



COUNTRY REPORT

SOVEREIGN:

The Revival of Sovereignty in Central and Eastern Europe and the European Union

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COUNTRY STUDY:

SLOVAKIA

INTRODUCTION

This report examines how the concept of sovereignty is understood in Slovakia, considering descriptions of state characteristics, legal meaning, and its understanding in the public discourse. The study is organised twofold. While the sovereignty is understood extensively in law and political science, the material conditions of Slovakia show that it is (1) overlapping due lack of precise understanding individually, and therefore rather being understood intersectionally as provided by the interpretation of the Constitution, and (2) confusing the sovereignty with national/constitutional identity or national interest. The study provides both perspectives, understanding the fundamental constitutional framework as well as the political discourse, operationalising the state doctrine in practical terms.

The legal basis for the study is the constitutional framework, understanding sovereignty as the fundamental principle of the sole existence of the Slovak Republic. With membership in the European Union, the doctrine developed to understanding that while Member States retain this sovereignty, the European Union is organised in a so-called supranational system – this means that each member state delegates part of its powers to the institutions of the European Union, in exchange for full representation in these institutions and participation in common decision-making. By joining the European Union, Slovakia did not lose its sovereignty, but merely voluntarily transferred part of it to common European institutions. The European Union can only make decisions where its prescribed powers allow it to do so, in compliance with Article 4 of the TEU. The framework and the legal doctrine faced in 2025 the extraordinary challenge, which resulted in the Constitution's amendment, introducing a new article on the national interest as a defensive instrument to protect state sovereignty.

The study is based on the official program declarations of the Slovak Governments from 2002 to 2027. The program declaration is a formal document that is both addressed to the National Council of the Slovak Republic and to the general public. It includes the government's view of its own role, of the key areas in which it intends to act, of the limitations under which it operates, and of its time horizon. Therefore, it represents a form of hybrid document, partly party manifestos, partly legal document, and partly self-legitimizing narratives.

Sovereignty has never had a long-term stable phase of development as a core aspect of Slovak political identity or democratic self-consciousness, unlike in older nation - states. Therefore, the question of this research does not solely concern whether the Slovak Governments have defended or contested sovereignty. Rather, the primary questions of this study are: Has sovereignty ever functioned as a significant concept in the official political language of the Slovak Executive, or whether it is rather used strategically and instrumentally to mobilize political support behind an imagined, simplified and distilled concept?

Analysis of Slovak government program declarations from 2002 to 2027¹, combined with political discourse of the Slovak National Council, provides an opportunity to explore how the political authority positions and legitimizes itself, and how it views the relationships between the state, the people and external political order(s). The objective of this paper is to determine if sovereignty functions as a dominant concept in state doctrine, or if alternative frameworks of legitimacy displace it.

To make for analytical clarity, sovereignty has been interpreted in three interconnected forms: (a) state sovereignty refers to a state's supremacy within a territorial boundary and its independence in the area of foreign policy (Weber, 1946; Crawford, 2007); (b) national sovereignty describes the people as the ultimate political authority (Grimm, 2015; Habermas, 2015); (c) functional sovereignty refers to the ability of a state to make effective decisions and to achieve results (Krasner, 2004), with functional sovereignty being the most frequently used substitute for the traditional concept of sovereignty in today's governance.

¹ The government program declaration is adopted for period of 4 years, therefor the foreseen data are counted to 2027, covering also the program declaration of the government in the office for the period of 2023 – 2027.

Rather than analysing the frequency of individual terms, the study will focus on the structure of meaning in the use of terms: which concepts do Slovak governments use to define their authority over the state? How has the meaning and scope of sovereignty developed? Which issues will they identify as politically relevant and which will they depoliticize? Which basic conceptual categories will they refrain from articulating altogether?

EVOLUTION AND CONTEMPORARY MEANINGS OF THE CONCEPT OF SOVEREIGNTY IN SLOVAKIA

Slovakia is understood as a sovereign country, providing in Article 1(1) of the Constitution. The provision refers to the foundation of the sovereign Slovakia as of 1 January 1993, by declaring “The Slovak Republic is a sovereign, democratic state governed by the rule of law. It is not bound to any ideology or religion.” Beyond that, the sovereignty is used only one more time in the Constitution, in Article 34(3) of the Constitution, by understanding the sovereignty as the limit for the exercise of rights of minorities: “The exercise of the rights of citizens belonging to national minorities and ethnic groups guaranteed by this Constitution must not lead to a threat to the sovereignty and territorial integrity of the Slovak Republic and to discrimination against other population.” In a historical context, the Constitutional Court of the Slovak Republic has protected sovereignty primarily in matters of international obligations (e.g., the Mečiar amnesties case, which examined the limits of a state's sovereign decision-making power and international legal rules). In the context of the Slovak membership in the European Union, the Constitutional Court of the Slovak Republic has held that sovereignty is transferred (shared) based on Article 7(2) of the Constitution of the Slovak Republic. The sovereignty of the state is therefore not extinguished but transformed into the joint exercise of power. In its ruling, the Constitutional Court of the Slovak Republic indicated that if EU law or a decision by EU authorities (e.g., the Court of Justice of the European Union) exceeded the limits that would alter the essence of the democratic rule of law or the constitutional identity of Slovakia, the Constitutional Court would have to intervene (Constitutional Court of the SR (2011)).

