

PRESIDENTS ABOVE PARTIES?

**Presidents in Central
and Eastern Europe,
Their Formal Competencies
and Informal Power**

VÍT HLOUŠEK ET AL.

International Institute of Political Science
of Masaryk University



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LIST OF ABBREVIATIONS

- BBWR Nonpartisan Bloc for Cooperation with the Government (*Bezpartyjny Blok Współpracy z Rządem*) (interwar Poland)
- BBWR Nonpartisan Bloc for Support of Reforms (*Bezpartyjny Blok Wspierania Reform*) (Wałęsa)
- BSP Bulgarian Socialist Party (*Българска социалистическа партия*)
- CBOS Public Opinion Research Center (*Centrum Badań Opinii Społecznej*)
- ČNB Czech National Bank (*Česká národní banka*)
- ČSSD Czech Social Democratic Party (*Česká strana sociálně demokratická*)
- DPS Movement for Rights and Freedoms (*Движение за права и свобода*)
- Fidesz Alliance of Young Democrats – Hungarian Civic Union (*Fiatal Demokraták Szövetsége – Magyar Polgári Szövetség*)
- FSN National Salvation Front (*Frontul Salvării Naționale*)
- GERB Citizens for a European Development of Bulgaria (*Граждани за европейско развитие на България*)
- HSES Hlinka's Slovak People's Party (*Hlinkova Slovenská ľudová strana*)
- HZD Movement for a Democratic Slovakia (*Hnutie za demokratické Slovensko*)
- KDNP Christian Democratic People's Party (*Kereszténydemokrata Néppárt*)
- KDU-ČSL Christian and Democratic Union – Czechoslovak People's Party (*Křesťanská a demokratická unie – Československá strana lidová*)

KSČ	Communist Party of Czechoslovakia (<i>Komunistická strana Československa</i>)
KSČM	Communist Party of Bohemia and Moravia (<i>Komunistická strana Čech a Moravy</i>)
LCS	Lithuanian Centre Union (<i>Lietuvos centro sąjunga</i>)
LDP	Liberal Democratic Party (<i>Liberalų demokratų partija</i>)
LDDP	Lithuanian Democratic Labour Party (<i>Lietuvos demokratinė darbo partija</i>)
LDS	Liberal Democrats of Slovenia (<i>Liberalna demokracija Slovenije</i>)
LLS	Lithuanian Liberal Union (<i>Lietuvos liberalų sąjunga</i>)
LSDP	Lithuanian Social Democratic Party (<i>Lietuvos socialdemokratų partija</i>)
MDF	Hungarian Democratic Forum (<i>Magyar Demokrata Fórum</i>)
MSZP	Hungarian Socialist Party (<i>Magyar Szocialista Párt</i>)
NATO	North Atlantic Treaty Organization
NDSV	National Movement Simeon the Second (<i>Национально Движение Симеон Втори</i>)
NS/SL	New Union / Social Liberals (<i>Naujoji sąjunga (socialliberalai)</i>)
ODA	Civic Democratic Alliance (<i>Občanská demokratická aliance</i>)
ODS	Civic Democratic Party (<i>Občanská demokratická strana</i>)
OF	Civic Forum (<i>Občanské fórum</i>)
PCPR	Presidential Council of the People's Republic (Hungary)
PDL	Liberal Democratic Party (<i>Partidul Democrat Liberal</i>)
PiS	Law and Justice (<i>Prawo i Sprawiedliwość</i>)
PO	Civic Platform (<i>Platforma Obywatelska</i>)
PRL	People's Republic of Poland (<i>Polska Rzeczpospolita Ludowa</i>)
PSL	Polish Peasant Party (<i>Polskie Stronnictwo Ludowe</i>)

