

**THE NEW SLOVAK LANGUAGE LAW:  
INTERNAL OR EXTERNAL POLITICS?**

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# THE NEW SLOVAK LANGUAGE LAW: INTERNAL OR EXTERNAL POLITICS ?<sup>1</sup>

Farimah Daftary and Kinga Gál<sup>2</sup>

## ABSTRACT

*In Central and Eastern Europe, where language is the central defining element of the ethnic group, language policy becomes the cornerstone of constructing the identity of new states. In the multiethnic state or plural democratic state, policies aimed at promoting the language of the titular nation become the primary means of validating the moral worth of one ethnic group over the others. The example of independent Slovakia illustrates the political importance of language in Central and Eastern Europe and the virulence of the conflicts which arise between majorities and minorities over language issues. The continuous disputes between the Slovak leadership and the Hungarian minority over minority issues in general, and language-related issues specifically, have shown how sensitive language demands are during the early phases of state-building. In Slovakia, where the emphasis was on the ethnic rather than the civic dimension of nationhood, language policy served a two-fold purpose: by giving the Slovak language a dominant position in the state, it sought to foster Slovak ethnic identity as the identity of the Slovak nation-state; and it was at the same time a method for promoting the assimilation of non-ethnic Slovak citizens. In reality, anti-minority policies in Slovakia (or policies perceived as such) fell within a broader set of anti-opposition policies as the State attempted to extend control and establish moral monopoly over not only language but also the fields of culture, education, economy, etc.*

## I. INTRODUCTION

In Central and Eastern Europe, where language is the central defining element of the ethnic group, language policy becomes the cornerstone of constructing the identity of new states (Schöpflin 1996: 6). In the multiethnic state or plural democratic state (Lijphart 1977),<sup>3</sup> policies aimed at promoting the language of the titular nation become the primary means of validating the moral worth of one ethnic group over the

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<sup>1</sup> This paper was presented at an ECMI panel “Language Laws: Nation-Building, Ethnic Containment or Diversity Management ?” at the fifth annual convention of the Association for the Study of Nationalities (ASN) (New York, 13-15 April 2000).

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<sup>3</sup> A plural democratic state is a state composed of more than one minority or ethnic group and which is governed by a democratic political system.

others. Thus, language is not only an instrument of communication between individuals but it is elevated to the symbolic level; it becomes a political statement of loyalty towards the new state as well as a moral act of support towards the cultural community that it represents.

In the early stages of nation-formation, it is easier for an ethnic group to define what it is not than what it is (Connor 1994). Ultimately, the nation should be self-defined rather than other-defined; however, until then, minorities have an important function to serve in this process as the “other”. In the early stages of state-building, to speak a language other than that of the titular nation may be interpreted as an act of disloyalty and perceived as a threat to the fledgling identity of the state. This is particularly true when state-building is accompanied by a belated completion of the nation-building process. Members of the minority should therefore be made into “loyal citizens” by being made to speak the state language, otherwise they could be excluded from the state-building process. This is particularly true where the aim is to build a nation-state, regardless of multiethnic and multilingual realities, and where the language of the titular nation is declared the sole state language and plays a dominant and integrating role in all aspects of political, social and cultural life.

Minority demands, and in particular demands for minority language rights, will be perceived as a threat to the integrity of the state until political leaders grow more secure about the identity and stability of the new state. According to the taxonomy developed by McGarry and O’Leary (1993:4), state policies towards minorities seek either to eliminate or to manage differences. The former aim may be achieved through integration/forced assimilation, partition and/or secession (self-determination), forced mass population transfers, and genocide. The latter aim, management of differences, may be achieved by methods based on the notion of hegemonic control, consociation, arbitration (third party intervention) and cantonisation and/or federalisation. A combination of methods may be used: for example in a state which does not recognise the legitimacy of minority demands, a combination of forced assimilation and hegemonic control of the remaining members of the ethnic community may be applied. Minority policies may be further subdivided into territorial and non-territorial ones. An example of a non-territorial coercive

minority policy is assimilation through the imposition of standard cultural codes, discrimination against the minority's cultural and educational system, the prohibition of the use of the minority language in schools and in official communication, etc. Gerrymandering is an example of a territorial coercive policy aimed at preventing minorities from gaining regional territorial control.

