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Dialogue Between the Government and Civil Society in Slovakia¹

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After the fall of communism, new freedom and opportunities for civic activation and association have opened and new activities started to flourish. New actors – active citizens and their structures – non-governmental organisations (NGOs) and other independent bodies – started to play an ever increasing role in the life of society. New sphere of societal life – civil society – has been gaining in its importance. Its development in Slovakia has been very much linked with miscellaneous political and societal changes the Slovak society has undergone since 1989. The governments were facing with challenging tasks how to transit the country into free market and open society respecting individual freedoms and restoring culture of democracy.

In case of Slovakia the situation has been a bit specific with the split of Czechoslovakia and a birth of a new independent state since 1993. Many new challenges in governing the country appeared and many new institutions had yet to be established, much experiences yet to be gained. The responsibility for ruling the country and its transformation moved to Bratislava. Political and societal developments soon started to have very different direction from its post-communist neighbours. It was only in 1998 when the country shifted its development to a more civilised western-oriented trajectory. Robust transforming changes, especially after 2002, have turned Slovakia into a dynamic integrated country with booming economy nowadays.

In this paper we will focus on cooperation between the civil society and government in Slovakia, especially in the field of mutual dialogue². We will try to reflect this relationship and emerging cooperation in the light of transformation periods the country has been facing. This issue is very much linked to political developments and current challenges the civil society had to react to. Since for many years, especially in the mid 1990's, the developments of Slovakia were far distant from democratic standards, the civil society was reflecting the situation and actively participated in impacting the changes, unlike in other Visegrad countries. This notion has strongly influenced how the dialogue between the civil society and government was developing and what issues helped shape it.

¹ Originally the article was published in Polish in: Makowski G., Schimanek T. (eds): *Organizacje pozarządowe i władza publiczna. Drogi do partnerstwa [Non-governmental Organisations and the Public Authorities. Roads to Partnership]*. Warszawa, Instytut Spraw Publicznych 2008.

² Other forms of cross-sector cooperation between government and NGO sector will not be focus of this material.

Taking into account above mentioned framework the term *civil dialogue* is not frequently used in Slovakia. It appears preferably only in respect to European issues and documents, but almost in no case referring to dialogue between the civil society and government. This relationship has been many times very conflicting in the past, therefore the wider term *advocacy* appears more dominantly when talking about this government-NGO interaction and dialogue³. As the following description and concrete cases will show, the advocacy role of the NGO sector in Slovakia was very important and often used for “dialoguing” with the ruling elite.

There are several phases or stages of development in the recent history of Slovakia after 1989 with specifics more described in detail further on. Strečanský (2004: 201-204) coming from Demeš (2000a: 228-230) divides the NGO advocacy activities into 1) Phase of independent civic sector forming 1990-1992; 2) Phase of defending democracy and constitutionality 1993-1998; 3) Phase of diversification in the reformist period 1999-2004 and finally 4) Phase of fighting for civic tradition preservation (2004+)⁴. Since then a new populist-nationalistic government came to power in 2006 and a new period has started, which means new fights for defence of democratic achievements and independent civic activities. For the purpose of this paper we will be working with more simplified and more politics-related division to periods before the split of Czechoslovakia and Mečiar era 1992-1998, Dzurinda times 1998-2006 and finally Fico's government from 2006 until today. We will briefly characterize the specificities of these periods and provide their defining elements, then will touch upon how the political-societal situation influenced the civil society and what its challenges were. Naturally we will focus on how this framework shaped government-NGO interaction and their mutual dialogue. The instrumental and legal frameworks for this dialogue will be shortly introduced as well. Finally, concrete examples of cases to illustrate the situation will be provided for each periods.

Before the split of Czechoslovakia and Mečiar era 1992-1998

Slovakia as part of Czechoslovakia after 1989 started to reform and build foundations for free and open liberal democracy with market economy. Deep structural changes were happening in almost all spheres of the life. This naturally concerned the civic sector which after decades of restrictions started to form its wide roots. Civic activities received a solid legal ground, especially in the form of a new act on association of citizens⁵. The law has been very liberal and enabled citizens to create their own organisations quickly and under very simple conditions. Later developments proved that its flexibility helped to quickly institutionalise civic voices in the hard times yet to come. The structures and direction of the whole civic sector was only forming.

With new political elites elected in 1992 the ever increasing disputes on the future of federal Czechoslovakia turned into political decision to split the country into two parts. Since 1993 the Czech Republic and Slovakia became independent countries. There was a need to build new institutions and reputation for the newly independent country⁶ with image of a Czechoslovak federation destroyer. The economy was strongly hit by federal transformation with high unemployment. Then Prime Minister of

³ We will be using this term rather than civil dialogue since it is not commonly used in the country.

⁴ Demeš defines these civic advocacy periods in the paper as 1) Phase of sporadic advocacy activities 1990-1993; 2) Phase of civic advocacy expansion 1993-1997; 3) Phase of civic advocacy maturing 1997-1999 and 4) Phase of civic advocacy domestication 1999+.

⁵ Which remained in effect practically in its original form as until nowadays (2008).

⁶ It was for the first time besides the WWII time Slovak state 1939-1945 which collaborated with the Nazi Germany.

Slovakia Vladimír Mečiar, favoured by majority of the population, started to apply own approaches to building a new state and forming its democratic culture and standards. Soon it was obvious that the populist-nationalistic government, re-elected after preliminary elections in 1994, will have no inhibitions to step over thresholds not tolerated in western-style democracies. The examples of new “culture” of democracy were becoming more frequent and more disturbing⁷.

The consequences of such developments were damaging for country’s reputation. Not only did they bring official protests of the European Union, European Parliament and USA expressing doubts over democratic nature and human rights protection in the country. Slovakia started to significantly lag behind its neighbours and was in serious threats of international isolation⁸. What was probably the worst, the society was innerly undergoing deep division over the ruling party, its leader and his practices, the population was getting extremely polarised. With parallel structures - official partners to government - promoted by Mečiar, the „dualisation” of the whole society dividing it into those pro and against the government became even stronger⁹. Labelling about good and bad Slovaks was part of the propaganda as well.