In 2025, the Slovak Constitution was amended, introducing two more provisions particularly focused on the sovereignty and protection of national identity. While the clause of Article 7(6) "The Slovak Republic maintains its sovereignty primarily in matters of national identity, consisting mainly of fundamental cultural and ethical issues relating to the protection of life and human dignity, private and family life, marriage, parenthood and family, public morality, personal status, culture and language, as well as decision-making on related matters in the areas of health care, science, upbringing, education, personal status and inheritance." and provision of Article 7(7) provides, that nothing in the Constitution or constitutional laws can be interpreted as the Slovak Republic's consent with the transfer of competences in areas of national identity. From this perspective, the Constitutional Court continues in its case law and emphasizes that even though EU law takes precedence over national laws, the core of constitutionality (the constitutional identity of the Slovak Republic) remains under the control of the Slovak Constitutional Court.

The constitutional amendment introducing the national identity as the defining scope of sovereignty was extensively discussed in the legal auditorium. While the more European perspectives provide arguments against the constitutional regulation as obsolete, following the jurisprudence of the Court of Justice of the European Union (Mazák, 2025), the other angle is represented by the national constitutional identity's perspective (Balog, 2025). The latter one argued, that "the basis for protecting the national constitution and its values is precisely the concept of national (constitutional) identity, according to which certain core elements of the constitution or its value base is immune to the primacy of EU law." Here the Slovakia took a big shift in understanding sovereignty strongly defined as the national identity. This contradicts for example, attitudes toward national sovereignty in the EU and the deepening of European integration. In 2017, 44% of those who favour preserving sovereignty also favour deepening integration. (Gyarfášová, 2017). At the same time, the respective prime minister's attitude to "the core of the EU" – presupposes greater integration, which, on the other hand, means curtailing the national sovereignty of Member States within the European Union.

EUROPEAN SOVEREIGNTY AND THE LIMITS OF SLOVAK NATIONAL PERSPECTIVES

After its foundation in 1993, the Slovak Republic could not rest on its newfound sovereignty, due to the decisions of the previous state entity linked to succession to legal relations ensured international acceptance and credibility for the newly established sovereign country. One of the main driving forces behind the sovereignty divisions and transfer of competences to international authorities and organisations was the ultimate effort to integrate into the economically successful and politically recognised organizations, including the process of European cooperation. In this regard, one can also mention the so-called sovereignty conundrum (Baraník, 2019: 56). As Baraník outlined, according to this theory, the former post-communist countries of Central and Eastern Europe, after long periods of oppression in the shadow of the Soviet Union, sought to immediately—at least partially—cede their newly acquired and hard-won sovereignty to the European Union. The value of sovereignty thus became a virtually unknown concept for several generations.

The Slovak Republic took a significant step toward European integration with the 2001 constitutional amendment (Slovak Republic, 2001). Through the provisions of Article 1(2) and Article 7, a basic legal framework was established for the Slovak Republic's accession to supranational integration groups, including the EU, with the relevant constitutional provisions reflecting the concept of the divisibility of sovereignty as a prerequisite for the transfer of powers from Slovak authorities to EU institutions.

Nevertheless, the relationship between the Slovak constitutional order and EU law has not yet been satisfactorily clarified in legal doctrine. In some of its early decisions, the Constitutional Court indicated a tendency toward the unconditional acceptance of the EU legal order (Constitutional Court, 2011; Constitutional Court, 2015), which is relatively unusual in the European context. In the process of integration, most EU member states have gradually established a sort of implicit safeguard for the constitutional order, linked to national identity. However, this approach challenges the concept of so-called “binary sovereignty” (Hamulák, 2013: 66-68) by setting boundaries regarding the extent to which an EU member state exercises sovereign powers and where the limits lie for the transfer of powers to Union bodies that can exercise these powers more effectively. Currently, however, the Constitutional Court of

the Slovak Republic has also adopted, within the framework of recognizing the “material core of the Constitution,” (Constitutional Court, 2014) the view that the protection of the principles of a democratic and constitutional state and the so-called imperative of immutability are the two fundamental principles of the material core and thus the implicit foundation of the Constitution. In the context of sovereignty, it is precisely the second pillar—the imperative of immutability—that comes to the fore. The Slovak government invoked this principle when submitting the amendment to the Constitution of the Slovak Republic in 2025, arguing by national identity, which takes precedence over international obligations and, in particular, obligations toward the EU, should they limit the sovereignty of the Slovak Republic (Slovak Republic, 2025a) The extensive approach provided in the latest constitutional amendment refers to the so-called “cultural and ethical core” of the Constitution, and it is expressly stipulated that no powers have been transferred to supranational institutions in the areas of the protection of life, family law, public morality, and personal status (Slovak Republic, 2025b) due its consideration of the core of the national identity, sovereignty and material core of the Constitution. The legal approach to sovereignty, whether national or European, has thus undergone a fundamental shift in the Slovak context in recent times.

