

THE CONSTITUTIONAL AND POLITICAL ORGANIZATION OF THE SLOVAK STATE

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The Slovak Government has set to work with great energy to lay the foundations of the constitutional and political organization of the Slovak State which gained its independence on 14th March of this year. At present Slovakia's constitutional status is based on the Act of Independence passed on 14th March, which consists of five paragraphs. In it it was pronounced that until the new Constitution was formed the executive power and administration was to be wholly in the hands of the Slovak Government appointed by the Committee of the Parliament. It was also decided that for the time being all the laws, ordinances and measures hitherto in force were to remain valid with such amendments as followed from the independence of the Slovak State; and lastly it was laid down that the Government was to be given powers to issue any ordinances that in the interim were necessary to maintain the order and security required by the interests of the Slovak State. In terms of this Act of Independence therefore all the laws passed by the Czech Parliament in the twenty years of Czech rule were, for the time being, to remain in force along with the Constitution Act, incorporating Slovakia's autonomy, which in conformance with the Four Power decision arrived at in Munich was accepted by the Czecho-Slovak central Parliament on 19th November. Naturally these laws were to be applied only in so far as they did not prejudice the independence of the Slovak State.

Slovakia's independence made the elaboration of the new Slovak Constitution and its urgent promulgation absolutely imperative. The draft of the new Constitution has now been prepared by the Committee appointed by the Government for the purpose. The Chairman of the Committee is the deputy Premier, Professor Tuka. This draft of the new Constitution

was accepted on 20th June by the Slovak Cabinet Council. We have no means of knowing the full text, but certain particulars were published in the "Slovak" of 22nd June. From this paper we learn that the draft of the new Slovak Constitution consists of 13 Articles divided into 87 paragraphs.

In terms of the draft *Slovakia* is a Republic governed by a president elected by Parliament for a period of seven years. The president of the Republic is also the commander-in-chief of the army.

The State is based on totalitarian principles. Besides the head of the State and the Government, in terms of the draft there is to be a so-called "Council of State", which is to do duty for a Senate, and a permanent Committee, and in certain cases replace Parliament itself. The Committee of the Hlinka Party, the members of the Cabinet, the Committee of the Parliament, the representatives of the corporative groups and the leaders of the racial groups are to sit on this Council.

According to Article 5, the *Slovak Parliament* will consist of 80 members elected for a period of 5 years. Suffrage will be general and voting secret.

The *Slovak* nation will participate in the executive power and administration through the medium of the Hlinka Party. Other racial groups will also participate in the executive power by way of their political parties, providing that the party in question actually expresses the political views of the racial group it represents.

In term of the draft Slovakia's Constitution is to be a corporative one. It divides the population into five classes or Estates representing 1. agriculture, 2. industry, commerce communications, 3. finance and insurance, 4. the professions, and 5. the public services and education. Every citizen of the Slovak Republic must be a member of one of these groups.

The draft also makes provision for the reorganization of the administration and one of its most important measures is the restoration of local self-government. Local self-government is to be based on the county system. Slovakia is to be divided into seven counties, at the head of each of which will stand the *Župan (Lord Lieutenant)* who is the political agent of the Government.

Article 9 deals with jurisdiction.

Article 10 determines the rights and duties of the citizens. Every male citizen is liable to conscription for military service and the labour services connected therewith.

Article 11 deals with the religious rights of the citizens. Every citizen is entitled to fulfil his religious duties provided they do not conflict with any of the laws of the country or disturb public order. This Article also regulates the legal standing of the Churches and religious societies recognized by the State.

Article 12 treats of the position of the racial groups. A nationality register of all Slovakia's citizens is to be kept. Alterations in that nationality register cannot be effected except by law. Denationalization is a punishable offence. All the racial groups living in Slovakia will be free to develop their cultural and political organizations.

Article 13 concludes the draft and pronounces that the new Constitution shall come into force on the day of its promulgation.

If our information is correct, the Bill is to be passed in the first days of July.

Until the new Slovak Constitution comes into force we are not in a position to criticise it. So much, however is evident from the data hitherto available: the draft does not in every respect honour the legitimate wishes of the minority racial groups. This is proved *inter alia* by the fact that the German Party in Slovakia demands a modification of the draft. State Secretary *Karmazsin* has laid down in writing the fundamental attitude of the *German* racial group towards the new Constitution. In German circles in Slovakia it is believed that they will be able to enforce their legitimate demands in Parliament. The Slovak Government appears willing to satisfy the demands of the German group, for the Slovak Cabinet Council meeting held on 22nd June discussed the question of the German State Secretariat, which functions alongside of the Government, and also the question of its sphere of authority. The resolution adopted by the Cabinet Council has organically linked up the work of this German State Secretariat with the administration of the State. This resolution states that, to ensure co-operation between the State and the German racial

group, a permanent organ of the latter is to work parallel with the Government. To the German Secretariat's sphere of authority belongs the task of collecting and elaborating the wishes, complaints and suggestions of the German racial group and laying them before the political factors competent to deal with them. The central department and the political factors are to be in permanent touch with the German State Secretariat. In places inhabited chiefly by Germans public officials — as far as possible — are to be appointed in concurrence with the wishes of the German Secretariat. Gratifying though it may be that the political situation and legal status of the German racial group has been regulated by the Cabinet Council in co-operation with the German Secretariat, it would have been far better had this regulation taken place within the framework of the Constitution and with equal validity where all the national minorities are concerned. In consequence of this measure the new Constitution may already be regarded as prejudicial to the interests of the Hungarian minority.