For the civil society the situation was not favourable either. Scandalisation of NGOs and negative atmosphere fueled by the government and pro-government media were contributing to tensions and stepping up confrontations. Active citizens started to face these negative tendencies and with limited independent media available, they started to voice out disagreements and dissatisfaction with the political and societal developments. Civic opposition - active citizens - started to form.

The answer of the government was not only heavy criticism using arguments, such as anti-Slovak and anti-national forces from abroad were willing to impose their interests, or Soros money undermining Slovak state independence and imposing foreign values, etc. The government, while facing criticism from independent NGOs, decided to create a basis of supporting pro-government NGOs and NGO platforms¹⁰ with whom they developed cooperation and provided public funds. Other, representatives of the nationwide NGO sector, formed in the **Gremium of the Third Sector**, were ignored, neglected or became targets of pro-government media scandalisation.

⁷ Some of the examples included following: the first session of the newly elected parliament in 1994 also called as the “Night of long knives” turned into an all-night-long session when all former representatives from almost all societal structures were replaced by those linked to the newly-formed ruling coalition, almost all opposition MPs regardless their profession ended in the parliamentary commission for environment protection. Another case was related to president, originally coming from Mečiar’s party HZDS, who later started to openly criticize his authoritarian practices and lack of democratic culture. The secret service, directed by Mečiar’s closest ally, kidnapped in 1995 president’s son, suspected from financial fraud, and illegally hauled him into neighbouring Austria hoping this would be a chance to discredit the president himself. The following year it was revealed by the press the secret service was also involved in killing a witness of this kidnapping. When the president’s term was over and a new one was not elected yet, Prime Minister Mečiar as representing president granted two amnesties on these deeds and the issue, despite having been investigated, has never been officially brought to justice. In 1996 the ruling coalition expelled by majority of votes a MP from among their party who stepped against the practices of the government. Despite his clear objections he was illegally suspended from the parliament. One of the biggest slams against democracy was a marred referendum on accession to NATO. The fourth question on direct vote of the president in 1997 required by the opposition-led petition was at the end unconstitutionally not included in the ballots and the referendum was declared to be marred. A new restrictive election law in 1998 was also one piece of the anti-democratic mosaic Slovakia was facing.

⁸ That also meant the country was excluded from the 1st group of NATO entering members and EU candidate countries from Central and Eastern Europe.

⁹ The structures did not concern pro-government NGOs only, but also trade unions, journalist and other expert associations, media and others loyal to Mečiar’s government.

¹⁰ Some of them included Slovak Youth Assembly (Slovenský mládežnícky snem) or Union of Civic Associations and Foundations (Únia občianskych združení a nadácií).

The mission of the Gremium of the Third Sector (G3S) was to develop partner relationships with representatives of the government, self-governments, business sector and trade unions as well as with national and international organisations. The Gremium was established in 1995 as a multi-member representative body in order to develop cooperation during annual so-called Stupava conferences of the NGO sector in Slovakia¹¹. G3S consisted of several sections¹² and its tasks were to represent and pursue interests of NGOs, to initiate public debates and advocacy campaigns, formulate common positions and issue common statements of the NGO sector, enter into cooperation agreements with other sectors, explain and popularize tasks of the NGO sector, coordinate information and service activities for NGOs (Demeš-Bútorá 1998: 648-9). Although, the representation structures of the NGO sector were formed, the government showed almost no interest in common dialogue and cooperation with critically positioned NGOs.

In the sphere of government-civil society interaction these developments meant that one could not talk about partner approach and dialogue at all. One side was not willing to listen and accept any criticism, nor any suggestions for improvements, moreover it was conducting policies and making steps to control and autocratically govern as many parts of the society as possible.

Furthermore, the Mečiar's government scandalizing independent civic initiatives decided to step up control over civil activities by submitting new restrictive laws on foundations, public benefit non-profit organisations and non-investment funds in mid 1990's. Open advocacy campaigns and confrontation with NGOs followed.

Third Sector SOS Campaign¹³

The Gremium of the Third Sector decided to announce a *Third Sector SOS Campaign* as a reaction to preparations of a new Law on Foundations. The proposal was secretly prepared by the Mečiar's government in the late 1995 and the G3S was not invited to take part in consultations about the law. In the atmosphere of ever increasing discreditation of the civil society and raising suspicions about financial frauds the new piece of legislation should have imposed stricter control over foundations¹⁴. In June 1995 the Central Tax Directorate decided to conduct audits in 331 foundations¹⁵, but no major malpractices of foundations were found. G3S protested against constant attacks on independent civil sector and later decided to react.

In January 1996 the campaign *Third Sector SOS* was called with the aim to stop the legislation process of the new Law on Foundations and to initiate public discourse about conditions for existence and operation of the civil sector organisations in Slovakia. It was a reaction on governmental attempts to regulate as many parts of the societal and political life under their control, systematic campaigning

¹¹ And before even within Czechoslovakia.

¹² Section of humanity and charity, youth section, section for education and science, environmental section, human rights section, section of culture, community initiatives section and section of regional gremia of the third sector (KG3S).

¹³ This section has been elaborated based on (Bútorá-Fialová– Demeš, 1997) and (Bútorá–Košťálová–Demeš–Bútorová, 1996).

¹⁴ Some restrictions included f.e. increase of foundations' minimum compulsory endowment from at that time existing 100.000 SKK to 10 mil. SKK or double-level registration process within the Ministry of Interior which should have issued approval after examining public beneficial purposes of a foundation, restrictions in economic activities, creation of own bodies, registration of donors, constant control, compulsory audit, etc.

¹⁵ Out of 1100 registered at that time.

against and creating enemy image of the civil sector and as a protest against an etatistic-regulatory model coming from previous National Front¹⁶ (Bútorá–Košťálová–Demeš–Bútorová, 1996).

The campaign started with public declaration and a press conference, at the same time social partners – the trade unions, association of employers and Vice-Prime Minister were asked for a common meeting. 1500 NGOs and ambassadors of the EU, USA and Canada were addressed with a letter appeal explaining the situation and campaign's goals. Public meetings in several regions of the country followed, some of them issuing common appeals to governmental representatives. A very important moment was submission of an own NGO proposal of the new foundation law to the Legislation Council of the Government.

