

THE RE-CONSTRUCTION OF THE CZECHO-SLOVAK STATE

After the decisions taken by the Great Powers in Munich and Vienna the Sirovy Government handed over to Germany, Hungary and Poland respectively the territories designated in those decisions and then concentrated its efforts on the endeavour to prevent the Slovak and Ruthenian peoples being able to exercise their right of self-determination. For Prague is of the opinion that it is better to choose the lesser of two evils, convinced as it is that the application of the right of self-determination would mean the complete dissolution of the Czech State. So it has had recourse to the lesser evil — by granting a form of mock autonomy. When adopting this attitude it was inspired primarily by the endeavour to gain as much time — as long a breathing-space — as possible.

The first meeting of the Czech legislature held since the outbreak of the great crisis was that convened by the Sirovy Government to assemble on November 18th., 1938, for the purpose of passing the new Constitutional Law comprising the provisions for the autonomy of Slovakia and Ruthenia. This Law consists of two parts. Part I. is divided into seven Chapters, Part II., which contains the amendment of the original Constitution (Charter), being divided into five Chapters. The Preamble establishes the fact that the Czecho-Slovak Republic was brought into being by the will of two sovereign peoples, stressing the circumstance that the Pittsburg Convention guaranteed the Slovak people self-government. Part I. of the new Law provides that the validity of the laws framed prior to the constitution of the Slovak Diet shall extend also to the territory of Slovakia, unless legislative measures be taken to provide otherwise.

In terms of Article 5 of the new Constitutional Law the elections required for the constitution of the Slovak Diet must be held within two months after the coming into force of the Law. Every person who is 21 years of age on the day of the

election in entitled to vote. All persons already over 30 years of age — with the exception of Jews — are eligible for election. There is to be one seat for every 20.000 electors, it being provided that in constituencies where there is a fractional number of supernumerary electors the minimum number of votes required for the granting of an additional seat shall be at least 15.000. The Slovak Diet is to be convened by the President of the Republic. The Provincial Government is also to be appointed by the President of the Republic on the proposal of the President of the Slovak Diet.

Part II. deals with the amendment of the Constitution (Charter) now in force and declares that Slovakia is an autonomous part of the Czecho-Slovak Republic. Consequently the language of instruction used within the territory of Slovakia shall be Slovak, though citizens of the State of other nationality may also employ their own mother tongues in their dealings with the authorities. As was the case previously too, the granting of citizenship is made dependent on the possession of rights of domicile (*pertinenza*). We see, therefore, that this injurious provision is maintained in force by the new Constitution too, though it is a well-known fact that it previously proved a mere pretext for depriving large numbers of the inhabitants of Czecho-Slovakia of their rights of citizenship.

The new Law provides further that the validity of the laws passed by the Prague National Assembly in regard to all matters relating to the new Constitution and in all questions in which the Common Government and its executive organs are competent, shall extend to the whole territory of the State. Questions coming under this provision are foreign affairs, the right of declaring war and making peace, — this provision is not to apply however to treaties which refer exclusively to the territory of Slovakia. The question of national defence also belongs to the sphere of authority of the Prague National Assembly, it being provided however that in times of peace a certain number of Slovak troops shall be quartered in Slovak territory. To the sphere of authority of the common Prague National Assembly are to belong the questions of citizenship, emigration, customs and transport, the post office, telegraph and telephone administration, the questions of public debts and taxation, the question of dues, of monopolies and State undertakings, — with the exception of forests, mines and watering-places, the administration of which shall be reserved for the Government of that part of the country in the territory of which they are situated. The above description of the contents

of the Constitutional Law makes it quite evident that the Czechs have not yet renounced their centralistic endeavours and that what they are guaranteeing the provinces of Ruthenia and Slovakia is merely a mock autonomy. Did the new Constitution really restrict the connection between the Czech, Slovak and Ruthenian territories to "common" affairs, it would acknowledge the independence of the three Parties — an independence similar to that of the two Members of the pre-War Austro-Hungarian Monarchy. But that is not what the Prague Government is doing; it has indeed referred questions of citizenship, emigration and transport — and even the administration of the postal, telegraph and telephone services — to the sphere of authority of the common Prague National Assembly, thus depriving the Slovak and Ruthenian peoples of every sign of independence; and the fact that questions of taxation and dues and of the State undertakings are being reserved for the common Prague National Assembly shows that the central Government is depriving those territories of even those factors of power which should be comprised in the most restricted form of self-government. It is therefore absurd to talk of the independence of Slovakia and Ruthenia or even of those provinces possessing an extensive autonomy; for the Slovak and Ruthenian Governments will at all times be at the mercy of the Prague Government.