Simultaneously with the draft of the new Constitution the new Slovak Citizenship Bill was introduced in Parliament on 23rd June. According to this Bill, from 14th March 1939 on the citizens of the Slovak State are persons, or the wives and issue of persons, who on 30th October 1918 possessed rights of domicile in the areas now constituting the Independent Republic of Slovakia, provided that their rights of domicile have not been forfeited before the day on which the present Citizenship Act comes into operation. The Act does not regard as citizens of the Slovak State those who acquired rights of domicile under par. 10 of Act No. 22, 1896. This old Hungarian law, namely, granted rights of domicile to all persons who had been living for at least four years without interruption in one town or village and who paid their share of the municipal or parish rates and taxes. According to the decision pronounced on 6th October 1926 by the Supreme Court of Administration four years' sojourn in one place and the status of a ratepayer do not entitle persons to rights of domicile: a special application must be lodged by persons desirous of acquiring them and the consent of the local magistrate must be obtained. In such cases, under the new law, decision rests with the political authorities.

The Bill precisely regulates the methods of acquiring citizenship and states how it may be lost. The right of citizenship may be forfeited by engaging in activities endangering the independence of the State, by conspiring against the State, by fleeing to a foreign country for this purpose, and by working against the Republic there. Persons who join the army of a foreign State or who play a rôle in the public life of another country may be deprived of their citizenship. From the point of view of the minorities the new *Slovak Citizenship Bill* is anything but reassuring. Newspaper reports from Prague declare that the interests of the Germans in Slovakia are to be guaranteed by a political agreement incorporated in the new Bill. As stated before, the representatives of the German racial group have submitted suggestions for an amendment. The steps taken by the German racial group are also proof that the new Citizenship Bill is prejudicial to the interests of the racial minorities. Here we would merely point out a few of the more important aspects of the case. It is well known that one of the most bitter grievances of the Hungarian minority in the late Czecho-Slovak Republic was the chaotic nature of the question of citizenship. There were many thousands of Hungarians who because of the confusion surrounding the question of domicile could not become citizens of the Czecho-Slovak Republic. This offensive measure has been partially sustained by the new Slovak Citizenship Bill. Another source of anxiety is afforded by those provisions of the Bill which enumerate the cases in which the right of citizenship may be withdrawn. Activity dangerous to the State is a loose expression, as is "playing a rôle in the public life of another country". Under the title of activities endangering the independence of the State all the political and cultural movements of the Hungarian minority may be suppressed, and on the pretext that he is actively engaged in the public life of another country, anyone belonging to the Hungarian racial group who, for instance, is a corresponding member of the Hungarian Academy of Sciences may be deprived of his rights as citizen. These loose definitions may lead to many offensive measures.

We mentioned in connection with the draft of the new Constitution that, the Slovak Government was to reorganize

administration and Article 8 promises that a special law will deal with the activity of the self-governing bodies. The Slovak Government has now prepared a Bill dealing with the reorganization of administration, which was approved by the Cabinet Council and introduced in Parliament on 23rd June. The new Administration Bill does away with the Province, winds up the Provincial Office, and also suspends the autonomy of the administrative districts. The work of the Provincial Office will henceforth be done by the *Župa* Offices, and the sphere of authority of the Provincial Diet and Committee will pass over to the *Župa* Councils. The whole area of the country is divided into seven *Župas*. The several *Župas* will enjoy a certain measure of self-government exercised through the medium of the *Župa* Councils. These Councils are to consist of 12 ordinary and supernumerary members with seats for six years. If possible every district will be represented on the *Župa* Council. Its sphere of authority will extend to the matters of trade, economy, education, social welfare and public hygiene that affect *Župa* in question, but its rôle will be merely that of an advisory body. A special law will provide for the formation of those Councils. Until this takes place the *Župan* himself will attend to those matters. As we do not know the full text of this Bill we cannot tell what rôle the Hungarian minority will play in these self-governing counties and what the attitude of the autonomous bodies will be towards the members of the Hungarian racial group.

Besides the above-mentioned Bills, educational reforms were promised by *M. Sivak, Minister of Education*, in his exposé before the Cultural Committee of the Slovak Parliament on 17th June. *M. Sivak* announced that the programme of the reforms contemplated in the sphere of higher education was not ready yet, but he hoped by September to be able to introduce the relevant Bills in Parliament. In view of the Bills already introduced and those promised we may safely say that the Slovak Government is striving hard to establish without delay the foundations of *Slovakia's* constitutional and political organizations.