unify the interests and electoral support especially on regional level eliminating all secondary and insignificant cleavage lines and draw attention to one thing - the relationship of center and periphery. The importance and potential of regional political parties at the national level can therefore be considered negligible and priority, effort and personal orientation of the party structures is directed to the anchor position of the authorities of the autonomous communities. Catalonia serves as a perfect example of these claims, and Catalan party system in its present form began to transform only after the fall of the Franco regime. Currently, there are only Catalan political parties and movements represented in parliament together with the regional fractions of two continuously strongest Spanish political parties *Partido Popular* (Peoples' Party) and *Partido Socialista Obrero Espańol* (Spanish Socialist Workers' Party). For the definition criteria necessary to incorporate Catalan political parties into separatist and autonomist movements we may demonstrate the events from January 2013. The Catalan parliament approved the Declaration of State Sovereignty with the support of 85 votes from three political parties - *Convergència i Unió* (Convergence and Union), *Esquerra Republicana de Catalunya* (Republican Left of Catalonia) and *Iniciativa per Catalunya Verds-Esquerra Unida i Alternativa* (Initiative for Catalonia Greens-United and Alternative Left).

The events in Catalonia took the direct approach on a regional referendum which took place in November 2014. In connection with its preparation, the result and subsequent obstruction by the Spanish Government and the Constitutional Court, the Catalan party system had started to transform and Catalan president Artur Mas called for early elections on September 2015, which were also related to perform another plebiscite on the question of autonomy of Catalonia. Gradually, nearly 40 years of a CiU alliance existence came to its extinction, while dominant CDC proceeded to cooperation in electoral coalition with ERC under a common name *Junts pel Sí* (JxSí, Together for "Yes") and won the elections with a sufficient margin. To create a functional government, however, it had to be invited into a coalition with programmatically close *Candidatura d'Unitat Popular* (CUP, Civic Union Candidates). The conflict solution was achieved through the acceptance to alter the presidential office and thus the position of president is consensually held by Carles Puigdemont from CDC since January 2016. Another political platforms that signed the declaration of sovereignty were merely marginalized – UDC, competing alone and did not pass through 3% threshold to parliament and coalition ICV-EUiA had candidated in the electoral coalition *Catalunya Sí que es Pot* (CSQP, Yes, we can), which practically symbolized the regional initiative of the famous Spanish movement *Podemos* (We can).

Although the various Catalan political parties, movements and organizations had to different degrees and intensity declared its programming vision of the future of Catalonia, which are largely focused on independence for the region, we may consider in terms of historical stability, program clarity and political relevance and dominance in regional party system for further investigation of a unique legal entity CDC, which creates the ideal conditions for comparison. Relevant position of CDC within the Catalan multiparty system is visible since the first elections in 1980, and since 2006 became their regular winners within the coalition. In the last elections conducted in September 2015 the coalition acquired 39.59% of the popular votes. As indicated above, like other Catalan entities also CDC falls short in terms of the Spanish electoral system of redistribution of votes to mandates of their significant share. Since 2010 the party is also a regular participant in the regional government and its dominant element, as evidenced by both individual electoral victory, but also a stable position of its Chairman Artur Mas as president of Catalonia, whose continuity was interrupted only in 2016.

In Belgium, the basic characteristic elements of Belgian party system started to evolve in the 19th century, enabling the cleavage lines through continuous creation and establishment of various political families that is a typical phenomenon for the rest of Continental Western Europe. A significant milestone in this development, however, constitute the events associated with cleavage of the party system on the principle of regional (particularly linguistic) disparities that led to the creation of a separate Flemish and Walloon party system, but with maintaining respect for the elements of consociational democracy as identified by Arend Lijphart [1999].⁴ Alongside of the

⁴ Acceptance of motivational elements to its creation and respect for the principles of consensual policymaking and characteristics of its application for cooperation and communication at the national level and in the federal government, including the method of its creation.

yearly existence of smaller regional political parties in the late '60s also the remaining dominant Belgian political parties began to cleave on the linguistic principle, which subsequently participated in the creation of the first directly elected regional assemblies since 1974 and entered as another important area for anchoring and establishment of their party structures and status.

