

**Peaceful democratic transitions: the Czech and Slovak experiences**  
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**Moving towards democracy and rule of law: remarks on the last 20 years in the Czech Republic and the Slovak Republic**

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20 years ago the Republic of South Africa, the Czech Republic and the Slovak Republic unshackled from oppressive regimes and set sail for freedom, democracy and a rule of law. Let us briefly discuss the key historic events and people behind them and draw some parallels between the transitions in South Africa (SA) and Central European (CE) countries.

**1. Getting even with the wrongs of the past**

*Without forgiveness, there is no future, but without confession there can be no forgiveness.* said archbishop Desmond Tutu in reference to the work Truth and reconciliation commission, where the perpetrators of the crimes of Apartheid regime attempted to get absolution in exchange of honest confessions and there was also redemption through forgivers for the victims. Similar process never occurred in Czech Republic (CR) regarding the Czech communist party. Czech communists were a different party, then contemporary communist party in SA, but they never really renounced their mistakes in the 40 years in power. Shortly after the velvet revolution there was one feeble attempt for apology under Chairman Svoboda, but the “velvet establishment” did not appreciate the effort, nor did it spark the nation-wide discussion about guilt and forgiveness of the communist regime.

Communist parties in surrounding countries like Poland, Slovakia or Hungary transformed, or at least choose a different banner, but Czech communists never transformed as in surrounding countries and offered nostalgia and channel for frustration. This type of communist party is a serious practical problem for the formation of any left wing coalition, but more importantly it is a huge problem regarding our national identity. Communist party is enjoying a stable support of 11 percent of votes in the general elections with their policy based on nostalgia and the fact, that they are not responsible for the current situation. Their admission to power could have prove fatal, because the communist party would lose the anti-system charm, but surely it will be devastating to have them back in power after 20 years of trying to prove that we are not as them. This will be detrimental for the idea of Czech statehood, which is based on the values liberal democracy that are in many ways opposite to the communist egalitarian ideology, which sacrifices individual freedoms for good of the society. It is important to consider the South African model of national reconciliation and reflection of history, before admitting the communist party to power. Our national identity is at stake and we should learn from South African history how to reflect the past through confession and forgiveness. Before the year 1989 we had least 1 million members of totalitarian communist in the Czech Republic alone, and some of them had to sign shameful approval of soviet occupation of the country. Our velvet national identity is fragile and our trust in state institutions is at the all time low. Leaving our past unresolved and letting communist party slip into power without apology without earnest apology would be humiliating for those, who lived through communism and confusing for those born after the velvet revolution.

## **2. From Velvet divorce - 2004 few lessons from our history**

Geopolitics has never seen such an amicable divorce. It is a flawless example of peaceful state division, and the process itself was in many ways impeccable. This was possible due to three factors. Firstly, there was no referendum. Secondly Václav Klaus and Vladimír Mečiar - leaders of Czech and Slovak nations had a strong support after the election and they led all the important meetings. Thirdly, both countries as well as countries in the central Europe, like Poland and Hungary expressed their will to join European integration. European communities (EC), the predecessor of EU, could not allow other than peaceful resolution of conflict among the prospective members. Ambition to join unified Europe, as well as direct involvement of the EC stopped most of the latent conflicts in the central European arena.

The period from 1993 – 2004, had a clear goal and an ample examples to follow. The overall victory of western liberalism throughout the world, gave us a path forward and blueprints for the new institutions were copied from our western neighbours. Czech Republic enjoyed a brief period of fast growth, strong currency and very little unemployment. It was not known at the time, that some gains from the prosperous times were used save unhealthy bank sector, which was threatened by the bad loans from the era of bank socialism.

The triumph of Klaus's market oriented liberalism over Havel's moral politics, followed shortly after disbandment of Civic forum. Civic forum was not a classic political party, but more like a revolutionary movement, in many ways similar to ANC. Klaus's world view prominently formed by A.F. von Hayek, and it was made famous by statements like, there are no dirty money, and we are building capitalism without adjectives. Privatization of the state assets by was supposed to make us all members of capitalist class and owners of production means. It led to creation of irresponsible business elite represented by the schemers like Viktor Kožený. There were some merits of the fast privatization there was hardly any alternative. Non-political politics of Vaclav Havel failed to present viable political alternative. Battle between vulgar and irresponsible capitalism of Václav Klaus and moral but ineffective non political politics of Václav Havel was won before it begun. Vaclav Havel's legacy on the international scene was tremendous. Vaclav Havel as well as Nelson Mandela epitomized change and gave to the new regimes international acclaim and internal moral corrective.

