

Jurčik Petr¹, Gubaidullina M. Sh.²

¹Director of Czech Trade Promotion Agency in Almaty, Trade and Economic Department of Embassy of the Czech Republic in Kazakhstan, Kazakhstan, Almaty, e-mail: petr.jurcik@czechtrade.cz

²Doctor in History, Professor of Department of International Relations, Al-Farabi Kazakh National University, Kazakhstan, Almaty, e-mail: gubaidullinamara1@gmail.com

**FORMATION OF CZECH-SLOVAK RELATIONS DURING
THE 25 YEARS AFTER THE DIVISION OF THE FEDERATION**

As a result of the First World War and the collapse of the Austro-Hungarian Empire, the independence of Czechoslovakia was proclaimed in 1918. October 28, 2018 marks the 100th anniversary of the founding of the first Czechoslovak Republic (první Československá republika). The anniversary date was celebrated separately in the two countries, since as a result of the «velvet divorce» in 1993, instead of a single federal state, two independent republics appeared – the Czech Republic and Slovakia. Both states maintain the continuity of the previous democratic experience, follow the basic constitutional principles of the internal structure and foreign policy. Bilateral relations between the Czech Republic and Slovakia are distinguished by their peacefulness and the absence of any conflicts. Both states are connected by a common historical past, a single unit in the first, second and third republics. Previous constitutional experience influenced the emerging state institutions and the new constitution of Czechoslovakia after the events of the velvet revolution of 1989. Systemic breakdown of social and political relations was carried out in a restless atmosphere, and led to the division of the country in a «soft» and legitimate way. Neither the regime change, nor the complicated process of divorce of the country could not abolish the former constitutional basis of Czechoslovakia; only a few amendments were made, separate laws were passed. The article analyzes the constitutional mechanism for maintaining the political and legal order established by the tradition of the Czechoslovak state in the 20th century. Today, Czech-Slovak connections are characterized by a high level of relations, they are distinguished by a commitment to the European tradition of democracy and relatively soft integration into the European Union. Against the background of unresolved conflicts in Europe, the process of state «divorce» of the former Czechoslovakia, the exit from one bloc system and, following this, the entry into another integration union deserves research attention.

Key words: Czech Republic, Slovakia, constitutional tradition, peaceful partition of Czechoslovakia, EU.

Юрчик П.¹, Губайдуллина М.Ш.²

¹Czech Trade агенттігі, Чехия Республикасының Қазақстандағы Елшілігінің сауда-экономикалық басқармасы, Қазақстан, Алматы қ., e-mail: petr.jurcik@czechtrade.cz

²тарих ғылымдарының докторы, профессор, әл-Фараби атындағы Қазақ ұлттық университетінің халықаралық қатынастар факультеті, Қазақстан, Алматы қ., e-mail: gubaidullinamara1@gmail.com

**Федерациялардың бөлінуінен кейінгі
25 жылдағы чех-словак қарама-қатынастарының қалыптасуы**

2018 жылы, Чехословакия құрылғаннан бері 100 жыл өтті. Бірінші дүниежүзілік соғыстан кейін Австрия-Венгрия империясының қираған жерлерінде қалыптасқан Федерация, онда Австрия-Венгрия жеңіліс тапқан ұлы державалардың тарапынан тұрды. Чехия Республикасы мен Словакия Республикасы бұл мерейтойды жеке-жеке атап өтті, өйткені 1993 жылы Чехословакия Федерациясы екі бөлек мемлекеттерге бөлінді. Чехия мен Словакия Чехословакияның құқықтық мұрагері ретінде Чехословацкалық дәстүрді азды-көпті жалғастырып отырды. Чехословакиядағы конституциялық даму және Чехия-Словакия ортақ мемлекет кезеңінде Чехия-Словак қатынастарының сипаты, Чехословакияның екі дәйекті мемлекеттерінің институттарының