This phenomenon allows us to follow a unique element compared to previous cases that causes a tendency at federal level orientation of party structures, which by definition presupposes the existence of heterogeneous elements. The Constitution then determines their interaction and cooperation. Individual regional entities consider federal authorities as a priority in relation with the implementation of their election programs and thus achieving success at this level. This whole phenomenon was indirectly constitutionally anchored in 2011 when, according to the sixth state reform the federal and regional elections were scheduled in one date (including the process of indirect creation of Belgian Senate). Signs and indicators of Flemish separatism are in a long term perspective visible in the political manifestos and programs, especially the two political entities - *Nieuw-Vlaamse Alliantie* (N-VA New Flemish Alliance) and the *Vlaams Belang* (VB, Flemish interest). While the first mentioned party yearn for even higher autonomy and convergence with confederate principles of constitutional arrangement and independent membership in the European Union (similar to Slovak KDH, partly also HZDS), the objectives of others are clearly separatist and leading to the acquisition of full autonomy and declaration of the Flemish Republic (characteristics reminiscent of SNS in Slovakia and Catalan CDC).

Otherwise, there is no foundation of the cleavage in Belgium apart of the previous countries studied, based on which we could clearly specify and set out active political subjects and their relationship to the question of maintaining the federation. The only methodological bases therefore constitute manifestos of investigated political parties confirming earlier claims (*Vlaams Belang* electoral program, 2014).

For further comparison it is methodologically correct to deal only with the *Vlaams Belang* party. In relation to specific conditions of Belgian federalism and efforts to implement the principles of consociational democracy it is rather inevitable to address the essential share of the strongest Flemish party *Nieuw-Vlaamse Alliantie* and centrifugal moods in the society, manifested, for example as a failure of Lijphart's forming concepts in the context of national government creation, which resulted in the case of parliamentary elections in 2010 and 541 days of inability to form Belgian government (Greguška, 2011). On the other hand, *Vlaams Belang* does not record significant long-term contribution to the management of public affairs, even in a regional sense. Their popularity began to grow in the late 90s but has never experienced the level to play a greater role in creating the Belgian executive branch. The complexity of the constitutional and legislative arrangement in individual countries surveyed addresses the question of the referendum as one of the biggest challenges of this study. It also reflects the arguments set out in examining the case of Czechoslovakia that referendum tends to exert over the final decision in the whole process more symbolically than as a real way of delegating decision-making powers in important constitutional issue on the population. This may also be demonstrated in the Spanish case, when the Catalanian referendum on independence was claimed unconstitutional by the Constitutional Court in September 2014 as we already

explored. The major concern was vested in the articulation of art. 149 – part 32 of Spanish Constitution which defines the ultimate state competences as exclusive in cases on decisions about referendums nation-wide (The Spanish Constitution, 1978). The November Catalanian plebiscite thus cannot be considered referendum despite people had the chance to express their will toward the issue of Catalanian independence through the legally not binding voting which results were clearly against preserving the status quo of the state integrity. The ultimate decision of the Constitutional court clearly determined the referendum as a matter of nation-wide political institutions and authorities thus considering the logics of similar integrity destructing referendums to be announced as null and void.

Under the conditions of the Kingdom of Belgium, the situation is no less interesting. The Constitution does not clearly stipulate the conditions for the use of the referendum and only in recent years there have been some regulatory adjustments relating to the application of the regional and municipal levels. With the exception of 1950 it has not been so far experienced, and there is no legal precondition for carrying it out on nation-wide level. For these reasons, referendum cannot be considered a relevant democratic tool in connection to the country separatism and in the context of both, legislative and party structures.

STEPS FOR HETEROGENEOUS SOCIETIES – A COMPARATIVE DISCOURSE

Specified criteria for comparison are derived from the basic premises of absorbing the institutional, constitutional and legislative context. Other important variable attributes constitute indicators of party and regional separatism and factors reflecting the general geopolitical context and the "attractiveness" of existing conditions for tending toward splitting heterogeneous states. We already have formulated individual findings above by declaring a structure that brings the possibility of the final confrontation, but on the necessity of simplifying the approach of categorizing the findings outputs. The basic sources of knowledge constructing other theses were mainly constitutional and other legislative documents regulating the relations within the studied systems. Their structure and wording allowed us to characterize the primary legal environment and create conditions for the analysis of the status and powers of constitutional bodies and institutions.