SOVEREIGNTY IN STATE DOCTRINE AND POLITICAL DISCOURSE

Beyond the legal framework, the operationalized version of sovereignty exists in the government programmes, which articulate sovereignty discursively. As each government provides its own programme, requiring the obligatory vote of confidence to the government, the definition and its extent varies This report investigates if and how sovereignty is articulated, substituted, or silenced in the discourse of the executives. Particular attention is paid to the relationship between sovereignty, European integration, state functionality, democratic legitimacy, and popular political agency. The findings show that sovereignty does not necessarily function as a dominant or organizing concept in Slovak governmental self-assessment. In contrast, sovereignty is often replaced by integrative, technocratic, and managerial vocabularies that reconceptualize state authority as compliance, efficiency and governance capacity. The results show how Slovak statehood has been understood and narrated by governing elites via the discursive configurations.

State sovereignty is a fundamental part of modern statehood and a subject of debate within the field of political science, IR and international law (see MacCormick, 1999). Although the concept of sovereignty is still valid as a legal principle, it has been often described as being eroded, pooled, transformed (Adler-Nissen and Gammeltoft-Hansen, 2008), or made obsolete by the processes of supranational integration and globalization (Sassen, 1996).

SOVEREIGNTY AND STATE DOCTRINE

The concept of state sovereignty is closely linked to the state itself. In legal theory, it is associated with the formation of the state and is considered an essential element for the exercise of power within the state. The traditional understanding of state sovereignty could be characterized as the state's unrestricted, supreme, and highest power to act. No other power within the state's territory can be superior to it. It is precisely sovereignty that is superior to all others as the highest power, and other powers must respect it. The purpose of sovereignty is the autonomy of the state, which is understood to mean that a sovereign state is autonomous in its actions both internally and externally.

In legal discourse regarding the Slovak Republic's accession to the EU, there was also debate over whether the country, through its membership, voluntarily waived part of its sovereignty in favor of common European goals. According to the provisions of Article 7, Paragraph 2 of the Constitution of the Slovak Republic, the ratification of the Treaty of Accession of the Slovak Republic to the EU did not result in a restriction of the Slovak Republic's sovereignty, but rather in a "transfer of the exercise of rights" to the EU. In legal theory, this situation is also characterized as fragmentation or, alternatively, the sharing of sovereignty. However, this debate did not exist in the Slovak Republic in isolation; rather, it contextually divided opinions into optimists and pessimists across EU member states. Eurosceptics speak of a complete loss of state sovereignty, including the loss of national identity in a united Europe and the suppression of national culture. As a Czech analyst noted in 2004 upon the Slovak Republic's accession to the EU: "Joining the Union means sacrificing national sovereignty. Sovereignty means that legislation in force on the territory of a sovereign state falls exclusively within its jurisdiction. However, legislation created at the level of EU

institutions also applies to those member states that did not agree to it.” (SME, 20024). A contrasting, Euro-positive approach to sovereignty and a country’s EU membership was presented by a Polish negotiator, according to whom “European integration, on the contrary, creates the best conditions for the exercise of national sovereignty. Membership in the Union is not associated with a loss of sovereignty, but with gaining influence over EU decisions and the shaping of its policies.” (SME, 2004)

However, legal discourse in the Slovak Republic in this context has reflected the concept of so-called positive sovereignty, which is understood primarily as the concept of “competence to confer powers” (Oeter, 2006:71 in Baraník), i.e., the authority of an entity to create powers. Various bodies may exercise powers, but only the state has the right to create and subsequently distribute them. State sovereignty thus manifests itself on two interconnected levels. A state ceases to be a state the moment it loses its competence to confer powers and, with it, its sovereignty. (Cibulka, 2017: 31-32). Baraník also endorses the concept of the divisibility of sovereignty, which allows for the transfer of the exercise of part of the powers originally allocated to the sovereign nation-state, stating that “shared ideas have become the driving forces behind the existence of the European Union. On the European continent, common denominators of integration have been successfully established through neutral yet very strong arguments” (Baraník, 2019:52). Common values are thus defined directly in the founding treaties, which respect the sovereignty of nation-states and establish the legal framework for EU membership. Article 2 of the Treaty on European Union states that “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men prevail.” The values cited are the fundamental principles of constitutionalism in the EU Member States, including the Slovak Republic.

Beňa (Beňa, 2022) also outlines a similar approach to the European concept of sovereignty in the postmodern era, arguing that sovereignty can be understood as fragmented, pluralized, and functional. In his view, the traditional concept of sovereignty need not be rejected or abandoned, but rather redefined and preserved. In this sense, he continues to regard the Constitution of the Slovak Republic as the source of the original sovereignty and legislative power of the Slovak Republic, though

not as the actual exerciser of the powers that constitute the category of state sovereignty.

SOVEREIGNTY IN SLOVAK GOVERNMENT DISCOURSE

Sovereignty is conceived of here as a discursive object: a concept whose political significance depends upon how, where, and whether it is invoked by those exercising power in the state. Sovereignty is rarely used as a central concept for understanding state authority or the legitimation of action in the analysed program declarations. Its absence is significant since Slovakia became an independent state in 1993 and would therefore have been expected to emphasize sovereign statehood in its own political self-presentation.

