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ALBANIA

Workers' Party Candidates for People's Assembly

91P20290A Tirana ZERI I POPULLIT in Albanian
17 Mar 91 pp 1, 2

[List of candidates for deputy nominated by the Albanian Workers Party; the number of the electoral zone is listed in parentheses before the name of the candidate]

[Text] Berat—(1) Fatbardha Skender Hysi, economist, secretary of the party committee in the Berat Textile Combine; (2) Pavlo Sotir Bojaxhiu, physician; (3) Perparim Hysni Ruzi, physician; (4) Gezim Refat Gurazi, petroleum engineer, secretary of party committee in Kucove; (5) Krista Dhosi Odricani, mechanical engineer, director of the artisan products enterprise in Kucove; (6) Fatos Xhevair Zotkaj, biochemist, chief of the education section; (7) Dhimo Vangjel Dundo, economist; (8) Aseri Qemal Shehu, agronomist, chief of the agricultural section; (9) Flamur Musa Abedini, party education, director of the autobus pool; (10) Tomor Haxhi Beqollari, animal raiser, head of the Vokopole agricultural cooperative; (11) Fadil Ramo Nasufi, biochemist, first secretary of the youth committee of the district; (12) Xhemal Iljaz Dauti, agronomist, deputy chairman of the executive committee; (13) Avdyl Tafil Pilafi, party education, secretary of the district party committee.

Diber—(15) Fehmi Haziz Abdiu, jurist, vice president of the Supreme Court, Candidate in Sciences; (16) Ali Seit Kaza, economist, worker in the Council of Ministers; (17) Xhemal Xhavit Gazidede, party educator, chairman of the executive committee of the district people's council; (18) Huzri Ramadan Hoxha, agronomist, director of the Shumbat agricultural enterprise; (19) Vehap Selim Daku, animal raiser, chairman of the Kala e Dodes agricultural cooperative; (20) Osman Nezir Murati, economist, first secretary of the district party committee; (21) Fisnik Izet Hyka, division commander in Diber; (22) Xhelil Ali Gjoni, secretary of the CC of the PPSH; (23) Haxhi Halit Lleshi, veteran; (24) Bujar Halil Pata, mining engineer, secretary of the district party committee; (25) Ahmet Sulejman Kamberi, physician, Candidate in Sciences; (26) Arif Sefedin Hasani, surgeon.

Durres—(27) Nazim Fadil Skuqi, mathematician, first secretary of the district party committee; (28) Arjana Marko Karoli, worker in the executive committee of the district people's council; (29) Adem Selim Dizdari, financial economist, director of the chemical enterprise; (30) Fatbardha Bajram Dyrmishi, physician; (31) Moikom Zihni Zeqo, chairman of the Committee for Culture and Arts; (32) Petraq Anastas Kote, construction engineer, chairman of the executive committee of the Durres City People's Council; (33) Reshat Sabri Isufi, electrical engineer, director of the Kavaje wood products enterprise; (34) no candidate; (35) Miri Ahmet Hoti, physician; (36) Fiqiret Risvan Hallulli, agronomist, head of the Luz i Vogel agricultural cooperative; (37) Fatmir

Aristidh Mingoli, mechanical engineer, chairman of the executive committee of the Durres people's council; (38) Agron Eqerem Fishta, mechanical engineer, deputy chairman of the executive committee of the district people's council; (39) Ibrahim Mehmet Kalemi, physician; (40) Pellumb Bajram Dema, agronomist, head of the Lalez agricultural cooperative; (41) Sulejman Bajram Disha, veterinarian in Jub Sukth; (42) Gaqo Sotir Kristo, division commissar in Shijak; (43) Fatmir Hasan Voci, agronomist, sector chief in the Shijak cooperative; (44) Fatmir Ramiz Doci, chemist, director of the Shijak food enterprise; (45) Xhevdet Hysni Allabejci, agronomist, chairman of the Rashbull people's council.

Elbasan—(46) Pertef Ziko Zhegu, mechanical engineer, director of Plant No. 12 of the Elbasan Metallurgical Combine; (47) Teuta Niko Dilo, physicist in the Metallurgy Design Institute, Candidate in Sciences; (48) Bukurosh Ndricim Stafa, metallurgical engineer, director of the metallurgical combine; (49) Agron Dilaver Tato, mathematician, director of the Higher Pedagogical Institute in Elbasan, Candidate in Sciences; (50) No candidate; (51) Kozma Hipokrat Biba, chemist, chief of the section for industry in the executive committee of the district; (52) Muharrem Ramadan Kajolli, agronomist, head of the Bradashesh agricultural cooperative; (53) Baki Gani Shehi, division commissar; (54) Hysen Shefqet Meta, agronomist, head of the Pajove agricultural cooperative; (55) Skender Sali Dubali, secretary of the Peqin city party committee; (56) Haki Selman Hysa, agronomist, director of the Belsh agricultural enterprise; (57) Ndricim Qemal Hysa, agronomist, head of the Dragot agricultural cooperative; (58) Sulejman Xhemal Pepa, agronomist, first sec of district party committee; (59) Ismail Zenun Cerri, agronomist, chief of the section for agriculture in the executive committee; (60) Moisi Veniamin Lushi, agronomist, head of the Klos agricultural cooperative; (61) Xhemal Abaz Qerimeni, mechanical engineer, secretary of the Cerrik city party committee; (62) Murat Idriz Jance, agronomist, head of the planning branch in Shirgjan; (63) Ligor Kovi Balla, secretary of the party bureau in Gjinar; (64) Bajram Ali Kurti, economist in the agricultural cooperative in Godolesh.

Fier—(65) Ylli Sokrat Bufi, chemical engineer, minister of light industry, Candidate in Sciences; (66) Drini Bedri Mezini, geological engineer, minister of industry, mining and energy; (67) Krtistaq Nasi Thanasi, construction engineer, director of the Fier industrial construction enterprise; (68) Xhorxhi Llambi Marku, mechanical engineer, director of the Fier machine tractor station; (69) Anastas Nikolla Pone, engineer, chairman of the Fier district executive committee; (70) Ilir Gori Dushi, prosecutor in Fier district; (71) Dhimiter Joti Dharmo, physician; (72) Shyqyri Dalip Rexhepi, agronomist, head of the agricultural cooperative in Zharez; (73) Napolon Sami Mertiraj, geological engineer, director of the general directorate for petroleum and gas in Patos; (74) Engjell Hair Beshaj, petroleum engineer, first secretary of the PPSH party committee in Patos raion; (75)

Pellumb Laze Shpata, veterinarian, director of the Roskovec agricultural enterprise; (76) Xhevair Hekuran Tahiraj, agronomist, director of the Levan agricultural enterprise; (77) Bardhyl Neki Fasko, agronomist, head of the agricultural cooperative in Cakran; (78) Faik Resmi Memushi, agronomist, director of the Levan middle school; (79) Spiro Petro Lule, agronomist, director of the Seman agricultural enterprise; (80) Bilbil Jashar Jaupi, financial economist, first sec of Fier district party committee; (81) Kastriot Selman Islami, physicist, minister of education, doctor of sciences; (82) Xhevair Sulo Bregu, agrarian economist, secretary of Fier district party committee; (83) Ali Gjysh Lamaj, division commander in Fier.

Gramsh—(84) Hysen Tare Godole, cultural chief in the district; (85) Ajet Bilal Baci, accountant economist, head of the Kodovjak agricultural cooperative; (86) Mecan Kodhel Hoxha, first secretary of the district party committee.

Gjirokaster—(87) Elviras Hader Shaplo, historian and geographer, director of the district archives; (88) Adil Haki Carcani, economist, chairman of the General Council of the Albanian Democratic Front; (89) Flamur Shyqyri Cani, agronomist, chairman of the executive committee of Gjirokaster District; (90) Foto Jorgji Fuqi, accountant economist, director of the agricultural enterprise i Odrie; (91) Vangjel Vaso Ngjelo, agronomist, director of the Gjirokaster machine-tractor station; (92) Theodhori Apostol Bej, Docent economist, aide to the Chairman of the Council of Ministers.

Erseke [Kolonje District]—(93) Shelqim Islam Cani, accountant economist, deputy chairman of the Council of Ministers; (94) Sotir Misto Kokeri, first secretary of the district party committee.

Korce—(95) Vangjel Misto Cerava, mechanical engineer, first secretary of the district party committee; (96) Agim Fasli Shahinasi, electrical engineer, chief of the section for industry in the executive committee; (97) Avni Avduraim Bilbili, sculptor; (98) Albert Llambi Filipi, mechanical engineer in the agricultural machinery plant; (99) Nasi Naqo Lera, writer, secretary of Union of Writers and Artists; (100) Theodharaq Vangjel Bello, geological engineer in Mborje-Drenove; (101) Melazim Haxhi Matraku, agronomist, head of the Kucak agricultural cooperative; (102) Pandi Tasi Stefa, mechanical engineer, director of the agricultural machinery plant; (103) Ahmet Baftjar Hoxhallari, physician; (104) Lutfi Halim Dautllari, agronomist, first secretary of Mirdite district party committee; (105) Bujar Vait Kolaneci, economist, deputy chairman of the State Planning Commission; (106) Pellumb Tosun Seferkolli, animal raiser, head of the Pojan agricultural cooperative; (109) Dritero Riza Agolli, chairman of the Union of Writers and Artists; (110) Gjergj Ndreko Krastafillaku, mechanical engineer, chairman of the executive committee of the district; (111) Meleq Neim Gupi, agronomist, head of the Menkulas agricultural cooperative.

Kruje—(112) Gezim Xhemal Dedja, jurist in the prosecutor's office in the district; (113) Sulejman Dervish Disha, agronomist, machine-tractor station director; (114) Fadil Abdulla Daci, agronomist, Candidate in Sciences, director of the Forage Crop Institute; (115) Gezim Mustafa Haxhiu, agronomist, secretary of the executive committee; (116) Hajdar Ismail Sinani, agronomist, director of the agricultural enterprise for fruit growing in Mamaurras; (117) Petra Talo Kalemi, agronomist, Candidate in Sciences, chairman of the district executive committee; (118) Pashke Pellumb Marku, accountant economist in the Lac agricultural cooperative; (119) Valentin Zef Lleshi, instructor in the district party committee.

Kukes—(120) Islam Sinan Gjana, mathematician, secretary of the party committee; (121) Qazim Ali Laci, mining engineer, director of the Gjegan mine; (122) Muharrem Rexhep Mezini, agronomist, chairman of the executive committee; (123) Qemal Mustafa Elezi, engineer, deputy chairman of the executive committee of the district people's council; (124) Feim Dervish Tota, head of the Bushtrice agricultural cooperative; (125) Namil Hamze Dokle, chief editor of ZERI I POPULLIT; (126) Petrit Bilal Musa, section chief in the executive committee of the district people's council; (127) Rexhep Ibrahim Ballmi, director of the Fajza agricultural enterprise.

Lezhe—(128) Agron Shaqir Dibra, chemist, chief of the section for industry in the executive committee; (129) Nikoll Pal Gjoni, agronomist, head of the Shenkoll agricultural cooperative; (130) Llesh Tom Rroku, physician, director of the Lezhe hospital; (131) Gjyl Rexhep Brahimi, economist, secretary of the district party committee; (132) Zef Gjergj Nikolla, biochemist, education inspector.

Librazhd—(133) Zenei Myftar Hysa, construction engineer, first secretary of district party committee; (134) Refik Isuf Disha, mining engineer, director of the Prrenjas chrome mine; (135) Qemal Veli Alla, economist, instructor in the party committee; (136) Sami Sadik Kushta, economist, director of the bank; (137) Hamit Rexhep Cota, mining engineer, director of the iron-nickel mine.

Lushnje—(138) Tahir Idriz Zelo, economist, instructor in the district party committee; (139) Vasilka Jorgji Hoxha, educator, chairman of the district women's organization; (140) Muharrem Nuri Dalipi, agronomist, director of the fruit growing agricultural enterprise in Dushk; (141) Xhemal Abedin Nezha, editor of the newspaper SHKENDIA; (142) no candidate; (143) Dhimiter Kristo Cili, agronomist, Candidate in Sciences, chairman of the district executive committee; (144) Alim Kadri Cela, agronomist, chairman of the Gore agricultural cooperative; (145) Themie Andon Thomai, agronomist, first secretary of the district party committee; (146) Nikolla Vangjel Ndoni, agronomist, chief of the agricultural section in the executive committee; (147)

Vangjel Jorgji Kokoneshi, chief agronomist in the agricultural cooperative in Cerme; (148) Skender Islam Muco, agronomist, director of the Cerme agricultural enterprise in Lushnje.

Mat—(149) Hajredin Shahin Tahiri, mechanical engineer, chairman of the district executive committee; (150) Mehil Mark Kaca, party education, machine-tractor station director; (151) Petrit Allaman Cuka, agronomist, secretary of party committee; (152) Hashim Ismail Zogu, physician; (153) Qemal Vehbi Disha, economist, minister of finance; (154) Tahir Rifan Osmani, mining engineer, director of the Klos mining enterprise.

Mirdite—(155) Marie Bardhok Biba, secretary of the district executive committee; (156) Viktor Pjeter Doda, geological engineer, chairman of the district executive committee; (157) Ndue Zef Totrri, geological engineer, director of the Perlat mine; (158) Ndue Ndrec Kaza, principal of the school in Fan.

Permet—(159) Bashkim Belul Xhakollari, agrarian economist, chairman of the executive committee of the district people's council; (160) Halil Gani Hyseni, trade economist, deputy minister of people's defense; (161) Arqile Andon Naqellari, agronomist, director of the "24 May" agricultural enterprise.

Pogradec—(162) Thoma Jovan Angjellari, mining engineer, Candidate in Sciences, chief of the section for industry in the executive committee; (163) Dhimiter Mihal Bardhi, agronomist, head of the Bucimas KTL [higher type cooperative]; (164) Feim Xhavit Bardhi, agrarian economist, head of the Petrush agricultural cooperative; (165) Banush Tefik Gozhdari, agronomist, chief of the section for agriculture in the executive committee; (166) Belul Haxhi Lufo, agronomist, first secretary of the district party committee.

Puke—(167) Arif Halil Gerxhari, party education, director of the construction enterprise; (168) Nikoll Pal Ndoj, forestry engineer, in the apparatus of the party committee; (169) Pjeter Zef Dema, economist, chairman of the district executive committee; (170) Fran Pjeter Pjetri, engineer, director of the Fushe-Arrez mine.

Sarande—(171) Kosta Anastas Kallojeri, agronomist, chairman of the executive committee of the district people's council; (172) Kico Janiu Mustaqi, minister of people's defense; (173) Nexhmi Servet Hoxha, agronomist, head of the Konispol agricultural cooperative; (174) Jorgo Stavro Loli, agrarian economist, head of the Grave agricultural cooperative; (175) Sofo Foto Thoma, agronomist, chief of the section for agriculture in the district; (176) Alqi Thimjo Stillo, mechanical engineer, director of the Sarande food enterprise; (177) Anastas Mihal Angjeli, economist, deputy minister of finance.

Skrapar—(178) Ajli Bektash Alushani, physician in Hospital No. 2 in Tirana; (179) Sazan Jakup Satka, engineer, director of the goods supply unit; (180) Gezim Fuat Cane, mechanical engineer, director of the Polican

mechanical combine; (181) Enver Kame Naska, agronomist, chairman of the executive committee.

Shkoder—(182) Hamit Selim Beqja, psychology professor, member of the Academy of Sciences; (183) Ali Shefqet Lacaj, mechanical engineer, first secretary of the youth committee; (184) Bashkim Daut Sykja, mechanical engineer, deputy minister of light industry; (185) Terezina Geg Marubi, chemical engineer, chairman of the district executive committee; (186) Hajredin Sejdin Llukaj, mechanical engineer, chief of the section for industry; (187) Fatlum Xhemal Bajraktari, chemical engineer, director of the fishing enterprise; (188) Sadedin Ibrahim Stankaj, political economist, instructor in the district party committee; (189) Pjeter Mark Celaj, sector chief in the Bajze agricultural cooperative; (190) Shaqir Bejto Vukaj, chemical engineer, chief of the scientific section in the executive committee; (191) Cun Jonuz Culaj, retiree; (192) Myftar Hasan Mataj, chemist, principal of the eight-year school in Linaj; (193) Hysni Ahmet Legata, agronomist in the Postribe agricultural cooperative; (194) Prek Simon Megjaj, secretary of the party bureau in Theth; (195) Luigj Kol Pjetri, electrical engineer, director of the "Enver Hoxha" hydroelectric power plant; (196) Fehmi Seit Hasnega, veterinarian, head of the Mjede agricultural cooperative; (197) Kujtim Ramazan Ylli, agrarian economist, branch chief in the Oblike cooperative; (198) Sulejman Zeqir Geci, chairman of the people's council in the united village of Bushat; (199) Jakin Tom Kola, chairman of the people's council in the united village of Dajc; (200) Ahmet Mali Osja, agronomist, minister of agriculture.

Tepelene—(201) Gramoz Kaso Ruci, higher pedagogical education, minister of interior; (202) Medin Selim Duraj, geological engineer, director of the Memaliaj coal mine; (203) Faik Bajram Cinaj, mining engineer, in the apparatus of the Central Committee of the PPSH; (204) Xhevat Hekuran Sinorukaj, worker in the internal affairs branch in Tepelene.

Tirana—(205) Fatos Hasan Miraci, mechanical engineer, Candidate in Sciences, chief engineer in the autotractor combine; (206) Ermelinda Ahmet Meksi, economist, teacher, Candidate in Sciences; (207) Aleks Ilo Luarasi, Docent jurist, general secretary in Council of Ministers; (208) Spiro Kico Dede, journalist, "Senior Scientific Worker," secretary of the CC of the PPSH; (209) Kosta Aleko Karoli, Docent, commandant of the Military Academy; (210) Skender Ethem Gjinushi, mathematician, professor, doctor, corresponding member of the Academy of Sciences, department head in the university; (211) Zija Musli Cela, writer, director of the publishing house of the Union of Writers; (212) No candidate; (213) Fatos Thanas Nano, political economist, Senior Scientific Worker, chairman of the Council of Ministers; (214) Muhamet Ismail Kapllani, minister of foreign affairs; (215) Fatos Sadik Plaku, textile engineer in the textile combine; (216) Farudin Raship Hoxha, construction engineer, Professor, corresponding member of the Academy of Sciences, worker in the Council of Ministers; (217) Adelina Andon Mazreku, physician, Candidate in Sciences, director of the Cancer Institute; (218) Ramiz Taip Alia; (219) Robert Sotir

Koli, economist and jurist, Candidate in Sciences, first secretary of district party committee; (220) Maqo Lefter Lakrori, electrical engineer, doctor, teacher; (221) No candidate; (222) Bashkim Nuredin Zajmi, mechanical engineer, chairman of the Region No. 3 executive committee; (223) Zyber Fadil Sinani, languages and literature, secretary of the executive committee of the district; (224) Hasan Gani Hoxha, agrarian economist, Candidate in Sciences, in the apparatus of the Central Committee of the PPSH; (225) Banush Mustafa Xhabrahimi, economist, director of the Kamez agricultural enterprise; (226) Leonard Jorgji Nano, engineer, minister of construction; (227) Lufter Nexhip Xhuveli, agronomist, professor, doctor, member of the Presidential Council; (228) Mehmet Hasan Loci, agronomist, first secretary of Region No 4 party committee; (229) Leontiev Skender Cuci, chairman of the State Planning Commission, Candidate in Sciences; (230) Ismal Imer Lleshi, Docent, secretary of the district party committee; (231) Shane Shefqet Korbeci, mechanical engineer, minister of foreign trade; (232) Pellumb Sulejman Rama, veterinarian, head of Baldushk agricultural cooperative; (233) Lumturi Mahmut Rexha, chairman of General Council of Women's Union, Candidate in Sciences.

Tropoje—(234) Halil Bajram Elezi, agronomist, chairman of the district executive committee; (235) Lush Martin Perpali, agrarian economist, Candidate in Sciences, teacher in the higher party school; (236) Ali Shaban Gosturani, agronomist, cooperative head.

Vlore—(237) Platon Hasan Arapi, chemical engineer, instructor in the Vlore District party committee; (238) Pajtim Shyqyri Ajazi, tradesman, director of ALB-KOP in Tirana; (239) Mezan Shasho Malaj, economist, secretary of the district executive committee; (240) Xhuljana Thoma Zoto, mathematics and physics, chairman of the Women's Union in the district; (241) Kastriot Yzeir Muco, textile engineer, director of the Kripe enterprise; (242) Petraq Jani Nasaj, mining engineer, director of the pitch mine in Selenice; (243) Gagace Refat Bregaj, economist, secretary of the party committee in the Llakatund agricultural enterprise; (244) Kostandin Medin Hoxha, electrical engineer, deputy minister of foreign trade; (245) Sabit Laze Brokaj, physician, Doctor of Sciences, minister of health; (246) Pellumb Hysni Kapo, worker in the apparatus of the Central Committee of the PPSH; (247) Shuaip Muharrem Roshi, veterinarian, director of the meat complex; (248) Llazar Thoma Gjindali, economist, head of the finance branch in Poro; (249) Halil Sheme Hasko, mechanical engineer, first secretary of district party committee; (250) Priamo Spori Bollano, economist, professor, doctor, director of statistics in the State Planning Commission.

Radio, Television Schedules for Candidates

91P20291A Tirana ZERI I POPULLIT in Albanian
27 Feb 91 p 4

[Announcement from Albanian Radiotelevision: "Albanian Radiotelevision Schedule for the election campaign"]

[Text] With the aim of ensuring that the propaganda of the electoral subjects is as effective as possible and that

the programs of these subjects are analyzed in the best way possible by the electorate, adapting international experience to the national radio-television system, under the conditions of the law-governed state and of political pluralism, Albanian Radiotelevision is providing the following propaganda opportunities for the 31 March election campaign:

1. Each electoral subject can organize a press conference in the television and radio studios, with the participation of journalists from the press. The representatives of the electoral subject will respond to the questions of these journalists for an hour. The press conference will be broadcast on radio and television.

2. The press conference can be organized prior to 2 March on the basis of written requests from the electoral subject prior to 22 February. Each electoral subject has the right to a press conference.

3. From 49 March, two or more electoral subjects, on the basis of an agreement among them, can have a debate on specified issues, on radio and television. Prior to 27 February, they must submit a joint request to Albanian Radiotelevision specifying the subject of the debate and the participants. Albanian Radiotelevision will create the technical conditions for recording the debate and will select a journalist moderator. The program will be called "Election Debate." It will last 30 minutes and will be broadcast sometime between 1 and 6 March.

4. From 18-27 March, each subject has the right to present election propaganda on television. Since they are all equal before the law, all electoral subjects have at their disposal equal time amounting to 45 minutes, from 2030 to 2115 hours for the first round.

Each electoral subject has the right to have as many as three of its representatives appear on TV or radio, to explain the election program of their party or organization. But how will the order of appearance be determined? In countries that already have a tradition of parliamentary democracy, this is determined by the number of deputies of each party or political organization, starting with the one that has the smallest number. In our country, the order of appearance of each subject will be determined by the number of candidates for election, beginning with the subject that has the smallest number of candidates. In the case of subjects with an equal number of candidates, the question of order of appearance will be resolved by agreement among the parties.

Also, we offer the possibility of drawing lots in case the electoral subjects have complaints about the above system. In this case, a meeting of representatives of each electoral subject should be held at the Radiotelevision office before 16 March.

5. On 29 March, each electoral subject is entitled to a second appearance, in the same order, for up to five

minutes, with only one representative. It will be broadcast in a special program on that day, beginning at 1900 hours.

6. For both their first appearance and their second appearance on television, the representatives of the electoral subjects who will be speaking will inform Albanian Radiotelevision in a special letter by 16 March, so that the subjects can be scheduled and the order of appearance can be set on the basis of criteria explained in point 4.

7. For independent candidates who are registered officially with the Central Elections Commission, Radiotelevision will stipulate certain days on which they can address the voters to explain their programs. Each independent candidate will have up to 10 minutes. To schedule this appearance, independent candidates should present to Albanian Radiotelevision an official request along with a document which provides proof of their official registration on the lists of candidates for elections to the People's Assembly. Recording in the studio takes place on the morning of the day that the program will be broadcast.

8. All electoral subjects are asked to observe the recognized criteria of election ethics and, when they explain their programs, they are requested to refrain from addressing insults and insinuations to other subjects and their representatives.

Regulations for Marking, Counting Ballots

91P20288A Tirana BASHKIMI in Albanian 14 Feb 91
pp 1, 3

[Instructions from the Central Elections Commission of the People's Assembly for filling out ballots and for their tabulation at the end of the voting by the Voting Center Commissions for People's Assembly elections]

[Text] On the basis of the requirements of Article 22 of the law "On People's Assembly Elections," no fewer than two candidates for deputy are being presented and registered in each election zone. Article 23 of the law stipulates the electoral subjects which have the right to present candidates, which include parties created recently, after the adoption of the law.

We are issuing these instructions for the purpose of ensuring unitary regulations for all election zones and voting centers in regard to filling out ballots and tabulating votes after elections:

I. The order of listing candidates on the ballot:

The candidates should be listed in alphabetical order, regardless of the subject which presented them.

The ballot should be filled in, legibly and without mistakes, giving the surname, father's name, and first name of the candidates. The ballots will be filled in with the use of a pen, a pencil, or a typewriter. In the column on the ballot indicating who is presenting the candidate, we

feel it is necessary to explain that the names of the subjects should be written, such as: the Workers' Party, the Democratic Party, the Republican Party, the Ecological Party, the Democratic Front, the Trade Unions, the Union of Working Youth, the Women's Union, the Veterans' Committee, or independent candidate.

If several candidates are on the ballot, each voter should indicate clearly on the ballot which candidate he is voting for and strike out the names of the others.

II. The procedure for tabulating the vote by the voting commission of the center:

On election day, at 2000 hours, the chairman of the voting center commission proclaims that the polls are closed and declares the start of the procedure of counting the votes and determining the results of the vote:

—The unused ballots should be counted, packaged, and stamped. The number of unused ballots will be mentioned in the special report.

—On the basis of the list of voters, the report should note the number of registered voters in the voting center and the number of voters who participated in the vote, including those who actually have a right to vote. After this, the chairman of the commission orders the ballot box to be opened (including the movable box).

In addition to ballot boxes, each voting center has movable boxes which are needed for voting. They must be empty boxes, with no cover, prepared and examined, for holding the ballots that are examined and tabulated by the voting center commission.

This box is examined by the chairman of the voting center commission in the presence of members and authorized persons who are present and is put in a special place.

After all these preparations are made, the chairman of the voting center commission orders the ballot boxes to be opened:

—The votes are counted by taking the ballots from the ballot boxes, one by one.

The chairman of the commission takes out the first ballot, reads it out loud and gives it to all the members of the commission and shows it to those present. The entire commission makes its tabulation and the appropriate notes are made in the initial official record for each candidate and for invalid ballots. After it is counted, the ballot is put in the special box. After this tabulation, the chairman of the commission takes the next ballot from the ballot box and the movable box, etc., until all the ballots are taken out and counted.

After the ballots are counted, the commission notes the total number of ballots in the official record and checks to see if this number is the same as the number of voters who have participated in the elections, according to the list of voters. It indicates the number of invalid ballots

and the number of votes for each candidate. Then, the chairman of the voting center commission informs those present of the final results of the election in the respective voting center.

Then, the official report signed by the chairman and secretary of the commission is sent immediately to the election commission of the zone while other election documents are sent for safekeeping to the state organs stipulated in Article 59 of the law "On Elections to the People's Assembly." The official record can also be signed by members of the voting center commission at their request. If any member of the voting center commission has any objections, they will be presented in writing in the official record.

III. Voting regulations for small military units:

The commission gives guidance to grassroots government organs in cases in which no special voting centers are created for small military units near residential areas and the voting takes place in centers combined with the village or sectors of the cities, while the military cadres vote with their families. In cases in which the voting centers are set up in military units, according to the requirements of Article 56 of the law "On Elections to the People's Assembly," all conditions are created for representatives of social and political organizations and independent candidates, especially authorized for this purpose, and representatives of the press, radio, and television and the news agencies to be present during the counting of the votes in the voting centers.

Youth Union Condemns Violence, Supports Alia

91P20284B Tirana ZERI I RINISE in Albanian
9 Mar 91 p 1

[Unattributed article: "Statement of Plenum of Central Committee of the Union of Working Youth of Albania"]

[Text] The plenum of the Central Committee of the Union of Working Youth of Albania [BRPSH], which met to analyze the situation created recently, regards the situation to be tense and calls upon all members of the Youth Union, all the people, and all political parties and sociopolitical organizations to place our sacred Albania and the national flag above everything else and to work to rise above this situation so that we will move into the free elections on 31 March in an atmosphere of social peace and quiet and democratic tolerance, as becomes our civilized people.

The plenum strongly condemns every destructive act against cultural and material values, against peace and life, perpetrated by individuals who are creating tensions and anxiety in the people. Democracy is being constructed and is not being destroyed. Understanding the feelings of the people, the plenum is in favor of the prohibition of all meetings, by all parties and other organizations, because they do not help to reduce the tension, but rather, they increase tension.

The plenum stresses that the Youth Union is an independent social organization, which unites young men and young women in its ranks, regardless of political convictions, party membership, or religious faith. The BRPSH supports the democratization process in the country, placing the national ideal above everything else. The BRPSH is opposed to the exploitation of the youth by political forces.

The plenum supports the Presidential Council and Comrade Ramiz Alia and considers this support to be of decisive importance for the normal progress of the democratization process. In Comrade Ramiz Alia we see a wise and far-sighted leadership which is guiding the country intelligently in the complex situations which we are facing.

The plenum appeals to the youth and to all the workers in the country to return to work and to their studies, convinced that, first of all, work and knowledge will lead us forward and will bring us closer to Europe. It calls upon the youth, in particular, to look toward our dear country, to submit to it and serve it with all their strength, and not to abandon it in these difficult moments.

The plenum addresses to all the slogan: "Work, stability, unity."

Report on Speeches From Youth Union Plenum

91P20284A Tirana ZERI I RINISE in Albanian
9 Mar 91 pp 1, 2

[Text] On Wednesday, in the Palace of Congresses in Tirana, there was a plenum of the Central Committee of the Union of Working Youth of Albania [BRPSH] which analyzed the recent events, the influence of such events on the youth, and the attitude and duties of the BRPSH in this situation.

The plenum discussed the resignation request submitted by Lisen Bashkurti, first secretary of the Central Committee of the BRPSH. After discussions, the plenum did not accept this request.

At the end of the session, the plenum adopted a statement.