What types of linguistic models are chosen? Many of the new post-communist regimes have opted for the "One State - One Language" policy in order to establish the primacy of the language of the titular nation over that of other ethnic groups in the country, especially when these have historically been the cultural coloniser (Russian in Ukraine or Czech and Hungarian in Slovakia). If we look at recent developments in Central and Eastern Europe, we see particularly interesting attempts at highlighting the distinction between nations by creating artificial distinctions between a common language.<sup>4</sup> Different models and theories exist concerning the relationship between nation, state and language (Hutchinson and Smith 1994: 19). What status, then, is accorded minority languages? One can observe a variety of models, from unilingual ones where one language (usually that of a titular nation), enjoys the status of state language and other languages traditionally spoken in the state enjoy no legal status; to states where, in addition to the state language, a second language is granted equal state status, or a lower status (for example, as an official language or even as a "language of inter-ethnic communication").<sup>5</sup> A particular dilemma faced by newly independent states is how to restore the status of the national language and ensure that all citizens have a proper knowledge of it while at the same time respecting the language rights of minorities. These at times seemingly conflicting imperatives are recognised at least by the OSCE High Commissioner on National Minorities who, in a 1995 letter to then Slovak Foreign Minister Juraj Schenk, wrote that: "[...] in states with national minorities, the question inevitably arises how to find a balance between the right of a state to ensure that the position of the state language is safeguarded and

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<sup>4</sup> For e.g., the artificial creation of Serbian, Croatian and Bosnian, or Moldovan as opposed to Romanian (cf. special issue of *Transition* devoted to "Language and Ethnicity", *Transition* 2: 24, 29 November 1996).

<sup>5</sup> These distinctions have become quite common in the post-communist states. In 1994 in Ukraine, for example, President Kuchma introduced a distinction between state and official languages: Ukrainian was the sole state language but other languages could be granted official status in regions where they were widely spoken. In Kazakhstan, the 1995 Constitution elevated Russian to the status of an official language while keeping Kazak as the sole state language

the need to ensure that the languages of the national minorities are protected in accordance with international standards.”<sup>6</sup>

The example of independent Slovakia illustrates the political importance of language in Central and Eastern Europe and the virulence of the conflicts which arise between majorities and minorities over language issues (Harlig 1997). The continuous disputes between the Slovak leadership and the Hungarian minority over minority issues in general, and language-related issues specifically, have shown how sensitive language demands are during the early phases of state-building. Once they had parted from their former dominant partner within Czechoslovakia in 1993, the Slovak leaders sought to assert Slovak national identity in opposition to that of the “old enemy”—the Hungarians—a minority of whom also happened to live in the country. In Slovakia, where the emphasis was on the ethnic rather than the civic dimension of nationhood, language policy served a two-fold purpose: by giving the Slovak language a dominant position in the state, it sought to foster Slovak ethnic identity as the identity of the Slovak nation-state; and it was at the same time a method for promoting the assimilation of non-ethnic Slovak citizens. Whilst Slovak leaders attempted to justify restrictive language policies by the imperatives of nation-building and consolidating the identity of the state, the Hungarian minority perceived these policies as specific attacks against minority identity and culture, and against theirs especially. In reality, anti-minority policies in Slovakia (or policies perceived as such) fell within a broader set of anti-opposition policies as the state attempted to extend control and establish moral monopoly over not only language but also the fields of culture, education, economy, etc.

Rather than recognising the loyalty of the Hungarian minority to the state and accepting it as one of the constituent elements of the multiethnic state, the nationalist-populist coalition governments of Vladimír Mečiar (1992-1994, 1994-1998) sought to build a Slovak nation-state and exacerbated inter-ethnic tensions by claiming that the demands of the Hungarian minority were unjustified, thereby diverting attention from badly-needed economic reforms. Several legal acts affecting minority language use

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<sup>6</sup> Letter of the OSCE High Commissioner on National Minorities, sent to Slovak Foreign Minister Juraj Schenk on 24 August 1995 (at: <http://www.osce.org/inst/hcnm/index.html>).

were adopted during this period, each causing even more confusion and discontent both on the domestic and international levels. Ever since the adoption of the restrictive Law on the State Language in 1995, pressure had been on Slovakia, both domestically by the Hungarian minority and internationally, to adopt a law regulating the use of minority languages. Slovakia's government was called upon to respect its commitments in the field of minority rights in line with its membership of the Council of Europe (CoE), but also according to the provisions of the Slovak -Hungarian Basic Treaty signed in March 1995. The country as a whole paid the price for the intransigence of the Meciar government on the minority issue, and for undemocratic government in general, by being excluded from the first round of European Union (EU) negotiations and by becoming a sort of pariah in the international community.