Political authority in the government's discourse is framed primarily through reformist and integrationist narratives, not through sovereignty. The 2002–2006 Program Declaration describes Slovakia as being at "historic moments" and obliges the government to take "decisive steps by which Slovakia will definitely enter into the community of European democracies and become a member of the EU and NATO" ("urobiť rozhodujúce kroky, ktorými Slovensko definitívne vstúpi do spoločenstva európskych demokracií do EÚ a NATO"). This framing situates state authority toward external integration rather than within the sphere of self-determination. For instance, with regard to security and defense policy, NATO membership is portrayed as a guarantee of collective security (e.g., 2002–2006; 2006–2010), rather than a limitation on sovereign decision-making.

More often than not, declarations of the Slovak governments present the role and legitimacy of the state through alternative vocabularies, rather than through sovereignty. European integration is portrayed as a culmination of historical necessity and a normative good. Membership in the European Union and NATO is often characterized not as a political decision that involves the delegation of authority, but as a necessary step in Slovakia's democratic and civilizational progress (PVV 2002–2006;). The framing of membership facilitates a vocabulary of preparation, reform, and accession, without sustained discussion of delegation or limitation of sovereign authority in any detail. There has also been little to no discussion about the

constitutional safety nets as a boundary-setting instrument vis-à-vis supranational authority.

If sovereignty appears at all in this area, then it is mainly in an operational sense. For instance, in the 2002–2006 Declaration, sovereignty is mentioned mainly in defense policy, in connection with airspace control and interoperability with NATO, in formulating references to the protection of „air sovereignty“ („vzdušnej suverenity“, 2002–2006). Sovereignty refers to a technical characteristic of military capability and not to a political principle of state authority.

With regards to the relations with the United States and NATO, discourse is characterized by emphasis on collective security, alliance commitment, and compatibility of equipment and technology. However, there is no reference to strategic autonomy or to sovereign discretion with regard to defense policy. Security is portrayed as a joint responsibility within existing alliances, not as an expression of independent state power.

Interestingly, in sections concerning Foreign Policy – European Union and Preparation for EU Membership, the declarations emphasize "harmonization of legislation," "approximation to EU law," and "preparation to act as a member state" (2002–2006). In a similar manner, also here, sovereignty (suverenita or zvrchovanost') does not appear as a counter-concept or as a value that could be in opposition to integration. The European integration process is depoliticized and moralized, leaving little discursive space for reflections on sovereign decision-making or limits to delegating "core state powers" to supranational bodies.

Globalization of the economy and foreign investment are discussed at length, above all with regard to privatization and competitiveness, but without any reference to economic sovereignty or to the exercise of state control over multinational capital (2002–2006; 2012–2016). The state does not portray itself as a counterweight to corporations or to global capital. Economic problems are framed in terms of regulation, competitiveness, and compliance with international regulations rather than in terms of the exercise of sovereign power or of autonomy.

In the 2006–2010 manifesto, sovereignty is merely a part of a broader system of complex values of liberalism and democracy. The government promises to protect "security and human rights, sovereignty, freedom, democracy and the rule of law" ("chrániť a brániť bezpečnosť a ľudské práva, suverenitu, slobodu, demokraciu a právny štát" 2006–2010); however, it provides no further explanation of how sovereignty as a source of political conflict, constitutional identity or democratic self-determination would be developed.

More explicit political uses of sovereignty emerge in the 2010–2012 manifesto. In the section on European Policy, the government announces its intention to protect "preservation of the sovereignty of Member States" ("zachovanie suverenity členských štátov") in areas like economic and social policy and to refuse "any interference with the sovereignty of the Slovak Republic" ("zasahovanie do suverenity Slovenskej republiky"; 2010–2012). In this case, sovereignty is understood more narrowly as relating to jurisdictional competency of a member state and as an area of non-interference, rather than as a popular self-rule.

In the 2012–2016 programme, we have witnessed that sovereignty is incorporated into the terminology of international law. The programme repeatedly stresses the need to strengthen the enforceability of international legal obligations as a means of protecting „the sovereignty of the state“ („ochrana suverenity štátu prostredníctvom posilnenia medzinárodného práva“) (2012–2016). In other words, sovereignty is depicted as being protected through legal regimes rather than through autonomous political authority of a state. The legally oriented and defensive frame is strengthened even further in the 2016–2020 programmes. In parts of the document dealing with minority rights and constitutional principles, the government pairs the protection of minorities with the „respect for state sovereignty and territorial integrity“ („rešpektovanie štátnej zvrchovanosti a územnej celistvosti“ 2016–2020). Here, sovereignty serves primarily as a limitation for determining the range of its own rights and of international commitments.

These examples demonstrate that sovereignty does not represent a dominant idea or concept in Slovak state doctrine. Instead of being either contested or reinterpreted, it has been placed in the background of the political discourse, and its functions have

been replaced by alternative concepts that render explicit sovereignty claims unnecessary.

Independence in the examined manifestos is represented primarily as an implicit historical fact rather than as a political principle that is actively pursued. The existence of the Slovak Republic as an independent state is somehow pre-given and presupposed. Independence does not serve as a value that needs to be protected or renewed. It is not related to current or future political struggles or decisions. Therefore, independence without sovereignty is a factual description, rather than a normative feature defining Slovak statehood.