The report, "On the Current Situation and Position of the BRPSH", presented by the secretary of the Central Committee of the BRPSH Rrapo Zguri says, among other things, that many of the recent events, many of the progressive or regressive developments are connected, in one way or another, to the establishment of pluralism in our country, to the understanding or misunderstanding of this development, to its use or abuse, to its approval or disapproval. In an historic reality, pluralism is, indubitably, a great victory for the progressive and democratic forces of our people and youth, one of the most brilliant achievements of its civilization. However, under the conditions of a country with one party, without any previous tradition of pluralism, like Albania, this cannot

be achieved simply as a peaceful symbiosis of ideas, but, above all, it comes as a concrete struggle of moral, material, and political interests. In this way, power-holding interests are interlocked with and opposed by power-taking interests, myths are destroyed and new ambitions are born. Not only ideas and platforms for ideas, but also entire systems of favors and privileges are shaken; values which have been practically sanctified for the broad masses of the people are being attacked; new leaders of the masses and their interests are appearing on the scene.

This collision, this redistribution of concrete interests was, indubitably, one of the main reasons why pluralism in Albania has sometimes been so harsh and brutal, so full of opposition, excesses, and extremism. In addition, indoctrination and low-level political culture, as well as the revival of hatreds and barbarism, and various destructive actions inspired by savage motives or by social conflicts and wounds, have had a bad influence and still have a bad influence. I cannot help but be sad when I see hostile people or entire mobs which have become hostile, simply because of political convictions, or when I see comrades, neighbors, or fellow workers in whom, because of political preferences or party membership, love is replaced by hatred, understanding is replaced by loathing, and sincere communication is replaced by vilification and backbiting. What painful results these things have when they are further extended among groups of a collective, among the residents of a village, in regions and among various strata of the population. It is the honor and duty of each one of us to try to propagandize against such a primitive and uncivilized mentality, against absurd feuds for the sake of political-ideological stakes.

In this entire complicated and delicate situation, our anxiety is directed in particular, toward the position and attitude of the BRPSH. In this regard, we must carefully examine how the decisions of the 18 December National Congress have been understood and implemented and how these decisions have taken concrete form.

The emergence of the BRPSH as an independent and pluralistic social organization is essential. Under the new conditions created with the establishment of political pluralism, it was natural that the BRPSH would distance itself from the various political parties and that it would not serve as a transmission belt for any political force.

Everyone understands that this was the only position, as well as the best and most reasonable position, which would ensure that the BRPSH would be transformed into a factor of rapprochement and unity for Albanian youth, regardless of ideological convictions, religious beliefs, or political affiliation. To tell the truth, there has been a lot of discussion on this matter. It has been stressed that we should not be concerned with politics, that we should not take a position in favor of a single party, that we should not equip ourselves politically, etc., etc. But while we are concerned with what we should not do and we have forgotten what we should do: respond to

and protect the specific interests of the youth in work, education, culture, science, sports, recreation, etc. There have been entire weeks without any activities, any cultural or scientific meeting, any athletic competition, any literary afternoon, concert, or evening of recreation. For a long time, the organization has been cut off from the youth, or, more precisely, the youth has been cut off from the organization. At a time when the voice of the youth on the subject of the satisfaction of various demands was very evident, the directors of the grassroots or headquarters organizations hid behind the mobs and turned their backs on treating the problems of the youth. We think that the youth organization, itself should take charge of the protection of the legitimate interests and demands of the youth. This organization, and only this organization, should be in the forefront of the defense of these interests of the youth; otherwise, its existence would be put into question.

In the current situation, while respecting the position of our organization, it is essential that, in various forms, we contribute more to bringing about peace and rapprochement among our people, as well as stability and work, so they will not leave the country, to lessening political tensions and fears, to preventing confrontations and avoiding a fatal, bloody end. In particular, as a member of a youth organization or as a director of the youth, we must give a good example of coexistence and pluralistic understanding so that we can go into the 31 March elections in complete peace and harmony. As a progressive organization, the BRPSH must give strong support to Comrade Ramiz Alia at the head of the Presidential Council, looking at him as a far-seeing leader capable of carrying out, to the end, the struggle for the democratization of Albania. This support is support for democracy and progress, for the restoration and salvation of Albania.

The report presented by the secretary of the Central Committee of the BRPSH, Luan Bregasi, stated that the BRPSH organization will take part in the campaign for the election of deputies to the People's Assembly as an independent electoral subject. The youth forums at headquarters and in the grassroots did good work on this issue in January. With very few comments and changes, the candidates of the youth organizations were received very well, not only by the youth.

However, the postponement of the elections by almost two months caused us to relax without justification and in some districts, there are signs of retreat on this issue. Of course, the postponement of the elections will have some effect but the negligence should not go so far as dropping out of the campaign. For example, two districts, in their bureau meetings, decided to withdraw the youth organization candidates from the election campaign.

If we group the suggestions, votes, and opinions on this matter, we see that they come from two directions:

First, from various political forces outside the ranks of the youth organization. They want only political parties to take part in the elections and they want to change the election law which specifies the subjects participating in the elections.

Second, from within the ranks of our organization, from comrades in leadership positions in the districts and in the bureaus, and from individuals. They want us to withdraw from the elections because we are a pluralistic organization and, as such, its members and, as a result, also the deputies will represent a party mosaic in the People's Assembly. Some suggestions for withdrawal from the elections take into consideration the new political situation created by the initiation of the multiparty system because the law on elections had been promulgated earlier. We think that, in this situation, we should not withdraw, but we should insist on our participation in the elections and we should be consistent about this.

Why should we participate?

First, because it is our right to decide on this matter. No youth forum in any of the districts has the right to make a decision outside of the decisions which we made together in the National Conference in December of last year. The Law on the Election of Deputies to the People's Assembly recognizes the right of the central organ to make decisions. It is one thing for youth forums in the districts to make suggestions, which are generally respected, and it is another thing for them to make decisions which are not within their competency.

Second, because our participation in the election campaign is not only because of the election law. Of course, this is true. But it is more because of our position as an independent social organization. We decided to participate in the elections in conditions of the absence of a multiparty system. It would have been better to withdraw from the elections under those conditions, rather than now when a number of parties have been created and we are independent of them. However, in our opinion, the new pluralistic situation has not created conditions for withdrawal from the campaign but, on the contrary, has increased the absolute need to participate in it.

Third, the program and duties of the BRPSH must be defended in the new Assembly by deputies from our organization. We always complained that he did not have any deputies in the People's Assembly. Many of us stood in front of the doors of the Assembly saying that we wanted to have our own deputies. The opportunity has been given to us and it should be utilized.

Fourth, I think that it would not be dignified for our youth organization and for the plenum of the Central Committee of the BRPSH, not only for the situations which we are facing, but for the simple reason that we have already informed the people which candidates would be representing us (and we must not forget that they have been received very well). Our comrades from the plenum or not from the plenum are asking us not to

participate in the elections. It would not be democratic if we did not listen to these voices but it would also not be democratic if we did not observe the decision of a National Conference and the realities which we are raising higher and the new political situation which has been created.

The report presented by the secretary of the Central Committee of the BRPSH, Mimoza Jazoj, stated that the new status of the youth organization as an independent social organization implies a new understanding of its entire structure from the grassroots to headquarters. Only by a modern restructuring can it legitimize its existence and realize the entire content of its platform.

I think that an energetic activity of all our youth forums and apparatuses so that they will correspond to the structures of the new content and the new situations is our number one duty at the present time.

For this it is necessary for our youth forums to organize consultations and to solicit opinions from below, in order to determine the most suitable structures, in accordance with the specific nature of the categories of youth.

It is necessary for experiments to be made to test their effectiveness, so as to be ready for the election campaign and the Congress in the near future.

Each one of us must work, with agitation, if necessary, to reform our organization, not simply so that it will exist and will withstand the new realities, but also so that it will really become essential for the youth.

I am presenting some opinions in connection with the structure of organizations which might be further expanded:

First: The BRPSH should be organized on the basis of a Federation of Albanian Youth to which national associations for science, literature and the arts, physical culture, sports and tourism, as well as associations for pupils and students would belong.

Second: The national associations would be set up on the base of the respective associations in the districts, which, on the district level, are directed by the councils of the youth federation in the districts, which are composed of the directors the district associations, a chairman and a secretary. That is, in the districts, we can have an association of young artists and writers, and of young innovators as well as an athletes' association, a students' association (for districts with schools of higher education), etc. The associations are directed by a secretary.

Third: The district associations are composed of members of the councils of youth aktivs on the school, enterprise, village, and other levels, who are elected by the general assembly of the youth aktiv. The aktiv is the grassroots link or structure and the grassroots organization existing up to now will no longer exist.

The forums from headquarters to the grassroots would be:

1. The General Assembly of the Federation which replaces the Congress and which will be held every three years. It elects the General Council of the Federation with members from all the national associations. This council elects the leadership or the Presidium of the Federation which is composed of the president or chairman of the Federation, a secretary, and five members who are secretaries of the national associations and who carry on the work of the Federation between assemblies.

2. The assembly of the youth federation in the district which includes the independent associations in the district will meet once a year. It elects the federation council with representatives from each association. The council directs the activity of the federation between assemblies. The council is headed by a chairman, the secretaries of the associations and some members.

3. The local associations have annual assemblies and have elections each year. The national associations carry out annual analyses and hold elections every three years.

4. In the villages, economic enterprises, and schools, the organization takes place on the basis of volunteer youth aktivs, which, in general assemblies held each year, elect a management council composed of a chairman and a secretary.

The members of the management councils of the aktivs, according to the issues which they cover, and other outstanding workers in these fields, form the local association (on the district level). The structure of the youth organization in the army will be rebuilt on the basis of this concept.

The basic principle in the formation of the aktiv of the association is volunteerism. The age for admission can be from 15 to 30. We believe that the contribution of pupils and students, villagers and workers, to society can be increased. They are paid once a year, at the beginning of the year.

In order to produce a serious study of this matter I think it is necessary to organize working groups in all districts with the participation of elected comrades and headed by the district first secretaries, which, by 28 August 1991, will forward all the opinions which have been presented.

Before 15 April 1991, the organizing sector will prepare a new draft statute of the organization which will be discussed among the masses of the youth, supplementing it and presenting it for approval by the Congress.

Immediately after the 31 March elections, the new election campaign will begin among the youth, which will result in a change in the organizational structures. Youth workers and activists in the districts will immediately begin their work to collect dues which will be the main source of income.

In conditions in which subsidies from the state and from the BRPSH leadership at headquarters and in the districts are cut back, methods and possibilities for obtaining income will be studied and, in accordance with these, the apparatuses and structures of the youth organs will be determined.

As of 1 April 1991, no subsidy will be sent from the Central Committee of the Youth Union. Measures will be taken immediately to find work for those comrades who are removed from the staffs.

CZECHOSLOVAKIA

President Havel's Draft of Federal Constitution

91CH0443A Prague ZEMEDLSKE NOVINY
in Czech 14 Mar 91 pp 8-12

[Proposed Constitution for the Czech and Slovak Federal Republic as presented by Vaclav Havel, president of the CSFR]

[Text]

Declaration

We, the people of the Czech and Slovak Federal Republic, composed of the Czech nation, the Slovak nation, and other nationalities residing on the territory of our state, adopt this Constitution of the Czech and Slovak Federal Republic through the medium of our freely elected representatives.

Chapter One. Basic Provisions

Article 1

The Czech and Slovak Federal Republic is a democratic legal state, intended to serve all of its citizens. This service is guided by the ideal of humanity and civil equality, by respect for human rights, by an effort to achieve free economic and spiritual development, and by social justice.

Article 2

The source of all state power is the people. The people execute this power through their votes, elections, and through the medium of legislative, executive, and judicial organs. The representative bodies, as basic instruments of the sovereign power of the people, are elected in general and direct elections by secret ballot.

Article 3

1) The Czech and Slovak Federal Republic is a joint state of two independent nations—the Czech nation and the Slovak nation—and of the nationalities living on its territory.

2) The Czech and Slovak Federal Republic is a Federal state, composed of the Czech Republic and of the Slovak Republic. Both republics are joined in the federation voluntarily, of the free will of their citizens, which is

expressed by the historic Declaration on Coexistence, dated 1991. Both republics occupy an equal position within the federation. Both republics and the federation mutually respect each other's sovereignty. The federal organs are granted the authorities outlined in this Constitution. All other rights are vested either in organs of the two republics or directly in their citizens.

3) In harmony with the inalienable rights of nations to self-determination, each of the republics has the right to freely decide whether to remain within the Federal state. It can do so only by the methods stipulated in this Constitution.

Article 4

The Czech language and the Slovak language shall be used equally in the negotiations of all state organs of the Czech and Slovak Federal Republic and of both republics, as well as by organs of territorial self-administration, in proceedings before these bodies, and in their other contacts with citizens. Members of the minority nationalities may, under conditions stipulated by law, utilize their own language in contacts with officialdom.

Article 5

1) A citizen of each of the two republics is, simultaneously, a citizen of the Czech and Slovak Federal Republic.

2) A citizen of one of the republics has the same rights and obligations on the territory of the other republic as does a citizen of that republic.

3) No one may be deprived of their citizenship against their will.

4) The principles for acquiring citizenship in the Czech and Slovak Federal Republic will be stipulated by a law promulgated by the Federal Assembly.

Article 6

The borders of the Czech and Slovak Federal Republic may be changed by a constitutional law adopted by the Federal Assembly or by a national referendum.

Article 7

1) The Czech and Slovak Federal Republic rejects war as a method for oppressing other nations. It is striving to establish an order which would guarantee peace and justice among the nations of the world and, therefore, supports those international organizations and associations which have such goals. As a basic principle of the relationship between countries and nations, it respects the principle of their equality and sovereignty.

2) The Czech and Slovak Federal Republic fulfills its obligations in the area of individual and collective security in the spirit of international law and on the basis of bilateral and multilateral agreements.

3) International agreements on human rights and basic freedoms which have been ratified and announced by the Czech and Slovak Federal Republic are generally binding throughout its territory and take precedence over the law.

4) The stationing of Armed Forces of the Czech and Slovak Federal Republic on the territory of another state or the stationing of the armed forces of another state on the territory of the Czech and Slovak Federal Republic, requires approval by the Federal Assembly or by the people in a national referendum.

Article 8

1) The economy of the Czech and Slovak Federal Republic is based on a unified domestic market, particularly on a unified currency and upon the free movement of the labor force, of goods, and of money.

2) The economy of the Czech and Slovak Federal Republic represents the integration of the economies of the Czech Republic and of the Slovak Republic, which share in the creation of the economic policies of the Czech and Slovak Federal Republic.

Article 9

Any property which serves to fulfill the goals of the Czech and Slovak Federal Republic in areas entrusted to it by this Constitution is owned by the Czech and Slovak Federal Republic.

Chapter Two. Basic Rights and Freedoms

Part One. General Provisions

Article 10

People are free and equal with respect to their dignity and their rights. Basic rights and freedoms are inalienable and uncancelable.

Article 11

1) The state is established on the basis of democratic values and is not tied in to any exclusive ideology or religious belief.

2) State power may be exercised only in cases and within limitations stipulated by law, by methods stipulated by law.

3) Everyone may do whatever is not prohibited by law and no one may be compelled to do what the law does not require.

Article 12

1) The basic rights and freedoms are guaranteed to all, without regard to sex, race, color of skin, language, faith and religion, political or other opinions, nationality or social origin, membership in a nationality or in an ethnic minority, property owned, ancestry or any other position.

- 2) Everyone has the right to freely decide what his nationality should be. Any kind of influencing of this decision and all methods aimed at exerting pressure intended to bring about the renunciation of such nationality are prohibited.
- 3) No one must suffer any diminution of their rights for asserting their basic rights and freedoms.

Article 13

- 1) Duties may be assigned only on the basis of the law and within its limitations and only to preserve basic rights and freedoms.
- 2) The limits of basic rights and freedoms may be adjusted only by law under conditions stipulated in this Constitution.
- 3) The legal limitation of basic rights and freedoms must apply equally in all cases which meet the stipulated conditions.
- 4) In applying the provisions on the limitation of basic rights and freedoms, their essence and meaning must be preserved. Such restrictions must not be misused for any other purposes than those for which they were established.

Part Two. Human Rights and Basic Freedoms

Section One. Basic Human Rights and Freedoms

Article 14

Everyone is qualified to have rights.

Article 15

- 1) Everyone has the right to life. Human life is worthy of being protected even prior to birth.
- 2) No one must be deprived of life.
- 3) The death penalty is not permitted.
- 4) It is not a violation of rights in accordance with this article if an individual has been deprived of life in conjunction with actions which are not criminal in the eyes of the law.

Article 16

- 1) The inviolability of the individual and his privacy is guaranteed. It may only be restricted in cases stipulated by law.
- 2) No one may be tortured or subjected to cruel, inhuman, or humiliating treatment or punishment.

Article 17

- 1) Personal freedom is guaranteed.

2) No one must be prosecuted or deprived of freedom other than for reasons and by methods which are stipulated by law. No one may be deprived of freedom merely because they are incapable of discharging a contractual obligation.

3) A person who is accused or suspected of having committed a criminal act can be apprehended only in cases stipulated by law. The apprehended person must immediately be notified of the reasons for being apprehended, must be questioned, and, at the latest, within 24 hours, must be released or handed over to the court. A judge must hear an apprehended person within 24 hours of having taken him over and must decide whether the person shall remain in custody or is to be released.

4) An accused may be arrested only as a result of a court order justified in writing. The arrested person must be handed over to the court within 24 hours. The court must hear the arrested individual within 24 hours of having taken him over and must decide whether the person shall remain in custody or is to be released.

5) No one can be taken into custody except for those reasons and durations stipulated by law and on the basis of a court decision.

6) The law stipulates those cases in which an individual may be taken over by the court or held in a health care institution without their agreement. Such an arrangement must be communicated to the court within 24 hours and the court must make a decision regarding the placement of the individual within seven days.

Article 18

- 1) No one must be subjected to compulsory work or services.
- 2) The provisions of Paragraph 1 above do not apply to the following:
 - a) work assigned by law to individuals serving the sentence of deprivation of freedom or to individuals serving a sentence which replaces the punishment of deprivation of freedom;
 - b) military service or another service stipulated by law in place of obligatory military service;
 - c) service required on the basis of law in the case of natural disasters or other dangers which threaten life, health, or considerable property values;
 - d) actions required by law to protect the life, health, or rights of others.

Article 19

- 1) Everyone has the right to see to it that his human dignity, personal honor, and his good reputation be preserved and his name protected.
- 2) Everyone has the right to be protected against illegal incursions into their private and family life.

3) Everyone has the right to be protected against the illegal collection of data, publication of data, or other misuse of data pertaining to his person.

Article 20

1) Everyone has the right to own property. The ownership rights of all owners have the same legal content and protection. The right to inherit is guaranteed.

2) The law stipulates which property, which is essential to support the requirements of the entire society, the development of the national economy and the public interest may remain only in the hands of the state, community, or in the hands of certain legal entities; the law may also stipulate that certain items may only be owned by citizens or by legal entities having their seat in the Czech and Slovak Federal Republic.

3) Ownership is binding. It must not be misused to degrade the rights of others or be in conflict with general interests which are protected by law. The exercise of ownership must not damage human health, the environment, and nature to an extent greater than that stipulated by law.

4) Expropriation or forced limitation of ownership rights is possible only in the public interest and on the basis of the law and must be compensated.

5) Taxes and fees may be assessed only on the basis of the law.

Article 21

1) The personal residence of individuals is inviolable. It is not permitted to enter it without the approval of the person in residence.

2) House searches are permissible only for purposes of criminal proceedings and only with a court order which is justified in writing. The method of conducting a house search is stipulated by the law.

3) Other incursions into the inviolability of the home may be permitted by law only where this is essential, within a democratic society, to protect life or the health of individuals, to protect the rights and freedoms of others, or to counter a serious threat to public safety and order. Where the home is also used for other entrepreneurial or economic activities, such incursions may also be permitted by law if they are essential to the fulfillment of the tasks assigned to public administration.

Article 22

No one may violate the secrecy of the mails, nor the secrecy of any other documents or records, irrespective of whether they are stored in private or are dispatched by mail or by another method, except for cases and methods which are stipulated by the law. The same secrecy is guaranteed for information communicated via telephone, telegraph, or other similar installations.

Article 23

1) The freedom of movement and sojourn is guaranteed.

2) Anyone who is legally staying on the territory of the Czech and Slovak Federal Republic has the right to leave it freely.

3) These freedoms may be restricted by law if this is unavoidable for the sake of the safety of the state, for the maintenance of public order, for the protection of the health or protection of the rights and freedoms of others, and, in special territorial sectors, also for purposes of protecting the environment.

4) Every citizen has the right to freely enter the territory of the Czech and Slovak Federal Republic. A citizen may not be compelled to leave his country.

5) A foreigner may be expelled only in cases stipulated by the law.

Article 24

1) The freedom of thought, conscience, and religious belief is guaranteed. Everyone has the right to change their religion or to entertain no religious belief.

2) The freedom of scientific research and artistic creation is guaranteed.

3) No one may be compelled to perform military service where this is in conflict with his conscience or with his religious belief. Details are to be stipulated by the law.

Article 25

1) Everyone has the right to freely express his religion or faith, either alone or together with others, in private or in public, in religious services, as a result of teaching, by performing religious acts, or by observing religious ceremonies.

2) Churches and religious societies administer their affairs, they particularly establish their organs, appoint their ministers, establish their monasteries and other ecclesiastical institutions, independently of state organs.

3) The state stipulates the conditions for the teaching of religious subjects at state schools.

4) The execution of these rights may be restricted by law where they involve measures in a democratic society which are essential for the protection of public safety and order, health and morality, or where they impact on the rights and freedoms of others.

Part Two. Political Rights

Article 26

1) The freedom of speech and the right to acquire information are guaranteed.

2) Everyone has the right to express their views through words, in writing, in the press, through pictures, or by

another method, as well as the right to seek out, receive, and disseminate ideas and information without regard to the borders of the state.

3) Censorship is not permissible.

4) The freedom of speech and the right to seek out and disseminate information may be restricted by law where measures are involved which, in a democratic society, are essential for the protection of the rights and freedoms of others, for the security of the state, for public safety, for the protection of public health and morality.

5) State organs and organs of territorial self-administration are obligated to provide information regarding their own activities. The conditions and implementation of this measure are stipulated by law.

Article 27

1) The right of petition is guaranteed. In matters bearing on the public interest or any other social interest, everyone has the right to turn to state organs and organs of territorial self-administration with requests, proposals, and complaints, either individually or together with others.

2) A petition may not be used to intervene in the independence of the court.

3) Petitions may not be used to incite others to violate the basic rights and freedoms guaranteed by this Constitution.

Article 28

1) The right of peaceful assembly is guaranteed.

2) This right may be restricted by law where assemblies are held in public places if measures are involved which, in a democratic society, are essential for the protection of the rights and freedoms of others, for the protection of public order, for the protection of health, morality, property, or the security of the state. However, the gathering of people in assembly may not be contingent upon permission of the organs of public administration.

Article 29

1) The right to associate with others in associations, societies, and other gatherings is guaranteed.

2) Citizens also have the right to establish political parties and political movements and to exercise their right of assembly in these units.

3) The exercise of these rights may be restricted only in cases stipulated by law if they involve measures which, in a democratic society, are essential to the security of the state, the protection of public safety, and public order, if they are essential to prevent criminal actions, or if they are necessary for the protection of the rights and freedoms of others.

4) Political parties and political movements, as well as other gatherings, are separated from the state.

Article 30

1) Citizens have the right to participate in the administration of public affairs directly or through the free election of their representatives.

2) Elections must be held within a time frame which does not exceed the regular election periods stipulated by law.

3) The election right is general and equal and elections are conducted by secret ballot. The conditions for exercising the election right are stipulated by law.

4) Under equal conditions, citizens have access to elected and other public functions.

Article 31

The legal regulation of all political rights and freedoms and their explanation and utilization must facilitate and protect free competition between political forces in a democratic society.

Article 32

Citizens have the right to oppose anyone who would engage in eliminating the democratic order of human rights and basic freedoms, established by this Constitution, if the activities of constitutional organs and the effective utilization of legal means becomes impossible.

Part Three. The Rights of Nationalities and Ethnic Minorities

Article 33

Membership in any nationality or ethnic minority must not be detrimental for anybody.

Article 34

1) Citizens forming nationality or ethnic minority groups are guaranteed universal development, particularly the right to develop their own cultures together with other members of minorities, they are guaranteed the right of dissemination and acquisition of information in their mother tongue, and to associate with others in nationality associations. Details are stipulated in the law.

2) Citizens who are members of nationality groups and ethnic minorities are also guaranteed the following under conditions stipulated by law:

a) the right to an education in their own language;

b) the right to use their own language in official contacts;

c) the right to participate in solutions impacting on nationality groups and ethnic minorities.

Part Four. Economic, Social, and Cultural Rights**Article 35**

- 1) Everyone has the right to the free choice of profession and preparation for such a profession, as well as the right to undertake and conduct other economic activities.
- 2) The law may stipulate conditions and restrictions for the implementation of certain professions or activities.
- 3) Everyone has the right to acquire the means necessary for his necessities of life through work. Citizens who cannot exercise this right through no fault of their own shall be supported by the state to an appropriate extent; the conditions are stipulated by law.
- 4) The law may stipulate a different arrangement for foreigners.

Article 36

- 1) Everyone has the right to freely associate with others in the protection of their economic and social interests.
- 2) Trade union organizations come into being independently of the state. It is impermissible to limit the number of trade union organizations; neither is it permissible to advantage some of them within an enterprise or industrial branch.
- 3) The activities of trade union organizations and the coming into being and activities of other associations to protect economic and social interests may be restricted by law if measures are involved which, in a democratic society, are essential for the protection of the security of the state, of public order, or of the rights and freedoms of others.
- 4) The right to strike is guaranteed, under conditions stipulated by the law; this right does not apply to judges, prosecutors, members of the Armed Forces, and members of security components.

Article 37

Employees have the right to just remuneration for work performed and to satisfactory working conditions. Details are to be stipulated by law.

Article 38

- 1) Women, young persons, and persons whose health is impaired have the right to increased protection of their health while at work and have the right to special working conditions.
- 2) Young people and persons whose health is impaired have the right to special protection in their working relationships and to assistance in training for a profession.
- 3) Details are to be stipulated by law.

Article 39

- 1) Citizens have the right to appropriate material support in their old age and when unfit for work, as well as in cases where their provider is lost.
- 2) Everyone who is in material need has a right to such assistance which is essential to assure the basic living conditions.
- 3) Details are to be stipulated by law.

Article 40

Everyone has the right to have their health protected. On the basis of public insurance, citizens have the right to enjoy free health care and health care devices under conditions to be stipulated by law.

Article 41

- 1) Parenthood and the family are under the protection of the law. Special protection for children and young people is guaranteed.
- 2) A pregnant mother is guaranteed special care, protection in her working relationships, and appropriate working conditions.
- 3) Children born in wedlock as well as out of wedlock have the same rights.
- 4) Child care and child education is a right enjoyed by parents; children have the right to parental education and care. The rights of parents may be restricted and minor children may be separated from their parents against their will only by court decision on the basis of the law.
- 5) Parents who care for children are entitled to state aid.
- 6) Details are to be stipulated by law.

Article 42

- 1) Everyone has the right to an education. School attendance is obligatory for the period of time stipulated by law.
- 2) Citizens are entitled to free education in basic and middle schools, in accordance with the capabilities of the citizen, and, according to the possibilities at the disposal of society, are also entitled to a free education at advanced schools.
- 3) The establishment of other schools than state schools and teaching at these schools is possible only under conditions stipulated by law; at these schools, education can be imparted for compensation.
- 4) The law stipulates under what conditions citizens have the right to state aid while they are studying at a school.

Article 43

- 1) The right to enjoy the results of creative mental activity is protected by law.
- 2) The right of access to cultural riches is guaranteed under conditions stipulated by law.

Article 44

- 1) Everyone has the right to enjoy a favorable environment.
- 2) Everyone has the right to timely and complete information regarding the status of the environment and of natural resources.
- 3) In the exercise of their rights, no one may threaten or damage the environment, natural resources, the riches of nature, and cultural monuments over and above the extent stipulated by law.

Part Five. The Right to Court and Other Legal Protection

Article 45

- 1) Everyone is entitled to assert their rights before an independent and impartial court by stipulated procedures and may do so before other organs as well in stipulated cases.
- 2) Anyone who claims that their rights have been abridged by a decision of the organs of public administration can turn to the court so as to reexamine the legality of such a decision, provided the law does not state otherwise. The jurisdiction of the courts must not be stripped of the right to reexamine decisions bearing on basic rights and freedoms which are guaranteed by this Constitution.
- 3) Everyone is entitled to compensation for damages caused by an illegal decision by the court, by another state organ or by an organ of public administration, or by any incorrect official procedure.
- 4) Conditions and details are regulated by law.

Article 46

- 1) Everyone has the right to refuse to testify if, by so doing, he would be in danger of being criminally prosecuted himself or if such a danger would be caused to a next of kin.
- 2) Everyone is entitled to legal aid in proceedings before the courts, before other state organs of public administration, and they are entitled to this aid from the very beginning of the proceedings.
- 3) All participants in the proceedings are equal.
- 4) Anyone who states that they have not mastered the language in which the proceedings are being held has a right to an interpreter.

Article 47

- 1) No one may be taken away from his legal judge. The jurisdiction of the court and judge is stipulated by law.
- 2) Everyone has the right to have his case handled in public, without undue delay and in his presence and has the right to express himself with regard to all proof presented. The public may be excluded only in cases stipulated by law.

Article 48

Only the law states what actions are criminal actions and what the punishment for them shall be or what diminution of rights or property may be assessed for committing such acts.

Article 49

- 1) Only the court shall decide the guilt and punishment for criminal acts.
- 2) Everyone who is subjected to a criminal proceeding is considered innocent as long as the court has not pronounced his guilt through a legal verdict.
- 3) The accused has a right to be given the time and opportunity to prepare a defense and to be able to defend himself or have a defense attorney do so. If the defendant does not elect a defense attorney, although he must have one according to the law, one will be appointed for him by the court. The law stipulates those cases in which the accused has the right to free assistance by the defense attorney.
- 4) The accused has the right to withhold his testimony; he must not be deprived of this right by any means.
- 5) No one can be criminally prosecuted for an act for which he has already been legally sentenced or for which the indictment has been vacated. This principle does not exclude the assertion of extraordinary remedial measures in harmony with the law.
- 6) The criminality of an act is judged and the punishment assessed at the time the act was committed. A later law is utilized in the event this is more favorable to the perpetrator.

Part Six. Common Provisions

Article 50

- 1) The rights listed in Article 35, Article 36, Paragraph 4, Articles 37 through 40, Article 41, Paragraphs 1 and 3, Article 42, and Article 44 of this Constitution may be asserted only within the limitations of the laws which implement these provisions.
- 2) Wherever this chapter of the Constitution speaks of the law, it is understood to be the law passed by the

Federal Assembly, provided that the constitutional division of legislative jurisdictions does not indicate that regulation falls within the legislative responsibilities of organs of the republics.