The Third Sector SOS raised attention of independent media which started to inform about the issue more frequently. The government initially did not respond to the media criticism, later it started to put their hands off the proposed legislation. A month after the start of the campaign the first meeting of G3S with the Vice-Prime Minister Katarína Tóthová responsible for legislation took place. The 6-hour-long meeting in very tense atmosphere with accusations of fire ignition and artificial problem creation by the G3S brought promise of simplification of the registration. Another 2-hour meeting after six days was again tense and Vice-Prime Minister did not agree on any further changes, nor on creation of mixed legislative working group to deal with open questions. The Legislation Council dealt with two proposals – the governmental and the civic one proposed by the G3S. Finally, the restrictive version with some minor alterations was approved by the government and submitted to the parliament.

More than 300 NGOs joined the campaign which peaked with three protest gatherings in Košice, Banská Bystrica and Bratislava in the eve of the parliamentary debate over the law. More than 150 amendment proposals, mainly by the opposition parties, were submitted during the debate, almost all of them were dismissed and the law was approved by votes of the ruling coalition at the end. Despite the president handed the law back to the parliament afterwards, it came to power after revote.

The legislation process of the new Foundation Law demasked attitude of then rulers towards the civil society and the legislation style of the power. Prepared norms were often secret, journalists had no access, key stakeholders often did not have time to comment the proposal or were completely out of the legislation process, parliamentary committees did not get on time materials to be responsibly commented (Bútorá–Fialová– Demeš, 1997).

This advocacy reacted to the lack of communication and paternalistic-etatistic approach of the government to NGOs in the mid 1990's. Despite the Third Sector SOS campaign did not achieve its ultimate goal in stopping the new piece of legislation, it was the first coordinated protest of the civil society against restrictive governmental steps. It mobilised several actors, provided lessons that the civil society could raise united voices against spreading autocratic style of ruling and etatistic expansion. The civil advocacy massively expressed in this campaign for the first time after 1989, and moreover in a country with small experience of common resistance against oppression, also built foundations for future similar initiatives and campaigns. It encouraged others to voice out their interests and catalyzed further civic mobilization.

¹⁶ This structure was „uniting“ all the non-political activities and institutions supporting the Communist Party in Czechoslovakia during the communist times until 1989.

Civic Campaign for Free and Fair Elections OK '98¹⁷

Another example of the government-NGO interaction in Slovakia from mid 1990's was an NGO campaign before the 1997 referendum on NATO expansion and direct vote of the president. This referendum was marred at the end and with new restrictive election law adopted by the ruling coalition before the 1998 election, they provoked civic anger, more activation and engagement of the Slovak civil society in mobilization of voters for a change. An NGO-led *Civic Campaign for Free and Fair Elections OK '98*¹⁸ as an attempt to engage citizens into democratic election process based on nonpartisan approach started to be born in initial discussions in the second half of 1997.

Civic Campaign OK '98 was an open NGO initiative with an aim to increase awareness of voters about parliamentary and municipal elections in 1998, to increase citizens' participation in the elections as well as to increase their influence on the election laws preparations and to ensure civil supervision over the fair election process. The campaign was initiated by 11 NGOs who felt a need to increase voters turnout and their participation in administering the *res publica*. The nonpartisan principles were reflected in protection of fair and free elections which was not yielding any of the parties, coalitions, movements or candidates. The campaign was also supporting legitimate expression of citizens' free will, helped secure fair political competition in the pre-election campaign as well as civic supervision over the elections run¹⁹.

Within the scope of the OK '98 campaign, almost 60 independent information, education and monitoring projects were prepared. The majority of these were of a regional character, but there were also several larger projects with nationwide impact, often oriented at young people²⁰.

¹⁷ This section has been elaborated based on (Demeš-Bútorá, 1998), (Bútorá-Demeš, 1999) and (Berecká-Kušnieriková-Ondrušek, 1999)

¹⁸ OK '98 stands for Občianska kampaň (Civic Campaign)

¹⁹ The campaign was financed by voluntary donations and grants mainly from abroad. It was coordinated so that particular initiatives and projects of NGOs would be networked and commonly administered.

²⁰ According to Bútorá (2007: 32-36): The largest and most visible OK '98 project in dissemination of information was "Road for Slovakia", organized by the civic association GEMMA 93. During a 15-day march some 350 civic activists covered more than 850 towns and villages across Slovakia, distributing 500,000 brochures to inform in door-to-door campaigning voters about the elections. In a private Radio Twist's series entitled "Slovakia and Democracy – the 1998 Elections", 25 Slovak celebrities were interviewed on the radio while calling for activity and civic responsibility and for people to go out to vote. Under the slogan "Don't Let Others Decide about Your Future", a bus with activists passed through 23 towns across the country to encourage young people between 18 and 21 years of age to vote in the "Rock the Vote" campaign. Aiming to attract young voters, the civic association Hlava '98 (Head '98) organized a series of TV and radio spots airing the slogan "I think, therefore, I vote. I vote, therefore, I am". These spots stressed freedom and the importance of voting. The Institute for Public Affairs (IVO) published educational and analytical materials aimed at journalists, commentators, public intellectuals, civic and student leaders, politicians and diplomats. Besides analyzing the work of political parties, several programs focused on evaluation of the government's performance in various policy areas. Several projects addressed specific groups in society. The Association of Expert Seniors prepared a series of pre-election discussion forums for pensioners. Other organizations prepared programs aimed at women, the Roma minority and disabled persons. The Anton Tunega Foundation prepared a project to educate members of election commissions.

The impact of OK '98 among citizens was reinforced by six targeted public opinion polls, which contributed to the ongoing public discourse about the approaching elections. As for the public's perception of civic activities, the May 1998 poll conducted by IVO showed that the majority of citizens supported the activity of NGOs in all campaign areas covered by OK '98. Another function fulfilled by OK '98, in the area of pre-election education, was to explain to the public the substance of the new election law, enacted just four months before the elections and widely criticized as non-democratic. Organized by a variety of NGOs, some 45 public forums, debates and discussions bringing together citizens and the candidates for election were held, mainly in cities.

