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CZECHOSLOVAKIA'S PARLIAMENTS: MORE ACTIVITY, BUT HOW

MUCH POWER

Summary: Czechoslovakia has two parliaments: the National Assembly, according to the Constitution the "supreme organ of the authority of the state" and the Slovak National Council with legislative powers for Slovakia. Both bodies operate under the leadership of the CPCS which is defined in the Constitution as "the leading force in the state." In May 1964 the Presidium of the CC CPCS passed a decision about "the intensification of the activity of the National Assembly." Some positive results of this decision can already be discerned.

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Certain paragraphs of the 1960 Czechoslovak Constitution, now in force, could indeed give one the impression that Czechoslovakia is a real parliamentary democracy, a parliamentary democracy with two parliaments. These are the central parliament, the National Assembly (NA) and the regional parliament for Slovakia, the Slovak National Council (SNC).

The NA is defined in the Constitution as "the supreme organ of the authority of the state..." (Art.39). It approves "the Constitution and other laws and keeps watch over their execution..." (Art.41). The Constitution defines the SNC as "the national organ of the state....in Slovakia." (Art.73) Thus, the activity of the SNC is territorially confined to Slovakia and its legislative powers are essentially restricted to matters concerning the "safeguarding of the economic and cultural development of Slovakia." (Art.74)

But the effect of these provisions is completely undermined by the fact that the whole state is ruled by the Communist Party. Article 4 of the Constitution expressly states: "The leading force in society and in the state is... the Communist Party of Czechoslovakia."

It is the Czechoslovak Communist Party that nominates the candidates for the single electoral slate as it sees fit and no person not on this list can be elected deputy of the NA or of the SNC. The Party also determines the manner in which the two parliaments discharge their duties.

From 1948 to 1964 Czechoslovakia's legislative bodies were quite blatantly a rubber-stamp for the Party's proposals. The Government put bills, approved by the Party, before them and after a debate in which all speakers expressed their enthusiastic approval, these proposals were unanimously passed.

On 20 May 1964, however, the "Decision of the CC CPCS Presidium on Intensifying the Activity of the National Assembly" was published in Rude Pravo. This decision included the following passages: "...In the past, some constitutional principles.....were not always fully adhered to in the activity of the NA. It is necessary to accentuate the role of the NA as a controlling body... from the aspect of systematical control of constitutional practice and legality in the entire sphere of our legal system..." Reference was also made in this Decision to the Slovak National Council: "The National Assembly, as the supreme representative body supervises the activity of the Slovak National Council..."

This Decision also contains the instruction that parliament should be convened more frequently and that the parliamentary committees should step up their activities. These committees should be "the center of the working and initiative activity of the NA," the Party document enjoined. On 24 September 1964 the National Assembly passed the "Principles for Further Intensifying the Activity of the NA." This decree was entirely based on the earlier Party Presidium Decision.

The NA decision quotes the definition in the Constitution according to which "the NA is the supreme organ of the authority of the state." The very fact, however, that the National Assembly's decision was simply an echo of the Party Presidium's decisions showed clearly its subordinate role in the government of the state.

More Authority

But one should not ignore the fact that there are some passages in the National Assembly's decision of 24 September 1964 which indicate that a more active role was envisaged for it, that it was not to remain solely an executive agency of the Party. The decision states the following: "It is necessary to formulate comprehensible laws in the exercise of the legislative powers..." "According to the Constitution, the deputies, committees, and the Presidium of the NA are entitled to propose bills. It is essential that this initiative activity be further developed in the spirit of the Constitution..." "Again: "Control over adherence to the socialist Constitution and to socialist legality is an important part of the control exercised by the National Assembly..."

The same National Assembly decision refers to the Slovak National Council in these words: "The SNC is an organic part of the representative system in our country. It is not only a Slovak national body but as such is at the same time a national link in the state political and economic system for the territory of Slovakia whose task it is to participate in the creation and safeguarding of the policy of the state as a whole."

On the same day, 24 September 1964, a new order of procedure was passed for the NA designed to make the above-mentioned decision effective in a wider field of activity.