## **3. Politicians and statesmen**

Henry Kissinger, saw the statesmen as a combination of philosopher and politician, or as someone, who is moral and pragmatic at the very same time. Statesman is able to philosophically reflect the common interest of society and formulate a policy, which may contradict the opinion of the majority in society, If a politician is only pragmatic, he can become brutal and unpredictable, if a politician is only moral without a respect for political reality, there is a danger of him becoming either fanatical or ineffective.

Let us examine three great men from Czech Republic and three great men from South Africa and see whether they befit characteristics of politicians or statesmen.

First generation of national leaders includes Nelson Mandela and Vaclav Havel, second generation covers Thabo Mbeki and Václav Klaus and third generation consists of Miloš Zeman (MZ) and Jacob Zuma (JZ).

### *Václav Havel and Nelson Mandela*

Nelson Mandela and Vaclav Havel were both raised in influential families, both were writers and intellectuals and both showed tremendous courage, self discipline and patience under dire conditions. Both men refused a chance to be released while imprisoned. Mandela refused uttering that: A prisoner cannot enter into contracts. Vaclav Havel refused to leave the country despite gave illness.

Mandela and Havel were able to lead the dialogue with the oppressive, but ailing regime of communist Czechoslovakia and apartheid SA. They both have been able to charm and calm representation of the passing regimes, which led to a peaceful transition of power This was the type of political act, that Kissinger was calling statesmanship. It is statesmen-like to meeting your former foe with dignity, rather than with vengeance. This was not only a grand moral gesture, but it was politically sound and effective solution to the situation. Nelson Mandela was a statesman, and his appeal to forgiveness and reconciliation transcended helped to ease tensions, saved the fragile peace of post-apartheid years, and prevented bloodshed.

Vaclav Havel had a grand vision of non political, politics and he put emphasis on morality and civic virtues. He had a strong opponent in premier Vaclav Klaus, who had a different vision for Czech Republic, which was not so important philosophically, but gained support of its citizens after dissolution of Občanské forum. He was a statesman, but he gradually became ineffective.

### *Thabo Mbeki and Vaclav Klaus*

Václav Klaus amassed lot of political power in the years 1993 – 1996. He was prime minister and undisputed champion of the right wing politics. His version of transformation was temporary success and when the problems emerged, Klaus was unable to admit and reflect those problems. What are the connections between Thabo Mbeki and Václav Klaus. They both promoted free market principles and Mbeki promoted direct foreign investments. Klaus was not in favour of foreign investments and he promoted his own coupon privatization. The situation was radically different in SA, where most of the assets were not in the hands of state, and the need for privatization was not so urgent. President Mbeki`s focus on direct foreign investments had an advantage, because the capital and knowhow was flowing from into SA. Financial elite of the era of Václav Klaus tunnelled the whole industrial sectors and money flowed from the Czech Republic to the foreign countries and the debts stayed for the state to take care. State took care and founded consolidation agency, and the financial oligarchy got a chance to buy back the debts they left for the fraction of the price. One more peculiar common trait of Klaus and Mbeki is, that both stubbornly denied something that was universally accepted. Mbeki denied the nexus between AIDS and HIV virus and caused countless personal tragedies by his anti retrovirus drugs stance. Vaclav Klaus denied global warming and the damage he might have caused was lessened by the relative insignificance of Czech Republic in the international scene.

The forefathers` of the revolutionary change were gradually replaced by savvy administrators, stubborn pragmatic men, who had focused on building the economy. Vaclav Klaus`s partially successful economic reform and Thabo Mbeki with preventing radical redistribution of wealth to keep the influx of direct foreign investments.

This does not apply to Slovakia, which had a different man in charge: Vladimir Mečiar. He tried to introduced nationalistic momentum at the time, which surprisingly lasted and in a positive way help to implement important reforms under right wing government of prime

minister Dzurinda.