бастапқы түріне ғана емес, сонымен бірге екі елдің конституциялық дамуының және конституциялылықтың сипатына, ал 1993 жылдан кейінгі Чехия–Словакия қарым-қатынастарына әсер етті. 1989 жылдан кейінгі конституциялық даму алдында осы жылдың қараша айынан бері орын алған қоғамдық және саяси өзгерістер болды, ал ресми және белгілі бір дәрежеде бар конституциялық дамудың айтарлықтай кемшіліктері туындады. Алайда жаңа конституцияны қабылдау күрделі жағдайда табысқа жете алмады, сондықтан осы кезеңде Конституция мен конституциялық заңдар түзетіліп, толықтырылды, кем дегенде, режимнің өзгеруімен туындаған негізгі түзетулер мен өзгерістер енгізілді. Бұл мақалада автор тәуелсіз республикалардың 25 жылдық өмірінің маңызды сәттеріне, сондай-ақ, Чехия мен Словакияның бүгінгі күнге дейін өте жоғары стандартты қарым-қатынаста болу себептеріне баса назар аударады.

Түйін сөздер: Чехия, Словакия, конституциялық дәстүр, елдің бөлінуі, Чехословакия, ЕО.

Юрчик П.¹, Губайдуллина М.Ш.²

¹директор торгового представительства Чехии в Алматы, Торгово-экономический отдел Посольства Чешской Республики в Республике Казахстан, Казахстан, г. Алматы, e-mail: petr.jurcik@cechtrade.cz

²д.и.н., профессор, кафедра международных отношений и мировой экономики, Казахский национальный университет имени аль-Фараби, Казахстан, г. Алматы, e-mail: gubaidullinamara1@gmail.com

Формирование чешско-словацких отношений: 25 лет после раздела федерации

В результате Первой мировой войны и развала Австро-Венгерской империи в 1918 году была провозглашена независимость Чехословакии. 28 октября 2018 году исполнилось 100 лет с момента образования первой Чехословацкой Республики (první Československá republika). Юбилейная дата отмечалась отдельно в двух странах, поскольку в результате «бархатного развода» в 1993 г. вместо единого федеративного государства появились две самостоятельные республики – Чехия и Словакия. Оба государства сохраняют преемственность предыдущего демократического опыта, следуют основным конституционным принципам внутреннего устройства и внешней политики. Двусторонние отношения Чехии и Словакии отличают миролюбие и отсутствие каких-либо конфликтов. Оба государства связывает общее историческое прошлое, единое устройство при первой, второй и третьей республике. Предыдущий конституционный опыт влиял на формирующиеся государственные институты и новую конституцию Чехословакии после событий «бархатной революции» 1989 г. Системная ломка социальных и политических связей осуществлялась в беспокойной атмосфере и привела к разделу страны «мягким» и легитимным путём. Ни смена режима, ни сложный процесс развода страны не смогли упразднить прежнюю конституционную основу Чехословакии; были лишь внесены некоторые поправки, приняты отдельные законы. В статье анализируется конституционный механизм по поддержанию политико-правового порядка, заложенный традицией чехословацкого государства в XX веке.

Сегодня чешско-словацкие связи характеризуют высокий уровень отношений, их отличает приверженность европейской традиции демократии и относительно мягкая интеграция в Европейский Союз. На фоне нерешённых конфликтов в Европе процесс государственного «развода» бывшей Чехословакии, выход из одной блоковой системы и вслед за этим вхождение в другой интеграционный союз заслуживают исследовательского внимания.

Ключевые слова: Чехия, Словакия, конституционная традиция, раздел Чехословакии, ЕС.

Introduction

Relevance of the processes in Central Europe for Central Asia

The Czech Republic and the Slovak Republic were at the threshold of independent existence on 1 January 1993. This was preceded by several decades of cohabitation in a common state. The disintegration of Czechoslovakia, however, was not a unique and random phenomenon: it was closely related to the political relaxation after 1989 and the associated tendency towards the disintegration of post-communist countries in particular. All this was accompanied by weakening of state systems,

instability and lack of security, which later led to the breakup of multinational federations in post-communist Europe. On the other hand, it was all possible to see another phenomenon – a number of these new states entered the integration ties. Now, of course, it was not the result of a state union, but a multinational institution or an international organization to which some of the sovereign powers were transferred.