Attribute of national status within compared entities was based on the presence, definition and implementation of national principles and specifics of the constitutional text of each country. The current form of the Belgian Constitution continues along ideological and revolutionary value aspect of the text adopted in 1831, which maintained (in the then period) logical justification for advocating the Belgian interests compared to Dutch influence.

While the cleavage line in the postwar period began to manifest more strongly, these national trends are not, as opposed to institutional, strongly integrated into the reform process. Flemish population has still not recorded the reference of its existence; the legal status is derived only through the Belgian citizenship. Spain's democratic constitution of 1978 in its wording restored the historical significance and status for its regions while accepting their uniqueness and peculiarities. The regions dispose the recognition of nations on its own territory but in the context of Spanish

nation dominance it has rather regional character since Catalans as a matter of our research do not possess own citizenship.

The most heterogeneously oriented in this direction seems to be the wording of the Czech-Slovak Constitution of 1968, which determined the position of the nations on the principles of triple sovereignty involving dual nationality-citizenship. We have to balance the legal aspect of existence through the logical reasons for the presence of a non-democratic regime and the monopoly of one central political party by the absence of real application tools, which had frozen the use of these multi-national elements only at a symbolic level. From the constitutional point of view, however, it can be concluded that the acceptance of the presence of heterogeneous elements through the recognition of national sovereignty by the Centre was in Czechoslovakia at the most developed level among the countries surveyed. Criterion of the availability of the constitutions in the individual government units is not a full-fledged degree observed in either case, which in simplified terms, move off the observed countries from the application of the federalist principles in which this criterion is generally assumed and expected.

Each of these cases has yet own history and causes of the absence of such a constitutional document. Catalonia has autonomous status, which puts it closer to the criteria of acceptance most significantly. Apart from that in a long-term context, the non-respect of Madrid toward the decentralization tendencies it is not expected any reform of such status, which would require radical interventions in the text of the provisions of the Spanish Constitution. The research anomalies are also constituted in the case of Belgium. Despite many elements typical for federal and confederal systems the absence of constitutional documents at the sub-national level is crucial, with the main causes derived from historical circumstances and political practices [Popelier, 2012]. The text of the Slovak Constitution has been in terms of democratic and transitive periods of Czechoslovakia a long-term and frequent object of interest, also owing to the fact that its final adoption took place only before the dissolution of Czechoslovakia and therefore its acceptance can be attributed rather to the process of finalizing the disintegration of the country and preparing for the emergence of successor states.

These outputs indicate further relevant element in the development of relations in the cleavage of center - periphery and in the context of the country disintegration the national constitutions played merely a symbolic role. Such results indicate that in the heterogeneous communities the presence of clearly defined regional cleavage the adoption of individual constitutions may be a dangerous precedence, particularly in the context of a direct reflection on the potential constitution of the newly established (disintegrated or successor) state.

The symmetry of legislative and executive bodies also showed substantial differences, resulting mainly from the specific realities of individual political systems as well as an examination of the relationship of state centers toward its peripherals. The complicated structure of the Belgian federal differentiations in spite of superficial similarities exhibits many features that lack the simplicity of the dual division of the Czech and Slovak authorities. Institutional symmetry of each of the Spanish autonomous communities appears to be applied and respected, particular problems are then derived from the competence asymmetry towards the center. Harmony can be observed in respect to the presence of the legislative and executive bodies in

territorial units, but in connection with the current trend we consider the common ground and the same criteria are applied today in countries with far more homogeneous composition of the population. The studied variables thus enable us to highlight the hidden complexity of creating the national linkages and absolute symmetry does not automatically create a stable environment, as documented in the case of Czechoslovakia. Far more important is the phenomenon of adaptation to the most diverse operating system specifics mechanisms at national level which, in conjunction with the consensus tendencies in policy, is visible only in the case of Belgium. The nation-wide level decision-making and the possibility of intervention of territorial units are ideally observable through the activity and position of the upper houses of the respective parliaments.