These forms of representation suggest a conception of the state as an administrative and legal entity embedded within a larger set of normative structures, rather than as a political community that asserts its own ultimate authority independently. Sovereignty does not require defense nor opposition; it is simply not expressed as a relevant category of political self-understanding.

One of the primary findings of the research is that, except for the incumbent government's manifesto, sovereignty is rather absent as an explicit organizing idea in Slovak government declarations. The few times when the words used to denote sovereignty have appeared, they have been very rare and served to structure political argumentation rather than creating an analytical category. This is even more remarkable because sovereignty has played a central role in constitutional theory, and in many parts of Europe has become a major issue in public debate.

SOVEREIGNTY AND THE CRISIS OF INTERNAL STATE FUNCTIONS

The Slovak government declarations usually dedicate much of time to diagnosing the reasons for internal state dysfunctions such as corruption, public administration inefficiencies, budgetary imbalances, and poor enforcement of laws. Each of these dysfunctions is viewed as being a major obstacle to what they conceive of to be a good governance quality and citizen confidence in their government. The 2002–2006 declaration expresses a commitment to "the intensification of the struggle against corruption" and to create "an effective, lean and not so costly state" („efektívny, štíhly a nie drahý štát“). Similar language is used in subsequent declarations, while stressing

the need for reform (reforma), efficiency (efektívnosť), and of course transparency (transparentnosť).

These issues, however, are not conceived of as being crises of sovereignty or authority per se. Instead, they are seen as being the result of managerial and institutional inadequacies (2002–2006; 2010–2012; 2021–2024) of the previous governments. Usually, the proposed solutions, similarly, rely on reform, new institutional design, better management, optimization and conformity with internationally accepted standards, thus further reinforcing a view of the state as a provider of a service instead of a sovereign political authority (2006–2010; 2012–2016). As such, the concept of sovereignty was not invoked as either a diagnostic or remedial tool when identifying internal weaknesses of the state (2016–2020).

Implicit in the reasoning is that more effective governance will be able to correct the deficiencies of the state without the need for a rearticulating sovereignty. This framing consequently depoliticizes the crises of the state and renders it solvable via administrative reshuffling.

NATIONAL SOVEREIGNTY, DEMOCRACY, AND POLITICAL AGENCY AND CITIZENS' POLITICAL AWARENESS

National sovereignty as a source of popular legitimacy is absent from the government programmes under analysis. Citizens are portrayed as someone who gives a mandate to be governed or as recipients of public policy, not as a sovereign political subject (2002–2006; 2012–2016). They are not actively engaged in participating in collective democratic governance processes. The language of constituent power or popular sovereignty as a living principle is simply absent.

Slovak government declarations present EU integration as a mechanism to enhance democracy through standardization, stabilization, legality, and the rule of law (2010–2012; 2016–2020), rather than as a reduction in democratic self-governance. Thus, sovereignty is not consolidated as a form of democratic protest or renewal, but remains discursively marginal, at best (2021–2024).

The gap between the elite discourse and potential citizen concerns about sovereignty is obvious. Sovereignty may appear as a politicized issue, if at all, exactly because it

has been absent from official language. The lack of sovereignty emphasis in executive discourse suggests that there is no strong institutional support for the concept from those in power and the state itself. Should sovereignty emerge in popular or populist discourse, it would do so at the expense of, rather than as an extension of, governmental narratives.

There is, however, a qualitative change in the 2021–2024 manifesto, which explicitly states that although integrated into international systems, "Slovakia remains a sovereign state" („aj po našej integrácii ... zostávame suverénnym štátom“; 2021–2024). The programme here points out that sovereignty is being challenged by "new non-state actors," showcasing a reflection of potential effects of globalization on the constitution of sovereignty.

This trend reaches culmination in the 2023–2027 programme, where sovereignty is presented more explicitly than ever before, especially constitutionally and geopolitically. The declaration refers to article 1(1) of the Constitution, stating that Slovakia is "a sovereign, democratic and legal state" („zvrchovaný, demokratický a právny štát“; 2023–2027). Furthermore, it repeatedly underlined that with this government, the Slovak Republic will assert and promote sovereign policy in the field of foreign relations, trade, security, hybrid threats, and defense matters. Here we can witness that sovereignty is claimed more as a condition of territorial integrity and of the international order rather than as a principle of popular democratic self-government (2023–2027).

LATENT APPROACH TO SOVEREIGNTY IN THE PARLIAMENTARY DISCOURSE

In the later documents, issues connected with digitalization and informatization are discussed almost entirely from the perspective of increasing efficiency and modernizing processes, while the concepts of „data sovereignty“ and „technological sovereignty“ (2021–2024) are not invoked.

Discourse about European sovereignty is almost non-existent in Slovak parliamentary discourse. There is no mention of European sovereignty. The only mention of strategic autonomy of the EU comes in the context of the Conference on the Future of Europe: "So the European Union is being called upon to pick up power from the ground, but so far this is not happening, and I believe that a very important part of the discussions on

the Conference on the Future of Europe should be a discussion on the strategic autonomy of the European Union, so that we can generate – whether it be the future of our European army or a more assertive foreign policy going forward."