A new point in the new Constitutions is the provision that the central Government must enjoy the confidence of the majority of the deputies elected in Slovakia, who may — if the motion is supported by one-third of their number — present a motion of no-confidence in Government. The deputies and senators elected in the territory of Slovakia may not exercise their right to vote except in matters belonging to the sphere of authority of the National Assembly as a whole. In all other matters relating only to Slovakia the right of legislation is reserved for the Slovak Diet.

The Sirovy Government also got the legislature to pass the Bill providing for the autonomy of Ruthenia. The legislature declared that the Law relating to Slovak autonomy shall be applied in full to Ruthenia too, the only change in the text being that the name "Slovakia" is to be replaced by the name "Carpatho—Russia" as applying to Ruthenia, the expressions "Slovak Government" and "Slovak language" to be replaced by the expressions "Carpatho—Russian Government" and "Ukranian language."

"Carpatho—Russia" — hitherto known as "Ruthenia"

— is on the present occasion too treated to a slight *differentiation*, — as compared with Slovakia, it being provided that the elections shall be held, not two months, but 18 months after the promulgation of the new Law.

The Sirovy Government itself is fully conscious of the absurd situation brought about by its having — in the new Constitutional Law — created measures very superficially adjusting the conditions governing the future development of a State divided into three parts, and more particularly by its having had the Law passed by a "Rump Parliament" elected under quite different circumstances. The only rational and honest way of providing the new machinery with the required moral basis in a State the representatives of which still delight in using the catchwords of democracy (though indeed the phrase employed today is "totalitarian democracy"), would have been a plebiscite. But a plebiscite is what the Prague Government is most anxious under all circumstances to avoid. In defiance of the provisions of the Munich Agreement that Government shrank from an appeal to the people even in the territorial questions.

The Prague Government therefore has endeavoured to save its face by simultaneously passing a law authorising the President of the Republic on the unanimous proposal of the Government to issue an edict amending even the new Constitutional Law. On the other hand the Government may also issue orders in council to replace the Law even in cases in respect of which the Constitutional Law postulates an adjustment by ordinary legislation. In such cases the consent of the President of the Republic must also be obtained.

The explanation of the conciliatory attitude shown by Prague towards the Slovak and Ruthenian demands offered by the Czech Press is to the effect that this is the only way to create the necessary feeling of confidence between the peoples concerned. Events, on the other hand, show that there is no confidence of the kind in evidence in the case of the Slovaks, while the discontent prevailing in Ruthenia has already led to insurrection and bloody encounters. For the economic re-construction of Slovakia the Slovak Government has no intention of enlisting the help of Czech capital and Czech industry, but — as may be seen from the visit to Berlin undertaken by Minister Durcsánszky — is negotiating with Germany in the matter of the industrialisation of Slovakia. Twenty years of bitter experience in their "co-operation" with the Czechs naturally explain the aversion to the Czechs and the lack of confidence in that people shown by the Slovaks.

The comedy being played today for the benefit of the outside world has nothing to do with the will of the Slovak people, but is merely the patchwork creation of a few Slovak politicians whom an exceptional stroke of luck has put in possession of the political power. The present state of things cannot by any means be regarded as final and definitive, for, to judge by what it has done so far, the Tiso Government will be quite incapable of consolidating conditions in Slovakia.

That the Czech Government has not the remotest intention of observing even the most elementary postulates of constitutionalism, is shown by the first measures taken by it in the matter of the elections. For on November 27th. it appointed the elections of deputies in Slovakia to be held on December 18th. and issued posters informing the general public that nominations had to be handed in by noon of the following day, the said nominations to be provided with the signatures of 100 electors certified either by a court of law or by a notary public. And all this was done before any attempt had been made to settle the questions of citizenship and opting, the result being that no one knew who had the right to vote; nor were any measures taken to decide which constituencies — and how many — were to remain. And the time left for certifying signatures was so short that — in the villages in particular — it was impossible to obtain the necessary counter-signatures either of a judge or of a notary public. As a consequence the only lists (nominations) submitted in the several constituencies were those of the Government party or of parties which co-operate with the Government party.