In formulating conclusions in the context of the knowledge theory derives precisely from the wording of the previous passage, namely the pedant efforts to ensure the absolute equilibrium of competencies between two nations in the upper house of the Czech and Slovak Federal Assembly practically led to the disablement. Based on the assumption that in bicameralism the upper chamber represents the requirements of territorial units, a recurring memento raises questions in particular about how the upper houses should be created and what should be their role in the legislative process. For example, the settings of the Czechoslovak bicameralism had failed in the very beginning of its democratic application. Despite the self-destructive consequences it provided a foundation for further study and offered arrangements for systems with similar problems in their territory.

The nature and structure of the party system and the importance of individual regional actors provide an equally important source of knowledge when examining nationalism within heterogeneous societies. On a closer analysis, we argued mainly with the non-existence of Czechoslovak and Belgian party systems and party structures orientation that was specified through the behavior of studied political entities at various levels of elections. The different elements of behavior were demonstrated especially at Flemish and Wallonia's political parties, which have concentrated personnel structures primarily to nation-wide representative bodies and government functions from the above identified reasons. Apart from a number of secondary causes, we considered a priority aspect of the efforts to address the Belgian and regional issues at this level of governance, in the context of the persistence of confidence in the ability of Belgian institutions to provide the required program priorities for the represented region. The orientation of regional quality personnel to nation-wide forum also allows addressing the important issues and focusing the society attention onto the federal institutions.

Thus, we have pointed the issues of party separatism out of the background of selected parties from each region. A partial development preferences and coalition potential of individual subjects were identified as well. Catalan autonomist coalition preferences increase is also evidence of the implementation of several artfully combining forces across the political spectrum in order to achieve the same objective. In the case of Slovakia and Flanders an important concomitant of declining preferences is dominantly the presence of other (and also more relevant) entities which are more moderate and, perhaps, in a society friendly manner made for a very similar purpose (HZDS and N-VA). However, while in the Slovak political system a mutual combination of these forces and the establishment of republican governments

were of a major importance and link towards Czechoslovakia; the Belgian level stabilized on different pillars and values, this scenario is unlikely to happen.

Table 2: Critical junctures and neuralgic points compared across the selected cases (Czechoslovakia, Belgium, Spain)

Criteria		Czechoslovakia	Belgium	Spain
Constitutional system	Position of the nations	triple sovereignty	none	regional
	Constitutions of territorial units	<i>de iure</i> yes, <i>de facto</i> not	no	partially
	State citizenship	dual	Belgian	Spanish
	Symmetry of territorial units institutions	yes	partially	partially
	Republican legislative bodies	yes	yes	yes
	Republican governments	yes	yes	yes
	Upper house	Representation	yes	partially
		Non-majorization	partially	no
		Legislative initiative	no	partially
		Relation to lower house	asymmetric	asymmetric
Party approaches to separatism	Party structure orientation	republican	federal	regional
	Declaration of sovereignty	yes (1992 – HZDS, SNS, SDE)	no	yes (2013 – CiU, ERC, ICV-EUiA)
	Electoral programs	SNS	VB	CDC
	Representation in parliament	1990 - 13,94%	2010 – 7,80%	2012 – 30,71% ⁵
		1992 - 7,93%	2014 – 3,67%	2015 – 39,54% ⁶
	Government participation	yes (from 1992)	no	yes (from 2010)
Favorable geopolitical situation		partially	no	no
Referendum	Obligatory	no	no	no
	Realization	no	no	partially

To conclude and draw attention to some remaining conditions affecting the unity of heterogeneous countries we have acceded to compare the geopolitical environment and the possibilities offered by the institute of referendum in the given system. Geopolitical conditions, as mentioned above, are now quite complicated for the escalation of separatist sentiment than it was during the early '90s after the collapse of the Soviet Union. This situation contributes in particular, the presence of

⁵ Electoral gain for coalition CiU

⁶ Electoral gain for JxSi

transnational element - the European Union and deduced issues of its position on a possible successor state after the collapse of one of its member countries. This fact, to a large extent, determines the popular attitude especially in the examined regions and leaves the reflection on independence rather in a romantic position. The very demanding criteria of eligibility is related to the use of referendums that in any of the surveyed countries has no real legislative backbone and some form of usage was recorded only in Catalonia, where a potential legal basis of the results of the vote was rejected by the Spanish Constitutional Court.