Between 2004 and 2023, there were 778 parliamentary speeches (out of 288,685) that contained any reference to sovereignty (keywords: "suverenita" and "zvrchovanost"), which represents 0.27% of the speeches. 124 of these speeches contained two and more references to sovereignty (0.05%). 592 speeches that contained a reference to the sovereignty also contained a reference to the EU (keywords: "EU" or "eur" stem).

THE ROLE OF REGIONAL COOPERATION IN BUILDING SOVEREIGNTY

Slovak governments (2012–2016; 2016–2018; 2018–2020) consistently framed Visegrad cooperation not as a supranational constraint but rather political tool for asserting Slovak sovereignty within European intergovernmental structures. The underlying logic was straightforward: a small member state operating in isolation within the Council of the EU could face structural marginalization, whereas alliance building among four states converts into credible bargaining leverage. This framing acquired particular salience during the 2015–2016 refugee crisis. The V4 was instrumentalized as the vehicle for opposing mandatory relocation quotas, with joint statements issued ahead of European Council and Council sessions publicly presented as evidence that Slovakia was co-authoring regional counter-position. Pre-Council coordination meetings were communicated domestically as arenas in which Slovakia actively shaped common Central European position before entering the larger negotiating forum.

Slovak position differed meaningfully from that of its partners. Hungarian communication embedded V4 solidarity within a broader illiberal-civilizational framework, while Poland consistently treated the V4 as secondary to its ambitions for regional great-power status. Slovak framing was comparatively pragmatic, where Visegrad cooperation signified a voice-amplification mechanism.

This instrumentalism simultaneously reveals also V4's limits. Cohesion was largely conjunctural, activated by a specific conflict with Brussels and visibly strained where member interests diverged. With governmental changes taking place in the region in

the early 2020s and conflicts over the rule of law, the bloc lost the coherence which sustained its visibility. The enhancement of sovereignty narratives overstated the depth of coordination—the V4 functioned as a situational coalition whose contribution to Slovak sovereignty was as constructed discursively rather than representing a structural reality.

OVERVIEW OF THE USE OF SOVEREIGNTY IN THE GOVERNMENT PROGRAMMES 2002–2027

Government period	Key context emphasized in the manifesto	How sovereignty is utilized and articulated	Dominant substitutes
2002–2006	Historic transformation and accession period; emphasis on EU and NATO entry, deep structural reforms, modernization of the state, decentralization, and administrative efficiency; legitimacy grounded in preparedness and reform capacity.	Sovereignty is largely absent as a political or constitutional concept . Where it appears, it is confined to technical-operational contexts , particularly defense (e.g. protection of “air sovereignty” – <i>ochrana vzdušnej suverenity</i>). No articulation of sovereignty as democratic self-determination or constitutional authority.	European integration as a horizon combined with managerial state reform (efficiency, modernization, compliance).
2006–2010	Consolidation after EU and NATO accession; focus on social stability, security, and continuity; EU and NATO membership treated as settled frameworks rather than political choices.	Sovereignty appears only rhetorically , embedded in abstract value clusters alongside freedom, democracy, and the rule of law (<i>suverenita, sloboda, demokracia, právny štát</i>). It is not developed as a source of conflict, authority, or democratic agency.	Liberal-democratic value consensus and security through alliances .

2010–2012	Governance reform, fiscal responsibility, and a more cautious approach to EU regulation; emphasis on competence allocation and resistance to excessive supranational interference.	Sovereignty becomes explicit but narrow , framed primarily as jurisdictional competence and non-interference . The manifesto stresses preservation of “sovereignty of member states” and rejects “interference in the sovereignty of the Slovak Republic,” without linking sovereignty to popular power or constitutional identity.	Competence-based constitutionalism and subsidiarity within the EU .
2012–2016	Stability, predictability, and social cohesion; strong emphasis on international cooperation, legal certainty, and continuity in EU policy.	Sovereignty is articulated through international law , presented as something protected by stronger enforceability of legal obligations (<i>ochrana suverenity štátu prostredníctvom posilnenia medzinárodného práva</i>). It is externalized into rule-based multilateral order.	International legalism and rule-based multilateralism .
2016–2020	Internal cohesion, governance capacity, and stability; attention to identity-sensitive issues (minorities, constitutional principles) without politicizing state authority.	Sovereignty functions defensively , primarily as state sovereignty and territorial integrity , especially as a boundary condition in minority-rights discourse (<i>rešpektovanie štátnej zvrchovanosti a územnej celistvosti</i>). It is not generative or democratic.	Territorial integrity and constitutional order as protective constraints.

2021–2024	Crisis governance and institutional renewal; rule of law, resilience, and modernization; awareness of globalization and non-state actors.	Sovereignty is explicitly acknowledged and reflexive . The manifesto states that Slovakia remains a sovereign state even after integration, while noting pressures from non-state actors. Sovereignty is recognized but reframed as constrained and adaptive .	State resilience, governance capacity, and adaptability under globalization.
2023–2027	Geopolitical instability (war in Ukraine), security, and constitutional reaffirmation; emphasis on order, state continuity, and constitutional foundations.	Sovereignty is articulated most comprehensively . It appears both constitutionally (explicit reference to Article 1(1): <i>zvrchovaný, demokratický a právny štát</i>) and geopolitically (defense of independence, sovereignty, and territorial integrity of Ukraine). However, it remains primarily state-centered , not popular.	Constitutional identity and geopolitical sovereignty , partially restoring doctrinal weight to sovereignty.