In the September 1998 elections, the Meciar government was defeated by a broad left-right coalition which formed a new government with the participation, for the first time since independence, of ethnic Hungarian parties. The new government of Prime Minister Mikuláš Dzurinda showed its eagerness to integrate Slovakia into European structures. This bode well for the future of minority policies in general, and language policies in particular. On 10 July 1999, after an intense debate, the Slovak Parliament rushed through a law on the use of minority languages. The new law was welcomed by the international community and Slovakia was invited at the European Council Summit in Helsinki in December 1999 to begin EU accession talks.

However, this paper will seek to demonstrate that there are problems with both the standards contained in the new bill as well as with the process behind its adoption. In order to understand why such a law was passed, we must look at both internal and external politics by placing this law within the broader context of the role of language policy in nation-building as well as Slovakia's international relations. In the first section, we shall present an overview of the ethno-linguistic make-up of Slovakia, the legacy of history, minority concerns, as well as of the Slovak party system. In a second section, we shall look into the role of language and language policy under previous Slovak governments. The period 1992-1998 can be characterised as a phase of intense nation-(state-)building and of coercive minority policies, especially in the field of language, building on measures already taken in 1990-1992 before the HZDS

came to power in June 1992. In the third section, we shall present the process behind the adoption of the 1999 law by the new coalition government, and highlight the main disagreements and immediate domestic reactions to its adoption. In the fourth section, we shall analyse the standards contained in the 1999 law and the extent to which they fulfilled the expectations of international organisations (CoE, EU and the Organization for Security and Co-operation in Europe—OSCE). In the concluding section, we shall offer some thoughts on the impact of this new law on inter-ethnic relations in Slovakia and on prospects for Slovakia’s “return to Europe” and the management of ethnic differences within the framework of a plural democratic state.

## II. BACKGROUND

### 1. The Ethno-linguistic Make-up of Slovakia

Slovakia is a multiethnic state of 5.3 million inhabitants where officially 14.3 % of the population declared an ethnicity other than Slovak. This is a minimum figure, and the proportion of non-ethnic Slovaks may be as high as 21-22%. There is no legal definition of the term “national minority” in Slovak legislation nor are they specified. According to the most recent official data derived from the 1991 Czechoslovak census,<sup>7</sup> there are 11 national minorities in the Slovak Republic, with three groups representing 1% or more of the Slovak population. The largest is the Hungarian minority (10.6% of the Slovak population), followed by the Roma (1.6%), Czechs (1%), and Ruthenians (or “Rusyns” which is the term currently used by members of this group) and Ukrainians (0.3% each). Other minorities (Germans, Moravians/Silesians, Croats, Jews, Poles, Bulgarians, etc) number less than 7,000 persons. Some (Hungarian) sources place the number of ethnic Hungarians closer to 700,000 (Minority Rights Group 1997: 246). Also, as in other East European countries, it is estimated that the number of Roma is much higher, between 350,000 and 520,000 or 6.5-9.7% of the population (Minority Rights Group 1997: 246; Liégeois and Gheorghe 1995: 7),<sup>8</sup> which would make the Roma minority almost as large as the Hungarian one.

A total of about 15.7% of the Slovak population declared a language other than Slovak as their mother tongue. Hungarian-speakers again constitute the largest

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<sup>7</sup> Report submitted by the Slovak Republic pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities, Received on 4 May 1999, pp. 6-7. This and reports by other states parties to the Framework Convention, as well as “parallel” reports submitted by local NGOs, may be found on the Minority Electronic Resources (MINELRES) website at: <http://www.riga.lv/minelres/coe/statereports.htm>.