In 1998 Klaus and his successor Zeman, signed political treaty that was bitter pill to swallow for the voters. It was called the pact of political stability, and it demonstrate on this how the same solution could be in under some circumstances appropriate and under different circumstances harmful. Grand coalition is justifiable after the collapse of oppressive regimes, and detrimental under different political circumstances. The grand coalition of 1998 aimed to divide all the power between the signatories and to change the voting system in their favour. The trust of the people in politics was heavily shattered, after that, even though the Constitutional court did not allow the change of voting system.

#### *Miloš Zeman and Jacob Zuma*

Both current presidents showed tremendous ability to rise again, after being almost defeated. They are earned a reputation of the `peoples presidents` and they are both known for certain type of hedonism. They are labelled populists by their political opponents, but Zuma and Zeman are also able to make a very surprising political move for the sake of public appearance.

Four days ago president Zuma has refused to sign the *secrecy bill*, which suppress the transparency of state institutions and jeopardize free press. This is surprising, because the honourable Jacob Zuma had his personal experience with negative media campaign during the late corruption scandal. Despite that he reused the bill, which has not passed the constitutional standards. This faithfulness to the constitution is in contrast with Czech president Zeman, who disregard the constitutional habits and pushes the constitution to its limits. This does not mean that Zeman as a president does not respect constitution, but it means he does not have regard for anything, that is not explicitly written in the constitution text. This narrow minded legal positivism is not something, that any constitutional lawyer would approve, because constitutions are dependent on the political culture and political habits, and they could not explicitly describe every peculiarity. Zeman`s conflict with constitutional praxis shows something else. It shows that slight change in constitutions could lead to unexpected and undesired results.

All the societies in transition from old authoritative regime into a democracy are vulnerable, because they lack democratic tradition. Every change of constitution puts the system off balance, and this could lead to different results in homogenous Czech Republic and in heterogeneous SA.

Constitutions could be changed, after a careful consideration and even better, when there is an expression of national consensus.

Slight change of constitutional checks and balances might send the whole political system into a dangerous drift. This could be exacerbated by radical racial, social or religious tensions. Czech Republic is homogenous and its society is agnostic politically passive and mostly disinterested in public. The ethnic, cultural religious cleavages in SA are much more prone to the risk of internal conflict in case of political instability. The consequences of opening Pandora`s box of constitutional changes could be severe. President Zuma exhibited statesmanship whilst rejecting the bill that did not pass the constitutional standards. He did it despite his own interest or interests of the political party that propelled him to his position. The question whether Miloš Zeman and Jacob Zuma transcend their populism and prove to be statesmen rather than mere politicians, remains open for the future to tell.

Political systems of Czech Republic and SA, are in some ways similar. Both countries are parliament Republics with the proportional voting system in general elections, both have bicameral parliaments, but South African provinces are closer to the real federation, than Czech districts. ANC, COSATU, Communist coalition secures more than 250 seats in the 400 seat parliament. Thus the internal elections of the ANC and their coalition partners has a huge effect on the SA political elite. But internal party elections sometime does not meet the democratic standards and the members are bribed with money or promise of future posts to vote for particular party candidate. Internal party election favours the loyal and mediocre against the independent and exquisite.

The political crisis, and distrust in the political elite, that we have in Czech Republic is partially due to our own inability to join the political life through political parties. Czech political parties have very small number of party members, and since we do have large constituencies, people do not know their representatives. The ANC, list for general election practically guaranties for candidates up to the 250<sup>th</sup> place seat in parliament. The important question for the latter discussion is how the ANC, COSATU Communist choose the candidates and how the general public hold them accountable.

### **Concluding remarks**

How did we achieve on the road to freedom, democracy, rule of law and integration with the western world? Let us review the goals one by one

#### *Freedom*

In czech Republic we have achieved freedom from oppression. It is the negative freedom or liberty as explained in Isaiah Berlin`s book *Two concepts of liberty* (Berlin, 1958), could be described as an area where a person is allowed to exists without interference by other persons. Example could be freedom to own property anything. We are lacking positive liberties, which Amartya Sen described as freedom to act in the society. This freedom is manifested mostly during the elections at the ballot boxes, which is not enough. Freedom to act manifests through citizen activity that is aiming to the good of the whole society. We have some good capacities there in so called civic society, which is unfortunately repelled by the politics. In short we have successfully achieved freedom from oppression, but we are still learning to actively use our freedoms to act within the society.