Although not directly under the auspices of the OK '98 campaign, a number of NGOs were involved in monitoring the media during the months prior to the elections. The most prominent of these was MEMO '98. The Association for Fair Elections organized an independent project called *Civic Eye '98* to engage and train domestic election observers. 1,746 volunteers,

In this atmosphere a developing dialogue with democratic forces were taking place in the spring 1998. The so-called **Democratic round table** called off by the main united opposition party Slovak Democratic Coalition was a new moment in NGO-political dialogue. Representatives of the G3S took part in the table as equal partners with democratic politicians, trade unions and self-governments representatives. The table was an opportunity to debate important societal issues and to search for common solutions. It could be said that foundations for mutual cooperation of the NGO sector with the new ruling elite after the change in 1998 were settled here.

As Bútorá points out the OK '98 Campaign chose a positive and pro-active approach in contrary to the Third Sector SOS Campaign of 1996 to 1997, which was established to „defend“ the third sector. This initiative was critical in fighting the defeatist mood that had developed among citizens, as a result of the proposed amendments to the election law announced by the ruling party (2007: 31). Despite the NGO advocacy for freedom and more democracy was nonpartisan, representatives of the campaign were heavily criticised by the government members and officials and scandalised by pro-Mečiar print media and state run Slovak Television. Civil activists, NGOs and financing foundations were heavily criticised from politization of the civil society and accused from disruption of the state. The long-term situation in NGO-government relationships and boiling antagonism of the government officials towards civil society led to an open, however all the time, nonpartisan civic opposition and activization of civic resources. At the end it meant unprecedented mobilization of the whole society and shifted it back to the west-oriented direction.

As it can be seen from the scope of activities the campaign was huge and it brought success to democracy in Slovakia. Its success has been multiplied in other countries in the following years and the Civic Campaign OK '98 served as best practice for redefining several post-communist democracies²¹. The election turnout rised to record 84,24 % of voters at the end, and despite Mečiar's party victory by 0,7 % over the united opposition, he was not able to form a new government. The democratic opposition overtook the power and a new socio-political era in Slovakia's modern history started.

Dzurinda times 1998-2006

The new government of Mikuláš Dzurinda meant breakthrough in country's orientation. Soon a strong reformist ethos was adopted to reverse previous developments which meant international isolation of the country in order to catch up with Slovakia's neighbours especially in integration and save the falling economy. Surprisingly reconfirmed in 2002 election Dzurinda was able to form yet another, even more strongly reforms-oriented government determined to bring about deep changes into society and economy. Reforms, such as e.g. of the public administration after 1989, and yet deeper ones after the 2002 election, such as the flat tax reform, pension, health-care, social system and labour market reform, education reform, business and investment environment reform or public finance management reform became synonyms of this period.

Slowly the country with this predictable policy has started to regain lost reputation and was getting on the right track. The right development was being confirmed by country's rising international ratings and investments, successful integration into the OECD and later into the NATO and the European Union in 2004. Unprecedented in the Central European region radical reforms adopted especially after 2002

despite not officially accredited by the central election commission, actively carried out observing tasks outside polling stations (Bútorá, 2007: 32-36).

²¹ These countries were Croatia, Serbia, Georgia, Ukraine.

meant that country's economy got on the surge and the World Bank could declare Slovakia in its *Doing Business in 2005* report to be the world's top reformer country. Thank to these policies Slovakia could enter the ERM system – „waiting room“ for euro and the country can adopt euro as its currency since 2009.

What was probably more important, democratisation elements and processes have been reintroduced into public policies as well. Dzurinda's two governments were adopting a significantly different approach to independent media, opponents, the civil society, participation of citizens and public policies formulation. Independent experts from NGO think-tanks were used to define and conduct reform policies, watch-dogs or civil initiatives were not scandalized, role of critical media was slowly being accepted and strengthened, more space for civic initiative was being created.

Political consensus across all former opposition parties brought support for systemic changes the country urgently needed. This consensus was especially after 1998 multiplied by hopes and even strong active civic involvement in campaigning before the 1998 elections. The civil society in Slovakia could start to develop normal partnership dialogue with the new political elite and use the contacts already established during the pre-election round tables.

The government declared its willingness to cooperate with other members of the society²². Many civic activists became members of the new ruling bureaucracy and started to use resource and expert capacities of NGOs. A new quality of the government-NGO relationships was being born when NGO representatives started to be invited into many consultative bodies to the government²³. Slovak Humanitarian Council also organised meetings of 100 NGOs with the MPs and government officials in 1999 to discuss legislation and financing of social issues. In 1999 members of the G3S met with the Prime Minister Dzurinda and offered him partnership cooperation, f.e. participation in creation of the National Development Plan. The other topic included questions about creating frameworks for financial stability of NGOs.²⁴ NGOs also participated in several initiatives to adopt good public administration decentralisation, National Program of the Fight Against Corruption, new law on civil service or free access to information, campaign for a civic ombudsman, to increase NATO acceptance or before the EU accession referendum, etc.

The NGO-government dialogue had not only concrete examples, but more systemic foundations have been gradually created. The legislation brought new opportunities for citizens and NGOs to get involved through **consultation and dialogue tools and mechanisms**²⁵. Out of these the most important

²² From the Government Programme Declaration: The Government realizes importance of moral renewal of society. In this process it counts with effective support from churches, non-governmental organisations as well as with activity of the whole society... The Government will create legislative and organisational conditions for strengthening and development of civic initiatives and will support creation of partnership relationships with the civic sector on all levels of administering of *res publica*.“ (*Partnerstvo...*, 1999)

²³ In 1998 NGOs became members of Consulting Committee of the Government for European Integration, the Ministry of Environment closed a contract with environmental NGOs, NGO representatives became a grant commission members at the Ministry of Labour, Social Affairs and Family, the Ministry of Agriculture invited NGO members into a commission with the aim to elaborate rural development plan, the Ministry of Foreign Affairs created an advisory group with NGOs in the foreign policy area, the Ministry of Education accepted youth NGO representatives in grant-making commissions and closed a contract with SAIA to administer foreign scholarships, even the Ministry of Justice and Ministry of Interior were open to cooperation with the third sector in creation of the new legislation. Interesting moment of NGO involvement was also preparation of the National Strategy For Sustainable Development. (Demeš, 1999).

²⁴ This meeting was crucial in later adopting of the percentage mechanism in Slovakia. Details read further in the case study on the percentage mechanism.