Article 51

1) To the extent to which this Constitution uses the term "citizen," it is understood to mean a citizen of the Czech and Slovak Federal Republic.

2) Foreigners enjoy human rights and basic freedoms guaranteed by this Constitution within the Czech and Slovak Federal Republic to the extent to which they may not be specifically granted to citizens.

3) To the extent to which existing regulations use the term "citizen," it is understood to mean every individual whom this Constitution recognizes, without regard to their actual citizenship, where basic rights and freedoms are concerned.

Article 52

The Czech and Slovak Federal Republic offers asylum to foreigners who are persecuted for asserting their political rights and freedoms. Asylum may be denied to an individual who has acted in conflict with basic human rights and freedoms.

Article 53

The law can limit the rights of judges and prosecutors to engage in entrepreneurial activities and other economic activities and the right listed in Article 29, Paragraph 2; the same would apply to employees of the state administration and of the territorial self-administration in functions which are also determined by the rights listed in Article 26, Paragraph 4; the same would apply to members of the Armed Forces with respect to the rights listed in Article 25, Article 28, and Article 36, Paragraphs 1 through 3, to the extent to which they are connected with execution of their duties. Persons in professions which are immediately essential to the protection of life and health can have their right to strike restricted by the law.

Chapter Three. The Federation and the Republics

Part One. Legislation and Implementation of Laws

Article 54

1) The Czech and Slovak Federal Republic is responsible for legislation, for the implementation of laws, and for administration in the following areas:

- a) in foreign affairs;
- b) in defense matters and in protecting the borders;
- c) in matters of currency;
- d) in matters pertaining to customs duties;
- e) in matters pertaining to federal material reserves;

f) in matters of special-purpose funds involved in the budget of the Czech and Slovak Federal Republic;

g) in matters of nuclear safety and state supervision over it;

h) in matters pertaining to protection of the federal constitutionality, oversight over the implementation of laws adopted by the Federal Assembly, and control of the activities of organs of the Federal State Administration and the organizations controlled by them;

i) in matters involving the fulfillment of duties emanating from international obligations for the Czech and Slovak Federal Republic.

2) The law adopted by the Federal Assembly may transfer the implementation of laws and the conduct of administration wholly or partially to the republics with respect to areas listed in Paragraph 1.

Article 55

The Czech and Slovak Federal Republic is responsible for legislation in matters of fundamental rights and freedoms, provided the constitutional law does not transfer those responsibilities to the republics.

Article 56

1) The Czech and Slovak Federal Republic is further responsible for legislation in the following areas:

- a) economic strategy;
- b) taxes and fees;
- c) rules of budgetary management for the state budget of the Czech and Slovak Federal Republic;
- d) the establishment of and the legal conditions for operation of the central bank of the Czech and Slovak Federal Republic and of the other banks and savings institutions;
- e) prices;
- f) foreign economic relations;
- g) production, distribution, and consumption of electric energy, gas, and heat;
- h) transportation, transport facilities, and transport routes;
- i) postal service and telecommunications;
- j) fundamental matters related to the environment;
- k) work relationships, employment, and collective bargaining and support for obligations in international agreements in this area;
- l) regulation of the development of wages and the level of the minimum wage, minimum wage tariffs, and entitlement payments, as well as wages in federally controlled organs and organizations;

m) pensions and health insurance, with the exception of development of the federation and the fulfillment of obligations stemming from international treaties, as well as protection of this information against misuse;

o) conditions and the requisite evidentiary requirements;

p) ownership, entrepreneurship of organizational arrangements and procedures involved in their decisions, state social security payments, and minimum life sustenance payments;

n) conditions governing the acquisition of comparable statistical information necessary to judge theoretical activities by citizens and legal entities, relations resulting from entrepreneurial activities and other economic activities, protection of production, commerce, and consumer interests, particularly of industrial ownership, standardization, the state testing system and state inspection system, metrology, protection of economic competition, and decisions regarding economic savings;

r) internal order and security;

s) the press and other information media;

t) the organization and authorization of control activities.

2) In the areas listed in Paragraph 1 above, the law adopted by the Federal Assembly may entrust its implementation to organs of the Czech and Slovak Federal Republic.

Article 57

1) The Czech and Slovak Federal Republic is further responsible for publishing the following:

a) the law on the family and on foster care;

b) the civil and commercial code;

c) the law on international private and procedural rights;

d) the criminal law;

e) the law on implementing the punishment of deprivation of freedom and on incarceration;

f) the law regulating general proceedings before administrative organs;

g) the law on advanced schools;

h) the law on weapons and ammunition;

i) the law on geodesy and cartography;

j) the law on operations involving ground-based communications;

k) the law on stock exchanges;

l) the law on the system of securities;

m) the exchange and check-writing law;

n) the law regulating proceedings before courts;

o) the law on expert witnesses and interpreters;

p) the law on rectifying wrongdoing and compensation for damages caused by organs of the state;

r) the law on territorial planning and the building code;

s) the law on business failures (the bankruptcy and equalization code).

2) For purposes of implementing the laws listed in Paragraph 1 above, provisions of Article 56, Paragraph 2, apply.

Article 58

1) To the extent to which the unity of the legal code so requires, the Czech and Slovak Federal Republic is responsible for legislation in the following matters:

a) in matters pertaining to nationality and ethnic minority groups;

b) in church and religious society matters;

c) in matters pertaining to health care for the people;

d) in veterinary and plant protection care;

e) in matters pertaining to the system of basic and middle schools;

f) in matters pertaining to copyright and records of ownership relationships with respect to real estate.

2) The implementation of the laws in matters listed in Paragraph 1 above is the responsibility of the republics.

Article 59

1) Matters which this Constitution does not specifically place under the responsibility of the Czech and Slovak Federal Republic fall into the jurisdiction of the republics.

2) Laws of the Federal Assembly are implemented by organs of the Czech and Slovak Federal Republic or by organs of the Czech Republic and the Slovak Republic. Organs of the Czech Republic and organs of the Slovak Republic do so in cases stipulated by this Constitution or when the responsibility to implement was transferred to them by a law passed by the Federal Assembly.

3) Organs of the Czech and Slovak Federal Republic are responsible for exercising oversight over adherence to laws passed by the Federal Assembly and for adopting measures involved in determining any defects.

Part Two. State Administration**Article 60**

In the area of economic strategy, the Czech and Slovak Federal Republic shall be responsible for the following:

a) creation of a strategy and of concepts of economic and social development for the Czech and Slovak Federal Republic, including the development of science and the joining of international economic groupings, the stipulation of instruments involved in prosecuting the strategy in conjunction with this constitutional law;

b) creation of structural concepts of federal significance.

Article 61

In the area of the banking system, the Czech and Slovak Federal Republic is responsible for:

a) establishing the concept of a foreign exchange and credit policy and determining the instruments for its realization;

b) determining the extent of foreign exchange reserves and stipulating the method for their administration;

c) managing the State Bank of Czechoslovakia as a central bank of the Czech and Slovak Federal Republic.

Article 62

In the area of price policy, the Czech and Slovak Federal Republic is responsible for determining a concept of pricing policy and for proclaiming fundamental price-regulating measures.

Article 63

In the area of foreign economic relations, the Czech and Slovak Federal Republic is responsible for:

a) determining the principles and concepts of foreign economic policy exercised by the Czech and Slovak Federal Republic;

b) concluding international agreements regarding commercial and economic cooperation and representing the Czech and Slovak Federal Republic in international commercial relationships;

c) establishing the instruments of foreign economic policy in collaboration with the Czech Republic and with the Slovak Republic.

Article 64

In the area of the economy, the Czech and Slovak Federal Republic is responsible for:

a) creation of common principles of economic policy, the components of which are even principles of the raw materials and fuel and energy policy and of agricultural policy, to the extent to which they are federally significant;

b) the establishment of the principles of economic support for the defense capability of the Czech and Slovak Federal Republic.

Article 65

In the area of transportation, the Czech and Slovak Federal Republic is responsible for:

a) determining unified rules for transportation and shipping operations and for establishing state standards for the technical suitability of transport media, transport facilities, and transport routes;

b) establishment of principles of a transport policy in collaboration with the Czech Republic and the Slovak Republic;

c) conduct of state administration and state oversight in navigation on the high seas and in aviation;

d) managing the organization and the output of the state administration in railroad transportation.

Article 66

In the area of communications, the Czech and Slovak Federal Republic is responsible for:

a) determining unified rules for postal, telecommunications, and radio communications operations and the formation of tariffs;

b) issuing postage stamps and other postal valuables;

c) organizing a unified system of postal services;

d) organizing and managing a unified system of telecommunications.

Article 67

In the area of the environment, the Czech and Slovak Federal Republic is responsible for:

a) forming a concept for an ecological policy of the Czech and Slovak Federal Republic;

b) forming a concept for a national information system regarding the environment, tied in with international information systems in a given area, in collaboration with the Czech Republic and with the Slovak Republic;

c) realizing international cooperation within the jurisdiction of the Czech and Slovak Federal Republic and coordinating international cooperation under the jurisdiction of the Czech Republic and the Slovak Republic.

Article 68

In the area of labor, wages, and social policies, the Czech and Slovak Federal Republic is responsible for establishing the principles of social welfare.

Article 69

In the area of state statistics, the Czech and Slovak Federal Republic is responsible for:

a) establishing the statistical indicators necessary for the judgment of development of the federation and the method of acquiring statistical information for these purposes and conducting statistical determinations according to the special needs of federal organizations in collaboration with the Czech Republic and the Slovak Republic;

b) establishing the statistical indicators necessary for the fulfillment of international obligations and submitting statistical information for the Czech and Slovak Federal Republic to international organizations.

Article 70

1) The Czech and Slovak Federal Republic is responsible for the implementation of state administration in matters involving the protection of production and commerce, as well as in matters pertaining to the interests of consumers, particularly of industrial ownership, standardization, the state testing and inspection service, in metrology, and matters pertaining to the protection of economic competition.

2) The output of the state administration in matters listed in Paragraph 1 above is the responsibility of the Czech and Slovak Federal Republic to the extent stipulated by the law of the Federal Assembly.

Article 71

Organs of the Czech and Slovak Federal Republic, to which the president of the Czech and Slovak Federal Republic has assigned responsibility for arranging international agreements, shall concede, in negotiating such agreements which regulate international cooperation in areas in which the state administration is responsible also to organs of the Czech Republic and the Slovak Republic, under conditions under which both republics participate; cooperation with these republics will also take place in representing the Czech and Slovak Federal Republic in international organizations active in these areas.

Article 72

In the area of internal order and security, the Czech and Slovak Federal Republic is responsible for state administration to the extent stipulated by laws of the Federal Assembly.

Article 73

The Czech and Slovak Federal Republic is responsible for controlling all branches and activities of the state economic administration which fall within its jurisdiction.

Article 74

1) To the extent to which state administration—defined in accordance with Article 54, Paragraph 1, as being the responsibility of the Czech and Slovak Federal Republic—is transferred, in accordance with Article 54, Paragraph 2, to the Czech Republic and the Slovak Republic, the organs of these republics shall be guided by the directives of the organs of the Czech and Slovak Federal Republic in executing the functions of this state administration.

2) In cases where the laws of the Federal Assembly entrust state administration fully to the Czech Republic and to the Slovak Republic, their organs will likewise be guided by the directives of the organs of the Czech and Slovak Federal Republic, which are issued with the approval of the Czech Republic and the Slovak Republic.

Part Three. Finances

Article 75

1) In managing the budgetary means of the state budget of the federation and of the state budgets of the republics, uniform principles of financial and budgetary policy, as agreed upon between the governments of the Czech and Slovak Federal Republic, the Czech Republic, and the Slovak Republic, are to be applied.

2) The financial management of the Czech and Slovak Republic are independent of each other. The financial management of the Czech and Slovak Federal Republic is governed by the state budget of the federation. The financial management of each of the republics is guided by their state budgets. The state budget of the federation is approved by the Federal Assembly through a law and the state budgets of the republics are approved by their legislative organs through their laws; budgets are always approved for a period of one calendar year.

3) The state budget of each of the republics incorporates the financial relationships involved in all sectors of the economy and administration, with the exception of activities financed from the state budget of the federation. Subsidies payable to the budgets of communities are part and parcel of the state budget of each republic.

4) State budget revenues of the federation are made up of the revenues of the federal organs and organizations controlled by them plus the collection of taxes and payments as stipulated by Federal Assembly law, a share in those taxes and payments and other revenues. To the extent to which an edict covering a certain tax or payment is intended to be shared by the state budget of the federation and the state budgets of the republics, the Federal Assembly law shall stipulate the share of the federation in such an edict and establish the under which the republics also share in safeguarding that part of the revenues which are intended for the state budget of the federation.

5) Funds from the state budget of the federation are used to defray the following:

a) costs for the defense of the Czech and Slovak Federal Republic, costs of the activities of federal organs, costs of creating federal material reserves, and the cost of subsidies for federal organizations;

b) costs of selected specific programs, where this is required by their scope and importance for the federation;

c) costs of other expenditures established by the budgetary law of the Federal Assembly.

6) The rules of budgetary management are stipulated for the state budget of the federation by a law of the Federal Assembly and for the state budgets of the republics by laws of their legislative organs.

7) The Czech and Slovak Federal Republic, the Czech Republic, and the Slovak Republic may establish their own special-purpose funds, tied in with their state budgets; such funds are to be established by law.

8) The Czech and Slovak Federal Republic shall stipulate the outlining principles of a policy for the payment of subsidies and for write-offs.

Article 76

1) Taxes and fees may be assessed only on the basis of law.

2) The law passed by the Federal Assembly regulates the following:

a) the system of taxes and payments in the Czech and Slovak Federal Republic;

b) the sales tax and import taxes;

c) in the case of taxes and payments paid by enterprises and associations and with respect to income taxes for the population, the circle of payees, the object and basis of the tax and the initial tax rate, including the extent of any possible deviations in the design of the listed taxes and payments in both republics;

d) fees which have an exclusive relationship with foreign countries as a result of their nature or fees which are connected with the execution of the responsibilities of organs of the federation.

3) The remaining taxes and fees are stipulated by the laws of the legislative organs of the republics.

4) The administration, execution, and control of all types of taxes (payments) and fees (fines) is the responsibility of the central organs of the republics and of other organs, to the extent stipulated by law, and communities with the exception of cases in which, on the basis of the responsibility of the Czech and Slovak Federal Republic, federal organs collect fees (fines). The law adopted by the Federal Assembly may entrust decisions on exceptions

and relief measures to organs of the federation, provided taxes and fees outlined in Paragraph 2 above are paid by organizations which are directly controlled by organs of the federation or if the fees are collected by organs of the federation, in accordance with Paragraph 2.

Chapter Four. Legislative Power

Part One. The Federal Assembly

Article 77

1) The Federal Assembly has legislative power.

2) The Federal Assembly has 200 deputies elected from throughout the Czech and Slovak Federal Republic by secret ballot as a result of the generally applicable equal and direct right to vote.

3) The election term is four years.

4) Elections of representatives to the Federal Assembly are held within the time limit, beginning on the 15th day prior to the expiration of the term in office and ending on the 15th day after its expiration, except if the election term is terminated by dissolution of the Federal Assembly in accordance with Article 88 below.

Article 78

1) All citizens of the Czech and Slovak Federal Republic who have reached the age of 18 and meet the other conditions which are stipulated by a law of the Federal Assembly on elections have the right to elect individuals to serve in the Federal Assembly. Any citizen who meets these conditions and has attained the age of 21 may be elected.

2) Conditions for the exercise of the election right, the method of election, and the verification of the delegate mandate and its reexamination by the courts are regulated by a law of the Federal Assembly.

Article 79

1) The functions of president of the Czech and Slovak Federal Republic, a delegate of the legislative body of the republic, and the execution of functions as prosecutor, professional soldier, and member of the police forces are incompatible with the function of a delegate to the Federal Assembly.

2) The Federal Assembly law stipulates other cases in which the function of delegate is incompatible with the performance of other functions or professions.

3) A delegate may surrender his mandate at any time.

4) A delegate shall temporarily lose his mandate on the day he is appointed to be a member of the Federal Government or of the Government of the Czech Republic or the Slovak Republic. He reacquires the mandate on the day following the day he ceases to be a member of the government. Details are regulated by Federal Assembly law.

5) The Federal Assembly law stipulates other cases in which the mandate of a delegate is extinguished.

6) Decisions regarding the incompatibility of the function of delegate with other activities and regarding the extinguishing of the delegate mandate, including court control in cases listed in Paragraphs 1, 2, and 5 above, are regulated by Federal Assembly law.

Article 80

1) At the first meeting of the Federal Assembly attended by the delegate, he shall be required to give the following oath: "I promise that I shall be faithful to the Czech and Slovak Federal Republic, that I shall preserve its Constitution and observe its other laws, and that I shall exercise my mandate according to the best abilities of my conscience and convictions."

2) Refusal to give the oath or giving the promise with reservations results in the immediate loss of mandate.

Article 81

1) Delegates are obligated to exercise their mandates personally, in accordance with their conscience and their best convictions; they are not bound by orders pertaining to the exercise of mandates.

2) Delegates may not require organs of general administration to support their personal interests, to the extent to which this is not part of the exercise of their regular profession.

Article 82

Delegates cannot be prosecuted for their votes in the Federal Assembly and its organizations. For statements made in these bodies in the exercise of their mandate, they are only subject to the disciplinary authority of the Federal Assembly.

Article 83

A delegate may not be criminally prosecuted nor taken into custody without the approval of the Federal Assembly. In the event the Federal Assembly withholds its approval, criminal prosecution is barred forever.

Article 84

1) In the event a delegate has been apprehended and detained during the commission of a criminal act, the court or other appropriate organ is obligated to immediately notify the Presidium of the Federal Assembly. In the event the Presidium of the Federal Assembly does not agree to the detention within 48 hours of the apprehension, the delegate must be released immediately.

2) At its first session following a decision as outlined in Paragraph 1 above, the Federal Assembly will make a final decision.

Article 85

A delegate may refuse to bear witness regarding matters which have come to his attention during the exercise of his function, even after he has ceased being a delegate.

Article 86

The pay and expenses of delegates, as well as the conditions for the loss of these entitlements and conditions under which an employer shall grant a delegate time off or conditions under which the working or similar relationship enjoyed by the delegate may be terminated against his will, are stipulated by Federal Assembly law.

Article 87

1) The Federal Assembly shall meet, without any special convocation, on the second Monday in January for purposes of its annual permanent session.

2) A session of the Federal Assembly may be interrupted by Federal Assembly resolution. An adjournment for more than 20 days is considered to be an interruption. The total time period for which the session may be interrupted must not exceed four months in a given year.

3) The session of the Federal Assembly is considered to have terminated on the last day of the year.

4) The president of the Czech and Slovak Federal Republic shall summon the Federal Assembly to its first session within 30 days of his election. The interruption of this session by the end of the year is appropriately covered in Paragraph 2 above.

5) If the session of the Federal Assembly is interrupted, the Presidium of the Federal Assembly may order the resumption of its negotiations even prior to the stipulated deadline. It must always resume negotiations if requested to do so by the president, by the Government of the Czech and Slovak Federal Republic, or by at least one-third of the delegates.

Article 88

1) The president of the Czech and Slovak Federal Republic has the right to dissolve the Federal Assembly:

a) if the Federal Assembly, in the case outlined in Article 125, refuses to express its confidence in the Government of the Czech and Slovak Federal Republic three times in succession; or if there are three votes of no confidence within six months;

b) if the Federal Assembly expresses its lack of confidence in the Government of the Czech and Slovak Federal Republic at least three times in a six-month period;

c) if the Federal Assembly fails to agree on a government-proposed law connected with a question of confidence, in accordance with Article 126, Paragraph 3, within five months after submission of that proposal.

2) The rights outlined in Paragraph 1 above cannot be used by the president during the last six months of his term in office.

3) Elections to the new Federal Assembly are to be carried out within 90 days, as outlined in the law on elections which is valid at the time the Federal Assembly is dissolved.

4) If the Federal Assembly has been dissolved according to Paragraph 1, c) above, the newly elected Federal Assembly will discuss this proposal on a priority basis.

Article 89

1) The Federal Assembly is considered to have a quorum if more than a 50-percent majority of the delegates elected in the Czech Republic are present and if more than a 50-percent majority of the delegates elected in the Slovak Republic are present.

2) A valid resolution requires the approval of the majority of the delegates elected in the Czech Republic and the majority of the delegates elected in the Slovak Republic.

3) For purposes of adopting a constitutional law passed by the Federal Assembly and for passage of a resolution declaring war, approval is required from a three-fifths majority of all delegates elected in the Czech Republic and a three-fifths majority of all delegates elected in the Slovak Republic. A declaration of war also requires the approval of the Federal Council.

4) Provisions outlined in Articles 113-118 apply to the election of a president for the Czech and Slovak Federal Republic.

Article 90

1) Proposals for Federal Assembly laws may be submitted by delegates of the Federal Assembly, by the Government of the Czech and Slovak Federal Republic, by the president of the Czech and Slovak Federal Republic, and by the legislative organs of the Czech Republic and of the Slovak Republic.

2) A proposed law which is not submitted by the government must be accompanied by a budget and proposals outlining the manner in which the necessary costs will be met.

3) Proposals for laws dealing with the state budget of the federation and the closing of federation accounts are submitted to the Federal Assembly by the Government of the Czech and Slovak Federal Republic.

Article 91

1) Federal Assembly laws are signed by the president of the Czech and Slovak Federal Republic, by the chairman of the Federal Assembly, and by the premier of the Czech and Slovak Federal Republic.

2) The president of the Czech and Slovak Federal Republic cannot sign Federal Assembly laws prior to the expiration of the time stipulated in Article 92, Paragraph 1. He is also not permitted to sign such laws in the event that the Federal Council returned such a law to the Federal Assembly and as long as the Federal Assembly has not made a decision regarding these laws for the second time.

Article 92

1) A law or a constitutional law, adopted by the Federal Assembly may be returned with annotations to the Federal Assembly by the Federal Council within 14 days from the day it was handed to the president of the Czech and Slovak Federal Republic.

2) If the Federal Assembly, using a roll-call vote by name, persists in adopting the returned law with a vote of a three-fifths majority of all delegates elected in the Czech Republic and a three-fifths majority of all delegates elected in the Slovak Republic, the law will be promulgated. This procedure is also applicable for voting on a returned constitutional law, with the delegates voting by name.

3) If the Federal Assembly is to agree for a second time on a law returned in accordance with Paragraph 1 and if, in the interim, its term of office has terminated, then the resolution of the Federal Assembly which resulted from new elections shall be considered as a second resolution in accordance with Paragraph 2.

Article 93

1) For a Federal Assembly law to be valid, it must be promulgated by a method which is stipulated by Federal Assembly law.

2) A law is promulgated by the Presidium of the Federal Assembly within eight days of the day it has been signed by the president of the Czech and Slovak Federal Republic.

3) The Czech and Slovak languages are used equally in promulgating laws and other generally binding legal regulations.

Article 94

1) Sessions of the Federal Assembly are directed by its chairman or by another authorized member of the Presidium of the Federal Assembly.

2) Sessions of the Federal Assembly are public. Private sessions may be held only under conditions stipulated in the orders governing proceedings.

Article 95

1) The Federal Assembly may:

a) interpellate the premier and the other members of the Government of the Czech and Slovak Federal Republic in all matters within their jurisdiction. The

prime minister and the other members of the government are obligated to respond to the interpellation of the delegates;

b) agree on resolutions;

c) establish committees as its initiative and control organs. The ministries and other central components of state administration of the Czech and Slovak Federal Republic are obligated to provide these committees with the necessary information.

2) The Federal Assembly may establish investigative commissions to examine the necessary evidence.

Article 96

1) The prime minister and the other members of the government have the right to participate in meetings of the Federal Assembly or of its committees at any time. They are given the floor whenever they so request.

2) If the Federal Assembly, or one of its committees, so requests, the pertinent member of the government is obligated to appear in person at the meeting. On other occasions, he may be represented by an employee of his agency.

Article 97

The principles of procedure adopted by the Federal Assembly are regulated by the law on Federal Assembly orders of procedure. The Federal Assembly adjusts its internal conditions through its own issuances.

Article 98

1) The Federal Assembly elects a 20-member Presidium from among its ranks.

2) The Presidium of the Federal Assembly is elected according to the principles of proportional representation among the delegates elected in the Czech Republic and delegates elected in the Slovak Republic. Members of the Presidium are accountable to the Federal Assembly which may recall them at any time.

3) From among the members of the Presidium, the Federal Assembly elects a chairman and a deputy chairman of the Federal Assembly. If a delegate who was elected in the Czech Republic becomes chairman of the Federal Assembly, then the deputy chairman must be a delegate who was elected in the Slovak Republic, or vice versa.

4) During the period the Government of the Czech and Slovak Federal Republic is performing the function of president of the Czech and Slovak Federal Republic, the Presidium of the Federal Assembly is responsible for appointing and recalling the Government of the Czech and Slovak Federal Republic and its members and entrusting the management of ministries and other federal central organizations to them.

5) The Presidium of the Federal Assembly shall remain in its function even upon the expiration of the term of office of the Federal Assembly or after its dissolution, in accordance with Article 88, until a newly elected Federal Assembly has elected its Presidium.

Part Two. The Federal Council

Article 99

1) The Federal Council has 30 members. Members of the Federal Council are the chairmen of the legislative bodies of the Czech Republic and of the Slovak Republic and 14 members of the Presidium of the legislative body of the Czech Republic and 14 members of the Presidium of the legislative body of the Slovak Republic, delegated to serve by these legislative bodies.

2) If the Presidium of the legislative body of the Czech Republic or the Slovak Republic has fewer than 15 members, that legislative body may delegate others from among its membership to serve on the Federal Council.

3) Membership in the Federal Council is honorary and carries with it no entitlement for compensation.

Article 100

Meetings of the Federal Council are convened by the president of the Czech and Slovak Federal Republic. The president is obligated to call a meeting of the Federal Council whenever at least 10 members of the Federal Council, having been delegated by the legislative bodies of the Czech Republic to serve on the Council, or if at least 10 members of the Federal Council who were delegated to serve on the Council by the legislative body of the Slovak Republic, so request.

Article 101

1) The Federal Council makes its decisions by resolution, the validity of which requires a two-thirds majority of its members.

2) Proceedings of the Council are directed alternately by the chairman of the legislative body of the Czech Republic and the chairman of the legislative body of the Slovak Republic. The president has the right to attend the proceedings of the Federal Council. In the event of a proceeding convened in accordance with Article 102, Paragraph 1, a), the chairman presides over the meeting of the Council and has the right to vote.

Article 102

1) The Federal Council:

a) may return a law or a constitutional law to the Federal Assembly with annotations under conditions stipulated in Article 92, Paragraph 1;

b) submits to the president proposals for the nomination of judges on the Constitutional Court of the Czech and Slovak Federal Republic;

c) approves the order of procedures for the Constitutional Court of the Czech and Slovak Federal Republic;

d) submits proposals for the initiation of proceedings before the Constitutional Court of the Czech and Slovak Federal Republic, in accordance with Article 138;

e) approves decrees issued by the president of the Czech and Slovak Federal Republic, issued in accordance with Article 119, Paragraph 2;

f) confirms decisions regarding the declaration that a state of endangerment exists for the state, in accordance with Article 171, Paragraph 3;

g) confirms decisions regarding the declaration of war, in accordance with Article 89, Paragraph 3;

h) together with the Federal Assembly, elects a president in accordance with Articles 113-118;

i) in cases stipulated in Article 114, Paragraphs 4 and 5, proclaims the direct election of the president.

2) The Federal Assembly even exercises authorities which are not expressly contained in this Constitution, provided a Federal Assembly law so stipulates.

Part Three. Referendum

Article 103

1) In a nationwide referendum (hereinafter only referred to as "referendum"), citizens decide by vote on proposals to solve fundamental questions of domestic and foreign policy, constitutional arrangements, or possible changes in the borders of the Czech and Slovak Federal Republic or on the stationing of foreign troops on its territory or the stationing of its troops on foreign territory. According to Article 114, Paragraphs 4 and 5, a referendum can be used under stipulated circumstances even to elect a new president of the Czech and Slovak Federal Republic.

2) It is also possible to present a proposal for the secession of one of the republics from the Czech and Slovak Federal Republic for referendum. In such a case, a referendum may be proclaimed only on the territory of the Czech Republic or only on the territory of the Slovak Republic. A decision on the secession of one of the republics is possible only by referendum.

3) Everyone who is entitled to participate in the elections to the Federal Assembly has the right to vote.

Article 104

A referendum is proclaimed by the president of the Czech and Slovak Federal Republic.

Article 105

1) The president shall always proclaim a referendum if that is suggested to him by the Federal Assembly.

2) A referendum is to be implemented within 90 days from the day the president received the proposal outlined in Paragraph 1 above.

Article 106

1) The president may proclaim a referendum upon the proposal of the Government of the Czech and Slovak Federal Republic or upon the proposal of the Government of the Czech Republic or the Slovak Republic. The president shall decide with respect to a government proposal within 14 days from the day he receives it.

2) The president may proclaim a referendum based on his own decision. However, he may not proclaim it if the Government of the Czech and Slovak Federal Republic, by at least a three-fifths majority vote of all of its members, disagrees with this decision. The government shall adopt a position within 14 days.

Article 107

The president may not call a referendum according to Article 106 if the Federal Assembly has not yet expressed its confidence in the Government of the Czech and Slovak Federal Republic after its appointment or if the Federal Assembly has refused to express its confidence in the government, or that it expressed a lack of confidence in it according to Articles 125 and 126.

Article 108

The president is obliged to proclaim a referendum regarding the proposal for secession by one of the republics according to Article 103, Paragraph 2, also in the event that the legislative body of the Czech Republic or the legislative body of the Slovak Republic so requests or at least 20 percent of the citizens entitled to elect legislators to legislative bodies of the Czech Republic or of the Slovak Republic make the request.

Article 109

1) The proposal submitted for referendum is considered adopted if, both in the Czech Republic and the Slovak Republic, the majority of eligible voters is in favor. Otherwise, the proposal is rejected. In the event of a referendum according to Article 103, Paragraph 2, the majority of voters who participated in the referendum in one of the republics is sufficient to cause the adoption of the referendum.

2) Proposals adopted in accordance with Paragraph 1 are announced by the Presidium of the Federal Assembly, much like the laws accepted by the Federal Assembly. The Federal Council does not have the right to return decisions adopted in such a way to the Federal Assembly and the Federal Assembly does not have the right to alter these decisions for a period of five years, with the exception of cases the reasons for which have passed.

Article 110

The results of a referendum have the legality of a constitutional law.

Article 111

A referendum dealing with the same subject may be repeated, at the earliest, after the passage of five years.

Article 112

The method for holding a referendum and the conditions for its declaration on the basis of citizen initiative is stipulated in a Federal Assembly law.

