

The Prince of Liechtenstein, the Czech way

On documents that fall under the table at Czech courts

The date is October 8, 2020 and the district court in Prague 9 holds another hearing in the dispute between the Liechtensteins and the Czech Republic. Objectively, the hearing is business as usual, a twisted copy of things we have already seen: the state insists the Liechtensteins are Germans, the Liechtensteins insist they are Liechtensteins. The state insists it does not have to prove this because the Interior Ministry said as early as 1945 that everyone knows this of course (and besides, the ministry allegedly has a document proving it). The Liechtensteins put on the table about ten kilos of written evidence showing they were not and are not Germans. The judge makes an excuse citing formal issues and refuses to probe into the evidence. She fishes a pre-printed verdict out of her bag, confirms that the state has nothing to worry about and sends the Liechtensteins home.

And yet, the hearing in Prague 9 was a bit different. When the lawyer of the Prince of Liechtenstein Foundation raised an objection about the clear ignorance of the evidence and emphatically asked the judge to make sure the process is free and fair, the judge was visibly shaken. It made her announce a 15-minute break. From the benches for the public, it seemed she needed a moment to catch her breath. When she came back, she played her role to the end like a machine.

One couldn't help it but recall the situation of her (and the lawyer's) long gone peers from the post-war period. In 1947, judge Pilík (from the Supreme Administrative Court in Brno) proposed a verdict saying that in line with the law, the Beneš Decrees cannot be applied to the ruling Prince of Liechtenstein and that his property cannot be seized. The very same judge Pilík, who had in the meantime lost most colleagues and his own dignity at the hands of the ruling Communists, was forced to vote against the Liechtensteins at a Bratislava court in 1951. And lawyer Emil Sobička, who was defending the prince? At the time of the Bratislava hearing, he was already dying in the Jáchymov uranium mines.

The current prince of Liechtenstein, Hans Adam II, and his sons, Hereditary Prince Alois and Prince Constantin, have repeatedly told Czech media that they do not want to go to court but rather to negotiate a compromise advantageous for both sides. They have repeatedly said they are not chasing hectares but seeking justice and trying to preserve the integrity of the principality. Unless you are absolutely biased, you will agree that these words radiate the energy of people who know perfectly well that they are in the right. And the energy of the Czech side? First there were decades of silence or of repeating a simple sentence: We don't have a problem. Then it rejected evidence, misled the public and hid behind formal obstacles. Let's suppose the government administration finds this worth the sickness of several judges. But what is actually the plan?

Selective choice of evidence

The Czech side is using two documents which it willingly submits: 1 A document from the District National Committee in Olomouc from 1945. 2 A census document from 1930.

The resolution of the District National Committee in Olomouc says that Prince Franz Joseph of Liechtenstein "is identified as a person of a German nationality." However, you cannot overlook the passive. Even the laws of that time did not allow you to identify anyone as being of a certain nationality, because even then it was generally acknowledged that everyone chooses his or her nationality freely (and let's ignore the fact that the said District National Committee in Olomouc was legally non-existent at that time).

When it comes to the census document, it was meant to serve as evidence that Prince Franz Joseph II had actively adhered to the German nationality. However, this evidence is a sham. The laws of the time said only Czechoslovak citizens could take part in the 1930 census and no foreigners, let alone the heads of a foreign state. It stands to reason: would Miloš Zeman take part in a Russian census if it were held at the time of his visit to President Putin? Hardly. And besides, Prince Franz Joseph II was not on the Czechoslovak territory when the census was held. So what is the Czech side actually submitting? See the picture: it is submitting a census document from 1930, signed in Velké Losiny by a local

forester, Mr František Loos (who, incidentally, had no right to sign anything under the law because he was not “a household master”).

And now over to the other side: for five years, the Liechtensteins have been trying to persuade Czech courts to fairly and independently check other evidence, abundant in archives. Courts have never admitted any of this evidence to the courtroom, even though they know it well. Let me present a selection:

A. *Director General Dr František Svoboda in a letter to German authorities from August 23, 1940:*

“... the reigning Prince Franz Joseph of Liechtenstein, as a prince sovereign, is a citizen of the Principality of Liechtenstein and therefore he does not fall under the jurisdiction of a German court.”