Since May 1964 nine plenary sessions of the NA have taken place, and more than in any similar period previously. The press and radio have given detailed reports on eight. One of them must have been secret for it has never been mentioned publicly. These plenary sessions lasted longer than those held before the reform. The debates on proposals and draft bills were longer and more to the point than previously. In one of these sessions (on 17 July 1965) a deputy actually tabled an amendment to the government draft of the new police law. Under the amendment the new law was to contain the principle that the deputies of the NA and the SNC were immune from police investigation or interrogation. The amendment was put to the vote; 115 deputies voting for and 87 against it, and thus was passed. This was the first time since the February 1948 putsch that there had been a division in the National Assembly.

But the follow-up to this notable event was both mysterious and disappointing when the pertinent law was published in the Collection of laws, the amended clause was not included. Nowhere in the press could it be ascertained that the amendment was voted upon again and was rejected by the second vote. The Party, evidently misusing its position of the "leading force in the state", simply ignored the majority decision of the assembly because it was not to its liking.

It cannot be excluded that this amendment to which the Party objected was rejected at that session of the Assembly which was not reported in the press and was evidently held in secret. If this were the case it is a good example of the Party, as the de facto supreme organ of the state, overruling the National Assembly, the de iure supreme organ of state.

Examples of Livelier Activity

The eleven committees of the National Assembly have also begun to meet more frequently than ever before. Since May 1964 not a single week has passed without at least one of the committees having met; in most weeks several committees have held meetings. On 15 December 1965 the committees dealing with the state budget actually recommended "the revision of the demands made by the individual departments."

In the Plenary Session of Assembly held in April 1965 there were evidently very lively discussions. A Radio Prague commentary of 12 April 1965 stated that some deputies were not satisfied with the proposals submitted or the decisions taken. In some cases, draft decrees had been returned to the respective ministries for re-writing and supplementing. Examples were decrees concerning authors' fees, the law concerning universities the criminal code and the vehicles tax. One deputy demanded a reply from the Prime Minister on questions concerning the development of Prague while several deputies criticized "shortcomings in the direction of the national economy."

A further example of the way the Czechoslovak deputies are taking advantage of their newly-granted elbowroom was given by a Radio Prague broadcast of February 9. Referring to a meeting of the National Assembly's Foreign Committee which had ended the same day, the Radio said that the members of the Committee had expressed the desire "to be better informed about current international questions."

Everything that has been said about the livelier activity of the Czechoslovak National Assembly applies equally to the Slovak National Council. Since the issuing of the Party document in 1964 about the reform of the parliamentary institutions the SNC has held seven sessions (in 1952, by way of comparison, there was only one working meeting of the SNC). Its control function which in 1961 (after the publication of the new constitution) had been restricted by a law of the Czechoslovak National Assembly, was fully restored by the government decision dated 10 March 1965. Pravice Studie No. 3/1965.

Conclusion

It may be said in conclusion that the parliamentary life both in the NA and in the SNC has become livelier since the decision of May 1964 and has some outward similarities with the working of parliaments of the Western democracies. The deputies speak at length and objectively on government drafts and more deputies are taking part in the debates than before. The press reports indicate that amendments to government draft bills are frequently tabled by the deputies and these amendments are subsequently put to real discussions.

But, in spite of all these encouraging developments, one must repeat that no real parliamentary democracy can ever exist in Czechoslovakia as long as article 4 remains in the constitution (i.e. that which states that the Czechoslovak Communist Party is the leading force in the state). As long as this remains the deputies will always be on the receiving end of Party orders. While, according to the law, deputies are elected by secret vote, the recall of a deputy proposed to the voters by the Party, is done by public vote, also in accordance with law. And it is very difficult to see how such a proposal can be turned down.

But the reforms in parliamentary practice dealt with in the paper, do represent an attempt to extend the jurisdiction of both the National Assembly and the Slovak National Council. It remains to be seen what reforms will follow. They could never make Czechoslovakia a parliamentary democracy but they could make the country's two parliaments into a salutary vehicle of public opinion.

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