Chapter Five. Head of State

Article 113

The head of state is the president of the Czech and Slovak Federal Republic. The president is elected by the Federal Assembly and the Federal Council at a joint session presided over by the chairman of the Federal Assembly.

Article 114

1) Any citizen of the Czech and Slovak Federal Republic who is eligible for election as a delegate to the Federal Assembly and has reached the age of 35 may be elected president. Candidates for the Office of President are proposed by delegates to the Federal Assembly or by members of the Federal Council.

2) A candidate who obtains three-fifths of the majority vote of delegates to the Federal Assembly and members of the Federal Council elected in the Czech Republic and three-fifths of the majority vote of delegates to the Federal Assembly and members of the Federal Council elected in the Slovak Republic is considered to have been elected.

3) If the elections were inconclusive, repeat elections are held within 14 days and involve the candidate who, during the first ballot, acquired the most votes of delegates to the Federal Assembly and members of the Federal Council elected in the Czech Republic and the candidate who acquired the most votes of delegates to the Federal Assembly and members of the Federal Council elected in the Slovak Republic. Whoever acquires the majority vote of the delegates to the Federal Assembly and members of the Federal Council elected in the Czech Republic and the majority vote of the delegates to the Federal Assembly and members of the Federal Council elected in the Slovak Republic is considered elected.

4) If even the repeat elections were inconclusive, the Federal Assembly will proclaim a direct election, to be participated in by the candidates according to Paragraph 3. The direct election of a president is subject to appropriate provisions on a referendum. A candidate who acquires more than a majority of the votes cast in the

Czech Republic and more than a majority of the votes cast in the Slovak Republic is considered to have been elected president.

5) If the balloting in accordance with Paragraph 4 is unsuccessful, it must be repeated within 30 days. As a result of the repeated balloting, the candidate who acquires a total of more than half of the ballots cast is considered to be the president.

Article 115

1) The term of office of the president of the Czech and Slovak Federal Republic is five years and begins on the day the president takes his oath.

2) Elections are held during the final 30 days of the term of office of a sitting president. If the Office of President becomes vacant prior to the conclusion of the term of office, the elections are held, at the latest, within 40 days.

3) No one may be elected president more than twice in succession.

4) The president remains in office until the newly elected president has taken his oath of office.

Article 116

1) The president may not simultaneously be a delegate, a member of the government, a judge, or a prosecutor.

2) If a delegate, a member of the government, a judge, or a prosecutor is elected president, his mandate, his duties as a member of the government, a judge, or a prosecutor are extinguished, effective on the day he takes his oath of office.

Article 117

The president of the Czech and Slovak Federal Republic takes the following oath of office at a joint session of the Federal Assembly and the Federal Council, administered by the chairman of the Constitutional Court: "I promise, on my honor and conscience, to be faithful to the Czech and Slovak Federal Republic. I will attend to the well-being of the people and nationalities living in it and I shall perform my duties in line with the wishes of the people and in the interest of the people and preserve the Constitution and observe other laws."

Article 118

1) If the Office of President of the Czech and Slovak Federal Republic becomes vacant and a new president has not yet been elected or sworn in or if the president cannot carry out the duties of his office, the performance of his functions falls to the Government of the Czech and Slovak Federal Republic. In such a case, the government may entrust its prime minister with carrying out some of the authorities vested in the president; at such times, the prime minister assumes the functions of supreme commander of the Armed Forces.

2) If the president is incapable of carrying out his duties for longer than six months, the Federal Assembly and the Federal Council shall elect a new president for a new term of office.

Article 119

1) The president of the Czech and Slovak Federal Republic:

a) represents the Czech and Slovak Federal Republic externally. He concludes and ratifies international treaties. Political treaties and economic agreements of a general nature, as well as treaties whose implementation requires adoption of a law, require the approval of the Federal Assembly prior to ratification. The president may delegate the conclusion of international treaties which do not require the approval of the Federal Assembly to the Government of the Czech and Slovak Federal Republic or, with its approval, to individual members of the government;

b) receives and dispatches ambassadors;

c) calls the first session of the newly elected Federal Assembly, in accordance with Article 87, Paragraph 4;

d) may resolve the Federal Assembly in the event of cases listed in Article 88, Paragraph 1;

e) has the right to present proposed legislation to the Federal Assembly;

f) signs Federal Assembly laws;

g) has the right to report to the Federal Assembly on the state of the Czech and Slovak Federal Republic and on important political questions, he has the right to submit proposals for necessary measures and to attend sessions of the Federal Assembly;

h) convenes sessions of the Federal Council and, in cases identified in Article 101, Paragraph 2, presides over them;

i) appoints and recalls the prime minister and the other members of the Government of the Czech and Slovak Federal Republic and charges them with managing the federal ministries and their federal organs; in exercising this right, he takes into account the results of elections to the Federal Assembly;

j) has the right to be present at meetings of the Government of the Czech and Slovak Federal Republic and to preside over them; he has the right to require reports from the government and from its individual members and to discuss questions with the government or with its individual members which require solving;

k) appoints the higher state officials of the Czech and Slovak Federal Republic in cases where this is stipulated by law; he appoints and promotes generals, appoints professors and rectors of advanced schools upon the proposal of the appropriate organs of the Czech Republic and of the Slovak Republic;

l) awards decorations, to the extent to which he does not empower another organ to do so;

m) has the right to afford amnesty, to forgive and reduce sentences meted out by criminal courts, and to give orders that a court criminal proceeding not be initiated or that it be halted and that the sentence be expunged;

n) is the supreme commander of the Armed Forces;

o) declares that a state of war exists, upon the proposal of the Government of the Czech and Slovak Federal Republic and on the basis of decisions by the Federal Assembly and the Federal Council, declares war in the event the Czech and Slovak Federal Republic is attacked, or if it is necessary to fulfill international treaty obligations regarding the common defense against attack;

p) he declares and calls off a state of endangerment for the country and exercises the authorities connected therewith according to Articles 170 through 175;

r) proclaims nationwide referenda, in accordance with Articles 103 through 112.

2) If the Federal Assembly is dissolved according to Article 88, the president adopts measures which would not only require enactment of a law by issuing a decree which is published in the Official Gazette designed for publishing the laws of the Federal Assembly. The decree must be approved within one month by the Federal Council, otherwise it loses any further validity.

3) The president is also responsible for exercising those authorities which are not specifically identified in this Constitution if a Federal Assembly law so stipulates.

4) Matters connected with the exercise of constitutional functions and with political and public activities of the president are arranged by the Office of the President of the Czech and Slovak Federal Republic; details are contained in a Federal Assembly law.

Article 120

1) The president is not accountable for the exercise of his functions. His speeches connected with the exercise of his functions are the responsibility of the Government of the Czech and Slovak Federal Republic.

2) Presidential actions of government or executive power, as well as decrees according to Article 119, Paragraph 2, require the cosignature of the appropriate member of the Government of the Czech and Slovak Federal Republic before they are valid. A cosignature is not required on actions the nature of which excludes this move.

Article 121

The president of the Czech and Slovak Federal Republic may be criminally prosecuted only for treason. The indictment of a president is submitted by the Federal

Assembly. He is judged by the Constitutional Court of the Czech and Slovak Federal Republic.

Chapter Six. Executive Power

Article 122

1) The Government of the Czech and Slovak Federal Republic is composed of the prime minister, his deputies, and the other members (ministers).

2) Functions which are incompatible with the functions of a member of the government are stipulated by Federal Assembly law.

Article 123

The prime minister of the Government of the Czech and Slovak Federal Republic, the deputy prime ministers, and other members of the government are appointed and recalled by the president of the Czech and Slovak Federal Republic.

Article 124

Members of the Government of the Czech and Slovak Federal Republic give the president the following oath: "I promise, on my honor and conscience, to be faithful to the Czech and Slovak Federal Republic. I shall fulfill my duties in accordance with the wishes of the people and in the interests of the people. I will preserve the Constitution of the Czech and Slovak Federal Republic and observe the other laws and work to make sure that they are realized."

Article 125

The Government of the Czech and Slovak Federal Republic is obligated to appear before the Federal Assembly, at the latest, 14 days following its appointment, present its program to the Assembly, and request that the Assembly express its confidence in it.

Article 126

1) For the duration of its term in office, the Government of the Czech and Slovak Federal Republic is accountable to the Federal Assembly which may give it a no-confidence vote. Voting is done by name.

2) The proposal for a no-confidence vote in the government must be signed by at least 50 delegates.

3) The government may connect the submission of a proposed law with a request that it receive a vote of confidence.

Article 127

1) The Government of the Czech and Slovak Federal Republic may submit its resignation to the president of the Czech and Slovak Federal Republic.

2) In the event the Federal Assembly expresses its lack of confidence in the government or if it rejects a government proposal that the vote of confidence in the government be given, the government shall resign. The president of the Czech and Slovak Federal Republic is obligated to accept the resignation of the government if he does not dissolve the Federal Assembly according to Article 88, Paragraph 1. The Federal Assembly can also recommend to the president that he recall an individual minister, but the president is not obligated to acquiesce to such a recommendation.

3) If the president of the Czech and Slovak Federal Republic accepts the resignation of the government under conditions listed in Article 88, Paragraph 1, a) and b), above and does not dissolve the Federal Assembly, he may appoint a government for a maximum period of six months which, after being appointed, is not obligated to appear before the Federal Assembly with a request that it be given a vote of confidence. He can appoint such a government even in a case where he resolves the Federal Assembly according to Article 88, Paragraph 1, c), but only for as long as it takes to establish a newly elected Federal Assembly.

4) The government shall always resign following the constitutional session of a newly elected Federal Assembly.

5) Should the government resign during the time it is carrying out the function of president, the resignation will be accepted by the Presidium of the Federal Assembly.

Article 128

1) If the president accepts the resignation of the government, he shall charge it with exercising its functions on a temporary basis until the appointment of a new government.

2) A similar procedure shall be observed by the Presidium of the Federal Assembly in cases listed in Article 98, Paragraph 4.

Article 129

A member of the Government of the Czech and Slovak Federal Republic may hand his resignation to the president of the Czech and Slovak Federal Republic.

Article 130

1) If the president of the Czech and Slovak Federal Republic accepts the resignation of a member of the government, he may determine which of the members of the government will temporarily handle the affairs hitherto processed by the member of the government whose resignation he has accepted.

2) If a member of the government submits his resignation at the time the government is carrying out the functions of president of the Czech and Slovak Federal

Republic, the resignation shall be accepted, and interim arrangements shall be made by the Presidium of the Federal Assembly.

Article 131

For a resolution of the Government of the Czech and Slovak Federal Republic to be valid, the approval of the majority of all of its members is required.

Article 132

1) The Government of the Czech and Slovak Federal Republic makes decisions as a group, particularly with regard to the following:

- a) proposed Federal Assembly laws;
- b) government regulations;
- c) implementing the program of the government;
- d) basic questions of domestic and foreign policy;
- e) proposed state budgets and final accountings of the Czech and Slovak Federal Republic;
- f) basic measures to support economic policy;
- g) the appointment of officials in such cases as are stipulated by Federal Assembly law;
- h) intentions to ask the Federal Assembly to give it a vote of confidence;
- i) other matters, if a Federal Assembly law so stipulates.

2) For purposes of carrying out its current decision-making activities, the government may establish a Presidium of the Government of the Czech and Slovak Federal Republic as one of its organs and outline its jurisdictions and establish the principles for its actions.

3) Matters connected with the activities of the government are arranged by the Office of the Government of the Czech and Slovak Federal Republic; details are stated in a Federal Assembly law.

Article 133

To implement a Federal Assembly law, and within its bounds, the Government of the Czech and Slovak Federal Republic may issue regulations, provided the questions to be regulated fall within the jurisdiction of the federation.

Article 134

The federal ministries and other federal central organs may, on the basis of Federal Assembly laws and within their bounds, issue generally binding legal regulations, provided they are empowered by law to do so.

Chapter Seven. Territorial Autonomy

Article 135

- 1) The foundation for territorial autonomy is the community [obec].
- 2) The obec is an autonomous community of citizens. It is a legal entity and has its own property, which it manages independently.
- 3) Citizens make decisions on matters of local autonomy at obec-wide gatherings or in referenda or through the vehicle of the obec representative body.
- 4) The right to elect members to the obec representative body is general, equal, and direct; election is accomplished by secret ballot.
- 5) In matters of local autonomy, the obec issues generally binding proclamations. It may also issue proclamations in matters of state administration, provided it was empowered to do so by law.
- 6) Obeces may join together in support of matters of common interest.
- 7) The boundaries of an obec may be changed only with its approval.

Article 136

Legislative responsibility in matters of territorial autonomy belongs to the Czech Republic and the Slovak Republic. The laws of these republics particularly specify:

- a) which taxes and payments shall constitute obec revenue;
- b) the conditions and methods of coming into being, extinguishment, division, or combination of obeces;
- c) the conditions for the exercise of the election right and the method for conducting elections to obec representative bodies and their terms of office;
- d) means for the protection of the rights of obeces to local autonomy;
- e) what matters are considered to be matters of local autonomy;
- f) matters in which an obec is charged with the implementation of state administration affairs.

Chapter Eight. Judiciary Power

Part One. Protection of Constitutionality

Article 137

1) The Constitutional Court of the Czech and Slovak Federal Republic (hereinafter only referred to as the "Constitutional Court") is the judicial organ for the protection of constitutionality.

2) Judges of the Constitutional Court are independent in their decisions and are bound solely by this Constitution and by other constitutional laws passed by the Federal Assembly.

3) The seat of the Constitutional Court is in Brno.

Article 138

The Constitutional Court decides on the following:

a) the harmony of Federal Assembly laws with the constitutional laws of the Federal Assembly;

b) the harmony between laws of the Federal Assembly and the laws of the legislative organs of the Czech Republic and the legislative organs of the Slovak Republic with international agreements on human rights and basic freedoms, as ratified and published by the Czech and Slovak Federal Republic;

c) the harmony of constitutional laws and laws passed by the legislative organs of the Czech Republic and the legislative organs of the Slovak Republic with legislative laws adopted by the Federal Assembly;

d) the harmony of regulations issued by the Government of the Czech and Slovak Federal Republic and the legal regulations of the federal ministries and other federal organs of state administration with constitutional and other laws adopted by the Federal Assembly;

e) the harmony between regulations of the Government of the Czech Republic and the Slovak Republic and legal regulations of the ministries and other organs of state administration in the Czech Republic and the Slovak Republic and constitutional and other Federal Assembly laws.

Article 139

1) If, by its findings, the Constitutional Court states that there is a conflict between the legal provisions listed under Article 138, the appropriate regulations, their components, and possibly some of their provisions cease to be effective; organs which issued these regulations are obligated to bring them into harmony with constitutional laws, international treaties, or possibly Federal Assembly laws within six months from the publication of the findings of the Constitutional Court. If they fail to do so, such regulations, their components, or provisions cease to be applicable six months after publication of the findings.

2) In matters of harmonizing constitutional laws of the legislative organs of the Czech Republic and legislative organs of the Slovak Republic with constitutional laws of the Federal Assembly, the Constitutional Court may call for a position by the Constitutional Court of the appropriate republic prior to issuing its findings.

3) The findings of the Constitutional Court are published in the same manner as the laws of the Federal Assembly.

Article 140

1) The Constitutional Court renders decisions involving jurisdictional disputes:

a) between organs of the Czech and Slovak Federal Republic;

b) between organs of the Czech and Slovak Federal Republic and organs of one or both of its republics;

c) between organs of the Czech Republic and organs of the Slovak Republic.

2) The Constitutional Court does not render decisions regarding jurisdictional disputes where another court has been charged to do so by Federal Assembly law.

Article 141

1) The Constitutional Court provides explanations of the Federal Assembly constitutional laws in the event matters are in dispute. The conditions for this activity are stipulated in a Federal Assembly law.

2) The Constitutional Court does not take a position on questions of harmonizing proposed laws and other legal regulations with Federal Assembly constitutional laws.

Article 142

The Constitutional Court renders decisions on constitutional complaints against certain measures or authoritative decisions by organs of public power, provided the plaintiff claims that these measures violated his basic rights and freedoms, which are guaranteed by the Federal Assembly constitutional law or by international treaties, as specified in Article 138, b). The conditions are stipulated in a Federal Assembly law.

Article 143

The Constitutional Court renders decisions on whether the dissolution or restriction of activities of political parties and political movements, whose activities are unrestricted on the territory of one of the republics is in accord with constitutional or other laws passed by the Federal Assembly. The general conditions are stipulated in a Federal Assembly law.

Article 144

The Constitutional Court may institute criminal proceedings against the president of the Czech and Slovak Federal Republic.

Article 145

1) The Constitutional Court initiates proceedings in accordance with Article 138, Article 140, Article 141, and Article 143 if proposed by:

a) the president of the Czech and Slovak Federal Republic;

b) the Federal Assembly;

c) the Government of the Czech and Slovak Federal Republic or another central organ of the Czech and Slovak Federal Republic;

d) a legislative organ of the Czech Republic;

e) a legislative organ of the Slovak Republic;

f) the Government of the Czech Republic or another central organ of the Czech Republic;

g) the Government of the Slovak Republic or another central organ of the Slovak Republic;

h) the court itself, in conjunction with its decision-making activities;

i) the prosecutor general of the Czech and Slovak Federal Republic, the prosecutor general of the Czech Republic, and the prosecutor general of the Slovak Republic.

2) In cases listed in Article 138, the Constitutional Court initiates proceedings also on the basis of a proposal by one-fifth of the delegates to the Federal Assembly, to the legislative body of the Czech Republic, or to the legislative body of the Slovak Republic, or as proposed by the Federal Council.

3) In cases listed in Article 142, the Constitutional Court initiates proceedings on the basis of constitutional complaints by physical or legal entities under conditions stipulated by Federal Assembly law.

4) In cases listed in Article 143, the Constitutional Court initiates proceedings at the proposal of the individual authorized to act for the political party or political movement in question which are impacted by the decision to dissolve or restrict their activities.

Article 146

Remedial means are not permitted to be asserted against decisions by the Constitutional Court.

Article 147

- 1) The Constitutional Court is composed of 12 judges.
- 2) Judges on the constitutional bench are appointed by the president of the Czech and Slovak Federal Republic for a term of 12 years. The president receives proposals for nominations from the Federal Council.
- 3) Any citizen who is electable to office in the Federal Assembly, who has attained the age of 35, has an advanced school legal education, and has been active for a minimum of 10 years in the legal profession may be proposed and appointed as a judge on the Constitutional Court.
- 4) Proposals for appointment of judges to the Constitutional Court are accepted by the Federal Council by vote. Its members are obligated to observe secrecy regarding the personal conditions of the candidates being proposed

for judgeships on the Constitutional Court which have come to their attention during the negotiations involving the proposal.

5) Six Constitutional Court judges are appointed from among the citizens of the Czech Republic, six from among the citizens of the Slovak Republic.

Article 148

1) The chairman and deputy chairman of the Constitutional Court are appointed by the president from the ranks of Constitutional Court judges.

2) If the appointed chairman of the Constitutional Court is a citizen of the Czech Republic, the deputy chairman will be a citizen of the Slovak Republic, and vice versa.

Article 149

In the event a judge on the Constitutional Court gives up his office, or if he is recalled, the president shall appoint his successor, upon the proposal of the Federal Council, from among the citizens of the appropriate republic. Provisions of Article 147 and Article 148 also apply.

Article 150

1) Judges on the Constitutional Court take the following oath before the president: "I promise, on my honor and conscience, that I shall safeguard the inviolability of the natural rights of man and the rights of a citizen, that I shall abide by the Constitution of the Czech and Slovak Federal Republic, by the constitutional laws of the Federal Assembly, and that I shall make decisions according to my best convictions, independently and impartially."

2) A judge on the Constitutional Court takes up his duties by taking the constitutional oath.

Article 151

- 1) The Constitutional Court renders its decision either in full or four-member senates.
- 2) As a full Constitutional Court, the court renders decisions according to Article 138, Article 140, and Article 143 and:
 - a) regarding the arrangement of its internal conditions;
 - b) regarding the establishment of its senates and rules for dividing the agenda among them;
 - c) on matters which were not decided by a senate as a result of tie votes;
 - d) regarding approvals according to Article 152, Paragraphs 1 and 2;
 - e) regarding the proposal outlined in Article 154.
- 3) In other matters, the Constitutional Court renders its decision through its senates.

Article 152

- 1) A judge on the Constitutional Court cannot be criminally prosecuted, nor can he be arrested without the consent of the Constitutional Court. If the Constitutional Court refuses to approve, prosecution is excluded forever.
- 2) If a judge on the Constitutional Court was apprehended and detained in the commission of a criminal act, the appropriate organ is obligated to immediately notify the Constitutional Court. If the Constitutional Court does not give its approval for the detention, the judge must be immediately released.
- 3) A judge on the Constitutional Court may not be prosecuted for a misdemeanor or a similar illegal act.
- 4) Punitive responsibilities of judges on the Constitutional Court are regulated by Federal Assembly law.
- 5) A judge on the Constitutional Court may refuse to give testimony regarding matters which have come to his attention in the execution of his functions, even if he has ceased being a judge.

Article 153

- 1) The function of a judge on the Constitutional Court is incompatible with the function of a delegate to the Federal Assembly or a delegate to a legislative organ of the Czech Republic or the Slovak Republic and membership in the Government of the Czech and Slovak Federal Republic and in the Government of the Czech Republic and in the Government of the Slovak Republic, as well as with functions within a political party or movement.
- 2) Judges on the Constitutional Court carry out their functions as their profession. The carrying out of this function is not compatible with any other remunerative or economic activity, with the exception of scientific, pedagogic, literary, and artistic activities.
- 3) Monetary and other emoluments of Constitutional Court judges are stipulated by Federal Assembly law.

Article 154

A judge on the Constitutional Court may relinquish his function. The president of the Czech and Slovak Federal Republic may recall him on the basis of a disciplinary proceeding or on the basis of a verdict in a criminal matter. The president may also recall a judge in the event the judge fails to participate in the deliberations of the Court for more than one year and if this has been noted by the Plenum of the Constitutional Court.

Article 155

A judge on the Constitutional Court takes up his duties on the day he takes his oath. On the same day, his mandate as a delegate, his membership in the government, or his functions in a political party or in a political movement are extinguished. His work status or similar

arrangement, as outlined in Article 153, is interrupted for the period he functions as a judge on the Constitutional Court.

Article 156

The expenses covering the activities of the Constitutional Court, including those of the Office of the Constitutional Court, are defrayed from the state budget of the federation.

Article 157

- 1) The organization of the Constitutional Court and the proceedings held before it are regulated by Federal Assembly law.
- 2) Details of proceedings before the Constitutional Court are stipulated by the Constitutional Court in its orders of procedure. The Constitutional Court arranges its internal conditions through issuance of resolutions by its Plenum.
- 3) The order of procedures of the Constitutional Court, approved by the Federal Council, is published in the Official Gazette intended for the publication of laws of the Federal Assembly as a generally binding legal regulation.

Part Two. The Judiciary

Article 158

- 1) Judiciary activities are carried out by independent courts.
- 2) The courts are the following: the Supreme Court of the Czech and Slovak Federal Republic, the Supreme Court of the Czech Republic, the Supreme Court of the Slovak Republic, kraj and okres courts. The responsibilities of kraj and okres courts may, in cases stipulated by law, be carried out also by courts of another designation.

Article 159

- 1) The highest judiciary organ is the Supreme Court of the Czech and Slovak Federal Republic which monitors the decisions of the Supreme Courts of the republics and safeguards the legality and uniformity of decisionmaking by the republics.
- 2) The Supreme Court of the Czech and Slovak Federal Republic:
 - a) renders decisions on appeals against decisions of the Supreme Courts of the republics in cases stipulated by the laws covering proceedings before courts;
 - b) reviews the legality of decisions by other organs of the Czech and Slovak Federal Republic in cases stipulated by law;
 - c) takes positions designed to assure the availability of a uniform interpretation of the law and other generally binding legal regulations having a federal jurisdiction.

3) The Supreme Court of the Czech and Slovak Federal Republic further renders decisions on recognizing or even the implementation of decisions by foreign courts on the territory of the Czech and Slovak Federal Republic if a special decision regarding this so requires. In cases stipulated by laws on proceedings before courts and the state notary system, the Court determines the pertinent courts and state notary facilities and decides disputes regarding jurisdiction among them.

4) The seat of the Supreme Court of the Czech and Slovak Federal Republic is Prague.

Article 160

1) The highest judiciary organs of the republics are the Supreme Court of the Czech Republic and the Supreme Court of the Slovak Republic which monitor the decisions of all other courts of the appropriate republic and ensure the legality and uniformity of such decisions.

2) The highest courts in the republics:

a) render decisions on regular and extraordinary appeals in cases stipulated by laws covering proceedings before the courts and before the state notary system;

b) take positions to ensure a uniform interpretation of the laws and other generally binding legal regulations;

c) review the legality of decisions by other organs in cases stipulated by law;

d) render decisions in other cases stipulated by law.

3) The seat of the highest courts of the republics is in the capital cities of the republics.

Article 161

The courts render their decisions in senates and in cases stipulated by laws covering proceedings before the courts, by judges sitting singly. Laws on proceedings before the courts also stipulate when assessors from the ranks of the citizenry are to participate in decisions made by senates. The chairman of a senate or a judge sitting alone may only be a professional judge.

Article 162

1) Professional judges are appointed to the function of judge permanently. They may be recalled, against their will, by the organ which appointed them, if they attain the age stipulated by law or if their state of health prevents them from properly carrying out their duties. On the basis of a legally valid decision by the disciplinary senate, a judge can be recalled if he has committed a gross violation of his judicial duties.

2) A professional judge may be transferred only temporarily, for a period of time stipulated by law, against his will if this is necessary for the proper fulfillment of the tasks of the judiciary. On the basis of a decision by the disciplinary senate, a judge can be transferred to another court of the same or lower grade.

Article 163

1) Professional judges of the Supreme Court of the Czech and Slovak Federal Republic are appointed by the president of the Czech and Slovak Federal Republic, generally from among the same number of citizens of the Czech Republic and the Slovak Republic. The president appoints the chairman and deputy chairman of the Supreme Court of the Czech and Slovak Federal Republic from among the judges of that Court; if he has appointed a citizen of the Czech Republic to be chairman, then he shall appoint a citizen of the Slovak Republic to be deputy chairman, or vice versa.

2) The chairman, deputy chairman, and the other professional judges of the highest courts of the republics, as well as the professional judges of kraj and okres courts, are appointed by the presidium of the legislative body of the appropriate republic. The chairmen and deputy chairmen of kraj and okres courts are appointed from among the judges of kraj and okres courts by the minister of justice of the appropriate republic.

3) The Federal Assembly law:

a) stipulates the prerequisites for the carrying out of the functions of a judge;

b) stipulates the organs which are authorized to propose the nomination and recall of judges and to nominate and recall state notaries.

4) The appointment of assessors from the ranks of the citizenry and their terms of office are regulated by laws issued by the legislative bodies of the republics.

Article 164

1) Judges are independent in the execution of their duties and are bound solely by the legal code.

2) If the court believes that there is a conflict between the regulations, the use of which is being considered in the case at hand, in the sense of Article 138, it shall terminate the proceedings and propose that proceedings be initiated before the Constitutional Court according to Article 146, Paragraph 1, d).

Article 165

Negotiations before the courts are exclusively oral. Verdicts are published in the name of the Czech and Slovak Federal Republic and are always publicized.

Article 166

1) The organs of state representation are the following: the Office of the Prosecutor General of the Czech and Slovak Federal Republic, the Office of the Prosecutor General of the Czech Republic, the Office of the Prosecutor General of the Slovak Republic, the offices of kraj and okres prosecutors. In cases stipulated by law, the responsibilities of kraj and okres prosecutors may also be carried out by prosecutors otherwise designated.

2) Prosecutors hand down indictments in the name of the Czech and Slovak Federal Republic, oversee the legality of procedures used in uncovering, seeking out, and investigating criminal acts, and oversee the legality of procedures in facilities for criminal incarceration, protective education, and protective therapy. In cases stipulated by a Federal Assembly law, they even engage in investigating criminal acts.

3) A Federal Assembly law stipulates those additional cases in which prosecutors defend the interests of the state, and specifies the methods to be used.

Article 167

1) The Office of the Prosecutor General of the Czech and Slovak Federal Republic is headed by the prosecutor general of the Czech and Slovak Federal Republic. The prosecutor general of the Czech and Slovak Federal Republic and his deputy are appointed and recalled by the president of the Czech and Slovak Federal Republic upon the proposal of the Government of the Czech and Slovak Federal Republic. If the prosecutor general who has been appointed is a citizen of the Czech Republic, his deputy shall be a citizen of the Slovak Republic, and vice versa. The remaining prosecutors in the Office of the Prosecutor General are appointed and recalled by the prosecutor general.

2) The Office of the Prosecutor General of the republics are the prosecutors general of the republics. The prosecutors general of the republics and their deputies are appointed and recalled by the presidium of the legislative body of the republic, upon the proposal of the government of the appropriate republic.

3) The remaining prosecutors are appointed and recalled by the prosecutor general of the appropriate republic.

Article 168

The organization of the courts, the state notary system, and the prosecutorial system, as well as the legal standing of judges, state notaries, and prosecutors, is regulated by Federal Assembly law. The arrangement of individual matters pertaining to the organization of the courts, the state notary system, and the prosecutorial system, as well as the standing of the courts, state notaries, and prosecutors, can be entrusted by Federal Assembly law to the legislative bodies of the republics, which are also responsible for handling questions which the Federal Assembly law does not address.

Article 169

The decisions by all courts, state notaries, and prosecutorial offices are effective and actionable throughout the territory of the Czech and Slovak Federal Republic.

Chapter Nine. State Endangerment

Article 170

1) A status of endangerment of the state may be proclaimed:

a) as a result of war or in other cases involving the defense preparedness of the state;

b) if the constitutional system within the state is clearly and violently disrupted;

c) in the event human lives and human health are threatened to an extraordinary extent or in the event the functioning of the economy is extensively paralyzed.

2) With the exception of the period of war or periods involving the defense preparedness of the state, state endangerment may be proclaimed for a maximum of 90 days.

3) The act of proclaiming state endangerment results in the convocation of the Federal Assembly and the Federal Council.

Article 171

1) The status of endangerment is proclaimed and rescinded by the president of the Czech and Slovak Federal Republic. He may proclaim or rescind it only at the proposal of or with the agreement of the Government of the Czech and Slovak Federal Republic.

2) Proclamation of a state of endangerment involving the territory of the Czech Republic also requires the approval of the Government of the Czech Republic and involving the territory of the Slovak Republic requires the approval of the Government of the Slovak Republic. This does not apply if the constitutional organs of the republic are unable to fulfill their constitutional functions.

3) In the event the state of endangerment is not confirmed by the Federal Assembly and the Federal Council within 48 hours of having been proclaimed, the proclamation loses its validity. If it is not possible to hold a meeting of the Federal Assembly, the decision is made by its Presidium. This provision is not applicable if the Federal Assembly, its Presidium, or the Federal Council cannot meet or lack a quorum necessary to transact business.