The circumstances of the disintegration of Czechoslovakia have undoubtedly been noted by both successor states. However, their further development has left an indelible trace of shared history, linguistic and political affinity, and a

convenient location in the geographical center of Europe. The constitutional and political developments in Czechoslovakia, the circumstances of its disintegration, and ultimately the nature and development of Czech-Slovak relations have indicated the direction of their further political and constitutional development, which has been often foretold by the internal political development in both countries. However, the development it has brought in recent years is not surprising from today's point of view. Rather, it follows the above-mentioned line and the tendency to re-encounter and search for common interests and possibilities of cooperation at other levels.

It should be noted that the Czech and Slovakia were always part of a larger Europe, were part of the Holy Roman Empire, Austria-Hungary, and in the 20th century coexisted in a single Czechoslovak state. 100 years ago, the Czechoslovak Republic was formed. The date of birth of the new state is connected with the end of the First World War and the collapse of one of the oldest monarchies – Austria-Hungary monarchies. In 2018, the 25th anniversary of separate and independent development of the Czech Republic and Slovakia is celebrated. Despite the short historical period of the two former Czechoslovak states, they have already gained their experience; they have lessons, results, and prospects.

Methods and theoretical approaches

This analytical article summarizes the most important moments in the process of dividing Czechoslovakia from the point of view of law formation, when the Czech Republic stayed rather on the way of preserving the existing provisions, while Slovakia formed a new legal framework. The comparative method also monitors the initial development in both newly established countries until they joined the European Union in 2004. For the countries of Central Asia, a relevant and important lesson is, perhaps, the conflict-free process of building bilateral relations within the European Union and with troubled countries at external borders. This is an important topic for serious thought and further study. Most authors reviewed both the transitological approach as well as the structural, preconditions-to-democracy literature and called for a synthesis of the two in the study of post-communism considered. Schmitter and Karl questioned whether the post-communist cases were similar enough to democratizing regimes in other parts of the globe as to make the application of the transi-

tology literature fruitful (Schmitter and Karl, 1991: p.11; Wiarda, 2001).

At the start of the 1990s, the question of whether the transitions occurring in the former Eastern Bloc could be considered continuations of political trends seen in other recent processes of democratization loomed large. Samuel Huntington (1991), Francis Fukujama (1998), published books at the beginning of the 1990s that treated the Eastern European revolutions of 1989 as part of a global tendency toward democratization. The theoretical book from the author Jordan Gans-Morse is important for understanding «Contemporary Theories of Post-Communist Transitions and the Myth of a Dominant Paradigm» (Gans-Morse, 2004: 320-349). Prerequisites for successful conditionality politics of the Europeanization of Central and Eastern Europe are thoroughly investigated by Frank Schimmelfennig and Ulrich Sedelmeier (Schimmelfennig/ Sedelmeier, 2005: 1-28). Then analogy of Western Europe and Central Asia (the post-Soviet space) is one of the most themes in academia (Stratenschulte, 2009:29-43; Wagner, 2011; Gubaidullina, 2017:48-55;). In the case of the former Czechoslovakia (Czech Republic and Slovakia) there are hypotheses and theories of democratic transformations described in transitology, transformations, historical comparativism, etc. (McFaul, 2005).

Discussion and Results

Formation of constitutional tradition in the 20th century

The Czech Republic and the Slovak Republic appeared on the map of Europe as independent states on January 1, 1993. Their separate existence preceded several decades of coexistence in the common state of Czechs and Slovaks – Czechoslovakia. Their separate existence as two independent republics was preceded not by a simple story in the 20th century, when Czechs and Slovaks for decades lived together in a single state.

Constitutional development in Czechoslovakia in the period of 1918-1989 had a significant impact on the formation of the constitutional tradition before and after the collapse of the state into two newly independent states, relations between the Czech Republic and Slovakia (Rychlík, 1997). The Czech Republic and the Slovak Republic, as the successor states of Czechoslovakia, have, in many ways, more or less followed up on the Czechoslovak tradition. Only the Czech Republic has fully subscribed to the Czechoslovakian legacy and tradition. The Slovak constitutional development

was formally discontinuous in relation to the development of the past, but in fact it followed on the line of Czechoslovak constitutional institutes (Ďurica, 1995). However, the first Czechoslovak constitution was not a sufficient basis for the future constitutionality of the Czech Republic, given the very short existence of the first Czechoslovak state and the destruction of legal and social consciousness during the period of the totalitarian state (Malý, a kol., 1997).