PZPR	Polish United Workers' Party (<i>Polska Zjednoczona Partia Robotnicza</i>)
SaS	Freedom and Solidarity (<i>Sloboda a solidarita</i>)
SDK	Social Democratic Coalition (<i>A. Brazausko socialdemokratinė koalicija</i>)
SDE	Party of Democratic Left (<i>Strana demokratickej ľavice</i>)
SDS	Union of Democratic Forces (<i>Съюз на демократичните сили</i>)
SLD	Democratic Left Alliance (<i>Sojusz Lewicy Demokratycznej</i>)
SLS+SKD	Slovenian People's Party + Slovene Christian Democrats (<i>Slovenska ljudska stranka + Slovenski krščanski demokrati</i>)
SNS	Slovak National Party (<i>Slovenská národná strana</i>)
SOP	Party of Civic Understanding (<i>Strana občianskeho porozumenia</i>)
SR	Slovak Republic (<i>Slovenská republika</i>)
SZDSZ	Alliance of Free Democrats (<i>Szabad Demokraták Szövetsége</i>)
TGM	Tomáš Garrigue Masaryk
TOP 09	Tradition, Responsibility, Prosperity 09 (<i>Tradice, odpovědnost, prosperita 09</i>)
TS(LK)	Homeland Union (Lithuanian Conservatives) (<i>Tėvynės sąjunga (Lietuvos konservatoriai)</i>)
US	Union of Freedom (<i>Unie svobody</i>)
VPN	Public Against Violence (<i>Verejnosť proti násiliu</i>)
VV	Public Affairs Party (<i>Věci veřejné</i>)

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Countries, VS Verlag für Sozialwissenschaften, 2008; Parliamentarism in Estonia (1918–1940) (with Andres Kasekamp), in: S. Radu&H-C. Maner (eds), *Parliamentarism and Political Structures in East-Central and South-eastern Europe in the Interwar Period*, Volume IX/2012 Studia Universitatis Cibiniensis.

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The idea of exploring the political activities of Central and Eastern European heads of state arose in 2012, when it was already certain that the upcoming January election of the new Czech president, Václav Havel and Václav Klaus's successor, would be direct. Although at that time it was still unclear who would stand for office, there were good reasons to believe that, like Havel and Klaus, the next Czech president would occasionally attempt to 'shift' the limits placed on his/her power by the constitutional definition of the presidential office. Discussions with colleagues soon pointed to a number of examples from other countries of the so-called EU Eastern enlargement where heads of state have played (or sought to play) important political roles. Gradually the idea emerged of elaborating this theme into a book, mapping the individual case studies and summarising the findings. We believe that such a book is a welcome addition to existing studies concerning a president's systemic role in various types of political settings and the measurement of presidential power.

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Vít Hloušek, Brno, October 2013

1

**HEADS OF STATE IN PARLIAMENTARY DEMOCRACIES:
THE TEMPTATION TO ACCRUE PERSONAL POWER**

VÍT HLOUŠEK

Throughout the last two decades many countries in Central and Eastern Europe¹ have witnessed the ongoing development of democratic governance, with the ultimate result that these countries have now obtained the status of stable democracies. They no longer encounter the problems associated with post-communist transition, although they have new and unique challenges that they have to deal with arising from the present political situation. The current economic crisis is influencing the traditional position of various political actors and has the potential to drive a further personalisation of politics. This development can be observed in the shifting role of the president in the political systems that do not fall into the category of a presidential system; a phenomenon that to date has not been sufficiently analysed by researchers and commentators.

This book has been published in the Czech Republic which justifies opening the debate with the recent Czech experience. The first directly elected Czech president Miloš Zeman tried to use the governmental crisis following the personal and political-criminal scandals surrounding Prime Minister Nečas in Summer 2013 to increase his role in the Czech politics. After demission of Nečas's cabinet, Zeman decided to appoint Jiří Rusnok as a prime minister which happened not only without broader consultations with parliamentary clubs but even despite clear message given by three strongest parliamentary parties that Rusnok's caretaker cabinet "of experts" has no chance to obtain

¹ We conceptualize Central and Eastern Europe in a working definition as a group of countries between Germany (part of Western Europe) and Russia (already a "pure" Eastern European country) including Central European countries, the Baltic States as well as the Balkan countries. We will reduce the scope of our attention even more in the following text to the countries that entered the EU in 2004/2007 period.

the vote of confidence in the House of Deputies. Zeman did not violate the Czech Constitution which states that when the government is voted down, president has two chances to designate the prime minister according his or her own will. It however violates the constitutional conventions and contradicts the logic of a parliamentary democracy with the government that shall be anchored in parliamentary majority.