The most relevant arguments and findings are illustrated in the table 2.

CONCLUSION

In 1992, the Czechoslovak Federative Republic introduced the world an interesting way of state self-destruction which was driven in a rather peaceful way, with the absence of army forces, armed conflict and a relatively smooth process on both sides of the former federation. The prompt response in adopting the sovereign constitutions followed by the legislative framework on the cultural and property heritage as well as the imminent process of European and transnational integration only confirmed the smoothness of the division.

The non-existent country subsequently became the object of interest of experts of social science disciplines, but also many politicians and statesmen with the vision of the dissolution as a possible scenario for heterogeneous societies in which one of its constituents came to acquire the right to self-determination and an independent state. Among the current, more or less compared systems, we chose to explore the case of Belgium and Spain through autonomist tendencies in the Flemish and Catalan society. Assuming from the selected criteria we have researched the outcomes defining the particular measures for currently existing heterogeneous societies.

One of the most important attributes can be observed the sensitive behavior of the central authorities, institutions and their representatives, who are mostly responsible for non-conflictual development of coexistence of the segments of the population within its internationally recognized borders. The balance between measures in this regard is crucial and excessive straightforwardness in dealing with problems can act as a double-edged sword - on the one hand it can result in ill-conceived and radical transfer of responsibilities to national entities and in loss of functionality of central institutions, as we had the opportunity to observe in the case of Czechoslovakia. On the other hand, rigid centralism and state reluctance to meet the segmental requirements results in a deepening of separatist tendencies and psychological escalation of the conflict driven by a desire of tasting the forbidden fruit that we are currently experiencing from the Catalans towards Spain.

The behavior and thinking of Belgian constitutional institutions provide the case of *modus vivendi* by seeking to apply the principles of consociational democracy in connection with the acceptance of the role of fair arbiter in relation of Flemish and Walloons creating an environment of harmony between these segments. The relevant common feature of all the cases studied, the centrifugal moods in society related to (non)solution of economic problems and emerging nationalistic tendencies are an

expression of pursuing increasing intensity of centrifuge. While Flams and Catalans see the current constitutional and legal conditions as a kind of brake of its further economic development and progress, the Slovak part of the population perceived this factor rather from a position of "scapegoat" of the transformational changes whose impacts are disproportionately deeper and socially much wider. It remains undisputed fact that multilevel governance models applied in different countries should be subject to more periodical audit and control. Also, constant impulses coming from individual local authorities must be conscientiously and sensibly evaluated by central authorities. Lower levels of governance are more prone to dramatic socio-economic changes from logical reasons; hence the need for protection not only from the state but also supranational institutions is necessary. A regular institutional and legislative upgrade should not be any exceptional tool in order to reformulate and transform inefficiently managed entities and their administration to more intelligent and meaningfully operated regions. Yet the adaptability to new conditions for inward investment, or on the contrary to adverse economic and social circumstances should be the major reason for regular maintenance of the vertical division of power in the state.

The problem of the dissolution of Czechoslovakia is vested in culmination of many years of cleavages within the common state, which had relied on the constitutional coexistence of the Czech and Slovak nation since 1968. As it is clear from the works and observations of many political scientists and historians, dual state is more prone to dissolve from the long term perspective and inability to accept consensual solutions in policy and this assumption is fully reflected in the transition to a democratic regime. An important memento and major political tools for heterogeneous society must therefore be driven by the previous conflict resolution, which require the continued interest of central institutions in providing the satisfaction of individual segments as well as regular and continuous evaluation and adoption of legislative measures which adapt the process to the actual conditions. Among the surveyed countries the stabilizing assumptions are met mainly in Belgium, while Spain is characterized by a more spontaneity and emotionality in problem solutions.

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