#### *Democracy*

Democracy could be positive and negative, as well as freedom. Negative democracy is defined as a process, that legitimizes redistribution of power in the regular voting cycle. Main advantage of negative democracy is that it could work in almost any society. Its main disadvantage is that it does not aim to fulfil long term goals and thus not aim to benefit the whole. Goal of the political parties is to acquire the seats in the parliament and the power those seats represent. Legislative work is a by-product of the struggle for power fight. Schumpeter sees this form of negative democracy as an extension of market economy, where companies does not want to innovate or please customers, those activities are by-products of the competition for financial gains. Personally I do not see a negative freedom as a bad concept, if its customers - us voters are able to push political parties to greater activity for our own good. That would need us to exercise positive liberties to act in society, as mentioned in the previous paragraph. But disinterested voter does not push political actors for greater good.

Hannah Arendt saw the positive democracy in the political structures that were active after a revolution, before the emergence of classic political parties. In case of Czech Republic it was Civic forum (OF), and in Slovakia it was Public against violence or (VPN). Civic forum had a slogan parties are for party members, civic forum is for everybody. This pretty much encapsulates non-political politics of Vaclav Havel. It was a short lived attempt for a positive democracy, where people do care about the state's affairs. What is the nature of ANC, COSATU and Communist political subject? Is it a regular political party seeking the power, or is it political movement carrying the story of victory over apartheid?, ANC and its coalition partners have support of more than 60 percent of voters in three consecutive election and thus becomes the dominant party in SA politics. Inner democratic structure and inner electoral processes of ANC tri-party subject determines the quality of SA political representation, and quality and creativity of the South African democracy.

### *Rule of law*

The rule of law as principle subdues the political will of the rulers to the inanimate written document, which they must obey without exceptions. Our legal system is not without loopholes, and current investigation of corruption in parliament, have been stopped, because of MP's immunity from criminal prosecution. But let us pretend, we have a loop free legal system at the moment. Rule of law works, when all the arms of justice do what they supposed to do. Therefore just judges and incorruptible state prosecutor are essential. The problem of Czech justice system is partially in the non/independent position of state prosecutors. They could not do much against, their own superiors and the superiors are directly responsible to the minister of justice, who is a politician and could influence the investigation of serious offences including corruption. We are now on the verge of several judgments in trials for corruption or criminal offences of influential people. The trials will test the rule of law in our country. Another important component, without which the sense of injustice grows among the citizenry, is the incorruptible police. The scandals with SA Scorpions and scandalous escape of Mr. Krejčíř suggest that our countries could improve in the department of police work.

To close this part with some optimism it is appropriate to praise Slovak's reform of the prosecution system promoting more independence for the prosecutors and personal valour and professionalism of Czech chief prosecutor Mr. Pavel Zeman.

One area which could be pronounced a success is the international politics. Reorientation of the foreign policy of Czech and Slovak Republics from east to west was a complete success. Both countries are in the NATO and also full-fledged members European Union. It was a Czech dream to be integral part of west for many centuries and in the 2004 the dream has come true. Unfortunately this led us to a certain disillusion, because when we arrived to Europe, we had to share the structural and financial problems of the European Union. The chances to actively seek solutions to those problems are greater if the Central European nations coordinate their efforts through partnerships like Visegrad group (V4) Poland, Hungary, Slovakia and Czech Republic shared embassies and the relations between the partner countries are good. NATO and the whole north Atlantic link forms unprecedented security safeguard. Slovakia is doing great job on promoting their diplomats to the important international bodies. Mr. Lajčák and Mr. Kubiš, and Dr. Tomko are bright examples of their success. Unfortunately Czech Republic was paralyzed by the dispute, between president and government and we were not able to appoint diplomats on the important missions including Russia and Slovakia.

Despite the long stream of successes, Czech Republic in the 21<sup>st</sup> century lacks the clear goals

of the 1990. Great story of our return to the west is over. The west has problems and challenges of its own and we have to share them. One of the challenges is so called rise of the rest. SA recently joined the BRIC countries and BRICS was established. In terms of international politics South Africa is moving on a different trajectory, than Czech Republic or Slovakia. Only future will tell, whether we will face the decline of the west and rise of the rest, or whether the west will retain its power to inspire people outside and inside his geographical territory as an example of freedom, democracy and rule of law.

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