²⁵ These are for example law on petition rights, law on administrative procedures, law on complaints, law on malpractices, law on environmental impacts assessment, law on territorial planning and construction order, legislation rules of the

instruments for mutual government-NGO dialogue and participation are probably the Council of the Government of the Slovak Republic for Non-Governmental Non-Profit Organisations, the instrument of mass stipulation of citizens in the legislation process and a strong law on free access to information.

In November 1999 the **Council of the Government of the SR for Non-Governmental Non-Profit Organisations** met for the first time²⁶. The Council is a coordinating and advisory body to the Government of the SR to support activities of non-governmental and non-profit organisations²⁷ and consists of members of the government, other central public administration bodies working with NGOs and NGO representatives²⁸. Main competences of the Council are elaboration and assessment of governmental concept materials, decisions and legislation proposals concerning conditions and support of NGOs, cooperation with central public administration bodies on programs of mutual cooperation between the state and NGOs on all levels of public administration. Further competences include cooperation on definition of procedures and criteria for NGOs' access to public funds, system of subsidies from the state budget, proposing of appropriate NGO representations in decision-making, monitoring and assessment bodies as well as support to publicly available information system suiting the needs of NGOs and the Government. The Council can also establish expert working groups²⁹ to solve specially complicated problems (*Štatút...*, 1999).

As summary on the Council's activity between 1999-2002 states Dzurinda's first government "*positively changed its attitude to civic organisations, however, many tasks in developing partnership relationships with the NGO sector declared in the Government Programme Declaration were not fully transformed into concrete results, mainly because of the government responsibility... The biggest contribution in the Government-NGO cooperation was opening of correct, rational and permanent dialogue through the Council of the Government of SR for NGOs*" (*Informácia...*, 2002).

Another important tool for developing dialogue with citizens and opening them an opportunity to enter the legislation process on the governmental level became a **mass stipulation of citizens**. It was introduced by the decision of the Government in 2003³⁰ and enables more than 500 citizens signing a stipulation to enter into contradiction negotiations with legislators. Representatives of these citizens are present at an official meeting with government officials where they try to argue and influence proposed legislation. The tool is a positive participatory opportunity for citizens and is very frequently used especially after the 2006 swap in the governments.

government, law on municipalities and others. For active citizens international treaties and agreements are also important, f.e. European Agreement on human rights and basic liberties protections, UN Convention on civic and political rights, Aarhus Convention, etc. (Strečanský, 2004: 195-197). On self-regional level there can be identified: new local laws on promotion of NGOs, contracts about cooperation between NGOs and self-governments, civic councils on self-regional level and local laws on public gatherings (Strečanský, 2008: 12).

²⁶ It was formed based on the decision of the Government of the SR No. 738 from 31 August, 1999.

²⁷ Especially civil associations, foundations and non-investment funds, associations of legal persons, associations of assets and institutions of charity and humanity conducting public-beneficial activities, especially in the field of humanity and charity, care for children, youth and sports, in the field of education, human rights protection, health care, culture, environment and regional development (*Štatút...*, 1999).

²⁸ The head of the Council is the Vice-Prime Minister. During first years of its existence the NGOs were represented by the Gremium for the Third Sector representatives, later with G3S losing its importance representatives of thematically oriented umbrella platforms overtook this place. Nowadays there are 21 various umbrellas and networks from the field of children, youth, sports, social issues, environment, rural development, cultural heritage, Romas, women, homosexuals, immigrants, etc. represented.

²⁹ It formed a Legislation-economic working group and a Integration working group in the past.

³⁰ Decision of the Government of the SR No. 1097 on Legislation Rules of the Government from 19 November, 2003

As the motivation and maybe thankfulness to the civic sector engagement before 1998 from the new elite was evaporating, so was the willingness to mutual dialogue and development of cooperation with NGOs closer to the end of Dzurinda's second government. NGO presence in many consultative bodies³¹ became formal despite officially declared interest in cooperation and willingness to listen. The Governmental Council for NGOs met only four times in years 2003-2006. 17 thematic platforms who overtook the position of the NGO sector representatives from the G3S stepped down from the preparation of EU funds programming in 2005 in order to protest against ignoring any NGO proposals in these processes³². NGOs did not either like the financial management of public funds for NGOs. Other clashes between the Government and NGOs' perspectives on development appeared after huge wind storm hit the High Tatras³³. For many it was clear that particular and political parties interests were stronger than mutual cooperation and finding common solutions. The Government-NGO relationships and mutual dialogue was deteriorating. Despite these developments Dzurinda's governments meant a breakthrough in establishing more partner and fair relationships and creating opportunities for mutual dialogue and civic participation³⁴.

Law on Free Access To Information³⁵

As an important predisposition for watch-dogging the power, increase of transparency and development of dialogue with public administration information is needed. Therefore a group of NGOs led by the Citizen and Democracy³⁶ who were dealing long term with the issue of access to information initiated a *Civic Initiative For Good Law on Access to Information*.

The initiative was based on nine civic principles, the most important one becoming a headline of the whole campaign: "*What is not secret, is public!*". The campaign was supported by more than 120 civil organisations representing more than 100 thousand members, including dozens of media and journalists. The NGO experts developed cooperation with several members of the parliament who at that time started to deal with the issue and wanted to submit their proposal. The aim was to unite the efforts and work on common proposal of the law. Despite declarations the cooperation with these MPs was problematic and at the end ceased. Another MP Ján Langoš adopted the version elaborated by NGOs and submitted it to the parliament. At the same time the government was preparing its version of the information law which was commented by NGOs, unsuccessfully however. Later the government started to comment the civic version of the proposal and was suggesting changes that would go against the principles of authors.

Meanwhile the civic initiative in cooperation with Hlava 98 prepared postcards to be sent to the chair of the parliament. Through a network of partner organisations people from all over the country sent several thousands postcards to the chair. Another two thousand were sent through the Internet. The message was supported by TV and radio commercials. Activists were taking part in public discussions and cooperated with media. Moreover, they closely followed the process of law adoption and their legal

³¹ Such as f.e. Monitoring Committee of the Cohesion Fund and others.

³² None of the objections was listened to and adopted.

³³ The dissatisfaction from the way how the Government treated NGOs as „partners“ ended up in forming a Non-Governmental Committee for the Tatras as a direct reaction to the Governmental Committee for the Tatras.