SOVEREIGNTY IN LEGAL AND CONSTITUTIONAL DISCOURSE

The interpretation of sovereignty within the context of Slovak legal and constitutional discourse covers a wide range, even though “sovereignty” itself has no definition or interpretation beyond a direct reference to it in the Constitution. Therefore, from the perspective of legal and constitutional discourse, we analysed the use of sovereignty in a broader sense, including as constitutional identity or national interest, since these concepts not only correlate with one another but are also considered, in many situations, to be either synonyms or interconnected categories. The overall analysis is limited, considering the scattered and implicit approach and lack of unified approach to understanding sovereignty.

Historically, the analysis of the Constitutional Court's case law revealed only one case referring to state sovereignty explicitly and one case providing the constitutional identity in its legal sentence. The state sovereignty was mainstreamed in finding IV. ÚS 478/2023, when the Constitutional Court ruled that "The application of Article 5(3) and (7) of the Constitutional Act NO. 357/2004 Coll. of laws on protection of public interest in exercising to public authority, to the activities of a public official outside the territory of the Slovak Republic, as specified therein, does not constitute an act that, in and of itself, infringes upon the sovereignty of other states or violates the rules of international law." (Constitutional Court, 2023)

In finding IV. ÚS 86/2022, the Constitutional Court reviewed the individual application based on Article 127 (1) of the Constitution. Although the application was dismissed, the justification refers to the competence of the Slovak Republic in taxes as the exclusive competence of the sovereign state, which was not conferred to the European Union by the accession (Constitutional Court, 2022)

In the case of "**constitutional identity**", the Constitutional Court had received 6 applications, out of which only 2 had been concluded by the ruling, while the other 4 decisions had been of a procedural character. While in the first case, the CC ruled in the individual constitutional complaint according to Article 127 (1) of the Constitution (Constitutional Court, 2025a), in the other case refers to the sovereignty provision of the Constitution, in the proceeding based on Article 125(1) letter a of the Constitution. In this case, which attracted significant media attention, the Constitutional Court ruled on the unconstitutionality of Act No. 109/2025, amending Act No. 213/1997 on nonprofit organizations providing services of general interest and amending certain other acts (Constitutional Court, 2025b). This law imposed an obligation on nongovernmental organizations (hereinafter "NGOs"), provided their revenues exceeded a specified threshold, to prepare a report containing information on the individuals who contributed to the NGO's activities, as well as the amount of their contributions. At the same time, it established the obligation to file the report in the public section of the register of financial statements. The law also amended the Freedom of Information Act such that NGOs are also considered obligated entities if they have received public funds. In the opinion of the bill's sponsors, information about NGOs' financial sources, particularly from abroad, could potentially interfere with issues related to

constitutional identity or matters falling under Slovakia's sovereignty. The Constitutional Court found that the disclosure of data on contributors and the amount of their contributions disproportionately infringes upon their right to privacy. This is not necessary to achieve the stated objectives (transparency and the fight against criminal activity). These objectives can also be achieved by less intrusive means, as was the case under the previous legislation.

The term "**national interest**" is linked to **sovereignty**, which provided the legal basis for an additional 10 applications submitted to the Constitutional Court. Out of that, eight applications were decided based on Article 125 (1) of the Constitution, ruling on constitutional conformity. In the Constitutional Court's finding II. ÚS 152/2025, the court consistently confirmed the approach on sovereignty containing the meaning of the transfer of powers to the EU and supremacy of EU law: "The approach adopted by the Supreme Court to ensure that judicial practice is consistent with European Union law—consisting in refusing to apply a provision of domestic law that is manifestly contrary to a directive and the case law of the Court of Justice of the European Union— is considered by the Constitutional Court to be correct and constitutionally acceptable both at the level of the Supreme Court's unifying opinion and in the adjudication of individual cases by general courts. It is the duty of national authorities applying the law to ensure the full effect of the directive and the case law of the Court of Justice of the European Union and, to this end, to adopt effective measures, including, where necessary, the refusal to apply a provision of national law that conflicts with a European directive." (Constitutional Court, 2025c). The other application was dismissed, while the last one was an individual complaint based on Article 127 (1) of the Constitution.

DOMESTIC GUARDIANS OF SOVEREIGNTY

Under national law, several principles of the rule of law are essential to the proper functioning of the state; these include, in particular, the protection of fundamental rights and freedoms, legitimacy and legality, the sovereignty of the people, the separation of powers and the system of checks and balances, the supremacy of the constitution and the law, and legal certainty.