Recall that the first Czechoslovak state or the First Republic existed from 1918 to 1938. Shortly before the end of World War I, the National Council in Prague proclaimed the independence of Czechoslovakia. According to Law No. 37/1918 of November 13, 1918 (or the Provisional Constitution of the Czechoslovak Republic), the constituent assembly began to create a basic law and the formation of state bodies. Initially, a specific regime of representative government was established. Later in the political history of Czechoslovakia, exclusive preference was given to parliamentarism.

The principle of succession of law draws attention to itself. Thus, the new government retained the main features of Austrian imperial law when creating the new state. In order not to cause unrest, and so that the transition to a new state life was not disturbed by anything, it was decided not to abolish the previous right. The interrelation of the old law and order, which existed until now, with the new organizations of order was preserved (McFaul, 2005: 17-18).

Another constitutional doctrine, which has become a Czechoslovak tradition, is still in effect exists today. It refers to the institution of the president, his legal status. According to the concept of «presidential arbitration», «the institute of the president can be viewed as an organ for ensuring stability» (Malý, 1997). «Head of State» occupies this post only on the basis of high moral authority. The head of state did not have the right to convene, close or postpone sessions of the National Assembly. The president could not dissolve the parliament; he did not use the right of legislative initiative. He could not attend the meetings of the National Assembly. Thus, the constitution emphasized the initially «weak» powers of the president. Tomas Masaryk was elected as the first president of Czechoslovakia. Masaryk's personality had enormous prestige among the population. Despite the fact that Masaryk personally participated in the drafting of constitutional laws, the constitution of Czechoslovakia outlined the presidential model in the framework of a parliamentary republic.

Today such a model is typical for European states (Germany, Italy).

In 1920, the Constitution of Czechoslovakia was approved, which defined the unitary state structure and the republican form. According to the constitution, the country's borders were finally established, the organization of the government was determined. Carpathian Rus gained autonomy. In addition, the new state included Bohemia, Moravia, Czech Silesia, and Slovakia. Ethnic groups and territories with different historical, political and economic traditions were to be mixed in the new structure of the state. The preamble to the constitution proclaimed the Czechoslovak nation to be the subject of constituent power. The National Assembly became its representative in adopting a permanent constitution. Thus, special attention was paid to preserving the equality of two large nations – the Czechs and Slovaks (McFaul, 2002: 212–215). As a result of the Munich Agreement of September 30, 1938, the Sudeten Region of Czechoslovakia ceded to Germany. The First Czechoslovak Republic ceased to exist. The Second republic did not exist for long. During this period, Cieszyn region departed to Poland, and Slovakia and Subcarpathian Rus to Hungary. Subsequent constitutional development was continued following the November 1989 social and political changes. In the restless atmosphere of the time, the adoption of a new constitution was not crowned with success.

The constitutional development in Czechoslovakia and the character of Czech-Slovak relations during the period of the common state have undoubtedly influenced not only the initial form of the institutes of the two successive states of Czechoslovakia, but also the character of further constitutional development and constitutionality in both countries, and finally the form of Czech-Slovak relations after 1993 (Kolesár, 2003).

Today, the character of Czech-Slovak relations, which was in the period of a unified state, has been preserved. Constitutional laws were amended and supplemented, corrections and modifications were made that were caused by a change of regime. However, the constitutional tradition is preserved. It has influence on the form of political and legal institutions of Czechoslovakia, and on further constitutional changes in the two states of the former Czechoslovakia and after 1993. However, the constitution and constitutional laws in this period were amended and supplemented, major changes were made because there was a change of regime (Vodichka, 2003).

On the basis of the above, it can be assumed that due to the long-term coexistence of both states in the common state and shared values and interests, the constitutional development of the two states after the division of the federation has a rather convergent character which besides internal causes (common historical link, Czech-Slovak relations) has also had external causes, especially the integration tendencies in Europe and the world. However, these facts have also created some differences in the nature of constitution, constitutionality and constitutional development in both countries (Vodička, b.2003).

