

THE SERBO-CROATIAN AGREEMENT

BY

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TSerbo-Croatian the first phase of the negotiations ended, as we know, with the Council of Regency's refusal to accept concluded the agreement on 27th April on a basis of reciprocal concessions between Premier Tsvetkovitch and M. Maček. New negotiations were set on foot on 17th June, and were brought to a successful conclusion in Bled on 24th August. The result, a Serbo-Croatian agreement, on the legal phraseology of which three Serb and three Croatian experts worked towards the end of the pourparlers, was endorsed by the Council of Regency that same day, whereupon Premier Tsvetkovitch, claiming that he had accomplished his task and stating that both the changed political conditions at home and the increasingly menacing international situation made the appointment of a concentration Government of a wider nature imperative, tendered his own and his Cabinet's resignation. This was accepted by the Regent, Prince Paul, who entrusted M. Tsvetkovitch with the formation of a new Cabinet. The reconstructed Government, in which M. Maček took his place as Deputy Premier, and which numbers among its members 5 other Croats, 11 Serbs, 1 Slovene and 1 Bosnian Mussulman, took the oath of allegiance on 26th August.

Simultaneously with the formation of the new Government was effected the appointment of the first Ban of the new Banate of Croatia in the person of Dr. Ivan Shubashitz, M. Maček's brother-in-law, with Dr. Ivan Krbek, a professor of the Zagreb University, as Deputy Ban.

The full text of the Agreement was published in the Press on 27th August. The Agreement guarantees the Croats practically the same rights as they enjoyed under the Croato-Hungarian Agreement of 1863 (Act XXX), with one by no means insignificant difference, namely that the Hungarian Act XXX regulated the autonomy not of a Croatian

Banate, but of Croatia-Slavonia and Dalmacia as Associate-countries.

The Agreement consisting of 16 Articles dealing with the Banate of Croatia and its organization was signed on the recommendation of the Cabinet Council by Prince Paul, and Messrs. Stankovitch and Provitch, who form the Council of Regency, at Bled on 26th August "in order that the co-operation of the Croats in the public life of the State should be assured and public interests safeguarded". The following are some of its more important provisions.

Article I defines the frontiers of the Banate of Croatia. In terms thereof the Save and Littoral Banates, the town of Dubrovnik (Ragusa) in the Zete Banate with the Dubrovnik prefecture, the Sidi and Ilok prefectures in the Danube Banate, the Gradatchatz and Dervent prefectures in the Vrbas Banate and the Brtchko, Travnik and Foynitza prefectures in the Banate, have been united to form one Banate called the "Banovina Hrvatska" (Banate of Croatia), the capital town of which is Zagreb.

Article II determines the sphere of authority of the Banate of Croatia. In terms thereof, to the sphere of authority of the new Banate belong all matters pertaining to agriculture, commerce, manufacturing industry, forestry and mines, building, public hygiene, physical training, justice, social policy, education and domestic administration. The Banate of Croatia is also competent to deal with all matters which under the measures at present in operation belong to the sphere of authority of the several Banates. All other matters throughout the whole of Yugoslavia remain under the sphere of authority of the executive State departments. The Council of Regency has powers to transfer matters from the sphere of authority of the State authorities and institutions to that of the Banate of Croatia.

In terms of Article III, in order to ensure an efficient execution of the work connected with the matters relegated to the sphere of authority of the Banate of Croatia, the Banate will enjoy an adequate measure of financial independence, but a separate Edict is to determine what sources of revenue and what receipts are to be transferred to the Banate of Croatia.

According to Article IV, legislative power in matters belonging to the sphere of authority of the Banate of Croatia will be exercised jointly by the King and the Sabor (Parliament). Administrative authority will be exercised by the King through the Ban. Justice in the whole territory of the Banate of Croatia will be administered by the courts of law, whose sentences and decisions will be pronounced in the name of the King and the law.

In terms of Article VI the Croatian Sabor will consist of deputies elected by the people. Suffrage will be universal, uniform and direct, and secret ballot will ensure minority representation. A Royal Edict will determine the order of the first elections, the constitution of the Sabor and its Standing Orders. According to Article VII, the Sabor will be convened by Royal Edict and will meet in Zagreb. The King has the right to dissolve the Sabor, but the relevant Royal Edict must contain a resolution fixing the date of the next elections and providing for the convening of the new Sabor. The Edict dissolving the Sabor will be countersigned by the Ban. The Ban will be appointed and dismissed by Royal Edict, which in the latter case will be countersigned by the new Ban.

Article IX deals with the Ban's responsibility under criminal law, Article X with the matters relegated to his sphere of authority and the possibilities of legal redress. Article XI regulates the questions of administrative lawsuits, while Article XIII provides for the establishment of a statutory court, the construction and procedure of which will be determined by a special Royal Edict.

Article XIV deals with certain questions of competency arising between the State and the new Banate. Article XV regulates the procedure to be employed in carrying out the provisions of Article XIV, and Article XVI — the last — provides that the Edict determining the establishment and organization of the Banate of Croatia shall come into force on the day it is published in the Official Gazette.

The Banate of Croatia thus formed, the organization of which, as regards matters pertaining to its sphere of authority, has been merely loosely defined, has an area of 66.393 square kilometres, and constitutes therefore 26.6% of the total area

of Yugoslavia. The number of its inhabitants is 4,423.000, or 28.6% of the entire population of the country, estimated at 15,500.000. The population of Croatia is divided from a denominational point of view as follows: Roman Catholics about 75%, Serb Pravoslavs 20%, Mussulmans 4%, Protestants 0.5% and Jews 0.5%. According to a Croatian estimate, another 430.0000 Roman Catholic Croats live in Yugoslavia outside the boundaries of Croatia.

Besides the Edict establishing the Banate of Croatia and simultaneously with it, the Council of Regency, issued under Article 116 of the Constitution the following Edict: "The provisions of the Edict of 26th August 1939 re the Banate of Croatia may be extended by Royal Edict to the rest of the Banates, and for this certain Banates may be thrown together, as in general their areas may be altered."

According to a report published in the "Politika" of Belgrade on 16th September, the provisions of the Edict re the Banate of Croatia, which have now come into force, will in the near future be extended to the Slovene Drave Banate. The Slovenes have already elected a committee of three, whose task it will be to prepare the draft of the relevant Bill.

The joy of the Croats over the results achieved was enhanced by the circumstance that all the Croatian political prisoners received a free pardon within the framework of the general amnesty proclaimed on 6th September, the King's birthday.

Of the many statements and comments with which the Agreement was received on both sides, we shall quote but one taken from the speech delivered at a meeting of the Croatian "representative body" on 29th August by M. August Kosutitch, Speaker Designate of the Croatian Sabor: "*In Croatia*" — he said — "*there is no domain of public life of which we can say "Thank God, things are better than they were twenty years ago". . . This first step does not mean that it is the last and only step; we must progress along the path of political agreement, honestly, sincerely and openly. Twenty years ago when Europe was in an upheaval Croatia lost her freedom. Now when Europe is again in the throes of war we must regain our lost independence.*" ("Hrvatski Dnevnik", Augt. 31.)