<sup>8</sup> The conservative estimate is from the World Directory on Minorities by Minority Rights Group; higher estimates place the Roma population of Slovakia at 480,000-520,000. Although in the 1991 census Roma were given the opportunity to declare a separate Roma ethnicity for the first time, a majority still chose to declare another ethnicity (mostly Slovak or Hungarian) for fear of negative consequences.



linguistic minority in Slovakia, with over 600,00 persons (11.5 %).<sup>9</sup> Although official statistics showed Czech-speakers to be the second largest linguistic minority, speakers of Romanes actually constitute a group of 245,000-365,000 persons (4.6-6.9%). It is estimated that roughly 70% of Roma in Slovakia speak Romanes as their mother tongue (European Roma Rights Center 1997: 26-28). Finally, although about 50,000 people declared a dialect of Rusyn to be their mother tongue in 1991, according to some estimates, there are about 120,000 people who master the Rusyn language and have fully or partially preserved the Rusyn lifestyle and culture.<sup>10</sup> This would make them the fourth largest linguistic group in the country. More updated figures are certainly needed to ascertain the true size of the Rusyn-speaking group, as well as the current size of the Czech-speaking population since the Czechoslovak split. (There is also a growing Russian-speaking minority which is not officially recognised.)

The Hungarian population is settled compactly in an almost continuous 555-kilometre-long strip along Slovakia's southern border, in ethnically mixed regions together with other minorities and Slovaks (Bakker 1997: 40-48) (cf. Map 1). Most of Slovakia's Hungarians live in this predominantly rural area<sup>11</sup> where they represent a local majority in 435 out of the 551 municipalities which constitute the Hungarian habitat (Bakker 1997: 46) (cf. Table 2). The rest of them live in Slovakia's two largest cities, Bratislava and Košice, where they represent 4.4% and 4.3% of the population. The share of Hungarians is in steady decline (from 12.4 % in 1961 to

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<sup>9</sup> That this number is higher than the number of persons who declared to be ethnic Hungarians is due to persons from mixed Slovak-Hungarian families but also to Roma who declared their ethnicity as Roma or Slovak but whose mother tongue is Hungarian. Some Roma may also have declared Hungarian as both their ethnicity and mother tongue and would therefore have been included in the figures for the Hungarian minority. The number of Hungarian-speaking Roma registered as Hungarians is estimated at 150,000 (U.S. Department of State, 1999 Country Reports on Human Rights Practices, Slovak Republic, 25 February 2000, at: [http://www.state.gov/www/global/human\\_rights/1999\\_hrp\\_report/slovakre.html](http://www.state.gov/www/global/human_rights/1999_hrp_report/slovakre.html)). In any case, it is absolutely wrong to say that half the ethnic Hungarians in Slovakia are actually Roma, as Meciar has claimed in order to discredit the demands of the Hungarian minority (see "Slovak Prime Minister on Minorities," *OMRI Daily Digest*, 31 October 1996; "Meciar says Ethnic Hungarians have Enough Rights in Slovakia," *RFE/RL Newslines*, 31 July 1998).

<sup>10</sup> Slovak Helsinki Committee, Report on the Implementation of the Framework Convention of the Council of Europe on the Protection of Minorities in the Slovak Republic, September 1999 (at: [http://www.riga.lv/minelres/reports/slovakia/NGO/slovakia\\_NGO.htm](http://www.riga.lv/minelres/reports/slovakia/NGO/slovakia_NGO.htm)).

<sup>11</sup> Only 5.5% of ethnic Hungarians live in cities with a population of over 100,000, compared to 13.7% of ethnic Slovaks.

10.7 % in 1991), as is the number of municipalities where they constitute a majority.<sup>12</sup> Still, 97% of all Slovak Hungarians live in municipalities where they constitute 20% or more of the population. In ethnically mixed districts (where Hungarians make up more than 10% of the population), language use is flexible, with most Hungarians and Slovaks living in the Hungarian habitat being bilingual. According to official statistics from 1991 in these ethnically mixed regions, only 3% of Hungarian respondents claimed to speak only Hungarian; and more than 60% of Slovaks in the region claimed that they could speak Hungarian (Bakker 1997: 85-86).

The only other minority which is compactly settled are the Rusyns/Ukrainians, in the Prešov region in North-eastern Slovakia (cf. Map 2).