³⁴ There are examples of good practices in consulting – f.e. during preparation of a Law on Lobbying (not adopted at the end), National Strategy for Sustainable Development, Energy Policy of SR, Strategy of Official Development Aid of SR, inclusion of demands of the disabled and others. (Strečanský, 2008: 15)

³⁵ Elaborated based on (*Krátka...*, 2001).

³⁶ Občan a demokracia

experts were providing comments on suggested proposals. On the day of the parliament session dozens of activists were standing in front of the parliament with T-shirts with letters forming the main claim: *"What is not secret, is public!"*. Closely followed voting finally led to adoption of a law that is friendly to citizens. After the signature of the president, where the activists also advocated, Slovakia got a very good and strict law on free access to public information.

Based on it citizens have rights to demand information from almost all public bodies and they are obliged to provide it unless it is secret. The Občan a demokracia association also follows the application of the law in the practice, leads disputes and cases to court trials and tries to preserve this powerful law from several attempts for limitations exerted by all governments ever since. The law is a powerful tool in information and awareness raising as well as civic control of public administration. The practice has proved its importance in empowering citizens and NGOs in watch-dogging the public power and creating foundations for more informed and participatory dialogue and decisions.

Fico's government 2006+

The political change with the new Prime Minister Robert Fico and his ruling coalition together with Mečiar and his former nationalist ally Slota brings a whole new atmosphere into the society after the 2006 elections. In contradiction to previous expectations Fico's choice of coalition partners, discredited from mid 1990's, causes consequent backward shift in values and priorities the new political formation would prefer. Getting to power mainly after heavy criticism of Dzurinda's deep structural reforms and their social impacts and thanks to social populism many expected radical reversal of public policies in economic and social issues. However, accompanied by strong populist rhetoric Fico did not dare to make substantial reversals in economic reforms which brought astonishing economic growth to the country. His policies despite some changes could be labeled as marketing on one side and pragmatic on the other, especially shaped by the rapid GDP growth and pressures of adopting euro as country's new currency commitments after 2009.

However, very significant changes can be noticed in approach of the new elite to the role of state not only in economy, but society as such. Civil liberties and citizens' rights are yet again after time of consolidation during Dzurinda challenged by constant efforts to limit freedoms on several levels and to increase state influence and control³⁷. Fico has openly declared his ultimate role is strong etatism³⁸ and the civil society and its structures apparently do not fall into this post-communist concept of his. The arrogant approach to those free and uncontrolled structures of society, mainly organised in the civil society, has caused that individual citizens are yet again challenged to become defenders of already enrooted democratisation and liberalisation achievements of Slovakia from the recent past³⁹. Despite expectations of a new quality in NGO-government relationships and potentials for developing mutual

³⁷ For example in adopting a new law which probably unconstitutionally limits private property rights during highway construction, a new Law on Press which allows politicians to have unprecedented influence on press content, ban of profits for private health-insurance houses or fears of limitation of the generous Law on Free Access to Information are just a few examples to mention. The change of attitude of the new Fico's government in 2006 could be illustrated by this non-public statement of a highly positioned government official to NGO advocates: "For 8 years you have been untouchable, but this time we will show you!" The message behind this is a change in more powerful dealing with the NGO sector from the side of the government.

³⁸ However, constant fall of public expenditure redistribution level year by year proves rather the opposite so far.

³⁹ Especially during 2007 several civic participation mechanisms were limited. For example Law on Environmental Impact Assessments (EIA), Law on Protection of Nature and Landscape, Law on Societies proposal and opening of the Law on Free Access to Information – all of them include changes limiting space for participation and consultations with citizens (Strečanský, 2008: 15)

dialogue⁴⁰, tensions are slowly growing and the spirit and atmosphere mutually deteriorates. It can be seen in destruction of already existing and working mechanisms of the government-NGO cooperation developed in the past. Concrete steps of the government and government-backing businesses forces more citizens to get mobilised from apathy again. An increase of civic activism reflected in more-than-in-the-past petitions submitted and appearing demonstrations of disapproval can be experienced after 2006. The truth, however, also is that majority of citizens remain apathetic. The government dominated by Fico behaves in a very populist way reacting on these initiatives especially populistically based on preferences of voters majority. NGOs' watch-dog role in the society regains its increasing importance.

Very eloquent examples of this approach to the civil society can be traced in an attempt to limit a percentage mechanism for NGOs established under Dzurinda with open expressions of political revenge for NGOs' 1998 pre-elections involvement by then Mečiar's HZDS losers being back to power after eight years. Or yet another example is a way how the government proposed a controversial new Law on Societies to replace the liberal Association Law at the end of 2007.

People to People Campaign to Save Percentage Mechanism

Slovakia as the second country after Hungary adopted a percentage mechanism – a unique tool which allows taxpayers to allocate 2% (initially only 1%) of their income tax to selected NGOs. The (hi)story of implementation and changes of the percentage mechanism is closely reflecting development of relationships between changing governments and the civil society, and the ability of NGOs to successfully advocate for their interests.

The initial idea within the sector appeared already before the crucial 1998 elections inspired by already successful Hungary's example. During a meeting with the new Prime Minister Dzurinda over the EU pre-accession funds NGOs got a promise that the government would show thanks to the sector for support in the 1998 elections. From 2002 NGOs thus got a chance to receive public funds for the first time⁴¹. Later NGOs wanted to adopt a Czech example of allocation a part of the privatisation proceeds for endowments of foundations. The government did not agree, but politicians allowed in return extension of the percentage mechanism on legal entities as well – to be allocated for the first time in 2004⁴². Dzurinda's radical flat tax reform since 2004 meant a change for NGOs financing. In return for abolishment of tax deductibility of donations by individuals and companies, the political representation finally agreed and the individual and corporate percentage mechanism increased from 1% to 2% since 2004. The financial amount allocated through the individual percentage mechanism was acceptable to the government, but when the first numbers for the corporate percentage allocation showed that companies started to use this opportunity widely, suddenly it became a political problem. Too much money was allocated out of the government's control to independent organisations. The second Dzurinda's government decided it would limitate the mechanism, especially for companies, but under the pre-election pressure of NGOs in 2006⁴³ the government left the percentage mechanism unchanged.

⁴⁰ It is, however, fair to say that the government Council for NGOs restarted its work in 2007.