Article 172

1) In the event a state of endangerment is proclaimed,

a) the president of the Czech and Slovak Federal Republic is authorized to take the following actions:

1. charge the minister of the interior of the Czech and Slovak Federal Republic, the minister of the interior of the Czech Republic, and the minister of the interior of the Slovak Republic with carrying out all measures necessary to protect the constitutional system of the state

and the other values listed in Article 170, Paragraph 1, with the assistance of the armed forces controlled by them;

2. order the armed forces to collaborate in supporting the telecommunications, transportation, energy, and health care systems and the supply system;

b) the Government of the Czech and Slovak Federal Republic may proclaim extraordinary measures through which it assigns tasks to organs of the state administration of the federation and of the republics and to organs of territorial autonomy, as well as assigning duties to physical and legal entities outside of valid regulations.

2) Extraordinary measures according to Article 172, Paragraph 1, b), can involve the restriction of rights and freedoms. However, the rights listed in Article 14, Article 15, with the exception of permitted war actions, Article 16, Paragraph 2, Article 20, Article 24, Paragraphs 1 and 2, and Article 49, Paragraph 6, cannot be restricted. The rights guaranteed in Article 17 may be abridged only by extending the deadlines stipulated in Paragraph 3 and Paragraph 4 of the article in question to an overall period of up to eight days.

Article 173

1) Measures listed in Article 172 may be proclaimed only to the extent to which it is essential to protect the state and to protect the other values listed in Article 170, Paragraph 1. These provisions may not disrupt or restrict the activities of legislative organs.

2) Measures according to Article 172, Paragraph 1, b), are proclaimed by the Government of the Czech and Slovak Federal Republic, together with the Government of the Czech Republic and the Government of the Slovak Republic, as long as there is no danger of delay.

Article 174

1) Decisions on proclaiming a status of endangerment, as well as decisions on proclaiming extraordinary measures are effective on the day of their adoption. They are publicized without delay by all available means. Decisions regarding the proclamation of the status of endangerment and decisions on proclaiming extraordinary measures are published in the Official Gazette intended for publishing Federal Assembly laws.

2) The Federal Assembly and Federal Council may rescind the proclamation of a status of endangerment at any time.

Article 175

Extraordinary measures must be rescinded once the state of affairs which justified their proclamation has passed.

Chapter Ten. General and Concluding Provisions

Part One. Symbols of State

Article 176

1) The symbols of state are the state emblem, the state flag, the standard of the president of the republic, the state seal, and the state anthem.

2) The state emblem of the Czech and Slovak Federal Republic is a quartered shield with a silver double-tailed roaring leaping lion with gold claws, a gold extended tongue, and a gold heraldic crown, looking to its right, located in the first and fourth fields. The second and third red fields contain a silver-colored double cross erected on the elevated middle peak of a blue-colored triple mountain formation. The fields of the shield are outlined with a silver line.

3) The state flag of the Czech and Slovak Federal Republic is composed of an upper white field and a lower red field between which a blue wedge is inserted, extending from the flagstaff side to a point halfway along the length of the flag; the ratio of the size of this wedge is two to three.

4) The standard of the president of the Czech and Slovak Federal Republic is white with a border consisting of alternating silver, red, and blue flames. At the center of the white field, the emblem of the Czech and Slovak Federal Republic is woven in. Beneath the emblem a red ribbon bears the silver inscription "Veritas Vincit." Both ends of the ribbon are adorned with gold linden twigs, having three leaves. The presidential standard is square.

5) The state seal of the Czech and Slovak Federal Republic is formed by the state emblem, with linden branches along its sides, surrounded by a circular inscription of the name of the state in the Czech and Slovak language.

6) The seal matrix of the state seal is in the custody of the president of the republic.

7) The national anthem of the Czech and Slovak Federal Republic is composed of the anthem of the Czech Republic and the first verse of the anthem of the Slovak Republic; this sequence is preserved when the national anthem is being played and sung.

8) The use of the symbols of state is regulated by Federal Assembly law.

Part Two. The Capital City

Article 177

The capital city of the Czech and Slovak Federal Republic and the regular seat of its organs is Prague. The position of Prague as the capital city of the Czech and Slovak Federal Republic is regulated by Federal Assembly law.

Part Three. Concluding Provisions

Article 178

1) The Constitution of the Czech and Slovak Federal Republic may be changed only by a constitutional law adopted by the Federal Assembly.

2) The Constitutions of the Czech Republic and of the Slovak Republic, the laws of the Federal Assembly, the laws of the legislative organs of the republics, nor any other legal regulations of the federal organs and organs of the republics may be in conflict with the Constitution and with the constitutional law of the Czech and Slovak Federal Republic. The interpretation and utilization of all legal regulations must be in harmony with the Constitution and with the constitutional laws of the Czech and Slovak Federal Republic.

Article 179

On the day this Constitution becomes effective, all existing constitutions and other constitutional laws which were used to alter or augment it lose their validity.

Article 180

This Constitution becomes effective on 1 January 1992.

ROMANIA

Statute of National Salvation Front

91BA0428A Bucharest AZI in Romanian 19 Mar 91 p 5

[Statute of the National Salvation Front]

[Text]

Chapter I GENERAL DISPOSITIONS

Article 1—The name of the party is National Salvation Front [FSN].

Article 2—The FSN endorses the principles of European social-democracy.

Article 3—The FSN has the following objectives:

—To transform Romania into a modern and democratic society, capable of ensuring its citizens' well-being;

—To promote and defend Romania's international interests with a view to attaining and preserving an advantageous position in European and world structures.

Article 4—The party's activities are aimed at:

—Disseminating its doctrine, objectives, and programs so that they can be adopted, supported, and implemented by the electorate throughout its term in government;

—Entering its candidates in presidential and parliamentary elections, winning the elections, and forming a government capable of implementing the party program;

—Participating in and winning local elections, thereby promoting local community leaderships to locally implement the party's national objectives and the programs of its regional organizations.

Article 5—All the party members are obligated to accept the FSN platform-program and its decisions.

FSN members may not belong to other political parties, nor to organizations that promote objectives, ideologies, or programs contrary to the documents featured in paragraph 1.

FSN members may not participate in demonstrations or actions by other political or nonpolitical groups that contradict the objectives and aims featured in paragraph 1.

Article 6—The FSN Statute is adopted by the FSN National Convention and may not be modified except by the latter's decisions.

Article 7—The FSN is founded on its members' free endorsement of the FSN program and statute. Freedom of opinion and the right to hold minority options are permissible within the party.

All decisions are adopted by FSN leadership bodies by a freely expressed vote.

Once a decision is adopted by an FSN leadership body, all its members are obligated to contribute to implementing it, regardless of the positions for which they voted.

Chapter II MEMBERSHIP

Article 8—FSN membership is open to any Romanian citizen over the age of 16 who:

—Endorses the principles and values asserted by the FSN and wishes to contribute to implementing them;

—Recognizes and respects the party's platform and statute.

Article 9—Membership in the FSN is obtained by expressing support in writing and remitting the annual dues to the regional organization in charge of the locality in which the applicant resides.

The decision on whether to accept a member is made by the FSN Coordination Bureau.

Every FSN member is entitled to receive a membership card and an annual stamp upon joining.

Article 10—If any of the members of the respective local organization expresses justified opposition, the decision

on awarding membership can be made only after hearing the persons in question and with a two-thirds majority of those present.

If the application is rejected, the applicant may appeal to the FSN Steering Collegium.

Article 11—Membership in an organization other than the regional organization where the member has his permanent residence will be brought to the latter's attention by the organization which issued the membership.

The coordination bureau of each organization will decide the minimum annual dues.

Article 12—Membership in the FSN is forfeited by resignation or ousting. The ousting procedure is featured in the Organizational Bylaws.

Article 13—FSN members have the following rights and obligations:

- To freely express their views on the party's political options, the activities of its leadership bodies, and the activities carried out by party representatives in state bodies;
- To be informed on the activities of the organization to which they belong and of the FSN collective leadership bodies, and to participate in such activities;
- To support a political option explicitly expressed in the FSN platform-program and to promote it in accordance with the statute provisions;
- To vote for and be elected in FSN leadership bodies;
- To propose and be proposed as candidates on FSN electoral lists in accordance with the law;
- To contribute to consolidating the FSN by promoting the principles envisaged in its program and statute;
- To participate in Front activities in good faith;
- To pay the dues established.

Chapter III ORGANIZATIONAL STRUCTURE

Article 14—The FSN organizational structure will be based on the regional criterion.

Organizations are established at locality level (commune, city, municipality), i.e., at the level of the urban administrative divisions in question.

Article 15—A coordination bureau in charge of activities will be elected by secret ballot by the convention of the regional organization; the bureau will be made up of: a chairman, one to three vice-chairmen, a secretary, and three to seven members.

The number of members of the coordination bureau will vary according to the size of the organization and the volume of activities.

Article 16—For the counties and for Bucharest municipality and its districts, the conventions of the respective organizations will elect coordination councils by secret ballot. The conventions will consist of delegates of the competent organizations selected on the basis of appropriate norms of representation.

The councils will be made up of one chairman, one to five vice chairmen, one to three secretaries, and 10 to 18 members.

The convention may decide to establish additional bodies to coordinate current activities, which will be subordinated to the bureau or council elected.

Article 17—Any member of the regional organization may be a candidate for the position of chairman or vice chairman, provided he:

- Announces his decision to be a candidate in writing, or to the commission of organization of the convention at least one week prior to the latter's meeting;
- Can prove he has the support of at least one-fifth of the convention participants;
- Presents his own program of activities for the organization.

Article 18—The bureaus and councils of coordination are elected for a one-year term with a simple majority of votes by the members or delegates to the convention.

Regional organizations may decide, by the vote of two-thirds of their members, to organize new elections, but not before six months since the previous election.

The Bucharest municipal organization belongs with the county organizations.

Article 19—A County Control Commission will be attached to the FSN County Coordination Council to verify and validate the financial activities of all the county local organizations and to present an annual report to the county convention. The chairman of the County Control Commission will be elected by the county convention under the same conditions as the chairman and vice chairmen of the council. The commission members will be proposed by the elected chairman and confirmed by the FSN County Coordination Council.

Article 20—The coordination bureaus and councils elected at a local level will represent the local organizations in relations with the Steering Council.

Their duties are to:

- Organize and steer all party activities at the respective level in accordance with the Steering Collegium's decisions;

- Ensure contacts with FSN members and sympathizers with a view to explaining and promoting its policies and programs. This will occur also when the party is in government;
- Organize and lead study groups and debates on the major areas of party activities;
- Contribute local suggestions, information, and initiatives designed to improve and implement FSN policy and programs.

Article 21—At a national level, an FSN National Convention will be convened yearly; the convention will consist of delegates of county organizations or those belonging to them, nominated on the basis of the representation norms established by the Steering Collegium.

The National Convention is the supreme leadership forum of the FSN.

The National Convention will adopt the FSN program, its statute, and all of the party's national bylaws.

The National Convention will elect the FSN Steering Collegium, the party national leader, the executive president, the president of the Ethics and Litigation Commission, and the president of the National Control Commission.

Article 22—The FSN National Convention will be attended by delegates elected by county conventions and legal delegates.

The following constitute legal delegates to the National Convention:

- All persons to run for Romania's presidency on FSN lists;
- The FSN national leader and all former national leaders;
- FSN ministers or former ministers;
- Members of the Steering Collegium in office at the date of the National Convention;
- FSN members who, at the date of the convention, are state dignitaries or leaders of national institutions;
- County prefects who are FSN members;
- FSN deputies and senators who were not elected as delegates by county conventions;
- The directors and editors in chief of FSN national publications;
- Prominent Romanian political, scientific, social, or cultural personalities who are FSN members and were designated by the Steering Collegium.

The Steering Collegium will designate a commission to organize and prepare the FSN National Convention.

MOTIONS

Article 23—Groups of delegates may present motions at the National Convention regarding the FSN program.

A motion will always involve a major reform or change in the party program or policy, spelled out in terms of objectives, actions, and political positions meeting the country's concrete issues.

Amendments, supplements, or additions to the existing program or to a motion do not constitute a motion.

Changes in the party's conjunctural political activities do not constitute motions, but may arise in consequence of motions concerning some of the long- or medium-range objectives of party policy.

Motions may be debated at local conventions in their entirety or partially, but will not be submitted for their vote or approval.

Motions require only the approval of the FSN National Convention.

Article 24—A motion will be discussed by the National Convention if:

- It is supported by one-third of the members of the Steering Collegium or one-fifth of the delegates validated to the National Convention, or at least one-third of the FSN parliament members;
- It is presented as such to the commission of organization of the National Convention, accompanied by a list of the persons who support it, at least 2 (two) weeks before its meeting;
- It is accepted by the commission of organization of the National Convention as a motion distinct from the party's program in effect or from other motions already submitted.

If the group that supports a draft motion is dissatisfied with the commission's decision, it can appeal to the Steering Collegium, whose decision, taken by the vote of two-thirds of its members, is final.

Article 25—If the conditions are met for presenting a motion at the FSN National Convention, then the group that supports the motion will organize by electing a leader and a group of spokesmen to defend the motion before the National Convention.

Similarly, the group will designate its candidates for the main positions in the Steering Collegium.

The list of the supporting group and its candidates for the Steering Collegium will be circulated at the same time as the motion at the beginning of the National Convention proceedings by the commission of organization of the convention.

Article 26—The National Convention will always debate at least one motion presented by the party's incumbent national leader.

If there are several motions, they will be discussed by the National Convention in the order in which they were registered.

The National Convention will debate the motions at plenum meetings and in topic sections.

Each motion will be presented at the debate by the leader and spokesmen designated by the group supporting the motion.

After the motions have been debated, the National Convention will decide on them by a vote. Motions are adopted with a simple majority of the votes expressed. If none of the motions wins a simple majority of the votes, the party program remains unchanged.

Once adopted, a motion becomes the FSN program and the leader of the group that proposed it becomes the national leader of the FSN.

THE STEERING COLLEGIUM

Article 27—The Steering Collegium is the body of collective leadership of the FSN.

The Steering Collegium has the following duties:

- To establish and coordinate working bodies for issues of party theory, doctrine, and ideology;
- To initiate and implement FSN policy in relation to other political or nonpolitical parties and organizations, including international organizations;
- To establish and coordinate groups of analysis and study of the domestic and international political, economic, and social situation, and to decide the political line of the party in accordance with these analyses and studies;
- To guide the activities of regional coordination bureaus and councils;
- To coordinate the activities of all the bodies established by National Convention decisions, with the exception of the Central Control Commission;
- To coordinate the FSN central press and its publications;
- To organize and coordinate the FSN electoral campaign;
- To confirm the inclusion on electoral lists of FSN candidates proposed by its organizations;
- To confirm the leaders of the FSN parliamentary groups elected by the latter;
- To convene regular sessions of the FSN National Convention, as well as special sessions if:

—A proposal along this line was presented by at least one-fourth of the Steering Collegium members and won a simple majority of their votes;

—It was requested by at least 10 (ten) county coordination councils;

—It validates the activities of its Executive Bureau.

Article 28—The Steering Collegium will draft organization and operation bylaws and will establish the structure of its permanent working bodies.

The Steering Collegium will adopt the party's annual budget.

The Steering Collegium may also make decisions normally in the competence of the National Convention if the situation requires that such decisions be made immediately. Such decisions will be made with a majority of at least two-thirds of the number of members of the Steering Collegium. In such cases the Steering Collegium is obligated to convene the National Convention within at least 3 (three) months of having taken a decision exceeding its competence and to submit the decision in question to the convention for confirmation.

The Steering Collegium will adopt decisions by open vote with a simple majority of its present members, on condition that at least two-thirds of the collegium members are present.

The Steering Collegium may temporarily or definitively withdraw its support for persons in state or representative positions who do not observe the party's political line.

Article 29—The Steering Collegium will meet in plenum quarterly and whenever necessary.

The Steering Collegium will be convened for regular sessions by the Collegium Secretariat, and for special sessions as follows:

- At the initiative of the Executive Bureau of the Steering Collegium;
- At the request of the national leader;
- At the request of at least one-third of its members;
- At the request of at least five (5) county coordination councils.

Article 30—The Steering Collegium is made up of: the national leader, the executive president, 11 vice presidents, 11 secretaries, elected members, and legal members. The number of elected members will always be equal to two-thirds of the total number of members of the Steering Collegium.

Persons who want to be a candidate for membership in the Steering Collegium must have been proposed by:

- All the delegations of a county organization, or

- At least 30 delegates, or
- The FSN national leader, or
- The chairmen of the county coordination commission and of the Bucharest municipality, two each, from among the delegates who supported the motion that won the majority of votes.

Article 31—The following constitute legal members of the Steering Collegium:

- FSN members who are ministers;
- All former national leaders and executive presidents of the party who continue to be members of the FSN;
- Incumbent chairmen of county coordination councils and of Bucharest municipality (with its districts);
- Fifteen persons designated by the leader of the group whose motion was adopted by the National Convention;
- The leaders of the FSN parliamentary groups;
- Three representatives of the youth organization.

THE NATIONAL LEADER

Article 32—The national leader is the political leader of the FSN. He coordinates the activities aimed at implementing the FSN's political program.

The national leader is president of the Steering Collegium and represents the party in its relations with other parties or political and nonpolitical organizations.

The national leader will make decisions on the party's position on current issues or issues that require an immediate solution; in case of the latter he will ask the Steering Collegium for its confirmation at its first meeting.

THE EXECUTIVE PRESIDENT

Article 33—The party executive president is elected by the National Convention from the ranks of the group that supported the majority option, on the basis of the list of candidates presented. The executive president will lead the Executive Bureau of the Steering Collegium and will chair the collegium plenums in the absence of the national leader.

The executive president has the following duties:

- To coordinate all the internal activities of the party, the working bodies of the Steering Collegium, and all the bodies established by its decision;
- To coordinate the activities of the Steering Collegium Secretariat;
- To provide contact and communication between the party, the FSN parliamentary group, and government members who are FSN members;

- To represent the party, in lieu of the national leader, before county and local FSN organizations, and in relations with the state administration and other state bodies;
- To coordinate the FSN electoral campaign.

Article 34—The FSN executive president will be assisted by the Steering Collegium Secretariat; the latter is a technical and administrative body in charge of organizing the current activities of the working bodies established by the Steering Collegium.

The Secretariat is under the leadership of the Steering Collegium secretaries, elected by the latter from among its members at the proposal of the executive president.

VICE PRESIDENTS OF THE STEERING COLLEGIUM

Article 35—The vice presidents of the Steering Collegium will be elected by the members of the latter from among the group that supported the majority motion, on the basis of the list of candidates proposed by the respective group.

The major areas of activity are:

1. Organization;
2. Economic policy;
3. Studies and doctrine;
4. Relations with trade unions—social policy;
4. Relations with Parliament;
5. Relations with other parties;
6. Youth and women;
7. International relations;
9. Cadres training;
10. Budget—financial;
11. Public relations, electoral campaign, and spokesmen.

EXECUTIVE BUREAU

Article 36—The Executive Bureau will be made up of: The executive president of the party; the vice presidents of the Steering Collegium; the secretaries of the Steering Collegium, and seven Steering Collegium members elected by the latter.

The Executive Bureau will coordinate the party's current activities in between plenums of the Steering Collegium.

The Executive Bureau will work in plenums which will be convened by the party executive president. The bureau will hold meetings monthly or whenever necessary. The Executive Bureau will adopt decisions by a simple majority of its members. In case of disagreement between the executive president and the majority of the bureau members, the decision will be mediated by the national leader of the party.

CONSULTATIVE COMMITTEE

Article 37—The Steering Collegium will be assisted by a Consultative Committee made up of political, economic,

social, and cultural-scientific personalities of Romania who are FSN members or sympathizers.

The members of the Consultative Committee will be appointed by the national leader and confirmed by the Steering Collegium.

The Consultative Committee will debate issues concerning the strategic orientation of the party at the request of the national leader or the Steering Collegium.

ETHICS AND LITIGATION COMMISSION

Article 38—The Ethics and Litigation Commission will settle all internal party conflicts and possible differences that may emerge among local organizations or between organizations and their elected leaderships.

The Commission will examine all complaints lodged against members of FSN organizations, of the Steering Collegium, or of the FSN parliamentary group, including the FSN national leader or its executive president.

The commission will examine all the appeals that may be filed in connection with FSN candidates to elected positions in the local or national political system, or in FSN leading bodies.

The Ethics and Litigation Commission will propose to the Executive Bureau of the Steering Collegium draft decisions tailored to the seriousness of the actions and taken on the basis of investigations carried out under its exclusive control and with the assistance of any FSN body or organization.

Article 39—Depending on the seriousness of the actions in question, the commission's proposals may go as far as ousting members of FSN leading bodies from the body to which they were elected or from the FSN.

The forum where decisions of the Ethics and Litigation Commission may be appealed is the FSN National Convention.

Concerning the national leader and the executive president of the FSN, the Ethics and Litigation Commission may make recommendations only to the National Convention.

The Ethics and Litigation Commission is made up of a president, elected by the National Convention, and 10 members designated by the Steering Collegium at the proposal of the Executive Bureau.

The Ethics and Litigation Commission will operate according to bylaws approved by the Steering Collegium.

CENTRAL CONTROL COMMISSION

Article 40—The duty of the Central Control Commission is to check all the financial activities of the party. It is entitled to survey the utilization of the national budget and the budgets of the local organizations.

The president of the Central Control Commission is elected by the National Convention. The commission members are appointed by the Steering Collegium at the proposal of the president of the commission and of the Executive Bureau.

The Central Control Commission will draft a control plan which it will present to the Executive Bureau. It will also examine all complaints and notifications concerning the utilization of party funds.

The conclusions of the investigations conducted will be presented in the form of memoranda to the Executive Bureau and reports to the Steering Collegium and the National Convention.

If warranted by the results of investigations, the Central Control Commission will notify the Ethics and Litigation Commission.

FSN GROUPS

Article 41—The FSN will establish specialized political action groups.

Such groups will be established at national or local level at the initiative of the Steering Collegium.

The national groups will be the FSN Parliamentary Group and the Group of FSN Ministers.

The FSN Parliamentary Group will rally all the deputies and senators elected on FSN lists for the purpose of promoting the party's political program in Romania's Parliament.

When the government is formed by the FSN, the FSN Parliamentary Group is obligated to support the implementation of the government's program.

The Group of FSN Ministers consists of FSN members who are or were members of the government or state dignitaries.

The Group of FSN Ministers serves as a consultative body to the national leader and the Executive Bureau.

The Group of FSN Ministers will recommend solutions to immediate political and government issues, for which purpose it may tap any FSN forum or body, including the national leader of the National Convention.

The Group of FSN Ministers may delegate representatives with a consultative vote to all the activities of FSN bodies or organizations.

Additional specialized FSN groups may be formed by a decision of the National Steering Collegium.

Chapter IV FINAL DISPOSITIONS

Article 42—The FSN's financial resources will be based on party dues, joining fees, legal donations, and any other legal sources.

YUGOSLAVIA

Bulatovic's 'Vague' Position on Crisis Scored

91BA0420A Sarajevo OSLOBODJENJE
in Serbo-Croatian 18 Mar 91 p 3

[Article by S. Rackovic: "Regarding Statement by Momir Bulatovic: Both Overdue and Vague"]

[Text] Titograd, 17 Mar—Last night's statement by Mr. Momir Bulatovic to Montenegro television (at around 2030) was a disappointment to the population of Montenegro. Not only was it long overdue, coming a full 24 hours after the resignation of Borisav Jovic, the resignation of Nenad Bucin, and the refusal of Yugoslav Kostic to participate in the workings of the Presidency of the SFRY, as well as an entire series of statements by the heads of republics and provinces and their parliaments, and declarations by opposition leaders; it was also surprisingly vague and inconcrete. Besides talking about the possible consequences of Jovic's resignation and the well-known dangers hanging over Yugoslavia's future, as well as the responsibilities borne by the collective head of state for the situation that has emerged, Bulatovic failed to openly declare his support for either of the options for the SFRY Presidency. Moreover, by declaring that he will "apply political means to continue the struggle for a unified and democratic Yugoslavia in the manner mandated by his conscience and the political program with which he gained the confidence of the citizens of Montenegro," Bulatovic led one to assume that he favors political, and not military, methods for resolving the crisis, which would mean that he is partial to the aspirations of the majority on the SFRY Presidency. But then, in the very next sentence, he leaves no room for doubt concerning his solidarity with the "hard" line on the Presidency: "However, agreeing with the basic reasons that led Comrade Nenad Bucin to submit his resignation, and seconding the need to inform the Assembly of the SR [Socialist Republic of] Montenegro of them, I am willing to make my own contribution to the Assembly's decision, which must discuss the situation that has since emerged: from the Montenegrin standpoint, the de facto suspension of the work of the SFRY Presidency."

In his well-known style, Bulatovic is equivocal; it is hard to "get a grip on him," all the more so since he delivers judgment on the positions of this republic as far as the SFRY Presidency is concerned in the name of Montenegro, even without a meeting of the state leadership of Montenegro being held. In addition, there is no indication of his position concerning whether he will, in accordance with the Constitution, stand in for Nenad Bucin in the vacated seat on the SFRY Presidency, which Slobodan Milosevic and Yugoslav Kostic were utterly categorical in quickly announcing after Jovic's resignation.

In contrast, the situation concerning Montenegro's position in the country's current constitutional crisis is

completely unclear, and it could even be said that it is significantly more unclear than before Bulatovic's speech on Montenegro Television, although it can be concluded that pro-Milosevic attitudes are predominant in his attitude. After all, this was expected, especially after Bulatovic's unqualified support for the Serbian government in last week's demonstrations in Belgrade, and after the revelation of the otherwise undeniable fact that Bucin has always obediently raised his hand according to Jovic's beck and call (Stipe Mesic on television yesterday)!

Perhaps Momir Bulatovic does not want to once again get burned by his statements and positions as he did a week ago, whereby he clashed with the entire democratic public of Montenegro, especially with the "Veljko Vlahovic" University and the opposition parties. But it is more than obvious that keeping his own people in the dark is much more dangerous than the possibility of individual mistakes and personal consequences. The people of Montenegro must have opportune knowledge of their leader's attitude in this dramatic situation, when the fate of Yugoslavia is hanging by a thread, in order to be able to withhold or offer timely support to those who lead them. Before it's too late!

Because the aforementioned session of the Montenegrin Assembly is not until 2 April.

Croatian Antifascist Holiday Change Discussed

91BA0345A Zagreb DANAS in Serbo-Croatian
19 Feb 91 pp 26-27

[Article by Zarko Kruselj: "New Croatian Holidays"—first paragraph is DANAS introduction]

[Text] The most bitter dispute will challenge the rescheduling of the Day of the Uprising in Croatia, which has understandably been argued about already for 30 years

If there are doubts about where Croatian politics are going, they will quickly be clarified if the government proposal on republic holidays is examined. With it, the leadership is closing the circle of the new system of political and national values, which sees the Republic of Croatia as a completely sovereign government society firmly rooted in the framework of Western civilization. This means that Croatia, in its celebration of holidays—and there will be at least as many as in the communist era—will proceed from its own political self-essence, and to the same degree will celebrate that which is customary, but also supraideological, in the modern world. As to the latter, these are primarily the religious holidays of Christmas and Easter, with recognition of All Souls' Day as a nonworking day, as well as the generally accepted Labor Day and the undisputed New Year's Day, each holiday to last one day. Of course, celebrating Catholic holidays also presupposes the same inviolable right and paid absence from work for all citizens of the Orthodox, Muslim and Jewish faith. On the other hand, Croatia, on the redefined list of holidays, wants on the

Day of the Uprising to emphasize its antifascist identity, aware that this is also woven into the foundation of parliamentary democracy.

Branimir or the Croatian Democratic Community

If celebrating holidays is for Croatia, therefore, one of the ways of feverishly grasping a connection with developed Europe, this still does not mean that the public will be unanimous in its thinking. In contrast with past practices, there will at least be discussions about religious holidays, no doubt because taking these details into account is clearly expressed in the Republic government's views. How much a return to religious holidays in the postcommunist era has developed, primarily because they were celebrated in the family under conditions of an atheistic monopoly, is indicated by the fact that it was a surprise even for neocommunist Serbia when Christmas was not recognized as a nonworking holiday, although it was parallel with the attempt to "rehabilitate" the founder of the Serbian Orthodox Church, Sava Nemanjic. Of course, the reason does not lie in the fact that the Serbian government had the illusion that members of the ruling party would not, for example, celebrate Christ's birth on 6 and 7 January, but in the fact that it would have to make adequate concessions to the numerous Catholics and Muslims.

Despite this, the proposal for the new scheduling of holidays will nevertheless be reflected in international relations; far more than Croats of various ideological orientations will confront each other. For the majority nation in Croatia, 30 May—the Day of Statehood—celebrated for the first time only with last year's formation of the multiparty Assembly, can be most controversial. For many, that date is associated too much with the convincing election victory of the Croatian Democratic Community, or with their own defeats, so that last year's polemics about the purpose of its assumption of power have led to the idea about the ease of renaming it, even after the first regular term of the Republic authorities. The new government defended itself last year with the thesis that a date that would not offend citizens of opposing world opinions was necessary to distinguish Croatian statehood. When the "snake egg" of 10 April was introduced into the polemics, this worked too; but it was forgotten that, for example, the correspondence of Prince Branimir with Pope John VIII in the year 879, through which the Croatian state was recognized for the first time, is perhaps more appropriate, primarily because it would not raise political tensions. The government's proposal, because of the lack of Croatian consensus, is therefore the weakest as regards 30 May. If nothing else, this date will surely be criticized as only a beginning step in determining what the Day of Statehood would really have to represent.

Although every mention of Croatian statehood will be associated for some Serbs with the Independent State of Croatia, they will probably not waste any time with these typical internal Croatian polemics. From their perspective, the proposed calendar of holidays will undermine

Croatian-Serbian relations to a far greater extent where attitudes toward Yugoslav society are shown. That is, 29 and 30 November, the Day of the Republic, and 4 July, Fighter's Day, for which absence from work was paid separately, are not on the list. Along with them, and this is also characteristic, 25 May, Youth Day, 4 May, the day of Tito's death, and even 22 December, Army Day, will no longer be publicly observed. All these dates have in common their general Yugoslav character, which, in the opinions of the proposers of the law, has created opposition to them under the changed political conditions. Of course, there is no real surprise here, because a premonition of the negative attitude of the Croatian authorities toward federal holidays was felt during the past year when the suddenly eliminated Republic Day provoked a real uproar in work organizations as well as in the whole tourist economy. Lately this attitude has strengthened still more the increasingly aggressive greater Serbian encroachment, especially that which was concealed behind the Yugoslav idea.