There, as could be seen from the previous example, may be certain discrepancies between the formal² and actual position of presidents in Central and Eastern European countries, especially those which are classified as parliamentary democracies and systems that have semi-presidential features.³ Constitutionally, presidents are normally endowed with symbolic functions and duties that are shared with the government (such as appointment of important officials), regardless of whether they are elected directly or indirectly. Governments are thus typically perceived of as being the dominant executive institutions. The influence of presidents in selected political systems is contingent upon, not only the letter of the constitution, but also historically rooted constitutional traditions, as well as the personal charisma and power wielded by specific presidents.

We can observe how certain strong political personalities have overstepped their constitutionally defined boundaries and interfered significantly in the political process. There may be various reasons for such overstepping of the limits defined in the relatively weak formal authority afforded to presidents. Sometimes, for example in the case of Poland or the Czech Republic, the country's tradition plays an important role in this. Another consideration may be that general discontent with the existing political parties may lead to a general preference for a stronger president. Presidential powers might also be reinforced by the personalisation of politics, typically in a period of democratic transition when political parties and other bodies are not firmly embedded in the public consciousness. But such personalisation remains with us

² See table 16 in the 12th chapter to see a survey of presidential powers in countries that are covered by the country chapters of this book.

³ Using examples of Lech Wałęsa and Aleksander Kwaśniewski, Frances Millard (2000) demonstrated convincingly that the clear decrease of formal constitutional powers of the president must not inevitably lead to lower influence on other political actors.

today, accompanying a marketisation of politics that is not limited to post-communist Europe.

Presidents in Central and Eastern Europe as part of their national executives

As indicated above, those post-communist countries which underwent democratic transition after 1989, have adopted parliamentary democracy as the root of their political system. The Central European countries in particular (the Czech Republic, Hungary, Poland, Slovakia and Slovenia) approach a form of cabinet governance in which the real executive power is concentrated in the hands of the government and not the president (Taras 2007: 129–130).⁴

Ray Taras (2007) also argues that the political systems of many Central European countries tend towards a mixed type, employing elements of both presidential and cabinet governance. Unfortunately, he somewhat obscures the distinction between the individual types of governance. In his conception of ‘mixed governance’, Taras emphasises the political conflicts that occur when the president and the prime minister belong to opposite sides of the political spectrum. Examples of this include the Solidarity Electoral Action (AWS) governments during Aleksander Kwaśniewski’s term in Poland, and the Czech social democratic cabinets during the presidency of Václav Klaus. Taras also identifies the characteristics of such mixed systems as present in pre-1997 Poland, as well as in Estonia, Latvia and Romania, describing the Lithuanian and Croatian systems as semi-presidential (Taras 2007: 131–134).

However, there is a concern that Taras’ definition combines multiple levels of analysis into one typology. His approach encourages the evaluation of constitutional aspects alongside changing configurations of personal power in individual countries, and as such political tension may be mistaken for a redistribution of competency or power. In reality, the problem is more complex: in particular the definition of semi-presidentialism is not entirely satisfying. A semi-presidential political system, was first theoretically described on the basis of empirical

⁴ With the significant exception of Poland in the 1992–1997 period when the presidency was bestowed with some significant powers (see chapter 4 for details).

evidence from the French Fifth Republic, and has since been applied to so many different cases, ranging from Portugal⁵ to the Russian Federation (White 1999)⁶, that it has become suspect as a uniform typology.

The original definition of semi-presidentialism, proposed by Maurice Duverger in the late 1970s, is fairly vague and envisages: (1) a president elected by universal suffrage; (2) endowed with quite considerable powers; and (3) constitutes together with the government an executive dependent on the support of parliament (Duverger 1992: 142). The problem in terms of a universal definition lies with the president's powers, and with the division of power and responsibilities between the president and the government. The amount of power held by the president, the government and the parliamentary majority respectively can vary depending on the current political configuration. During *cohabitation*, for example, a president's ability to act independently can be obviously diminished by the necessity to reach a compromise with a government whose political orientation is different.