The consequences of the division of Czechoslovakia. The division of Czechoslovakia was undoubtedly a loss for both nations. Instead of a medium-sized Central European state that, due to its *geopolitical position*, could act as an influential stabilizing agent in this area, two countries with little prestige have been created, beset by political and economic problems (Krejčí, 2004).

The process of *market transition* in Eastern Europe has proven to be both unexpectedly easy and unexpectedly difficult. It was easy in a sense that no one thought this kind of transformation was possible even just a few years before it happened. Yet it has been difficult because building democratic and market institutions requires in-depth reforms and necessitates changing the old mindsets, which is a very difficult issue. As a result, the transition to democratic market economy entailed the change in values toward making free choices – and toward taking responsibility for those choices.

From a *political point* of view, the successor states of Czechoslovakia were in a disadvantageous position. The Slovak Republic was in a somewhat less favorable position because of the absence of a state tradition. The Czech Republic was undoubtedly better in terms of tradition and higher identification with the Czechoslovak tradition (Kopeček, Belko, et.al.,2003). This may be one of the reasons why the first years of independent Slovak existence were marked by the instability of political relations, by the application of undemocratic and unconstitutional methods of government, as well as by obvious hostility to the Czech Republic. Indeed, the division has also hampered the integration process towards European political and security structures (Stein, 1997). In particular, the Slovak Republic suffered particularly serious consequences in the form of political shocks and economic problems, and the *process of market-economic transformation* and entry into security European structures was threatened in the mid-1990s.

The circumstances surrounding the disintegration of Czechoslovakia and the emergence of new states have also been influenced by the very *concept of the independent Czech Republic and the Slovak Republic*. It is worth mentioning the fact that the Czech and Slovak Republics have adopted their constitutions at a time when the Czechoslovak state still existed.

Preparations for the Constitution of the Slovak Republic have taken a rapid fall after the elections in 1992, especially after the approval of the Declaration of Sovereignty of the Slovak Republic, based on the principle of self-determination (Constitution of the Slovak Republic, 2007). The adoption of the Slovak Constitution thus raises the question of how far the then Slovak authorities were authorized to accept the Constitution.

The disintegration of Czechoslovakia greatly influenced the character of constitutional and political development in both countries. For both states, the disintegration of the Commonwealth has begun. The beginning of the integration of the common state did not perceive both its former parts as well: while the attitude of the Czech public towards the new reality was characterized on the one hand by the understanding of the continuation of the former Czechoslovakia and the surprisingly rapid disappearance of nostalgia for Czechoslovakia, the Slovaks did not share this attitude to the Czech public. The division of the state meant for both nations a considerable lack of cultural, political and linguistic considerations.

At the same time, the relations between the nations developed. In 1918-1989 and then in the post-revolutionary period until the breakup of the federation the character of constitutional development in Czechoslovakia had a significant impact on the formation of the constitutional tradition of both newly established states. (Gerloch, 1994).

However, the efforts of Slovakia to find its own identity were difficult. The restoration of the constitutional law was not easy even after the totalitarian regime was abolished. The devastation of the legal and moral consciousness of society was only one of the causes of this state. New political elites have often come to their functions without practical experience in political life, and there has been a great deal of tendency to improvise in solving important issues of state interest. Also too much emphasis on the economic transformation has caused the need to restore the constitutional and legal order and the democratic character of the state to be overlooked (Vodička, a.2003). There were

also pressures to deal with the past, which often (in addition to the above-mentioned facts) were often reflected in the adoption of constitutional changes in a hurry and a clearer concept. On the other hand, however, there was a need to build on the existing legal system in order to prevent accidental, completely unconventional changes and chaos in the legal order of Czechoslovakia and its successor states.

The constitutional and political developments in Czechoslovakia also affected the mutual relationship between Czechs and Slovaks. The concept of Czechoslovakism, the adoption of which was justified in the origin of Czechoslovakia, gradually lost its sense and legitimacy and contributed to the tension in Czechoslovak relations already in the 1920s.