The cancellation of Republic Day, even in the context of the conversion of Yugoslavia into the "policeman" of Croatia and Slovenia, is interpreted as a contradictory act of the Croatian leadership. In keeping with such thinking, Croatia is in practice supporting relations between the republics as they were established by the Constitution in 1974, in that they are very close to the model of a confederative society. So, logic would prescribe that Croatia, in a real outpouring of praise for monarchist Yugoslavia, reaffirm the Day of the Republic as a holiday that symbolizes the Yugoslavia of the Antifascist Council of National Liberation of Yugoslavia (AVNOJ). The Croatian government again does not think so: It considers, and in so doing cites postwar history, that not even an AVNOJ Yugoslavia can assure the full sovereignty of Croatia, or that in it this Republic is too economically exhausted, politically outvoted, and culturally marginalized, and thereby distanced from the developed world. It is not unimportant to show that this same AVNOJ Yugoslavia does not really even exist today (why would it be celebrated then?), nor has it existed from the moment that the autonomous provinces of Vojvodina and Kosovo were eliminated and the Albanian people in the latter were reduced to the status they had in the greater Serbian regimes in the period between the wars.

Croatian Antifascism

Nevertheless, a holiday that has not been abolished or renamed, but moved to an earlier date, will provoke the most bitter Croatian-Serbian political clashes. Naturally, we are referring to the Day of the Uprising in Croatia, which according to this year's proposal would be celebrated on 22 June, the date on which, in 1941, the Sisak partisan detachment, the first antifascist unit on the whole of Yugoslav territory, was founded. But, even the very mention of this holiday under that name will certainly evoke an avalanche of comments. The roots of this problem lie in the preelection campaign, when rumors were widespread that the victory of the Croatian

Democratic Community would mean the elimination of the antifascist characteristics of the 1941-45 war events, or that "Ustashiism" would again win. This has led to the generous attribution in Serbian propaganda of such labels to almost every Croatian politician, even to those who were communists until recently.

The decision of city authorities in Zagreb to rename the Square of the Victims of Fascism, as well as several streets in that area that carried the names of famous left-wingers and trade unionists, would also be a motive for stepping up this campaign. When the affair about the statement by the former Ustashi member, Iva Omrcanin, that Jasenovac was a "Jewish Hollywood" is added to all that, Franjo Tudjman had to explain to American Jews, as well as to some Western politicians, that all that has no connection with the nature and the aims of the postelection Croatian government. The most frequent argument that the Croatian leadership used toward that end was that the concessions, if they can be so called at all, refer only to "national reconciliation," in that there were many demands, especially from so-called emigrated Croatia, for the establishment of "squares of communist victims" as well as the rehabilitation of certain officials of the Pavelic government in order to achieve "historical balance." Croatian authorities, as is known, resolved this not so innocent dilemma along a line of least resistance: They eliminated "squares of fascism" and thus prevented the promotion of "squares of communism." Moreover, Tudjman repeats in almost every conversation with reporters that there are "more former partisan-antifascists" in the current Croatian leadership "than in all other republic leadership bodies combined," or that "imputations of this type" have a "recognizable political background," and thus the widening of the abyss between Croats and Serbs even on the predominantly ideological basis of today. Now, after the government has officially presented the proposal about retaining the Day of the Uprising—and it also stems from the preamble of the new Constitution about the AVNOJ starting points of Croatian statehood—it is certain that Croatia will remain faithful to its antifascist traditions.

But, if the Day of the Uprising has kept its meaning, the Croatian leadership has nevertheless placed it on an essentially different spiritual and national level. Although it seems that choosing the new date, 22 June, is a concession made to the newly formed Federation of Croatian War Veterans, and to "renegades" from the orthodox communist and increasingly nationalist Serbian Federation of Veterans' Associations of the People's Liberation War, it could have been said previously that this is only the final level of the polemics with which the battle for Croatian emancipation began about 30 years ago, in the era of pre-Brioni unification of Yugoslav society.

Ever since the proclamation of the Day of the Uprising of the people of Croatia, for which the events of 27 July in Srb occurred, an appreciable number of partisans of Croatian nationality have considered this decision a special political provocation, since it changed the

essence of the people's liberation war in Croatia. When the first edition of the VOJNA ENCIKLOPEDIJA was prepared in 1960, a great historiographical quarrel developed over the reconstituting of wartime events in Croatia, in which the arbiter was Josip Broz Tito, while the whole political leadership of Croatia gave their opinions about individual occurrences. The principal player of that story in setting forth the Croatian version of wartime events was, in no way coincidentally, Franjo Tudjman, a general at that time and a military historian. Nevertheless, it was too late to change the decision on the date and site of the uprising in Croatia, since this was regarded as the most adequate admission of the above-average participation of Serbs in partisan units.

Blindness or Historical Truth

This whole polemic, in which even Tudjman himself was politically discredited somewhat later, was renewed in the mid-1960's after the first edition of the REVIEW OF HISTORY OF THE UNION OF COMMUNISTS OF YUGOSLAVIA appeared. Under Tudjman's direction, the Institute for the History of the Workers Movement of Croatia also reacted to the book at an appropriate symposium, and an abridged version of controversial themes was also prepared for political purposes, part of which dealt with the nature of the uprising in Croatia in 1941. Without these themes, written by a group of Zagreb historians, it would almost not be possible today to examine the current motives for changing the place and date of the uprising: "It is correct, for example, that a general people's uprising occurred in a significant part of Serbia as well as in Montenegro, that the Serbian populace also rose up spontaneously in some areas of Bosnia-Herzegovina and Croatia (in the Knin district, southern Lica, Kordun, Banija), and that the Croatian populace did not take up arms en masse and spontaneously in a single area—except Dalmatia, the Croatian seacoast, and Istria in the days of the Italian capitulation—but communists, sympathizers, and other militant patriots who were antifascists responded in the beginning to the call of the Party. The fact is that massive people's uprisings...ebbed relatively quickly, or definitively fell into crisis, or disintegrated, because they came under the influence of the Chetniks...If one does not realize this, then one can draw unfounded conclusions and, in contradiction of positive facts, insist that Croatia lagged and that the Croatian people had to be pulled into the People's Liberation Struggle and the revolution."

Applied to the problem of the uprising, this meant, and later historiography and journalism confirmed such assertions, that the attack of the rebels (i.e., guerillas, as they called themselves) on the militia station in the Lica village of Srb was the result of a spontaneous revolt by the Serbian populace against the Ustashi regime, and the Communists did not lead the participants in this action at all, contradictory to later "massaging" of the facts, nor were they aware of the aims and the extent of the antifascist struggle. This and subsequent actions were dominated by officers of the old Yugoslav army, who were also "responsible" for the fact that the initial

enthusiasm ended in open collaboration with Italian occupiers, with an appreciable number of rebels in Chetnik units. Pavelic's "solution of the Serbian question" provoked these events, but the fact is that surrounding Croatian villages suffered the most in the uprising; one of them, Boricevac, was massacred and completely leveled to the ground. The spreading of the uprising to Sisak on 22 June 1941 was really the attempt by Tadjman's leadership to restore dignity to the so-called Croatian road to the people's liberation struggle. Under the "unnatural communist system," credit was given for the movement and the excellent direction of the partisan war mainly because, with the announcement of the reconstruction of Yugoslavia in the period between the wars, the perspective of participating in the people's liberation struggle was also opened up to the Croats. This went slowly because of a number of difficulties, but the result was that the most partisan units, including five corps, were formed right in Croatia preceding the end of the war. Sisak itself and its partisan detachment have only a symbolic meaning here, since its first 14 fighters, all Croats, carried out small diversionary attacks on communications facilities and had their first armed action only after crossing into Banija on 22 July, or five days before the "guerillas" liberated Srb. It is singularly absurd for the noncommunist government to recognize the Sisak partisans in the form of the Day of the Uprising, while they did not succeed in this during the time that Marijan Cvetkovic and Mika Spiljak, fighters in that same detachment, dominated Croatia politically.

Switching the focus of the uprising will not pass without serious political reverberations, we said. At the very first news of the rescheduling of the holiday by the government of Croatia, fighters of the Nikola Tesla Sixth Lica Proletarian Division assembled and demanded a return to the old way. If their advice is not listened to, the new date of the uprising, they say, will be "understood by the Serbian people as a denial of the mass uprising in the areas where they live." Some new steps in the protest against "political blindness" by the Croatian leadership were announced at the same meeting. The old polemic of three decades, therefore, is spinning in a vicious circle of opposing national interests. The attempt by the government of Croatia to Europeanize by celebrating holidays as well, could result in a new wave of Balkanization.

Changes in Belgrade Media Reporting

91BA0420B Zagreb VJESNIK in Serbo-Croatian
18 Mar 91 p 5

[Article by Radmila Stankovic and Jovo Paripovic: "What Has Changed in Serbian and Vojvodinan Official Media: New Deception by Old Media Spokesmen"—first paragraph is VJESNIK introduction]

[Text] After the changes in the media, the only thing that is new is the names of the chief editors, while their modus operandi remains the same: to think like the

ruling ensemble and the Socialist Party of Serbia [SPS]. However, journalists have decided to "show their teeth..."

Belgrade, Novi Sad—Once they realized what sort of changes had been made at Belgrade Television, several journalists cried out, "Dodji Mitke, all is forgiven!" which naturally referred to RTV [Belgrade Radio and Television] General Director Dusan Mitevic, who had been relieved of his post only two days earlier.

What was done by the new man at Belgrade Television, Ratomir Vico, who is currently handling three jobs? Having assumed the post of director general, director of programming, and executive producer of the political news program, the first thing Vico did was to form a production team consisting of journalists whom the dismissed producers of Belgrade Television had already written off: Gordana Susa, Milica Lucic-Cavic, Sanja Djuric, and Nenad Ristic were needed to—the same time—produce the TV journal, meaning the news broadcasts.

Produced Only One Journal

Only one journal was broadcast under their names, but even it bore the stamp of Ratomir Vico, which is why these four journalists the very next day submitted their resignations from the posts to which they had just been promoted. Specifically, without their knowledge, Ratomir Vico inserted an announcer during the broadcast of the journal who read almost the entire text of a proclamation by the executive committee of the Socialist Party of Serbia, despite the fact that a text by Mihajl Kovac had already been prepared. Vico also refused to broadcast a statement by Slobodan Rakitic, which was supposed to be a rebuttal to the critique of the peaceful student demonstrations voiced by one of the main ideologists and leaders of the SPS, Mihajlo Markovic.

The very next day, the four producers handed in their resignations because of these two acts, and both TV journals that day were broadcast unattributed, since for all practical purposes there was no producer who would take credit for it, aside from, perhaps, Ratomir Vico. Practically speaking, things continued in the old manner, and program host positions continued to be filled by people whose work in the past has generally been noted for the biased and nonobjective character of these broadcasts, among whom Spomenka Jovic is at the top of the list. Vico affirmed the new production responsibilities of Dusan Cukic (producer of the international affairs section) and Draga Tankosic (producer of the internal affairs section). It appears that dissatisfaction right now is even greater, so that journalists can hardly wait until Monday to express their dissatisfaction at an editorial staff meeting.

Journalists with POLITIKA EKSPRES expressed their observations and what they think about the editing of that newspaper at the end of last week during an editorial staff meeting that lasted eight hours. The chief and responsible editor was given until 1400 Monday to hand

in his resignation, and if he does not do so, the journalists will organize peaceful demonstrations in front of the POLITIKA building and call on all their colleagues from Belgrade editorial staffs to join them. An editorial staff meeting was also called by the director and chief and responsible editor of POLITIKA, Zivorad Ninovic, but we have learned that the meeting was scheduled to be held at POLITIKA's plant in Krnjaca, a suburb 10 kilometers from the city.

No Editors From the List

This move seems very symptomatic, all the more so if one knows that it is in fact POLITIKA's printing works that is located in Krnjaca, and that this type of editorial staff meeting has never been scheduled there before. In any case, there are still calls for Zivorad Ninovic's resignation, as well as the resignation of the chief and responsible editors of NIN, INTERVJU, and TV POLITIKA. On the other hand, the independent trade union and a majority of the journalists from the POLITIKA newspaper group who joined it last week are energetically opposed to anyone from the list of three candidates for new chief and responsible editor of POLITIKA. This list comprises Dr. Vladimir Stambuk, Radmila Andjelkovic, and Zivorad Igc. All three are in the innermost circles of the Socialist Party of Serbia; moreover, Igc is one of its deputies to the National Assembly, while Vladimir Stambuk is the party spokesman.

Two parallel developments are under way at Novi Sad's television and radio, and at the newspaper DNEVNIK. On the one hand, journalists on all the editorial staffs are rejecting the imposed cadre and choosing their own provisional editorial boards, while on the other hand all of this is overshadowed by the threat by the president of the Vojvodinan government, Dr. Radoman Bozovic, according to which precisely those people whom the government has appointed and those whom it has recently appointed as acting directors will remain in those posts, and "no one else can be appointed" to them.

Editorial Staff Chooses Despite Government Threats

Despite such threats, which resemble the announcement of the imposition of a "state of emergency," Novi Sad Radio is calling for Emil Damjanovic to be appointed chief of the Serbo-Croatian production staff, and for several people on the management team to resign. At Novi Sad Television, the appointments from the latest session of the Vojvodinan government are not recognized, the resignation of all producers is being sought, and on the production staff for Serbo-Croatian, a provisional editorial board has been named consisting of Teodora Razumenic-Pericin, Doda Totisakov, Vladimir Harak, and Goran Bulatovic. Elected to the provisional editorial board for the production staff in Hungarian are Nandor Nadj, Nandor Kartag, Tivadar Rencar, and Edit Nadjmeljkuti. That production staff is calling for the return to work of five journalists who were recently fired. At the daily newspaper DNEVNIK, the government, following the resignation of acting chief and responsible

editor Svetozar Gavriilo, decided that the current deputy chief and responsible editor, Dragan Mladenovic, is most suitable to discharge the duties of editor until further notice. But the staff thinks differently and has proposed three candidates—Dragoljub Blazic, Milan Colic, and Misa Zivanovic—from whom the members of the editorial staff will elect the chief and responsible editor on Monday, despite all the threats by the Vojvodinan government.

This shows how consciousness among journalists in Vojvodina has matured, further inspired by the latest events and the state of Vojvodinan journalism, how the managerial figures on newspaper staffs should be chosen on the basis of their programs and journalistic skills, while not accepting imposed cadre, especially those who agree to execute the positions of the ruling regime and party, ignoring all the processes of the multiparty scene and the flourishing of democracy.

In any event, the extent to which this process will continue in Vojvodina depends on further developments in the situation associated with the call for the resignation of Dr. Radoman Bozovic. He personally, in conjunction with the structures of the regime and ruling party, has set in motion a broad campaign to defend his position. Bozovic has also been taken under the wing of the Vojvodina provincial committee of the SPS, where Nedeljko Sipovac has called the demand for Bozovic's resignation "simply an attempt to subvert the legitimately elected organs and institutions of power in Vojvodina," while Bozovic himself has affirmed that this situation was not "a Serbian schism, but rather activity by the anti-Serbian coalition led by reformists."

With his statement, Nedeljko Sipovac once again took a false step in his political career, because he himself has acknowledged that he and the regime that he represents came to power illegitimately two and a half years ago. As far as Bozovic is concerned, he is not abandoning his formula whereby reformists are behind everything.

Contradicting Himself

As far as this behavior is concerned, it has already become sheer habit, even though he himself is probably aware of the meager effect of all of it. But as the president of the government, with the government's move three days ago to effect the resignation of the top people at several Vojvodinan official public media, and what he said at the press conference, Bozovic lapsed into contradictions. Specifically, if he rejects the legitimacy of rallies at which calls were made for his resignation as well as that of the top people at Vojvodinan official public media, denying that these are student demands and attributing them to the shady doings of the anti-Serbian coalition, then the question logically raised is why both he and the government so readily agreed to effect the resignation of top figures in the news media. Because if the demand was affirmed at an illegitimate meeting, then the management at the official public media should also be supported. However, they were

"escorted" from their work places with the judgment by Bozovic and the government that this is a "moral act." There is no mention of his own and the government's moral acts, and it all goes to show once again how when power and journalism go hand in hand, journalism gets the best of it.

Even without all these events, the implementation of editorial policy in Vojvodinan official public media would have been up for discussion at the first session of the Vojvodinan parliament. Now, after all of this, this debate will have some additional features. In any case, the delegates will be facing a test of their own consciences. Specifically, they have voted to transfer inaugural rights from the Assembly to the government, thus

opening the door to a complete blockade on information in Vojvodina. Only a few persistent delegates called attention to the fact that this was not a good move. The others passed over this in silence, as did the Constitutional Court of Vojvodina, which in the past has refused to rule on the constitutionality of transferring inaugural rights to the government.

All the current turmoil and dissatisfaction among the public and journalist staffs, as well as the previous implications, are proof enough that a false step has been taken in the Vojvodinan information media. Now it is simply a question of a moral act by all those who must recognize this false step.

POLAND

Merkel: Security Council, Other Military Reforms

91EP0309A Warsaw POLSKA ZBROJNA in Polish
31 Jan 91 pp 1-2

["Excerpts" from an address made by Jacek Merkel, former minister of state for national security affairs, during a WP [Armed Forces] cadre leadership seminar; place and date of address not given: "The Military Should Implement the Tasks to Which It Is Called"]

[Text] I am aware of the many different doubts and problems that plague the military cadre in conjunction with the ongoing work to set up a new leadership structure for the armed forces. Thus, I would like to state right at the beginning that for understandable reasons we still cannot settle all of these doubts. It has been only a little over a month since President Lech Walesa, the first president of the Polish Republic [RP] elected by the people in a democratic general election, assumed supreme authority over the Armed Forces. This fact itself fundamentally determines the shape of the interdependence between the most important organs of state authority in Poland.

The new constitution will fully define the powers of the president. Today we must operate within the sphere established by present constitutional regulations. However, we can begin to build and to put into practice the new model of supreme authority over the Armed Forces, the political-administrative leadership of the army and command of the military. The president has already embarked upon such actions.

I would like to emphasize that the president is greatly concerned that the fundamental issues of state, of its foreign and domestic policy, including its defense policy, be taken up in conjunction with the government and that the decisions that are worked out, if they do not require parliamentary approval, result from objective agreements made between the president and prime minister and the Council of Ministers. I am convinced that whatever presidential model the new constitution defines, the decisionmaking mechanism must be such a mechanism, for it corresponds to the most vital interests of the state and the nation.

What has already been done and what are the president's plans on army related issues?

In the first place, two ministers of state have been appointed with clearly defined powers. It is absolutely unwarranted and illogical to ascribe to the president the intent to create some sort of supergovernment or super-ministry at Belvedere (although this is the interpretation given his actions by some people). It is merely a question of dividing up the tasks and functions among the persons and organs who are to ensure the completely effective and most appropriate performance by the president of his function as supreme authority of the Armed Forces, and distributing these tasks in a way that is clear and

understandable to society. This is one of my functions as [now former] minister of state for national security affairs.

In the second place, the concept of appointing a National Security Council is being generated. We would like this council to arise in the very near future in place of the present National Defense Committee [KOK] within the framework of the existing legal order. It is not merely a matter of changing a name which carries negative associations in the general social consciousness. It is above all a matter of ensuring that the semantic change corresponds to the new substantive content.

I do not believe that in the presence of this body I have to explain the entire complexity of Poland's new geopolitical situation. It is difficult to anticipate the development of events in the Near East and the consequences of these events for our country. Likewise, we must take into account the various variants of the development of the situation beyond our eastern border. This are the most important issues today; we are all aware of the external and internal dangers faced by Poland.

In the third place, President Lech Walesa's order changing the decree of the former president on the issue of the operation of the KOK is being readied. On this issue, the president will also approach the Sejm with his legislative initiative, but we will have to wait many months for new constitutional regulations.

Today I can say that the personnel composition of the KOK will be changed; however, interministerial negotiations on this matter are still ongoing. In accordance with the constitution, the president is the chairman, while the prime minister is the first deputy. The president plans to appoint the minister of foreign affairs, whose status was formerly that of a member, and the minister of national defense as deputies of the KOK chairman. This move emanates from the priorities of state policy, from the guarantee of national security.

Likewise with this in mind, the president proposes entrusting the function of KOK secretary to the minister of state for national security affairs. This minister would also function as a deputy chairman. The other members of the KOK (the new National Security Council) would be the ministers of internal affairs and finance, the chief of the Office of the Council of Ministers and the minister of state, the chief of the president's chancellery. I also note the intent to create an Office of National Security to function in place of the present KOK Secretariat. The creation of a military branch or department (the name has not yet been determined) is anticipated within the composition of this bureau.

There is a single purpose motivating all these changes: to create institutional guarantees ensuring that national security operations are as highly effective as possible. We must adapt these institutional guarantees to the present and future exigencies of the external political and military situation. Poland is exiting the Warsaw Pact, it is building its independence and sovereignty in a Europe

which is organized in a completely different way. We must deal not only with political and military facts, but likewise, and perhaps most importantly, with economic facts.

Given this situation, the president must have at his disposal a body of professionals who, on the one hand, will ensure him competent contact with the Armed Forces and, on the other, will continually cooperate with the ministries and institutions that implement tasks on behalf of national defense.

One of the tasks of the National Security Office will be to prepare for the president and the prime minister analyses and forecasts of the internal and external situation of Poland. Until now, analyses and reports of this type were prepared by many different kinds of institutions. The president was flooded with dozens of pages of typescript, making it difficult to derive a clear picture of the situation. Such a procedure of operation does not foster the proper decisionmaking process. The president and the prime minister must obtain synthetic, professionally prepared reports, analyses, assessments, and prognoses.

The preparation of a new defense doctrine will be a very important and urgent task for the National Security Council. This doctrine must be adapted to the new external and internal reality and it must constitute a function of a new state political doctrine. We would like Poland to be a member of the European community. This fact bears consequences for the armed forces as well, for its placement and role in the structures of a democratic, sovereign state.

There is talk of a new element in the military education system—the element of “enemyless” education. This, however, does not free us from objective discernment of the consciousness of our neighbors: the Germans, the Russians, the Czechs, the Slovaks, the Ukrainians, the Belorussians, the Lithuanians, and other nationalities. We are happy for sovereignty regained, but we must be aware of the fact that for 45 years we learned to live amid a sense of local security, rejecting the notion of the need to protect all our borders in the same way.

We are interested in the rapid legal sanctioning by the Warsaw Pact Political Advisory Committee of what has in fact already been accomplished, i.e., the dissolution of military structures. The new Polish defense doctrine must serve the idea of a common, peace-oriented Europe, cocreating guarantees of European security to this end. This is how we must view the issue of possible future alliances.

An advisory body will be created under the secretary of the National Security Council. There are plans for the permanent participation in this body of the WP [Polish Army] chief of the General Staff, the chief of the Office for State Protection [UOP], the commander of the Border Guard, the Police commander, and the undersecretary of state from both the Ministry of Foreign Affairs

and the Ministry of Finance. It is a matter of the best possible substantive preparation of meetings of the National Security Council.

The president, as supreme authority over the Armed Forces, attaches great importance to changes in the military, in its leadership and command structures. On behalf of the president, I can assure you that no changes are made without the participation of professional, competent military personnel in preparing these changes. Discussions on this subject are ongoing; the various operational solutions in other democratic Western states are being analyzed. We would like to develop the optimal variant from the viewpoint of the needs of our country and our army. We would also like to ensure that the WP, in truly serving the nation, cannot be subjected to any sort of political manipulation or become an instrument in the hands of any kind of political force.

Hence the need for a civilian Ministry of National Defense. A civilian defense minister, responsible to parliament, to the supreme authority of the Armed Forces, and the head of the government, will be the official who will exercise state supervision over the Armed Forces. Issues related to the implementation within the ministry of a general policy of state defense will lie in his hands.

These will be, in first order, budgetary issues, then issues of personnel and educational policy and of supervision over the special services, i.e., all those issues that emanate directly from the general assumptions of state policy. Direct involvement with these questions will give the minister a real impact on the internal life of the military and will make possible the effective elimination of phenomena that was cause for social criticism in the past.

On the other hand, organizational issues linked with the direct command of armies during peacetime and with preparing them for action in the event of war, as well as training and logistics will continue to be the domain of professional military organs and institutions. The issue of what the supreme organ of command will be called and whether it will be the WP General Staff or another specially created institution has not yet been resolved. It is assumed that the person who performs the highest command function in the army will be a member of the National Security Council.

The most important issue is to locate the military within the state structure so that it can implement the tasks to which it is really called, tasks that are precisely defined. Decisions regarding the use of the army for tasks emanating from its internal function, in extreme cases, may be made exclusively by the democratically elected organs of state authority: the president and the parliament.

[Box, p 1]

Jacek Merkel was born in 1934. He is married (his wife Barbara is a mathematician). They have three daughters: Jadwiga (age 10), Anna (age 8), and Maria (age 5). He is

a graduate of the PG [Gdansk Polytechnic] Shipbuilding Institute. Beginning in 1978 he was employed at the Gdansk Shipyard (the Design-Construction Bureau), in August 1980 he became a member of the strike committee and head of the strike printshop, deputy chairman of Solidarity at the shipyard (he lost with Lech Walesa), member of the KK [National Commission], was interned for a year in Strzebielinek (from 17 December 1981 to 23 December 1982) and was then fired from the shipyard, the polytechnical school, and PAN [Polish Academy of Sciences]. He worked as a preservation specialist at St. Elizabeth's Church in Gdansk. In August 1988 he became chairman of the Interfactory Strike Committee in Gdansk and participant in the roundtable talks. At present he is a Sejm deputy, chairman of the NSZZ Solidarity Economic Fund Supervisory Council and chairman of the NSZZ Solidarity Economic Foundation Council. He was chief of Lech Walesa's election campaign and is [the former] minister of state for national security affairs in the RP President's Chancellery.

Seminar on Military Educational, Training Changes

*91EP0309B Warsaw POLSKA ZBROJNA in Polish
25-27 Jan 91 pp 1-2*

[Article by Lt. Col. Tadeusz Mitek: "Major Topic: A Model for Military Education"]

[Text]

- State supervision of the Army
- Need for a pragmatic attitude to service
- Guarantees of Army apoliticism
- Both commanders and educators
- New organizational structures of the education department
- Reform according to humanistic criteria

(Own Information) A seminar of the Polish Armed Forces [WP] leadership cadre was held in Warsaw. Commanders and chiefs of educational departments of the military districts, branches of the Armed Forces, military academies and officers schools, and commanders of the National Defense Academy departments and institutes took part in the seminar.

Vice Admiral Piotr Kolodziejczyk, minister of national defense, was present.

Deputy Minister of National Defense for Educational Affairs Bronislaw Komorowski, opening the deliberations, stated that the purpose of the seminar was to discuss and thrash out, together with the military leadership cadre, a new model of education in the military, and especially the role of the civilian-political element.

It is difficult in a newspaper report to discuss all the elements of the seminar addresses, which were both of a report and informational nature, as well as all the elements of the rich discussion relating essentially to the most broadly conceived problems of state defense.

Nonetheless, it is worthwhile to state at the outset that the discussion was open, that controversial subjects were not avoided and that differences of opinion were not concealed.

The position of the MON [Ministry of National Defense] leadership was presented by Vice Admiral Piotr Kolodziejczyk. He stated that the purpose of the reform is for the command level and the educational level (the term "educational service" was used) to create a harmonious, complementary system, to work together to form the soldier's personality. At present there are still certain gaps between the educational system and the command structure. Hence the appeal to commanders to become more fully involved in educational activity.

The minister also discussed new structures of Armed Forces adapted to the present needs of state defense policy. He stated that military reform, its modernization, and the disposition of troops will not take place at the expense of the cadre, without taking into account human affairs. The criteria of humanism and society's security will be considered. The next appeal of the vice admiral, which was directed at the entire cadre, concerned abandoning thinking in sensationalist categories or simple rumor in favor of a pragmatic, emotionally balanced attitude to the service.

There was also an opportunity to speak on the subject of general defense issues with Jacek Merkel, [former] minister of state for national security affairs, who was in attendance at the meeting. The [former] minister of state presented those assembled with a concept for the execution of the function of supreme authority over the Armed Forces by the president of the Republic of Poland. He also presented a plan for setting up a National Security Council to replace the KOK [National Defense Committee]. It is assumed that the future constitution will contain the appropriate legal-systemic regulations.

According to the proposed assumptions, MON is to be a civilian ministry headed by a civilian, who will exercise state supervision over the Armed Forces.

The [former] minister of state said: "The ministry should be an office for exercising state supervision over the Armed Forces. This means that such questions as cadre policy in the military, the Armed Forces budget and special supervision over the special services should be found in this civilian ministry. Likewise, the issue of education in the military should be handled by this ministry. ... It is vital for the military to be supervised by a civilian state authority, a democratically structured authority, i.e., an authority that is not manipulated by any political force, any political party, any other influence outside the influence of the state. In a parliamentary democracy, the government is the result of a given parliamentary political power structure, and no other structure. In this structure, the minister of national defense as a member of that government is the state supervisor over the Armed Forces."

The Armed Forces structure itself is still under discussion.

[Former] Minister J. Merkel continued: "The General Staff is a good enough structure and it is in a position to lead the Army well. Should there be an Armed Forces general inspectorate? These are issues that are still being discussed in the General Staff. None of the people who are conducting this discussion are possessors of absolute wisdom, i.e., every solution is a solution which can be supported by an example from another army; it is possible to find an argument for one solution or another. This is a matter for discussion primarily among the experts."

There was also discussion of the urgent need to prepare a new defense doctrine, or rather, a doctrine of state security. In the present situation, given the breakup of former military structures in Europe and conditions of total state sovereignty, our defense doctrine is out of date. It is also obsolete in that it does not take into consideration the new type of hypothetical danger. [Former] Minister J. Merkel, in response to many questions, emphasized that our defense doctrine must be a function of state political doctrine.

Those in attendance also listened with interest to what Col. Jerzy Golaczynski, chairman of the Sejm National Defense Commission, had to say about the commission's work and its role in restructuring and reforming the Army, including its role in the changes being made in military educational system. He presented the arguments being conducted in the forum of the politically diverse commission over the present state of the Army and directions of change in the Army. He also spoke of the deputies' legislative initiative regarding the Law on State Security and the budgetary issues of defense financing, including the issue of pension benefits for the cadre, which is upsetting the military community.

Much time was devoted at the seminar to issues of culture and education in soldier training. Maciej Rayzacher, deputy chief of the WP Education Department, presented plans in the area of cultural-educational work in military units, stressing the formative and humanizing role of such work. He noted the organizational and financial circumstances underlying this work and the need for basing it solidly and more extensively upon cooperation with civilian cultural institutions.

There were also addresses on such topics as human psychological development and military service, the ethical and political aspects of human rights, and the international repercussions of the Near East conflict.

