

Résumé

The position of Slovak national bodies in terms of constitutional law 1944 – 1945

It was at the end of 1943 that representatives of the Slovak home resistance created the Slovak National Council (Slovenská národní rada – SNR) as their central and coordinating body. This body moved to the head of the Slovak National Uprising after its outbreak on 29th August 1944 and declared itself the bearer of all legislative, governmental and executive power throughout the territory of Slovakia in its Regulation No. 1/1944 Coll. n. SNR, with the authority of an act adopted on 1 September 1944.

The SNR was unable to derive its existence or authority from the text of the Constitutional Deed 1920 (Ústavní listina 1920) or from any other constitutional acts of pre-Munich Czechoslovakia. However, it derived its legality and legitimacy from the constitutional principle of the sovereignty of the people, who openly declared their will in favour of the Slovak National Uprising.

With its Regulation No. 1/1944 the Slovak National Council became the new focal point of legislative power in Czechoslovakia, which was entirely independent of London's interim polity, at the head of which was President of the Republic Edvard Beneš, who executed authority through the presidential decrees. This led to the creation of legislative dualism, which Slovak political representatives wanted to resolve with the federative organisation of the post-war Czechoslovak Republic. However, the concept of the federation which the representatives of the Slovak National Council promoted met with the opposition of all Czech political parties. The Košice government programme ratified on 5 April 1945 by the first post-war Czechoslovak government established in place of a federation an asymmetric model for the organisation of the Czechoslovak state in terms of constitutional law. This was based on the fact that national Czechoslovak bodies also occupied the role of Czech national bodies, whereas Slovak national bodies led Slovakia.

The position of Slovakia in the asymmetrical model can be characterised as a certain form of autonomy, which was however restricted in the same way as was the position of power of the Slovak national bodies.

The Slovak National Council held its position as the sole bearer of all legislative, governmental and executive power for all Slovakia until 21 April 1945, when in its Regulation No. 30/1945 it ceded some of its legislative authority to the President of the Republic. The onward political and constitutional development of post-war Czechoslovakia led to the fact

that the SNR and its bodies gradually lost their significant position of power until finally in 1946 they became only an extended branch of central bodies for many years to come.

Klíčová slova: ustavní právo, česko-slovenské vztahy, slovenské národní orgány

Key words: constitutional law, Czech-Slovak relations, Slovak national bodies