Robert Elgie (1999b: 1–12) provides a clear overview of the various concepts of semi-presidentialism, showing both how Duverger's (1992) conception remained unchanged, and the various ways in which he has been criticised. For Elgie (1999b) the root of the problem is in the vagueness of the criterion that within the framework of semi-presidentialism a president must possess 'quite considerable powers'. What exactly that encompasses is difficult to define, and the examples provided by Duverger (1992)⁷ do not clarify this, as the presidential powers in these countries vary significantly (this remains true even if we limit ourselves to what is enshrined in the constitution). Elgie resolved the issue by focussing on constitutional criteria, defining semi-presidentialism as a combination of a directly elected president with a government dependent on parliamentary support: "A *semi-*

⁵ Portugal's political system could be described as semi-presidentialist only for the period before the early 1980s. The president's authority has been weakened since that time (Colomer 2008: 191–194).

⁶ Leaving aside the question of how democratic the Russian political system is, Russian political practice before, and especially after, 1999 exhibits clear tendencies of presidentialism (cf. Nichols 1999 for the Yeltsin period; in the Putin era scholars have been more interested in how democratic the Russian regime is). Some authors describe the Russian political system as 'superpresidentialism' (Fisch 2000).

⁷ Austria, Finland, France, Iceland, Ireland, Portugal.

presidential regime may be defined as the situation where a popularly elected fixed-term president exists alongside a prime minister and cabinet who are responsible to parliament" (Elgie 1999b: 13; Elgie 2011: 3).

With regards to the group of countries that are the object of our interest here, Bulgaria, the Czech Republic (since 2013), Poland, Lithuania, Romania, Slovakia and Slovenia can all be classified as semi-presidential states according to this definition. Only Estonia, Hungary, Latvia and the Czech Republic (before 2013) would qualify as parliamentary democracies.

In this regard, we have to discuss the volume edited by Robert Elgie and Sophia Moestrup (2008a) devoted solely to the phenomenon of *mezzo* regimes in post-communist countries. In the volume, the ambiguous nature of semi-presidentialism in above presented definition is however shown in case selection⁸ as well as in differentiation between "*highly presidentialised semi-presidentialism and the balanced presidential-prime ministerial semi-presidentialism*" as two facets of a semi-presidential system. The authors are absolutely right showing that the neither "pure" parliamentary democracy nor "pure" presidential systems encompass the whole reality of post-communist institutional choices. On the other hand, the concept is stretched too much to have deeper explanation potential.

We can therefore conclude that while Elgie (1999b) certainly solved one of the issues raised by Duverger's (1992) concept, he in fact foregrounded another comparable one. This begs the question: what do all these political systems with directly elected presidents and a cabinet dependent on parliament have in common? Given the large number of states which are semi-presidential, according to Elgie's definition (cf. Elgie 1999b: 14), the problem of their mutual incompatibility as systems, which was already present in Duverger's (1992) examples, increases significantly. Bearing in mind Sartori's 'ladder of abstraction' (Sartori 1970, reprinted in Collier and Gerring 2008), one cannot help thinking that the concept of semi-presidentialism, thus enlarged, ceases to fulfil its heuristic function. Several other definitions of semi-presidentialism have been attempted (for example Cheibub 2007, Pasquino 1997, Sartori 1997) but the semi-presidentialism as a kind of *mezzo*

⁸ The book covers Belarus, Bulgaria, Croatia, Lithuania, Macedonia, Moldova, Poland, Romania, Russia, Slovakia, Slovenia, and Ukraine.

category remains very problematic one because it is usually an object to temptation to “stretch” the concept too far (Sartori 1970).

The task of the present book is not to reproduce the discussion defining the semi-presidential political system, however. Rather, we wish to consider the attempts that have been made to valorise the role of the president in those political systems which tend to diminish or complicate it. Here it is important to highlight that the traits of parliamentary democracy prevail in all the political systems examined across the entire period considered.⁹ There have been some attempts made to strengthen the role of head of state, and thus to move towards semi-presidentialism – one could observe them in Poland in the first half of the 1990s (Kubát 2008) and, in rudimentary forms, also in Lithuania – yet these political systems have unambiguously shifted towards parliamentary democracy, either by undertaking constitutional changes or by adapting their political practices. From the states examined comparatively in this volume, the only semi-presidential democracy in which the president enjoys a strong position in the political process is Romania which makes an interesting exception of Romania being the only clear example of semi-presidentialism in our sample of countries.¹⁰

Presidents in Central and Eastern Europe as strong political actors

The fact that the constitution assigns limits to the presidential role does not mean, however, that presidents cannot be tempted, occasionally or

⁹ For discussion on institutional choices in Central and Eastern European countries see Malová and Haughton (2002: esp. 106–109).