⁴¹ At that time it was only individuals who could allocate 1% of their personal income tax to pre-registered NGOs.

⁴² Slovakia thus became the only country who allowed also companies to use a part of their corporate income tax for NGOs public beneficial activities.

⁴³ Officially the Ministry accepted arguments of NGOs, unofficially the strongest argument was that proposed limitations would affect exactly 335.690 citizens – potential voters. They would not be able to allocate a portion of their tax and NGOs would start „shouting“. Before the upcoming elections in 2006 this issue became politically too sensitive.

Fico's new leftist-nationalistic government⁴⁴, overtaking power in 2006, gave generous promises of public spendings to many groups of voters. For that reason they needed to search for new sources of public funds, and one of them appeared to be limitation of the percentage mechanism to NGOs. This initiative has provoked two civic reactions on attempts of the government – numerous critical statements and appeals about damaging effects of such a decision to NGOs and new efforts for public participation in the decision-making process by submitting a mass stipulation to the proposed law amendment signed by more than 7.500 citizens.

Mass stipulation of citizens, submitted in September 2006, requested leaving out articles dealing with the mechanism and abolishment of NGOs tax exempt commercial income⁴⁵ from the amending proposal to the Income Tax Law. The Ministry did not accept any stipulations, nor other arguments and submitted the proposal in unchanged form into the government session⁴⁶. Later the government probably realised problematic aspects of this proposed radical solution and suggested not to abolish the mechanism for legal entities entirely, but to lower percentage for companies from 2% to 0,5% of the paid tax.

Because significant part of the public did not know about the proposal or did not care about its enforcement NGO platforms representatives and other activists decided to start a *People to People* Campaign. The subtitle was *For 2% of The Tax For Public Benefit Purposes*. The aim of the campaign was to create pressure with the voice of public so that the parliament does not approve proposed restrictive amendments to the law and keep the existing state⁴⁷.

The campaign brought NGO activities to the streets in order to address widest public and gain their support. The campaign started with a nationwide NGO conference *People to people*⁴⁸. The conference continued with a round table with representatives of ruling and opposition parliamentary clubs and an appeal to MPs was also addressed. Right after the conference organisers went to the parliament and distributed personal letters with the call and proposal for changes to every deputy. They also met with the chairman of the parliament and raised the attention to importance of these amendments.

An important instrument in awareness raising and argumentation became a 2% Book – a collection of more than 100 NGOs and their stories⁴⁹. NGO activities were presented to public mainly during a *Week for NGOs* to draw public's attention on what it gets from NGO activities⁵⁰. Public events were accompanied by meetings with parliament, self-administration and regional administration deputies. NGO leaders were explaining needs for the tax mechanism in the sector – they also distributed lists with

⁴⁴ Following text is based on Strečanský et al. (2007)

⁴⁵ At that time 300.000 SKK commercial income of NGOs was tax exempt.

⁴⁶ The arguments of the Ministry were mainly that during a two-year period the mechanism of legal entities proved to be a non-systemic solution. This reasoning has been supported by Ministry's arguments that NGOs were receiving too high amounts of allocated tax portion.

⁴⁷ The other aim of the campaign was to start nationwide discourse in society about support to charitable activities.

⁴⁸ The conference was attended by approximately 200 participants from all around the country and well-known personalities of public, cultural and political life showed their open support for the 2% mechanism preservation.

⁴⁹ Organisations described their activities, contribution to society, how they spent portion of the allocated paid tax and how important it was to them, their clients and target groups and the whole of society. The book was personally distributed to all 150 deputies before the December session of the parliament.

⁵⁰ More than hundred recipients of 2% have presented themselves at concerts, exhibitions, discussion round tables, screenings, presentations, multi-genre events or leaflets distribution in various parts of the country.

locally and regionally active NGOs as well as appeal to support aims of the campaign. Right before the decisive parliamentary session campaign leaders organised a press conference⁵¹.

The *People to People* campaign has attracted strong support and sympathies of media. Their role in promoting aims and NGO activities was extremely important. Equally important was unprecedented unification, mutual support and feeling of solidarity among NGO people. For many the campaign meant awakening of what the NGO sector brings to and means for the society.

Strong endeavours of NGO leaders were not useless at the end. On December 6, 2006 members of the parliament voted for keeping the 2% mechanism for individuals and companies till the end of 2007. The minimum amount to be allocated for individuals has raised from 20 Sk to 100 Sk and the 300.000 Sk tax exempt NGO income from commercial activities has been abolished. Limitations of purposes of the use were also voted for⁵². Though the „official“ arguments of the ruling party ĽS-HZDS for keeping the mechanism in unchanged form were its benefits to society and necessity to support charitable activities, the real intentions of limiting the purposes were political and concerned political „revenge“ to NGOs for their activism in 1998 election when HZDS lost power⁵³ (Strečanský et al., 2007).

In 2006 the government was trying how far it can go in its attempts to limit civil sector's funding, but they met with unexpected societal and media pressure, therefore did not try to continue further. Their relationships changed⁵⁴. Having demonstrated threats and power positions, both sides were willing to communicate and lead more partner dialogue after a time. The situation in the following years meant continuation of discussions of the campaign leaders and NGO experts with the government and Ministry of Finance which even showed interest in searching systemic changes in indirect public support to NGOs. In 2008 it seems the Ministry of Finance is determined to abolish the corporate percentage mechanism in upcoming 1-2 years, but shows will to communicate with NGO experts in searching for financing solutions of NGOs⁵⁵.

New Law on Societies Proposal⁵⁶

Before the Christmas 2007 the Ministry of Interior unexpectedly prepared and submitted for legislation commenting a new Law on Societies. Without any consultations with the NGO stakeholders and

⁵¹ Media journalists have learnt from a 2% mechanism analysis that even though the mechanism would be kept in its previous form for one more year, other proposed limitations would indeed mean a total liquidation of large amount of organisations.

⁵² Excluded from the mechanism were previously eligible purposes of education, protection of environment and human rights. These were, however, after further NGO advocacy efforts in 2007 and 2008 later reintroduced together with a new purpose of science and research development.