With regard to the specific topic of a new educational model in the military, an organizational proposal and operational framework concept for a new military educational institution with the proposed name of the "Center for Social Relations and Education" was discussed. According to the proposal, this center would not constitute a separate organizational structure, but it would essentially coordinate the work of other military

educational institutions. At the same time, it would make use of cooperation from eminent scientists, practitioners in sociopolitical life, and the families of military school students and basic service soldiers.

During the discussions that centered around each address, there was talk, often polemical, of the financial circumstances underlying the new military education model, of the preparation of commanders for educational functions, of the advisability of changing Army command structures, and of the impact that creating new leadership bodies would have upon the cohesiveness of the Army. The subject of ensuring that the Army is truly apolitical under the conditions of a democratic system and of protecting the Army from possible attempts at manipulation for the sake of party or group interests was also addressed.

For the observer, there was no doubt that the deliberations were conducted among an Army leadership body which wants to change and truly wants to be involved in the transformation of the entire state. At the same time, this body encounters the specific barriers erected by the circumstances of the day—budgetary, organizational, and cadre barriers as well as mental blocks. Nonetheless, they are aware that these barriers are surmountable with determined effort, for there is no alternative for state defense.

YUGOSLAVIA

Army Leader Allegedly Prepared for Coup

91P20287A Ljubljana DELO in Slovene 14 Mar 91 p 3

[Excerpt] [passage omitted] Some well-informed sources emphasize that everything is ready for the so-called presidential action, when the Serbian circles, aided by some parts of the military leadership, will try to eliminate the function of the collective presidency before 15 May and keep Jovic as president. All this concurs with growing rumors that the Army is not ready to accept Stipe Mesic as its supreme commander. According to the scenario (regarding which the authorities probably "know nothing"), the Army has already carried out all points of the so-called active measures: political methods (rumors, use of disinformation in the media, etc.), analytical methods (everything connected with functioning of the military security service), and a show of force (threats) and is aiming for one of the "soft variants" of the military coup—a declaration of a state of emergency. However, it is also more or less known that the military intervention would lead to harsher measures, especially in Slovenia and Croatia. It is planned that the Army would intervene in Slovenia, at least by the end of May, due to the interethnic conflicts and resistance to the demands of the federal authorities.

The aim of the planned intervention is to impose complete control over the most important social institutions, as well as to eliminate those individuals who are a thorn in the side of the military leadership. The Army units

from Serbia and even its territorial defense units are supposed to be used for the intervention in Slovenia. It is known that Serbian Territorial Defense has been exempt from the confiscation of weapons, and it is well armed. In the meantime, the modernization of the Army units also continues without hindrance, but only in the territory of Serbia, and no one knows where the money is coming from. The Army is trying mainly to train these units to be more mobile in the event intervention is necessary in the north of the country.

It is interesting that the Army leadership carefully follows and also analyzes all political and party developments in Croatia and Slovenia. It is known that the Army leadership's assessment of a lack of agreement in Slovenia regarding its defense plan is pleasing to the Army. This objectively weakens the Slovene defense position. Therefore, the Army is counting on a five to 10 day period of preparation before the intervention, enabling most of the necessary resources to be moved. The strategic assessment of the Army leadership is that only Croatia and Slovenia together represent a formidable opponent. However, it is expected that if Croatia falls, Slovenia will give up too. Since the public learned about the document of the political branch, the Army has taken all possible steps to ensure that more important information would not leak. Only the upper echelon of the Army is informed about the most important matters, and even then only orally. Written documentation practically does not exist any more, except in the General Staff. The Army's position is that it cannot count on the parties of democratic renewal in Slovenia and Croatia when it comes to intervention, but it can rely heavily on the help and support of the LC [League of Communists]-Movement for Yugoslavia and on pro-Yugoslav citizens.

Secret Addendum to Army Statement Issued

91P20292A Ljubljana DELO in Slovene 21 Mar 91 p 1

[Article by Veso Stojanov: "Addendum to Statement of Supreme Command"]

[Text] Ljubljana, March 20—Yesterday the Yugoslav Army leadership issued a statement, which was reported by TANJUG, enumerating the measures which, in the opinion of the Supreme Command of the Armed Forces, are necessary for a peaceful and democratic solution of the Yugoslav crisis. In short, these so-called democratic measures ensure that the Yugoslav People's Army (JNA) will protect the borders of the SFRY and not allow interethnic armed clashes, will prevent the use of violence, will assume sole responsibility for recruiting, will work toward the return of territorial defense to its authority, and—the most ironic assertion—as has been the case so far, the JNA will not interfere in political talks on the country's future.

Today we learned that the statement of the Headquarters of the Supreme Command of the Armed Forces, as reported by TANJUG yesterday, was incomplete. In its public statement the Army leadership omitted one point,

which was given to the authorities of the republic together with an explanation. This secret addendum to the Army's reaction to the latest developments in Yugoslavia states that the Supreme Command Headquarters will determine alone, in accordance with circumstances and needs, the degree of military preparedness of the armed forces on the whole territory of the federation.

Taking the secret addendum into account, we can put yesterday's military statement into an entirely different context, i.e., that now the Army is presenting to the public approximately the same measures and demands that the SFRY Presidency rejected last week. After three days of silence and reflection, the Army finally moved for some sort of a unilateral introduction of the 'soft' variant of a state of emergency.

Structure, Tasks of Croatian Antiterrorist Forces

91BA0401A Zagreb START in Serbo-Croatian
2 Mar 91 pp 46-49

[Article by Fran Visnar: "Croatian Antiterrorist Forces"]

[Text] It is the spring of 1991. First rumors began to circulate throughout the city that at the Zagreb Best disco club, after an anonymous tip, a skillfully planted bomb of destructive power had been discovered, timed to explode at a time when the Croatian ruling elite would be gathered in that environment isolated from everyday difficulties, and trying to relax for a moment after its exhausting and almost killing daily routine.

People were concerned, not having seen even a trace of an official announcement in the press. In fact, a story was being spread that some high state officials from the old regime were behind everything, and that some of the top politicians in the leadership, as well as the entire corps of advisers, had been evacuated from the club literally at the last second, escaping certain death.

And while people throughout Zagreb were declaring what an irreparable loss this would have been for Croatia, this incident offered the final strong evidence to the Croatian authorities. The concealed bomb that was discovered and disassembled, its strength, and the supreme quality of the planning in penetrating even such a thoroughly protected area as the Best Club, proved that someone was leaving his signature in his own handwriting in a calculated and extremely vicious manner, and announcing further actions.

Immediately after the weekend, in INA's [Petroleum Refining and Sales Enterprise] main administrative building, sometime early in the morning, a secretary carrying the usual cups of coffee was knocked down by an explosion on the floor above hers, where a computer terminal was located. A neon light burst above her head and set fire to her dress. The force of the explosion threw one employee through a window, tearing his clothing from his body. The victim fell onto the roof of an automobile, and the windows of the neighboring International Hotel broke. In the building itself, all of the

employees were deafened by the noise; for a long time afterward they claimed that the floor was still shaking.

At the site of the explosion, investigators found a piece of carbonized wire—the same used in the wired package at the Best Club—on the deactivated infernal device. It was a bikini bomb [as published] without any external additions or protection—a simple but effective mechanism that was invented by the IRA, and then adopted by the Palestinians and the Basques, who spread that invention further. It is sufficient to have a cheap watch—a pocket one, a Russian one, with the big hand moved and a hole drilled in the glass face. A small nail is placed in the hole, and an electrical circuit and battery are attached to the head of it with strong glue. The little hand is set as far from the nail as is necessary for setting the timing. The watch is wound and it is verified that the minute hand is working. The detonator, connected with a lacquered wire, is inserted into plastic explosive; the standard is 10 sticks of grayish plastic. The Czech SEMTEX is the best. When the minute hand touches the shaft of the nail, the electric circuit is completed and the bikini bomb will explode...

...As soon as he sat down in his armchair, the general director of Croatian television noticed a thick, heavy envelope on his desk, addressed to him personally. He cut open the envelope with a letter opener, and was surprised to see professionally prepared black-and-white photographs of various installations in Zagreb. These were photos of the Sava bridges, the television building, the bus station (about 30 buses were photographed along the platforms), the main railroad station building, and the post office at Branimirova and Jurisiceva Streets. The director glanced through them almost without interest, but then, noticing at the end of the set of photographs the INA building crossed out with a red marking pen, sighed deeply, picked up the telephone, briefly looked at the dial as if he were pondering something, and then dialed the special telephone number at the Ministry of Internal Affairs...

Terrorism in Croatia is quite predictable. Although it is not accepted anywhere today as a legitimate form of conflict, in the future it could become an accepted form of warfare, precisely against Croatia. There has been no attempt at a lightning military coup, civil war did not break out between Croats and Serbs, and the only thing still left for the bitter enemies of Croatian statehood and sovereignty is naked terrorism as a substitute for a real war. Terrorism against the Republic of Croatia would be an unselective and grim war, which small political Greater-Serbian and unitaristic groups cannot win through a classic armed struggle.

Those who are creating the new Croatian defense and security policy actually, with respect to terrorism, should not be carried away by those old, worn-out Bolshevik stories about a "prickly hedgehog," from the city local community to a village farm.

Nighttime guard duty by an untrained population will not help in the struggle against modern terrorism; it is necessary to have an elite force, but also elite intelligence and counterintelligence services, which usually do half the work against terrorism. There is neither honor nor heroism in today's terrorist action. Its main characteristics are violence, a lack of discrimination, symbolism, provocation, and communication. Randomly chosen victims, the professional training of terrorists, a wide selection of weapons, and indifference to death describe the new laws of behavior.

Intelligence information reveals that Croatia's enemies think as follows: the victim of a terrorist act is an arbitrarily designated member of a certain group (i.e., a Croat), and the arbitrary designation of the target of the attack within that group (the ruling party and its political base) are aimed at creating an atmosphere of fear within a specific group.

That is why terrorism is always an act of intimidation (attacks against the regime's people and important installations that symbolize the regime), and violence is also directed against bystanders. Croats' fear of Serbian or some other form of terrorism is the intended effect, and not a by-product of terrorism.

Planting a series of more or less sophisticated bombs in good spots means:

- causing an interethnic conflict;
- bringing about an interrepublic incident;
- encouraging confusion in Croatia;
- forcing the Croatian authorities to employ their exhausted and precious reserves for their own self-protection;
- destroying the morale of the Croatian people and creating a belief that no one can protect himself and be safe.

The main bases and "brains" of the anti-Croatian terrorist groups are nevertheless outside Croatia's borders, on the territory of the country (or several countries) that support and partly or completely guide and direct all terrorist activities. That is where the headquarters of the terrorist organization, most of its personnel, and its training grounds are located.

Terrorists also establish rear-area bases with the consent of the host country's intelligence service, and use them only to store weapons and other terrorist equipment, and a permanent maintenance crew is located at them which accepts terrorists in transit and maintains contact with the intelligence service that protects them. The rear-area bases are actually secret hiding places and conspiratorial apartments; they are equipped with air conditioners, enormous stocks of food, books, radio and television, a computer, a facsimile machine, a photo laboratory, radio stations for forgeries, a hand printing press, and a small clinic with an operating table and X-ray equipment;

"human cages" are also built in separate rooms, i.e., an improvised prison for holding important hostages and prisoners, while the rooms for hostages are "deaf"—sound-proof, with an internal communications system and video equipment.

On Croatian territory ("enemy territory") there are "forward bases" for the purpose of carrying out terrorist acts. At them, a trained but so far unarmed terrorist-perpetrator or even a trained state assassin from a country hostile to Croatia (who can also enter Croatia from abroad) obtains the necessary weapons. As a rule the terrorists who establish such a base are not also the perpetrators. The weapons and explosives often come from official channels in the state where the main base of the terrorist organization is located.

Terrorist-perpetrators who have never previously participated in similar acts anywhere in Croatia travel through it with their original identity cards or original travel documents, without attracting attention to themselves in any way. At the forward base, they familiarize themselves with the detailed plan of action, study photographs and other information, and obtain weapons, while the support group brings them to the site of the attack, ensuring their lightning withdrawal from the broader area of operations after the terrorist act has been carried out.

The terrorist-perpetrator is accustomed to weapons, practices techniques for disguising and concealing secret locations, is familiar with combat skills, commando tactics ("aiming and shooting for a terrorist commando is the same thing as water and air for a human being"), sabotage, air piracy, the manufacture of explosive devices, and disguises; he studies forgery techniques, photographic reconnaissance, the collection of intelligence information, the interrogation of prisoners and hostages, etc.

Terrorist-perpetrators, or state assassins who are trained by one state against another one, have to learn to drive all types of motor vehicles, light aircraft, helicopters, and fast boats; they become qualified as mechanics and radio operators; they master microphotography techniques, they are perfectly familiar with calligraphy for falsifying documents and identification, they learn everything about first aid, they have to know certain medicines, and they acquire basic surgical knowledge ("pulling out a bullet and amputating a leg or an arm if necessary").

They all have to know urban guerrilla tactics, and to use codes, electronic telecommunications, oscilloscopes, infrared equipment, small radio stations, and powerful transmitters set at police frequencies.

In order to cut through that cause-and-effect triad—terrorist means-targets-goals—Croatia must create its own impressive counterweapon. Croatian antiterrorism should exist in order to send a message to our enemies: "If anyone outside Croatia, or in it as well, thinks that he will solve his problems by killing one or two Croats without any reason, kidnapping another 20 of them, and

beating up 50 others, humiliating them and inflicting pain on their families, and declaring all Croats to be 'naughty children' who are responsible for every crisis in Yugoslavia, then he has to know that the legitimate Croatian state will clearly make it known that any harm to any Croat whatsoever will lead to unambiguous retaliation against the terrorists and their assistants, with whom there can be no negotiations and no concessions."

Croatian antiterrorist forces according to a new model (see the diagram) are the sole real possibility for effective opposition to small terrorist groups or individual terrorism, because the regular constabulary, with respect to a terrorist, is like a person looking for a black cat in a dark room at midnight. Special police units (suitable for curbing general unrest), with respect to terrorists, are like a person seeking a black cat which is not there in a dark room at midnight. Local and border police units seeking terrorists, then, are like a person in a dark room who is hunting a black cat which is not there, but who still hopes that someday he will find it, and the army, i.e., the armed forces, with respect to a modern terrorist, are like a person in a dark room at midnight looking for a black cat that is not there, and shouts, as ordered, "I have found it!"

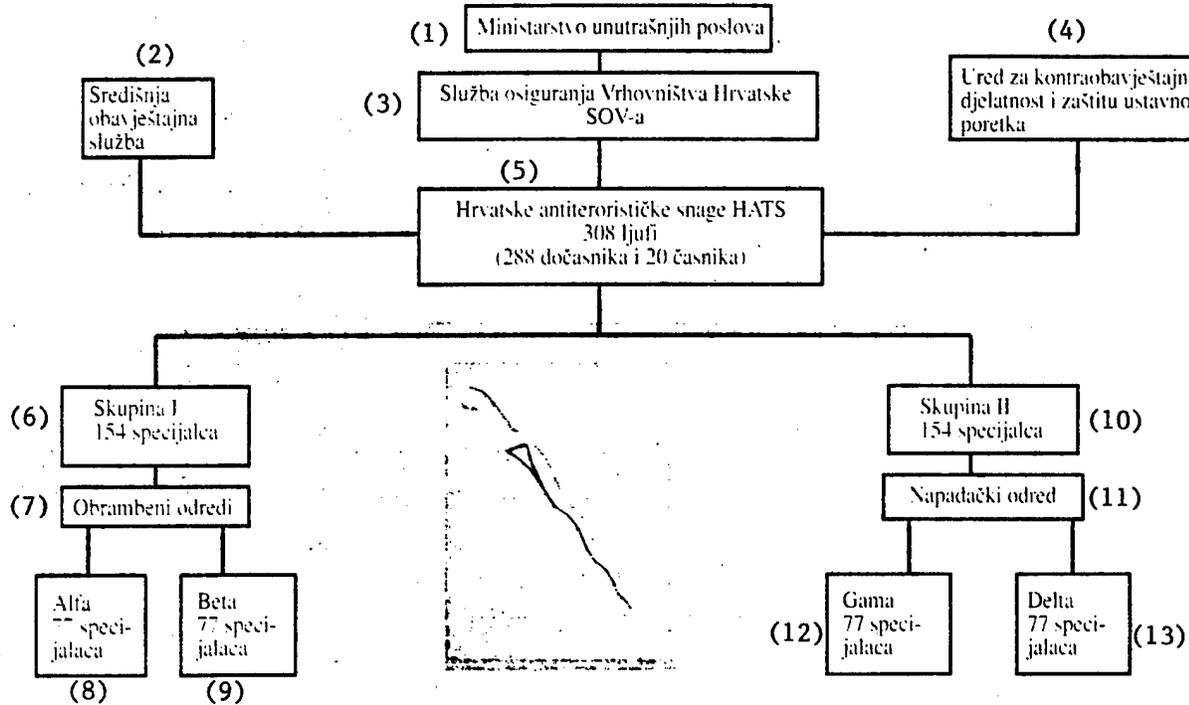
The only "counterpoison" is special units for the struggle against terrorists; let us call them Croatian antiterrorist forces [HATS]. The HATS would have to be a double-edged weapon: Antiterrorist units are technologically perfectly equipped, and the members of HATS are distinguished by their intelligence and ruthlessness (their ability to kill a vicious terrorist without hesitation or pangs of conscience).

Being one of the Croatian antiterrorism special troops means having courage and bravery, but also at the same time being a psychologically and physically stable person and understanding what it means to serve in a mechanism for legitimate coercion and repression.

The Croatian antiterrorism forces have four basic units: Alpha, Beta, Gamma, and Delta. The Alpha and Beta units have a defensive purpose: They are concerned with the withdrawal of teams after a counterterrorist operation has been carried out; they unobtrusively rent hide-outs and automobiles; they legally obtain everything necessary for the unhindered conduct of an antiterrorist action. The Gamma and Delta units conduct offensive, assault operations; they are professional executioners of terrorists, equipped with special types (silenced and light) of weapons, which are easily portable and can be disassembled, and have great firepower and extraordinary accuracy. Their tasks are the most complex and the most responsible: They have to uncover an identified terrorist and kill him, and destroy his secret hiding place.

The HATS maintain constant contact with the Central Intelligence Service and the Office for Counterintelligence Activity and Protection of the Constitutional Order. That contact has to be absolutely secret, safe from outside penetration, and successfully concealed the

Possible Structure of the Antiterrorist Units of the Republic of Croatia



Dagger: Emblem for the Gamma and Delta Units

Key:

1. Ministry of Internal Affairs
2. Central Intelligence Service
3. Service for the Security of the Leadership of Croatia (SOV)
4. Office for Counterintelligence Activity and Protection of the Constitutional Order
5. Croatian Antiterrorist Forces (HATS): 308 people (288 noncommissioned officers and 20 officers)
6. Group I: 154 special troops
7. Defensive units
8. Alpha: 77 special troops
9. Beta: 77 special troops
10. Group II: 154 special troops
11. Assault Units
12. Gamma: 77 special troops
13. Delta: 77 special troops

whole time. Antiterrorism special troops are prohibited from telling anyone what and who they are, and the location of the headquarters and the training grounds is a strictly guarded secret. This type of special soldier is never photographed, his picture is not spread across the newspapers, he does not walk around in uniform, he does not gossip with friends in cafes, he does not show his official pistol and knife to acquaintances, he does not serve as a visible armed guard or bodyguard—all for his personal safety and the safety of the entire unit. These are universal rules which should be observed by us as well.

The training of the HATS must be a stern school for antiterrorism. It has to have a harsh rhythm and never stop. Special troops have to master certain skills and knowledge (but not in a few weeks, or in three months). Those are: stealing up on people, silent liquidation, high-speed driving, using electronic equipment and computers, communications equipment, combat skills, foreign languages, etc. In training that lasts a total of two years (distributed among six phases), a typical working day for a Croatian antiterrorist lasts 14 hours, with several hours spent in studying law, criminology, and methodology everywhere around the world.

Special troops free themselves from faint-heartedness (that word does not exist in the antiterrorist terminology) in two ways:

—When, after a march combined with running, in which they cross 30-40 kilometers, they arrived exhausted at their goal, they see precisely at that moment that empty trucks are departing from under their noses. Then the instructors inform them that they have to march another 15 kilometers, because the same trucks will be waiting for them there. At that moment, provocateurs previously introduced, and mixed in with the other trainees at the antiterrorist school, throw down their equipment and announce that they are “fed up with all this.” Irresolute ones follow their example (and are dropped from the list of special troops), but those who do not give up discover that the trucks are waiting for them around the first bend.

—All the trainees must have stomachs like a pathologist/surgeon in a dissecting room. That is why, on the training grounds, they crawl through mud mixed with pieces of decomposed carrion and bloody fresh meat of animal origin. The one who becomes nauseous or complains cannot be an antiterrorist specialist. In fact, once he reaches the place where a real bomb has exploded, and it is still necessary to free captured

hostages, he will not encounter pleasant sights: blood, pieces of human bodies scattered everywhere, burnt and mutilated, and still living people, and similar atrocities.

The use of weapons, especially automatic pistols in close combat, has to be just like writing with a pencil for a member of Croatian antiterrorist groups. He has to break into an area (a room) where there are several armed people and use selective fire, with the light from a battery, to hit all of them with two bullets, in the chest or head. In a specially built house at the training grounds, the special troops learn how to open fire while moving and tumbling, rapidly changing ammunition clips and ejecting jammed bullets from the barrel.

Terrorism is the dangerous weapon of the weak, a substitute for the goals that they cannot usually achieve by other means. If a state wants to be strong, it will not undertake massive repression against terrorists by means of the army, the constabulary, and a people in arms, as conceived by the sages behind the ONO [Nationwide Defense] and DSZ [Social Self-Defense] system, because a serious and noncommunist state will send professional antiterrorists—modern terminators (annihilators)—against terrorists.

CZECHOSLOVAKIA

Economic Reform Threats Seen by Kucera

91CH0458A Prague HOSPODARSKE NOVINY
in Slovak 6 Mar 91 pp 1, 3

[Article by Jozef Kucera: "What Threatens Economic Reform?"]

[Text] The content and purpose of economic reform has been precisely defined: To create a market economy on democratic principles. The practical implementation of reform, however, is quite naturally running into certain problems. We have all begun to doubt to one extent or another whether the path we have chosen is the proper one, or whether it will lead to chaos, to the disintegration of society, to an unforeseen disorder.

These fears have resulted in efforts to retain precisely those elements that are completely contradictory to a market economy. For example, the pressure from certain political groups or unions on the government to announce where and when new enterprises will open to accept employees from failing firms, to announce a limit to price increases, to calculate the impact of economic reform on specific categories of households, to establish a limit to the social tolerance for reforms, are all nothing more than attempts to retain excessive state power that limits individual and economic freedom. In addition, suspicious attitudes to the privatization process, both small and large, basically serve to retain and extend the existence of so-called socialist ownership, which was and still is incompatible with the principles of a democratic society.

The tendency to return to, or retain the socialist characteristics of our economy is indirectly (and possibly intentionally) shared also by those opposition forces that criticize economic reform for its lack of social elements. These groups do not want to see social certainties as the byproduct of a prosperous economy, but rather as the outcome of a kind of charitable activity and planning by the government.

Internal doubts about the correctness of the path we have embarked upon can be eliminated by learning about the experiences of countries that have evolved only thanks to a union of the principles of democracy with those of a market economy. These twin principles allow for natural spontaneity in individuals, with the government serving only as a coordinator of activity within the framework of democratically agreed upon standards.

In implementing economic reform in Slovakia we are counting on close cooperation by both the Federal and the Czech Governments. We are basing our plans on the joint economic reform scenario that was passed last year by the federal government and approved by the federal parliament. We are fully aware that the strategy of a transition to a market economy must be based on four basic steps: the creation of macroeconomic equilibrium (mainly through restrictive financial and credit policies);

price deregulation; internal convertibility; and denationalization and privatization. These steps are interrelated. Underestimating the importance of any of them, or leaving it out altogether, would weaken all the others, and result in the failure of the transition to a market economy.

Another problem we are encountering and which must be solved, is the national aspects of reform.

The communist regime carried out a policy of accelerated economic growth for Slovakia, with the intention of bringing its economy and standard of living up to those of Bohemia. In quantitative terms this objective has been achieved, but the results look much worse when the qualitative aspects of Slovak economic development are considered. Most of the Slovak economic base has been built under the conditions of a totalitarian, centrally planned economy, in which market incentives were replaced with subjectivism. Most of the armaments industry and natural resources processing capability was located in Slovakia for the simple reason that it is closer to the Soviet Union. The result is an economic structure that does not correspond to natural, geographic, or historical conditions. It is a structure supported with inadequate resources to allow it to adapt to the stricter criteria of a market economy.

But whatever the specifics of the Slovak economy the content and purpose of economic reform is clear, and it does not have a nationalist basis.

The principles of economic freedom, private ownership, price deregulation and currency convertibility that are included in our reform program are not based on national rights, but on individual, human rights. And because there is no national basis for economic reform, all the "national" alternatives to economic reform have either a populist base, or represent an adventurist attempt to create an isolated Slovak economy. In these concepts it is not important whether the economy is market based or not. The important thing is that it is Slovak.

Clearly, the content of economic reform has to be differentiated from the material aspects of the functioning of the economy, specific economic mechanisms, and the means of applying them. At this level it is possible and even necessary to develop unique approaches, criteria, and mechanisms for implementing economic reform in Slovakia, without violating the basic objectives of economic reform within the entire federation.

The question, therefore, should not be one of different views on the content of the basic systemic economic reform steps, but only on the institutional and material implementation of reform and the consequent functioning of the economy. In other words, it is a question of the authority of republics within the federation. These problems must be resolved because the republics will for the most part manage their own affairs, and there are significant differences between the economies of the two

republics. This implies the need to utilize certain specific instruments to control these economies, or at least to implement differing degrees and intensities of the same mechanisms. This would not be possible if there is excessive centralization. These realities have prompted us to initiate changes in the area of authority.

An understanding of the past, a recognition that the shortcomings and negative aspects of the Slovak economy are the outcome of the social and economic management system of recent years, and not of a decision by the Czech people about the development of the Slovak economy, makes it impossible to oversimplify things by blaming our situation on everything that comes from Bohemia, from Prague. This is especially true now, when democratically elected representatives from Slovakia are participating in decisions at the federal level.

Criticism of everything federal or Czech is not constructive and even dangerous not only because it fosters national passions and intolerance, but also because it distracts attention from the need for radical economic reform. Groups with these views are trying to convince the public that we can solve our serious economic problems simply by separating ourselves from Czech reforms, from Prague, and unifying ourselves as Slovaks. However, such an approach to economic reform at a national, unified Slovak, level is a dead end. Sooner or later it will result in polarization along other than national principles.

Another problem in implementing economic reform is populist tendencies. The People Against Violence [PAV] movement campaigned in the elections with a clear program that included the intention to create a market economy. We never pretended that this would be an easy process. Correcting the deformations of the past will require great sacrifices. These include temporary increases in prices and the cost of living, unemployment as a new social phenomenon, the closing of many companies. Distancing ourselves from these problems would be to forsake our program and our chosen path, which we consider to be the only way out of the crisis, which is typical of socialist economies.

It is unfortunate, therefore, that some of our coalition partners are wavering, trying to explain to our citizens that the current social sacrifices are the result of an erroneous economic reform scenario, and speaking of some variant of reform that will not require sacrifices, yet produce growth. This may be an attempt to escape responsibility for these painful aspects of the transition to a market economy and place that responsibility, as in many other instances, solely on the PAV.

The conflicts and problems accompanying economic reform are, in fact, proof that what is going on is a true qualitative transformation of the economic system. Such a transformation cannot be easy or without conflict, because this would necessarily mean that no qualitative change was taking place. Lack of conflict would mean that dead end, internal development was continuing,

that problems were being pushed aside rather than being resolved, making the inevitable future resolution that much more difficult and full of conflict. The fact is that there are not easy and hard solutions. There are only solutions and pseudosolutions.

It is not easy for the government to persevere with its positions, its economic and social principles, especially at this time of conflict and negative social consequences. Clearly, a principled, nonpopulist position, based on specific civil attitudes to politics, democracy, the functioning of the economy does not lead to idyllic social agreement, general accord, or even to convincing the majority. But we will gain more by maintaining a principled position, even if we don't convince everyone. Consider, if someone in a democratic system wants to bring everything to his side and unify everyone, is that person really talking about democracy?

KDH Economic Reform Proposal Text Published
91CH0458B Prague HOSPODARSKE NOVINY
in Slovak 19 Mar 91 p 4

["Text" of Christian Democratic Movement proposal: "Alternatives for the Further Course of Economic Reform"—first paragraph is HOSPODARSKE NOVINY introduction]

[Text] On 5 March 1991 we published a position paper of a group of Slovak economists on the Christian Democratic Movement [KDH] proposal "Alternatives for the Further Course of Economic Reform." Viliam Oberhauser, government minister of the Slovak Republic, reacted to this position paper in the name of the KDH with the criticism that we had published a comment to a document that our readers had not seen. We consider the criticism to be justified. By publishing here the major portions of the "Alternatives" document we hope to correct this oversight and fulfill our information dissemination function.

The Christian Democratic Movement (KDH), as a member of the governing coalitions of the CSFR and the Slovak Republic [SR], openly supports radical economic reform, which it has generally understood and accepted as a program of strengthening freedom and democracy and the transition of the economy to a market basis. The KDH, therefore, accepted the economic reform scenario proposed by the federal and the SR Governments and wants to cooperate in its implementation in accordance with its economic, social, and ecological program, which is based on the sovereign rights of a nation to develop its economy. The federal scenario for radical economic reform, however, does not accord adequate respect to the specifics of the formation of the SR national economy, concentrating economic mechanisms in a nonfunctional way at the federal center, which makes it impossible to improve economic processes in the Slovak Republic in an effective manner. The KDH considers it, therefore, its responsibility to express an opinion on the current

results of radical economic reform and at the same time propose alternatives for future reform efforts.

I. Active Employment Policy

Unemployment can be avoided by actively supporting employment. The KDH therefore advocates government policies of both unemployment support and support for employment.

These policies require that we:

1. Implement an effective incentives policy for promising enterprises and organizations to retain existing jobs that have demonstrated their effectiveness. The government has a responsibility, as an owner, to evaluate the work of sectoral ministries before it privatizes government enterprises. Their bureaucracy must be reduced to groups of trained managers, which then must analyze enterprise management and use necessary measures to change enterprise groupings with the objective of assuring profitability and self-financing of capital investment. Under such a structure, the sectoral ministries must be retained until the completion of large privatization for the pertinent sector.

2. Focus on creating new jobs and supporting investment in the production sphere, small businesses, and the service sector. We support the allocation of an appropriate portion of resources set aside for unemployment compensation to development programs for products with significant potential, infrastructure, ecology, social programs, etc. (the construction of transportation and communications systems, reforestation, construction of waste water treatment plants and sewers, and the expansion of charitable and other social services). Existing, underutilized capacities in the construction industry, the army, etc., should be used for these programs.