¹⁰ The president is endowed with comparatively substantial legislative power in Romania’s political system (cf. Metcalf 2000: 667). In his article which focused on measuring legislative and non-legislative presidential power, Metcalf also described Bulgaria, Croatia (during the era of Franjo Tuđman) and Poland as semi-presidential systems, whereas he considered the Czech Republic, Hungary, Slovakia (before the direct election of president was introduced) and Slovenia as parliamentary democracies (Metcalf 2000: 679, Table 6). It should be added, however, that Metcalf relied on Duverger’s definition, or more precisely Shugart and Carey’s (1992) redefinition. The latter two resolved the problem of defining semi-presidentialism by rejecting the concept, speaking instead of president-parliamentary and premier-presidential transitional types. For examples of issues connected with measuring presidential power see Krouwel (2003).

systematically, to express their political will over and above that role. One example of this might be the relatively successful attempt by the Czech president Václav Havel to form a new government in 1997–98, after the second coalition government led by Václav Klaus effectively disintegrated; Josef Tošovský was appointed the new prime minister as a result. Other examples include Lech Wałęsa's political activities in the first half of the 1990s; he tried to exert his will over the appointment of the ministers for defence, the interior, and foreign affairs, as well as becoming involved in setting the policies of these ministries. More recently, we might point out the conflict between Romania's parliament and president Traian Băsescu, which culminated in an unsuccessful attempt to remove Băsescu from office in 2007 (the attempt was repeated in summer 2012, again without success).

In the individual case studies, we will seek to explain these occasional or regular attempts to overstep the limits set on presidential power by the constitution, and the concluding chapter will provide their comparative evaluation. We would like to show the constitutional predispositions of pushing presidential powers behind the constitutional limits (such as unclear interpretation of ambiguous provisions and arrangements). Doing the particular case studies, we would especially like to demonstrate the fact that each real effort of a president to accrue more power stems from various combinations of his or her personal ambitions, skills, political embedment, and – last but definitely not least – a chance. Doing this, we implicitly suggest that any workable definition of political regimes (and especially that of *mezzo* semi-presidential regime) needs to add a dimension of informal power balance among the crucial political institutions to gain explanatory power.

Here we must however limit ourselves to a few general comments. We have already mentioned the personalisation of politics, a trait not limited to contemporary Central and Eastern Europe, and one suggesting that the political potential of strong personalities is being revalorised at the expense of political 'structures', notably the political parties. The most common instance of a stronger role being played by personalities in electoral campaigns and in politics generally is the phenomenon of the presidentialisation of the prime minister's position (Poguntke and Webb 2005). This manifests itself in the increasing importance attached to this position, both in the eyes

of the electorate, and in terms of the distribution of power within the government.¹¹

Personalisation¹² can also affect the position of those presidents who enjoy the advantage of being less dependent on the quotidian (and often unpopular) party politics.¹³ They can demonstrate their efforts to defend the interests of all citizens much more easily than other political leaders. They can also be perceived by the political elites as potential mediators of political conflicts. In cases such as that of the departed Czech president Václav Havel, the notion of the president as a good 'export article', that is an appropriate, respected and well known representative of the country abroad, can also play a role. If the president and the government fall under one political banner, the role of the former can be strengthened by synergy, but even during *cohabitation* the president might valorise his position for precisely the opposite reason, serving as a counterweight to the governmental and parliamentary majority. All of these aspects are material to the attempts made by heads of state to strengthen their position, regardless of how significantly personalised politics generally is, but with regards to how prime ministers and other top politicians vie with presidents for political leadership.

The main aim of the present book is thus to discover whether we can trace a tendency towards the increasing engagement of presidents in the everyday politics of selected Central and East European countries. If so, the authors will seek to ascertain the causes of this growing engagement, how it manifests itself and whether it is caused by the president's personality or rather by the changing structure of political opportunities that provides the president with room to manoeuvre. In countries where the tendency to overstep constitutionally given

¹¹ Tim Haughton (2005) has shown the specific formational influence exerted by the post-communist context in the reinforcement of personal leadership on the example of Vladimír Mečiar although, as Thomas Baylis (2007) points out, the position of prime ministers in Central and European Europe is comparatively weak and even Mečiar's power was constrained in some ways.