However, the national disputes have been suppressed by the post-war institutes and the growing influence of the Communist Party of Czechoslovakia. The inappropriate anchoring of the relation between Czechs and Slovaks in the constitution was later one of the factors for which the Czechoslovak state eventually collapsed (Greenland, 2005; Commented Documents in the Constitutional History of Czechoslovakia I: 1914-1945). According to researchers, the Czechoslovak Federation was a mere fiction. Given the most powerful driving force behind the division of the common state was the Slovakian power elite, it is obvious that the causes of the dissolution of Czechoslovakia need to be deeper. Since the approval of the Act on the Czechoslovak Federation, there was an obvious contradiction between its provisions and practice, which was further deepened (Stein, 1997).

The disintegration of Czechoslovakia also greatly influenced the character of constitutional and political development in both countries. For both states, the disintegration of the Commonwealth has begun the beginning of a more or less complex period of searching for one's identity and engaging in European and security structures. Although the most powerful driving force behind common state did not perceive both its former parts as well: while the attitude of the Czech public towards the new reality was characterized on the one hand by the understanding of the new Czech state as the continuation of the former Czechoslovakia and the surprisingly rapid disappearance of nostalgia for Czechoslovakia, the Slovaks did not share this attitude to the Czech public.

The Slovak Republic was in a somewhat less favorable position because of the absence of a state tradition. This may be one of the reasons why the

first years of independent Slovak existence were marked by the instability of political relations, by the application of undemocratic and unconstitutional methods of government, as well as by obvious hostility to the Czech Republic.

Difficulties in the way of the constitutional order and state identity

However, the efforts of Slovakia to find its own identity were all the more difficult, as these efforts were similarly lacking in many ways. The restoration of the constitutional and rule of law was not easy even after the totalitarian regime was abolished (Kopeček, at al., 2003). The devastation of the legal and moral consciousness of society was only one of the causes of this state.

New political elites have often come to their functions without practical experience in political life, and there has been a great deal of tendency to improvise in solving important issues of state interest. Also too much emphasis on the economic transformation has caused the need to restore the constitutional and legal order and the democratic character of the state to be overlooked. There were also pressures to deal with the past, which often (in addition to the above-mentioned facts) were often reflected in the adoption of constitutional changes in a hurry and a clearer concept (Rychlík, 1998). However, there was a need to build on the existing legal system in order to prevent accidental, completely unconventional changes and chaos in the legal order of Czechoslovakia and its successor states.

The political constellation and the rush in its preparation have brought more serious problems in the long run: ambiguity, uncertainty and the possibility of different interpretations of a number of provisions, which in turn led to a number of problems in practice and the need to change the constitution. An example would be that the aforementioned controversy would have the authority to accept the constitution of an independent state for the duration of the federation; however, a number of other provisions (the relationship of the government and the president, the regulation of the parliamentary mandate or the referendum institute) were problematic.

Also, the adoption of the Constitution of the Czech Republic was not a simple matter, and its origin was marked by the atmosphere of its creation (Jičínský, 1995; Hloušek, 2005). The hectic preparations of the constitution, also influenced by the Slovak «psychosis», the overall

lack of clarity of the concept, the uncertainty about the future development and the disputes among the representatives of political representation, unfortunately led to the introduction of mechanisms in the Czech constitutional order, which in the future threatened with considerable complications. Unfortunately, as a matter of urgency, there was a warning about the adoption of non-consensual and unintentional provisions, the existence of which was later the basis of unnecessary amendments, and so the elements of uncertainty and instability were at the beginning of the Czech legal system. One example is the constitutional anchoring of the bicameral parliament in the Czech Republic, despite the fact that the constitutional and practical experience with the second chamber was evidence of its redundancy, despite the fact that the Czech Republic was almost totally ethnic, but significantly smaller than the first Czechoslovak Republic.

Another provision proving the conceptual lack of clarity was also the inclusion of the Supreme Administrative Court as a body of judicial supervision of the decision-making of the administrative authorities in the system of general courts. This lack of clarity has also contributed to the fact that this court has not been established for a long time (Hloušek, 2005). All these facts have led to the fact that the constitution has been changed and supplemented more than adequately, which certainly did not contribute to an adequate degree of stability in the legal order and legal certainty.