⁵³ The Member of the Parliament from this party Jozef Halecký has voiced it out clearly during the parliamentary debate: „It is about limitation of those non-profit NGOs which were before 1998 elections campaigning under cover of education, science and other issues, and to substantial degree have influenced election results.“ (Parliamentary debate on December 5, 2006, National Council of the Slovak Republic. Available online:

http://www.nrsr.sk/appbin/net/nrozprava/Download.aspx?Type=NRozprava.RozpravaRaw&Ref=XXX061205191500000_061205193000000.txt)

⁵⁴ As one NGO leader pointed out on the government-NGO relationships: „First what comes to my mind is David and Goliath (...). I think that current power perceives NGOs as unpleasant fly buzz how to solve a problem... It is rather trouble, which needs to be carefully and cautiously treated so that it does not coincidentally happen that we will have problems with it“ (Strečanský, 2008: 16).

⁵⁵ More on the percentage mechanism in Slovakia and its political implications can be found in Marček (2007) or at www.onepercent.hu

⁵⁶ Based on Demeš et al. (2008).

avoiding the official governmental body responsible for NGO issues the Council of the Government SR for NGOs the paragraphs of the new law shocked the civil society in Slovakia. Closure of the commenting phase to the new law was scheduled on 3 January, 2008.

What was probably most shocking for NGOs was the way how the law was prepared, submitted and how restrictive spirit it was imposing on the civil society⁵⁷. The process of being secretly prepared and unexpectedly submitted by the Ministry with no previous consultations was noticeably similar to the Mečiar's Law on Foundations from 1996. Very controversially were perceived several newly proposed regulations⁵⁸ which would allow citizens to associate only in societies or nonprofits providing public beneficial services. The proposed new law would allow societies to provide only mutually beneficial activities for their members, thus excluding majority of already existing associations providing public beneficial services and yet not qualifying for the other legal status of a non-profit providing public beneficial services. Apparently, if adopted, several parts of this law would be unconstitutional and in contradiction with international treaties and agreements⁵⁹. The whole new law would impose inadequately strong control of the government over the civil society⁶⁰ (*Hromadná...*, 2008).

Leaders of 11 NGOs became initiators of a mass stipulation of citizens demanding withdrawal of the law. Despite Christmas holidays season more than 4000 signatures were collected and more than 400 NGOs joined the initiative⁶¹. Neglected NGOs thus entered into the legislation process and the Ministry of Interior had to deal with their objections. Several NGO legal experts formed their objections and submitted them alongside the call for ultimate stop of the whole process.

The proposal of the new Law on Societies was strongly dismissed by the civil sector claiming that such restrictions are not justified in a democratic society and does not follow any of declared legitimate aims. Proposed limitations would not be necessary for security of the state, protection of public order, prevention of unrests and crimes, health or morality protection or to protect rights and freedoms of others (*Ibid.*).

Quick response of the civil society, involvement of media and threats of protests to come against the Ministry's initiative caused the minister stepped back, promised not to pursue the law further unless agreement is reached on the floor of the governmental Council for NGOs. The legislation process got frozen, the proposed law started to be discussed in this consultative body and the outcome of the whole process is at the moment of this paper open. Unofficial information suggests that after the NGO reaction and threats of civil engagement the government would slowly resign from intentions to change the law at the end.

⁵⁷ As the NGO opponents claimed the new Law on Societies was copied from the restrictive law adopted few years ago in Russia (compare f.e. Radiová-Turanský, 2008)

⁵⁸ These were for example exclusion of hunting associations from the law, factual obligation of membership dues, age limitations of preparatory committee of societies, inadequate obligations in management of societies (obligatory audit, obligatory double-entry bookkeeping), restrictions in inadequate publication of personal data, liquidation sanctions without possibilities for real defense, obligatory annual report submission to the ministry, re-registration of all associations within very limited time period and others.

⁵⁹ Several civic associations could not transform into societies or non-profits providing public beneficial services, which would force them to cease their existence and limit thus civil rights to associate.

⁶⁰ The new law proposal had more than 20 pages and should have replaced the already existing liberal 2-page Law on Citizens Associations from 1990.

⁶¹ Currently (June 2008) there are 505 signatures of NGOs and 5931 citizens supporting the initiative.

Conclusions

As the societal-political developments in different periods of Slovakia and concrete cases show the country was facing different challenges which were shaping the role of the civil sector and their relationships with the government. Unfortunately, in the beginning of independent Slovakia and even after 2006 the space for common dialogue rather has to be fought for by civic advocacy activities. NGOs had to get involved in order to preserve basic rights, influence the right direction of the country and its democracy. No political understanding of the civil society's role, undemocratic practices, growing regulations and expanding paternalism of the state, not only in direct relation to NGOs, meant that civic structures had to oppose these developments in mid 1990's, but to some extent also during Dzurinda's and later more Fico's governments. And though most often done on nonpartisan base, they could not escape perceived politisation of the NGO sector and empowering impacts on public and thus politics as well. This meant they were often politically labeled by (political) opponents, especially from ruling elites, which at the end did not contribute to building more trust between the two actors, especially after direct antagonistic situations were resolved. Moreover, after rulers from Mečiar era came back to power with Fico in 2006, the NGO involvement in 1998 pre-election campaign brought direct political revenge in limiting the percentage mechanism against which NGOs had to mobilize again.

It can be said that with progressing democratisation, structural reforms and international integration more partner relationships between the civil society and governments in Slovakia started to develop. NGOs indeed used the opportunities to voice out their interests, shape public policies, make more opportunities for citizens to take more participatory and informed decisions and actions. Thus have significantly contributed to maturity of civic environment in Slovakia and have built respect within other actors and even beyond the borders.

In general the NGO-government relationships are still not clearly defined, but yet emerging and shaped by outgoing and incoming political elites and their priorities. Mutual dialogue has been very often about a power game. Government were showing their visions of the governance, and NGOs proved to show „muscles“ in their effective ability to inform, increase awareness and mobilize and use these achievements as arguments in negotiations. However, for the future more understanding approach especially from the ruling elites would be desired. Understanding the role of independent criticism and advocacy for governments as well as formulation of public policy to enhance development of the NGO sector in Slovakia are important challenges. On the other hand, the NGO sector in Slovakia also faces needs to define where it is heading and what model of the government-NGO relationships it would prefer. Mutual dialogue and cooperation can at the end bring more effective usage of both actors' capacities and resources to enrich public space for the good of whole of society.

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