¹² As Gerd Meyer points out (2008: 38–41), personalisation can have various connotations ranging from a mere stronger role of leaders in political communication to patron-client relationships.

¹³ Presidents generally do better in opinion polls than political parties (Aasland et al. 2012: 125).

powers, or to enhance presidential political influence, does not appear, we will try to find out why this is the case.

Our aim here is not to provide a comprehensive explanation of the role played by a strong political personality – the president – in contemporary politics. Obviously we might question whether the best theoretical framework for such an explanatory endeavour would be rational choice theory, which considers particularly the personal preferences of the president, or whether historical institutionalism which analyses an individual's actions in terms of the institutional memory of their office would be a better choice. We believe we do not have sufficient empirical data to undertake such a complex enterprise. More than a decade has passed since the appearance of the book *Semi-Presidentialism in Europe* edited by Elgie. Although excellent in both empirical and analytical terms, the book only deals with some of the countries analysed here, and developments since that time have delivered a wealth of interesting situations worthy of analysis. We therefore focus on detailed case studies accompanied with a basic comparative analysis. Although this analysis might stimulate a shift from the understanding of individual cases towards a more general explanation, this is not its primary ambition.

Reading following chapters, the reader will find out that the tradition matters especially in cases with a strong president counter-balancing or “taming” power of political parties. The toolkit for pushing the limits is broad as well starting with over-extensive interpretation and execution of competences ascribed to president by constitution (such as suspensive veto, appointment competences, initiation of constitutional review) through informal power (mis)using of unclearly or imprecisely formulated articles of constitution (typically during the procedure of prime minister installation) to direct charismatic influence of the citizens.

Structure of the book and the individual chapters

The goals stated above also inform the structure of the present book, which consists of nine case studies analysing selected Central and Eastern European countries and a concluding comparative chapter.

The countries studied have been selected according to the following criteria: First, we limited ourselves to countries which have experienced

‘really existing socialism’ and where the democratic tradition is either absent or limited to a rather short period marred by many imperfections. We assume that the political traditions of the second half of the nineteenth century and the twentieth century may exert some influence on the roles currently played by key figures in the executives and their relative positions. Second, we only include countries that are members of the EU since the 2004 or 2007.¹⁴ These two criteria led us to a selection of countries which can be usefully compared to produce results that are interesting not only in the regional context but also against the wider backdrop of the European Union. The list of countries taken into consideration in this book includes Central European countries (Czech Republic, Hungary, Poland, Slovakia, and Slovenia), the Baltic States (Estonia, Latvia, and Lithuania) and two Balkan countries (Bulgaria and Romania).

The situation in each country will be analysed in a separate case study. Each of these will outline the evolution of the political system and the development of the formal position of the president within the legal system, as well as the development of constitutional customs and the informal position of the president. The main goal of the analysis is to identify concrete personalities and those points in their careers when they broadened their political influence over and above the powers defined by the constitution; or when they penetrated the sphere of influence of other authorities (typically the prime minister). Finally, the results of the case studies will be compared and evaluated in the concluding chapter.

In reference to the period before the establishment of the communist regime, a brief evaluation of the historical tradition of a strong or weak head of state will be provided at the beginning of each chapter. Then a discussion will be opened concerning the type of political regime as laid down in the constitution (semi-presidential or parliamentary democracy), and the formal position of the president and its development after 1989 will be attended to. The core of each chapter will analyse the informal position of the president and his/her power within the political system over time. The authors will focus on those presidents who have tried to extend the political influence and power of their office and analyse the circumstances of these efforts.

¹⁴ This is the reason why we exclude Croatia here.

The conclusions of each of the case study chapters will attempt to answer the following questions: What used to be, or are, the reasons for the successful expansion of the personal influence exerted by heads of state? Is it the political personality of the office holder rather than 'structural' reasons determined by the political system? Or is it the popular attitudes held towards politics and politicians? By answering these questions, the authors will evaluate the roles played by presidents in the political systems of their countries and the trends they follow. The concluding chapter will summarise these trends and analyse findings of particular interest.