Conclusion. Changes that have occurred over three decades in Europe: case of Czech Republic and Slovakia

We will focus on several aspects of the transformation process in Europe that concern the former Czechoslovakia and the prospects for the development of relations between the Czech Republic and Slovakia. The geopolitical map of Europe has changed to a greater degree at the end of the last century than it did after the First and Second World War. As a consequence of changes from 1989 the European Union has become the sole integration centre for Europe (Krejčí, 2004). The successful integration of extensive regions of Eastern Central, and South Eastern Europe since the major radical changes in the late 1980s provides a good basis for tackling these tasks (Wagner, 2011:3). Between 1989-1993, the Czech Republic, the Slovak Republic as new states came into being as a result of changes in Europe.

The consolidation of Europe as a single legal area and a united federal, democratic model that promotes the social market economy is of great

importance for the continent. The individual Member States of the European Union have today differing characteristics both with regard to their political as well as their economic level of liberalism. But their systems refer to the same reference model, in which private-sector ways of thinking and selection of leaders by means of national elections are the foundations. New political elites have also come to power, a fact which in turn has had and continues to have direct influence on decision making in Europe. «The competition in integration in the 1990s has diminished to competition for privileged relations to the only dynamic focus of integration, Brussels, which has the promise of prosperity, security, political stability, freedom and democratisation» (Stratenschulte, 2009). The attractiveness of the European Union, which always evoked positive feelings, however, no longer coincides with EU resources. Its capacities for integration are exhausted, and this is true both from the internal as well as the external perspective. A good example is the process of leaving the UK from the EU (Brexit).

The disintegration of the socialist block during 1989-1991 and the new East-West conflict, also this does not mean the beginning of the «End of history» (Fukuyama, 1989). But it does not mean that the division of the European continent has been overcome, and an era free of conflicts has come. Change can be seen most distinctly in the developments in NATO, and on the example of the crisis in Ukraine and the attitude to this crisis from the Czech Republic and Slovakia, as states, which were formerly members of NATO's antipode, the Warsaw Pact (Vodička, b.2003). The disintegration of Czechoslovakia was linked to the expectation that both new states will manage their new role in integrating Europe and in their mutual relations. Today we can say that the two countries managed to cope with the new conditions relatively successfully. Both countries have joined the European Union in 2004, the Czech Republic joined NATO in 1998 and Slovakia in 2004 (Rychlík, 1998).

Distrust among EU member states in one another and in the EU as a supranational structure is exceptionally large in a number of fields and member states. In pro-integration member states it has recently been possible to detect critical tones (Pridham, 2002:221). Mistakes in the sphere of migration policy became one of the factors of countries' distrust between each other and in the decisions of Brussels.

At the beginning of the third decade of their stay in the EU, the Visegrád countries entered into a new conflict situation with Brussels. It is connected with

a deep political crisis in the immediate neighborhood (Ukraine) and in the Mediterranean neighborhood (the problem of migrants).

The EU was closely associated with Eastern European states through the European Neighborhood Policy (ENP) (The European Union's Delegation to Kazakhstan, Kyrgyzstan and Tajikistan, 2007) and its enhanced version, the Eastern Partnership. It was precisely in the Eastern Partnership policy that the role of the Czech Republic and Slovakia was practically absent, especially in the EU course «neighbors with Central Asia countries».

In the European Union, the position of the Visegrad countries is attracting more and more attention. Recently, members of this group have often come forward in consolidation against the decisions of Brussels, which are not combined with their ideas about the powers of the common European administration. Internal consolidation of the zone of Eastern Europe the EU require considerable efforts and achievements. At the same time, the transformation process in Eastern Europe has not been completed.

It is also an unwritten rule that the highest constitutional actors in both countries immediately after being elected as a neighboring country under the first foreign working trip. The President of the Slovak Republic, as soon as he was elected to office, visited Prague, and the President of the Czech Republic, after his election, visited Bratislava. The same practice also works at lower levels of constitutional actors – prime ministers, parliament speakers.

The common past and the proximity of both peoples can be the basis for further cooperation not only at the bilateral level and perhaps hopefully also with inspiration for the future. From the constitutional point of view it should be emphasized that the constitutional development in both countries had a convergent nature, despite the initial differences in concept and antagonism in personal relations, based mainly on integration tendencies in Europe and the world as external factors, but this constitutional development also influenced internal factors such as sharing history and sharing common values and interests.

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