3. Create a system of legal and economic measures that will assist in obtaining jobs for people who are relatively less attractive to employers. These include graduates of high schools and colleges, as well as handicapped citizens.

4. Reduce the number of applicants for jobs by supporting activities with a positive social significance (extending maternity leaves and vacations, expanding possibilities for study, etc.).

II. Government Budget Management

We do not think it is correct to insist on an arithmetically calculated government budget surplus, especially at the price of excessive retarding of economic development. In addition to placing basic restrictions on budgetary expenditures for nonproductive purposes, we must search for ways to help enterprises that are still economically viable (though currently insolvent). The government budget, as the decisive financial instrument of the republic, must react to the real needs of the population and the nonproduction sphere for the government to fulfill its primary function.

To achieve this, we must:

5. Reduce the tax burden, and in particular not tax profits that exceed government budget projections.

6. Incorporate the increased costs in the nonproduction sphere connected with price deregulation into government budgetary expenditures, not forgetting at the same time ecological needs. These resources can be obtained from the federal share of nationwide tax revenues that exceed original calculations because of price increases.

7. Consider the allocation of revenues from some taxes in a 35:40:25 ratio between the federal, CR [Czech Republic], and SR Governments as a temporary measure. The principle of using resources generated by a territory in that territory is proper, offers incentives, and should be implemented as soon as possible.

III. Changing Ownership Relations

The KDH considers privatization and reprivatization as a critical measure for achieving equal status for all forms of ownership, and creating a basic framework for developing a market economy.

To achieve this, we must:

8. Support small privatization with a system of providing loans to applicants, or auction participants, and by expanding existing programs to offer mortgages with advantageous payment terms. This will expand the pool of potential applicants and permit the auctioning of property to applicants who do not themselves have sufficient financial resources. We should also assist the financing of small privatization (specifically the lack of credit resources) by providing some of the resources obtained by the auctions for this purpose.

9. Not reauction businesses that were not auctioned off in the first round of small privatization. Rather they should be rented to interested parties from the ranks of the bidders at the auction or other physical persons or legal persons made up of physical persons.

10. Return, prior to large privatization, all property unjustly taken since 1948, including agricultural and forest lands. Use rights must also be returned to those owners from whom they had been taken away.

11. Insist that large privatization be conducted on a republic principle.

12. Use all appropriate means to privatize government property. It should be possible to grant mortgages using the privatized property as collateral, without regard for the size of the property (partial, or full) or its form. Under privatization it should be possible to rent part or all of a government enterprise, or government corporations, for instance using leasing agreements (gradual payment for the property).

13. Accelerate privatization processes, but not place time limits on them, in the interest of increasing participation

by a greater percentage of Slovak citizens and increasing the feasibility of the privatization program.

IV. Antimonopoly Provisions

Measures to eliminate monopolies and create a competitive environment are an essential precondition for correctly functioning markets and the full implementation of price deregulation.

To achieve this, we must:

14. Rapidly develop the activities of the SR Antimonopoly Office. It needs to be given the authority to recommend measures to an owner that will speed up the demonopolization process. This involves breaking up the procurement monopoly of the food industry and trade as soon as possible.

15. Utilize economic measures in an antimonopoly policy, including taxes and customs measures, which can be shifted to the authority of the republics.

V. Price Policy

The KDH is in favor of price deregulation that would result in the assertion of market laws in the economy. However, under conditions where the economy has not been fully demonopolized, and a full range of social programs is not yet in place, we support broad regulation measures and government involvement in the interest of retaining the basic social certainties of the population.

To achieve this, we must:

16. Expand the scope of regulated prices to include those related to the basic living requirements of our citizens. At the same time price regulation must be limited for inputs (semifinished goods) involved in production consumption.

17. Derive prices of specific types of imported fuels and energy from their acquisition costs. The prices of domestic fuels and energy should be derived from their efficiency relative to imported fuels and energy. In deliveries to retail consumers, price regulation should be used to provide a gradual increase in price to economic levels before the next heating season.

18. Significantly strengthen price controls, thereby restricting excessive and unjustified price increases.

VI. Social Policy

Price deregulation poses the greatest threat to the incomes of those who live on the edge of poverty. These include retirees, young families, and families with several children. On these issues the KDH is convinced that an acute fall to below the poverty line is not the fault of the affected people. Slovak society, in line with its Christian tradition, is socially oriented, and must respect this tradition while supporting economic reform.

To achieve this, we must:

19. Compensate for price increases in pensions and wages, so that increases in prices do not result in loss of ability to obtain and pay for basic necessities.

20. Implement increases in pensions, social support payments and supplements so that their timing relative to increases in the price level does not exceed the technically required deadline for implementation. These increases should reflect increases in the cost of living in Slovakia, which differ from federal data.

21. Speed up efforts to create social security and health insurance funds. These funds should be set up according to the republic principle in a way that does not violate the link between the formation and use of republic resources.

VII. Tax Policy

The tax system, as one of the basic attributes of government sovereignty, belongs fully under the authority of Slovak offices. These offices must use a flexible tax policy to influence the economic structure, the conditions of entrepreneurship, as well as the requirements for doing business in the SR. Tax policy must be used actively, as an indirect incentive to undertake economic activity, to create jobs, and support ecological objectives.

To achieve this, we must:

22. Implement a policy of lower tax rates, on the principle that it is easier to collect taxes if more entities are taxed at lower rates than if fewer entities are taxed at higher rates. This policy is also important for jobs creation.

23. Include in the tax system, as part of tax reform, but as much as possible immediately as well, all modern tools for the conscious manipulation of business behavior. This includes a system of deductions, of tax advantages and waivers, tax holidays, flexible tax rates, tax penalties, etc.

VIII. Foreign Trade

The entry of Slovakia into Europe and the world has an economic aspect which should be under the complete control and authority of Slovak officials. The KDH supports measures that facilitate foreign trade activity and the entry of foreign capital into the Slovak market. The KDH also sees the need for Slovak businesses to enter the economic scene of Europe and the world.

To achieve this, we must:

24. Realize that with the world and Europe open to us, domestic and foreign trade are two sides of the same coin. For this reason both should be under the control of a single republic ministry.

25. Declare the SR a customs territory, and negotiate a customs union with the CR, in the interest of a coordinated approach.

26. Create equal conditions for both foreign and domestic capital. Cooperation with foreign partners (including international monetary institutions) should be implemented by SR offices, which will systematically take care of both the potential and needs of the Slovak economy. There must be parity representation of Czech and Slovak experts at federal discussions.

27. Issue as soon as possible government guaranteed rules for the participation of foreign capital in large privatization. We should also comprehensively resolve the issue of land rental and other concerns of foreign capital for its entry into Slovakia.

28. Begin to set up Slovak business and cultural representation in major world cities and business centers, especially in regions with a Slovak population. We must speed up the establishment of Slovak chambers of commerce and industry. We must facilitate access of world business to Bratislava, Kosice, Banska Bystrica, Martin, and other Slovak cities. We need to create the property, customs, and tax conditions for setting up free trade zones. Consideration should be given to establishing a Bratislava-Vienna-Budapest free trade zone.

29. Initiate immediately multilateral discussions with national and regional officials in the USSR, in order to negotiate import, export and payment conditions for cooperation. This is necessary to improve the quality of the production programs of Slovak enterprises cooperating or doing business on the Soviet market.

30. Create a new system of economic mechanisms for imports (including import surcharges). These mechanisms must be applied flexibly, with consideration for the interest of the Slovak economy and market.

IX. Banking and a Financial Market

Money is the lifeblood of an economy. Given the proper policies, money can stimulate the growth of an economy and entrepreneurial activity. In simplified terms, money is where the banks are. For this reason the KDH supports measures to develop banking and a financial market.

To achieve this, we must:

31. Establish a Slovak issuing bank and rapidly develop a banking network in all regions of Slovakia, including mortgage banks and banks to finance the agro-complex. We should allow foreign banks to enter the Slovak money market and support at the same time the establishment of private monetary institutions.

32. Create the conditions for the development of a financial market in Slovakia. We should set up a financial exchange as soon as possible and create the conditions for setting up commodity exchanges.

33. Not deal with the convertibility issue, in the future, with one time devaluations that damage import oriented business activity. Instead, we should proceed based on market relationships and agreements with republic officials.

X. Policy in Regions and Sectors

The KDH thinks it is important to include new elements in the relations with regions in Slovakia in the economic transition.

With this in mind the KDH is proposing a number of measures, including the formation of a regional organization based on historical *zupa*, the development of regional projects emphasizing strengthened restructuring and finalizing of production and development of the agricultural complex based on the return of land and forest ownership to the original owners.

The KDH concludes its program with the declaration that it is not essential that all steps taken in the SR and CR be uniform. It declares its objective to support a socially and ecologically oriented market economy in a sovereign and democratic Slovakia.

HUNGARY

Lengthy Debate Expected on Compensation Law

Differing Coalition Opinions

*91CH0355A Budapest NEPSZABADSAG in Hungarian
2 Feb 91 p 4*

[Unattributed article: "Rapprochement, but No Agreement"]

[Text] (From our staff writer) It was announced yesterday afternoon at a press conference held jointly by the MDF [Hungarian Democratic Forum] and the FKgP [Independent Smallholders Party], where leaders of the two factions reported on progress made at Thursday's talks, that the differing positions concerning the law on compensations became even closer. In a related statement, Imre Konya also said that the difference in views between the two parties is nowhere near as great as reported by the press.

From the start, the two parties shared the view that persons who were illegally deprived of property during the past forty years should receive compensation for their losses, but only to the extent that the economy is able to bear such a burden. Konya added that the way to implement such action without infringing on valid constitutional principles, is through the use of compensation coupons. There is only one point on which the MDF and the Smallholders differ, and that is the size of the compensation. The MDF proposes the return of confiscated properties (up to a limit), in cases in which the former owner is willing to cultivate them himself. The parties agreed that compensation should not cover mobile goods, but that local residence should not be a condition for receiving land back. Both parties lean toward the view that compensation should be in full when it comes to small landowners. However, above a certain limit, the MDF insists on applying a regressive rate. They have also agreed that compensation should be

broad in its coverage; that is, it should apply to former owners of stores, shops, and rental dwellings.

Sandor Olah, first secretary of the Smallholders Party, emphasized that his party's criticism was aimed not at the government, but at the government's proposal. He added that the proposed law is contradicting the previous coalition agreements, but the Smallholders will accept it as a starting point for negotiations. At the same time, they also agree that if someone is not willing to cultivate one's own land, that person can choose to take a compensation coupon, which can be used as an instrument of payment in the course of privatization.

In response to one of our questions, we were told that the 1949 property conditions will serve as basis for compensation. In their view, this involves about 1,300,000 farms, 300,000 dwelling units, and tens of thousands of stores and shops. In closing, they told us that the arbitration conference will continue later this week, with the participation of the leadership and experts of the two parties, as well as the cabinet members involved, that is, the ministers of justice, finance, and agriculture.

Coalition Agreement on Principles

90CH0355B Budapest NEPSZABADSAG in Hungarian
4 Feb 91 p 5

[Article by Tibor J. Keri: "The Joint Proclamation Was Delayed"]

[Text] This afternoon the National Assembly will start discussing the proposed law on compensation. As late as last Saturday, this proposed law, so important for the settlement of domestic property relations and the privatization process, was discussed behind closed doors in the deputies' office building by the faction leaders, presidium members, and experts of the MDF [Hungarian Democratic Forum] and the Smallholders Party, as well as representatives of the three cabinet offices that are most involved: the ministries of justice, finance, and agriculture.

There was an intention to issue a joint statement concerning the discussions, but in the end, this was delayed because of Jozsef Torgyan's "misunderstanding." After the statement was typed, and after nearly all of the participants had departed, it turned out that the Smallholders' faction leader misunderstood the representatives of the MDF and the government; the latter differed in their judgment concerning the extent to which landowners could be compensated, that is, they opposed plans to return all land up to 100 hectares.

It was quite difficult to get statements from members of the government who were leaving the talks at 1500 hours. Minister of Justice Istvan Balsai only said that they succeeded in agreeing on basic principles. Thus, the proposal does not discriminate among citizens according to the nature of their former properties, and instead of like-kind compensation, it favors compensation coupons as a form of settlement.

According to the Finance Ministry's state secretary for political affairs, much longer discussions are necessary to settle questions of numerical details. He also stated that the country's economic situation does not allow complete compensation, only a partial repayment. To begin with, we must consider what size state properties can be privatized and how quickly such property can be marketed so that it would find fiscally solvent buyers. Obviously, it was no accident that the government proposed certain compensatory and regressive parameters. He added that we also know that the parties in the National Assembly have their own agendas and reservations. We can expect a very long string of negotiations....

According to Sandor Olah, the first secretary of the FKgP [Independent Smallholders Party], there is a chance that the coalition parties could reach an agreement that would satisfy the Smallholders' expectations concerning compensation. Therefore, he felt that they did not need to revise their role within the coalition. He said that at the same time, it caused a regrettable delay that only the new leadership of the party was able to achieve what he referred to as opening a political front, nor did he make a secret of his belief that the arbitration talks with parties outside of the coalition exerted a certain pressure to make compensation negotiations more rapid and effective. Sandor Cseh, deputy secretary of the FKgP, who is commonly considered one of the more radical Smallholder politicians, again expressed confidence that the parliamentary discussions will demonstrate the Smallholders' decisiveness on the issue of compensations. He continues to call for comprehensive and discrimination-free compensation. However, in order to assist in creating tranquility for legislative action, they decided to suspend arbitrary land-occupation actions until 15 February.

Imre Konya, leader of the MDF's faction, felt that the final arbitration talks before the debate on the proposed law brought results. As he put it, both parties agreed that proprietary wrongs should be remedied on the basis of laws proposed by the government, utilizing the idea of compensation coupons defined therein. In other words, the issue can be resolved on the basis of unified principles, instead of through handling grievances separately, as was earlier proposed by the Smallholders Party. Imre Konya also mentioned that in accordance with the interpretation and decision of the Constitutional Court, the Smallholders' request cannot be settled. Now, however, the Smallholders Party accepted the idea that property relations can only be settled within these parameters, so that as many former landowners as possible regain their properties through the system of property coupons, and in values that are as close to that of their former properties as possible. He added that they also agreed to eliminate the requirement of local residence so that the compensation coupons will be practical on a much broader basis. The Smallholders Party continues to oppose the principle of regressive compensation, with the MDF continuing to disagree on this issue.

* * *

Experts told us who will be eligible for compensation on the basis of the potentially unified law. According to various sources, and the 1950 list of those whose properties were nationalized (under Law XX of 1949), in Hungary the former owners of 3,842 enterprises, stores, and shops, 60,000 parcels of residential real estate (which means 400,000 dwelling units), and 4 million hectares of land, are eligible to receive compensation. However, as prescribed by the proposed law, one can claim compensation for only one piece of property in accordance with a regressive rate of value up to the limit of 5 million forints. (Our detailed report on the proposed law on compensations can be found on page six.)

Wide Range of Views

90CH0355C Budapest NEPSZABADSAG in Hungarian
5 Feb 91 p 4

[Article by Tibor J. Keri: "Compensation: Treasured in Absence"]

[Text] [Excerpt] [passage omitted] In his introductory speech, Justice Minister Istvan Balsai called the proposed law historical in that it could contribute to placing our economy on stable foundations and could ensure that the state guarantee the inviolability of private property. In closing his lengthy additional remarks, in which he strived to demonstrate thorough justification of the proposed law, the minister asked the deputies to base their decisions not on emotions, but on their sense of responsibility for the growth of the nation.

The first of the major speakers to express his opinion concerning the proposed law was Imre Konya, leader of the MDF [Hungarian Democratic Forum] faction. According to him, no matter how grievous the injuries caused by the confiscation of properties, the country's grave economic situation does not make complete reimbursement possible, so the government attempts to make a partial remedy through the use of compensation coupons. These coupons enable their holders to purchase only state properties, with land being the sole exception.

The second representative to speak was Karoly Attila Soos, of the SZDSZ [Association of Free Democrats], who stated on behalf of his party that they consider the government's proposal a faulty and incomplete solution. They do not deem it appropriate that only former owners are being compensated, and feel that compensation, in the form of property coupons, should be expanded to cover every citizen. This way, the privatization would be genuinely accomplished and the transformation of economic system would also begin. The Free Democrats also object to the five-million-forint upper limit placed on compensation, as well as the restrictions applied to compensation coupons in purchasing state property.

The leader of the Smallholders' faction, Jozsef Torgyan, discussed the shortcomings of the proposal for nearly thirty minutes. In his view, the previous minister of

justice, along with Imre Konya, confused legal terms, knowing full well that 'unjust' and 'illegitimate' are not synonymous terms. The first is a moral category, while the other belongs to the sphere of jurisprudence. The Smallholders' primary aspiration is to take a stand against anything illegitimate. In his view, we should reestablish conditions as they were prior to the illegitimate measures; that is, the confiscation of real estate properties. He also called attention to the fact that several points of the proposed law are in conflict with paragraphs of the civil code, such as those concerning options or inheritance. In his words, the proposed law contains several passages that remind smallholders of the Stalinist decrees, still talked about with great horror. Therefore, he suggested that the deputies reject the proposed law and instead ratify the laws proposed by the Smallholders, because that is the only way they could create genuine legislation.

Rezso Nyers, the party's leading speaker, said that the MSZP [Hungarian Socialist Party] considers only a partial compensation as realizable. The socialists will accept the proposed law only if the democratic rights of the cooperatives will continue to be respected, and if the proposal suits the laborers' sense of justice. When it comes to the compensation, they would recommend a two-stage solution: First, compensation should be awarded to those who survived the period of injustice, and then their beneficiaries. In closing, he declared that justice must be served in such a way that it should not become the source of economic difficulties and social conflicts.

Viktor Orban of the FIDESZ [Association of Democratic Youth] feels that the proposed law is the result of a stormy prelude and a compromise, and it shows. The FIDESZ rejects the idea of compensation because its members feel that neither a legal, nor an economic solution can be just. The speaker also considered it of questionable merit to spend a hundred billion forints, when there is growing unemployment, a huge national debt, and for some citizens, it is difficult to buy food. As he warned, those who expect compensation should not have great hopes because it is very likely that the taxpayers, not the state, will pay the cost. Thus, the FIDESZ rejects compensation and recommends that a comprehensive program of improvement be implemented. We should concentrate on the living conditions of the present, instead of the properties of the past.

According to Tibor Fuzessy, the Christian Democrats' leading speaker, his party is also torn when it comes to evaluating the proposed law. According to the speaker, an improved economic situation could open the door to a more complete compensation. At the same time, the proposed law does not close the process of compensation. As he said, we should keep alive and strengthen this "backdoor," which could be the first step to a real compensation. In a religious approach to settling the issue of landownership, agrarian property must serve the interest of all humankind.

Ildiko Vargane Piros, representing the Agrarian Alliance, proposed that the legislature should pass a resolution "apologizing" to those who have suffered the injustice. She felt that the proposed law could be considered the first step toward reforming property relations, but it is not enough to make up for the injustices of the past and to lay the foundations for the future. However, it is important that the compensation coupons should really be worth something.

Speaking to a point of order, the independent deputy Janos Denes felt that the proposed law might be the first step to destroying the nation's roots.

In a subsequent vote, the National Assembly rejected an individual initiative modifying the law on the election of deputies. On the other hand, the legislature unanimously ratified the proposal settling the issue of government subsidy to the Hungarian Red Cross.

[Box, p 4]

"This Far and No Further?"

One thing is certain: The law on compensation will be a milestone in the development of relationships among the coalition parties. The reason for this is that, most likely, a law will be passed which takes into consideration the nation's capacity to bear any burden, so that the Smallholders will be compelled to give up some of their previous demands. Still, it is quite certain that the Smallholders Party will not break with the government. Even if they will not denounce it loudly, they will recognize that they have pushed their demands to the limit.

Even though at the end of last week, Ferenc Jozsef Nagy, the party's chairman and minister without portfolio, announced in a speech in Csongrad that the party still cannot accept the regressive extent of the compensation, that statement is likely to be nothing more than political sloganeering. After all, it is difficult to openly announce that this is all we can do, because this is all that we can afford.

Sandor Olah, the first secretary who was elected barely a month ago, is more considerate: Even if he also expresses himself in a circumspect manner, he admitted that the new party leadership had to make concessions. The first secretary, who considers himself to be positioned firmly in the center of the party, also knows where the limits are, beyond which it is not advisable to go in negotiations, and he is aware of the damage that can be caused by the narrow radicals of his party; those whom we are happy to see in political life, but even happier to see constantly relegated to the background. When it comes to this game, which has compromise as one of its bases but is also dedicated to depriving opponents of power, the MDF (and especially Josef Antall) found a great partner in the Smallholders' new leadership: First Secretary Sandor Olah, his deputy, Miklos Omolnar, and Vice Chairman Gyula Kiss. They were the ones who proposed, and pushed through the appointment of Elemer

Gergatz, a man whom they hardly knew previously, to minister of agriculture. They realized, or were compelled to realize, that they must have better relations with the coalition, recognizing that their impossible demands and threats to withdraw from the government are most likely to hurt themselves, making them politically untenable. It is no accident that recently during an intimate coalition gathering, they said that perhaps the best thing would be for the incorrigible radicals among them (said to be no more than two or three) to break away from the faction.

Thus, there is little risk in predicting that even if the law on compensation is entirely in accordance with the MDF's wishes, the Smallholders Party would not leave the coalition because the law would be ratified without them.

Moreover, the new law could even serve the realization of the goals referred to in the Smallholders' motto: Let us have wine; more importantly, let us have bread; but most importantly, let us, at last, have peace.

POLAND

Insurance Established for Export Credits

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[Article by Monika Sowa: "KUKI [Corporation for Export Credit Insurance] Gets Started"]

[Text] Institutions guaranteeing export credits are one of the main elements of export promotion policies of the state in a majority of highly developed countries, as well as in some developing countries. Guarantees offered by these institutions protect exporters against risks (losses) entailed by the failure to collect amounts due from foreign customers. Insurance is available against both commercial risks (e.g., bankruptcy of a foreign client) and political risks (e.g., a foreign exchange shortage in the country of the purchaser of goods or services).

In addition, most institutions guaranteeing export credits offer coverage for risks associated with extending credit to the purchaser. In this case, insurance is purchased by the bank which extends export credits directly to a foreign importer in order to make it possible for the latter to finance the purchase of producer goods. In addition, many institutions guaranteeing export credits provide guarantees to commercial banks in order to ensure the repayment of export credits extended by these banks to domestic exporters for financing transactions, and sometimes also in order to develop export-oriented capacity, promotion, a search for markets, and so on.

So far, no specialized institutions insuring export credits have existed in Poland. Only WARTA has offered to insure amounts payable abroad providing security against commercial risks on its own account and against political risks on the account of the State Treasury. Given the new situation in Polish foreign trade which

involves, on the one hand, rapid growth of the number of economic entities engaging in export and import transactions independently and, on the other hand, changing conditions of trade with the states of the former first payment zone [socialist countries], it became necessary to set up an institution specializing in insuring sums payable abroad. The Corporation for Export Credit Insurance (KUKI) is such an institution.

Various forms of organization of institutions insuring export credit are encountered in the economic practice of highly developed countries. First, these may be institutions in the nature of a government agency or even a department in an appropriate ministry, as is the case in Japan, Great Britain, the Scandinavian countries, and Italy. Second, as in Austria or the FRG, insurance of export credits may be offered by private institutions operating, however, as agents on behalf of and on the account of the government. Third, this can be an autonomous corporation or foundation under public law which is wholly owned by the government (Denmark, Belgium, Canada). Fourth, export credit insurance may be provided by institutions owned jointly by the government and business (France, Spain, and Portugal). Finally, in the United States and the Netherlands we see cooperation between the government and a private insurance institution.

It was resolved to establish the KUKI in Poland after the system which exists in France. In the most general terms, the operation of the COFACE (Compagnie Francaise d'Assurance pour le Commerce Exterieur) boils down to insuring export credits against some commercial risks on its own account, and political risks and major commercial risks on the account of the government. It is estimated that the COFACE insures about one-third of French merchandise exports to Western countries, 60 percent of exports to countries considered socialist, and 70 percent of exports to developing countries. In terms of its turnover, the COFACE ranks behind the British ECGD [Export Credits Guarantee Department], but higher than the German Hermes and the American Export-Import Bank.

The COFACE provides guarantees exclusively for export transactions involving goods and services of French provenance. If a state importer is the purchaser of goods or services it only provides guarantees against political risks. This is a joint-stock company with capital of 30 million French francs. It underwrites insurance against political risks (including a decision of the French government banning exports to this country), commercial risks (resulting from a deteriorating financial situation of the importer), production risks (recouping outlays made before a transaction is carried out if exports do not occur for political or commercial reasons), and investment risks in projects which boost French exports. COFACE guarantees cover 90 percent of political risks and 85 percent of commercial risks. For 180-day credits, the cost of guarantees amounts to about one percent of declared monthly sales. In the case of medium and long-term credits, the cost of guarantees is set on a

case-by-case basis, depending on the type of risk, the status of the foreign purchaser, the country of destination, and the duration of credit.

The organization and operation of the KUKI will be to a considerable degree patterned after the COFACE which is associated with the support which the French institution provided during the establishment of its Polish equivalent. In the future, the KUKI will continue to take advantage of the COFACE technical and training assistance.

The KUKI is a joint-stock company in which the following are partners: the State Treasury represented by the minister of finance and the minister of foreign economic cooperation, the NBP [National Bank of Poland], the Commerce Bank, the BRE [Export Development Bank], the Tourism Bank, WARTA, VARIMEX, POLIMEX-CEKOP, and METALEX-PORT. The capital fund comes to 30 billion zlotys. It is planned to increase [its] capital to 100 billion zlotys this year, and again as needed.

At present, the KUKI is almost ready to embark on operations. General insurance terms have been developed. Chairman of the KUKI Board Marek Gadomski, who currently works as a department director at the Ministry of Finance, expects operations to commence at the beginning of February if court registration and a license to engage in insurance operations are secured in time (the latter is issued by the minister of finance).

The fact that the Ministry of Finance is now receiving the first inquiries about opportunities to obtain insurance from the corporation testifies that the need for the services of the KUKI is great.

In the beginning, the KUKI will have a single branch in Warsaw, at Smocza Street 27 (telephone 38-32-11, extensions 231 and 233). This branch will employ between 15 and 20 people. Chairman Gadomski hopes to open three more branches in Katowice, Poznan, and Gdansk, perhaps, in cooperation with the Commerce Bank or the BRE. These branches should be started as early as the first year of the corporation's operation. Creators of the KUKI believe that ultimately they will have a greater number of branches, but not too many. They refer to the case of the COFACE which has 20 branches, many of which are small, with two or three employees.

Paragraph 6 of the KUKI charter outlines the scope of its operations as follows:

1. Organizing and underwriting on its own account:
 - Short-term insurance of export credits against commercial risks (refusal to pay, prolonged delay, or debtor insolvency) and exchange rate risks.
 - Other types of insurance, for example, insurance of domestic credits intended to increase the export potential of the economy.
 - Reinsurance operations inside the country and abroad.

2. Organizing and underwriting on behalf, and on a separate account, of the State Treasury:

- Insurance of various export credits against political risks, including the risks of war, revolution, catastrophes (natural disasters), and transfer risks.
- Insurance of medium and long-term export credits against commercial risks and exchange rate risks.
- Credit guarantees and warranties.

As has already been mentioned, the KUKÉ was established mainly in response to the current highly questionable (from the point of view of Polish enterprises) exports to postsocialist countries, especially to the Soviet Union. Exports to the countries of the former first payment zone dropped by about 13 percent last year in terms of value, and the volume of such exports dropped by 16 percent. A further decline is predicted for this year resulting, among other things, from switching to settlements in freely convertible currencies, unification of Germany, and deepening recession in all countries of East Central Europe.

The most difficult situation persists in exports to the USSR. On the one hand, there is a very large group of Polish enterprises specialized in supplying the Soviet market. On the other hand, despite the willingness of Soviet partners to continue imports from Poland, the question of the amount of foreign exchange Soviet production and commercial enterprises will have at their disposal unfortunately still has not been ultimately resolved. At the same time, exports to the USSR are going to involve unusually high political risks in the immediate future.

Polish exporters, especially small ones, would not be in a position to be exposed to commercial and political risks of this magnitude. Therefore, providing an opportunity to get insurance from the KUKÉ prevents a collapse of production and bankruptcies, offers an opportunity for gradual restructuring, and at the same time makes it possible for Polish suppliers to cling to the Soviet market. In the long run, we should view this market as one with prospects and a large growth potential; Poland has a pronounced comparative advantage over other countries in serving this market due to geographic proximity and familiarity with the peculiarities of operations, if nothing else.

The USSR accounted for 24.5 percent of Polish exports in 1988, 22.4 percent in 1989, and only 15.5 percent between January and November 1990. The list of Polish

enterprises for which loss of exports to the USSR is a serious threat comes to about 100. Some of them sell on the Soviet market one-half of the total value of their sales; a dozen or so companies send about 90 percent of their products to that country. Meanwhile, a decree of the USSR president dated 5 November 1990 provides that, to be sure, all exporters will be given the right to control foreign exchange received for exports, but they are obligated to sell 40 percent of the proceeds to the state, and the remaining 60 percent will be divided up between union, republic, and local authorities, and the enterprises themselves.

Certainly, not all exports to the Soviet Union are going to be that risky. The Ministry of Foreign Economic Cooperation has signed a tentative list for mutual trade with the Soviet authorities. The Soviet party will probably find foreign exchange from central funds for goods on this list. However, KUKÉ representatives estimate the claim rate, or risk in exports to the USSR, to be about 35 percent. This means that insurance premiums charged by KUKÉ for sums due for exports to the USSR will be high, and they may not be too advantageous for many enterprises. The interested parties themselves will have to calculate whether it makes more sense to export to the USSR without any insurance, or to pay high premiums and be certain that the amounts payable will be obtained in a timely manner. This calculation will depend to a considerable degree on prices negotiated with Soviet partners.

Quite high claim rates may be expected in insuring export credits for countries such as Bulgaria and Romania, as well as non-European socialist countries. In this case as well, insurance premiums will be higher than in exports to less risky Czechoslovakia and Hungary. Before approaching the KUKÉ for an insurance policy, it should be taken into account that the corporation is not an institution set up in order to support exports to the USSR at any price at the expense of the state (that is, all of us). The cost of KUKÉ insurance for amounts payable for exports is going to be directly proportionate to risks certain exports entail.

The setting up of the KUKÉ is likely to affect the operation of WARTA. Insurance against political risks by WARTA on the account of the State Budget will no longer be justified. It is also hard to expect that WARTA will be willing to insure export credits against political risks on its own account. No Western insurer engages in such operations. Therefore, WARTA is likely to restrict itself to insuring amounts payable for exports from commercial risks.