As the concept of sovereignty is rather latent both in the legal and policy discourse, the guardians of the sovereignty are rather twofold. Based on the principle of separation of powers, the supreme guardian of the sovereignty is the **Constitutional Court of the Slovak Republic** (hereinafter referred to as CC SR or Constitutional Court), which shall be an independent judicial authority vested with the mandate to protect constitutionality (A124 of the Constitution). It is a judicial body with a specific mandate, jurisdiction, and powers to implement it, as provided in Article 125 of the Constitution. It is independent of other constitutional and state authorities. The Constitutional Court is not subordinate to or accountable to any other public authority or to Parliament. Its status and activities are in line with the principle of the separation of powers.

In this regard, especially in terms of competence to review the conformity of international treaties, the Constitutional Court is authorised in Article 125, para 1(a) of the Constitution to “decide on the conformity of acts with the Constitution, Constitutional Acts and international treaties to which the National Council of the Slovak Republic has expressed its consent and which were ratified and promulgated in the manner laid down by law”. Such proceedings serve as a constitutional mechanism for overseeing compliance with the principles of the rule of law, as well as sovereignty and the national interest. However, despite the existence of this ex ante constitutional option, the Constitutional Court has not yet assessed the compatibility of an international treaty with the Constitution of the Slovak Republic before its ratification.

The relatively latent perception of sovereignty in the Slovak Republic creates room for another actor to oversee what sovereignty entails and how the Slovak Republic approaches it. Given its strong support in parliament within the framework of parliamentary democracy, the **Government of the Slovak Republic** actively contributes to the perception of the content and scope of sovereignty when drafting legislation. Furthermore, in exercising its powers in international relations, the government acts within the limits of its sovereignty. The role of the diplomatic service, the respective ministry, and diplomats complements the picture of the country's sovereign presentation in the international arena, mainly at the EU level. However, in this regard, the Slovak ambitions to identifying and even extending the understanding of national sovereignty were several times not successful. The Court of Justice of the European Union dismissed actions brought by Slovakia and Hungary against the EU's

temporary migration quotas on September 6, 2017 (CJ EU, 2017). The Court upheld the legality of the mandatory relocation scheme, which was designed to distribute 120,000 asylum seekers from Italy and Greece across the EU to alleviate pressure on those frontline countries. The CJEU rejected all arguments made by Slovakia and Hungary, including claims of procedural mistakes, that quotas were not a suitable response, and that they posed security risks (including risks to national interests). Similarly, the Slovak positions to the EU sanctions against Russia due to the war in Ukraine is not successful. The national interests linked to the supply chain and prices of the gas did not present the ultimate obstacle to the adoption of already nineteen sanctions packages, as the final decision was aligned with the position of the EU.

CONCLUSIONS

While legal theory employs various approaches to sovereignty, every state has its own legal and constitutional development that shapes the concept of this doctrine. However, this is not the case in the Slovak Republic, where the concept of sovereignty did not have sufficient scope at the time of the country's founding to be anchored in the constitution or legal doctrine. Furthermore, in legal discourse, sovereignty is similarly perceived as latent, and this has been the case for nearly the entire period under analysis. A significant milestone in terms of defining sovereignty and its fundamental values and pillars was the Slovak Republic's membership in the European Union, where the transfer of powers based on the so-called big Constitutional amendment of 2001 confirmed that, from the perspective of Slovak law, sovereignty is divisible and that it is possible to transfer part of it to the European Union. Nevertheless, it can be stated that the concept of sovereignty is rather implicit, and furthermore, it is conflated with the concept of national interest, national, or even constitutional identity. Legal attempts to define sovereignty are particularly evident in 2025, when they culminated in the adoption of a constitutional amendment that codifies the so-called national interest as the basis for defining the scope of sovereignty, even in relation to EU law (and in the context of its supremacy). However, the wording of this provision has not yet been subject to a constitutional interpretation, and the vagueness of its formulation reflects a general trend of a lack of definition of sovereignty not only in the law but also in the Slovak Republic's strategic policy documents and in practical application.

Similarly, the analysis of the Slovak government program declaration for the time frame 2002 up until 2023 indicates a consistent exclusion of sovereignty as a concept. This consequently means that sovereignty has little or no governing impact on state doctrine, nor does it shape the representational statements of those in positions of political power. As such, sovereignty has been replaced by vocabulary centred around integration, technical management, and administration, which transform political authority into a dimension of governance capability, adherence to rules, efficiency, and institutional performance (2002–2016).

Therefore, sovereignty appears in none of the analysed programs as a value to be protected, as a loss to be protested or as a democratic norm to be revitalized. The fact that there is an absence of sovereignty leads to the assumption of a post-sovereign self-image of the executive. This leads to a situation where executive governance is conducted neither referencing the fundamental source or limits of the state's authority. Silence in this context is not solely semantic, but represents a significant transformation in how political power, democracy and the state are conceptualized and legitimized in Slovakia.

Sovereignty, at least as a constitutional/geopolitical category, only begins to re-emerge within the most recent manifesto (2023–2027). However, even in this case, sovereignty does not achieve a full return to its traditional meaning as constituent/popular sovereignty. One can state that sovereignty in the Slovak executive discourse of the last twenty-five years, is primarily relevant due to its absence. And precisely this absence calls for additional analytical focus. The current lack of discussion about sovereignty could therefore be an indication of either political maturity, de-politicization or latent democratic vulnerability.

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