B. *Information from the District National Committee in Olomouc from 1945 about the behaviour of Prince Franz Joseph II during the occupation:*

“The Liechtenstein administration has always uncompromisingly and with full success stood up against the well-known Germanisation efforts of the German authorities in the Protectorate following the National-Socialist guidelines. This is proven by the fact that on April 1, 1945, its staff of 215 officials and employees comprised 195 Czechs and only 24 Germans. Dr Svoboda, a Czech, was and remained the Director General throughout the occupation.”

C. *Velké Losiny National Committee, July 1945:*

“Concerning your query dated July 10, we would like to inform you that according to the records of the Velké Losiny city hall concerning a police report on the addresses and list of citizens, Prince Alois Sr., Prince Franz Joseph (who became the Principality head later on), as well as Prince Karl Alfred of Liechtenstein and all the other members of the Liechtenstein family, as long as they were in Velké Losiny, were always registered as living in Vaduz, Liechtenstein, and as having a Liechtenstein nationality.

D. *The Swiss Embassy in Prague, December 22, 1945:*

“The Swiss Embassy as a representative of the Principality of Liechtenstein’s interests in Czechoslovakia hereby confirms that His Serene Highness Franz Joseph II, the ruling Prince of Liechtenstein, and His Serene Highness Prince Alois Liechtenstein are of a Liechtenstein nationality.”

E. The Czechoslovak Interior Ministry Bulletin, August 25, 1945:

“Since the identification of Swiss nationals frequently brings about discrepancies and errors, the Interior Ministry would like to point out the fact that in Switzerland there is only the Swiss nationality and that the mother tongue (official language) is insignificant in line with the local regulations. Hence, we shall treat all Swiss nationals, regardless of whether their mother tongue is German, French or Italian, as people of a Swiss nationality. Therefore, Swiss nationals using German as their mother tongue can in no way be considered German nationals without further probing, and therefore they cannot be considered unreliable under Decree no. 5 of the President of the Republic...”

Dispute over the Czech Republic’s face

At that time, the Principality of Liechtenstein and Switzerland shared not only their currency and diplomatic representations worldwide, but also laws including nationality laws. Therefore, the extract on Swiss nationals from the Interior Ministry bulletin would also concern the citizens of Liechtenstein. Czechoslovak authorities were well aware of this fact then. They ignored it, because the ideological vision of the Communists, who had long settled down in the key decision-making bodies of the crucial ministries of agriculture and interior, that they will seize the property of their “class enemy” was stronger than any facts.

From the historic perspective, the steps taken by then-Communists, who were already getting ready for the coup with the help of Stalin’s Soviet Union, are understandable. But how will we justify our current standpoint on the matter? The standpoint of Czech political representatives and of Czech courts? That it all happened a long time ago? That’s an excuse. That there are formal legal obstacles to the handling of the matter? That’s an excuse. That we are defending half of Moravia? Another excuse and a lie. That the Czech society still thinks the chateaux are the property of us all, that forests are ours, that the successful should be punished, that “Germans” are evil, that we are still entitled to determine who is “German” and who is not to the present day? Unfortunately, a certain part of the society still believes this is true.

The Liechtensteins will never say this aloud to defend themselves, because they are too well-behaved: the dispute between them and the Czech Republic is much more an inner dispute between two faces of the Czech Republic. Between one which follows the post-war Stalinist purges, which keeps looking for excuses about the judicial murder of Milada Horáková, which does not respect the untouchability of private property and fundamental freedoms, and the other which does not let envy lead it astray, does not desert democratic principles for momentary advantages or just because we're not doing too well right now, one that knows that if the state steals something from an individual "in the name of us all", we are all guilty of the theft.

An opinion poll conducted by the British company Ipsos two years ago showed that almost 60 percent of Czechs think the Czech Republic should try to reach an out-of-court settlement with the Liechtensteins. This is good news for democracy, the more so that the young generation in particular is in favour of a civilised agreement. And it is good news objectively as well. The Liechtensteins have already ruled all property held by individuals, non-profit organisations, schools or municipalities out of the dispute in advance and of their own will. If they are offering another compromise on top of this compromise to the state, the Czech Republic cannot lose when it agrees to a deal. It will resolve a dispute with its natural ally once and for all, it will remove an issue that has made it lie to the world and to itself for decades, it will allow someone else to help it maintain some outstanding monuments, and with just a little blush, it will order the Lesy ČR managers to hand to the prince a tiny part of the neglected land that the state has retained after the bark beetle infestation and which used to be called "forests".

The Czech Republic should acknowledge this: the ruling Prince of Liechtenstein is of a Liechtenstein nationality.