## **2. The Legacy of History** (Minority Rights Group 1997)

The minorities living on the territory of Slovakia are indigenous and owe their minority status to the redrawing of borders throughout the centuries. As new rulers have come and gone, some ethnic groups have gained in status and others have lost. What is known today as Slovakia was a part of the Greater Moravian Empire and then part of the Kingdom of Hungary from the tenth to the early twentieth century. During the 17<sup>th</sup> century, the Habsburg Empire gradually extended its control in the region and, by the early 18<sup>th</sup> century, it ruled most of the Hungarian Kingdom. Slovaks and other nations experienced strong pressures to assimilate under the Habsburgs, especially after the Austro-Hungarian Compromise of 1867 which granted Hungary direct rule over the region. Thus, the period from the late 19<sup>th</sup> to the early twentieth centuries is seen by Slovaks as a period of “Magyarisation”. With the creation of the Czechoslovak State in October 1918 and the Treaties of Trianon (1919) and Saint-Germain (1920), three million Germans, one million Hungarians, as well as smaller groups of Rusyns, Ukrainians and Poles found themselves within the boundaries of this new state of Czechs and Slovaks. Hungarians experienced a sudden change in status and those who stayed felt like second-class citizens. Minority rights were

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<sup>12</sup> This is in part due to drastic declines in the aftermath of the two World Wars but also to various waves of in-migration of ethnic Slovaks since the last decades of the Habsburg Empire and to a low natural rate of increase.

guaranteed by the protection clauses of the two treaties, as well as the Constitution of the Czechoslovak Republic and a language law. However, the promised autonomy for Ruthenia was never realised. Although minorities in the inter-war Czechoslovak Republic (1918-38) claimed discrimination,<sup>13</sup> they enjoyed unique opportunities to organise politically, economically and culturally, in comparison to minorities in the rest of Central and Eastern Europe.

The most flagrant violations of minority rights occurred during and immediately after World War II. Indeed, as in the rest of Europe, the War and its immediate aftermath were marked by genocide, deportations, and mass population displacements. Over 70,000 Jews were deported under the Nazi puppet-state of Jozef Tiso established in March 1939. In 1938, the southern part of Slovakia was re-incorporated into Admiral Horthy's Hungary, followed by Ruthenia in 1939. Both regimes were characterised by discriminatory practices against minorities in education, language use, and government employment, and administration; expulsions also took place (Bakker 1997: 39). After the War, the territories of the first Czechoslovak Republic were reunited, with the exception of Ruthenia (today part of Ukraine).

Although Roma suffered severe discrimination in Slovakia during World War II, most avoided extermination (unlike in the Czech lands) and after the War, many settled in the Czech lands. Through the Beneš Decrees which assigned collective guilt to ethnic Hungarians and Germans, and other measures, the post-war Czechoslovak leaders attempted to create a nation-state. Ethnic Hungarians on Slovak territory were subjected to mass expulsions, forced displacement, and population exchanges with Hungary (Bakker 1997: 41);<sup>14</sup> German and Hungarian schools were closed and it was

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<sup>13</sup> The Czechoslovak government curtailed the rights of ethnic Hungarians and Germans in several ways: by issuing restrictive orders, closing down Hungarian and German schools, denying citizenship, and through general discriminatory practices in education, language use and employment (Bakker 1997: 49).

<sup>14</sup> In 1944-45, the Soviet army deported ca. 50,000 Hungarian civilians to the Soviet Union for forced labour; during the summer of 1945, nearly 36,000 Hungarians, among them collaborators of the fascist Hungarian regime, were deported to Hungary; about 75,000 Hungarians were transferred to Hungary as part of a population exchange confirmed at the Paris Peace Conference in 1946. This exchange was halted in 1948; between 1946 and 1947, 45-50,000 Hungarians were settled in various parts of Czechoslovakia, mainly in areas formerly inhabited by Germans; some 30,000 Hungarians, many of them members of fascist organisations, are estimated to have fled abroad after the war to avoid persecution.

forbidden to use either of the two languages in public. In 1946, a re-Slovakisation policy was launched, including strong incentives (Hungarians who declared themselves to be ethnic Slovaks could regain their citizenship and property) (Bakker 1997: 39), and the use of Hungarian was banned in public life. After the 1948 Communist coup, anti-Hungarian policies were gradually halted, but this did not signify a return to the pre-war level. The legal guarantees established during the Prague Spring in 1968 were considered outstanding, even by Western standards;<sup>15</sup> but they were never fully implemented due to the Warsaw Pact invasion and subsequent period of “normalisation” which affected minorities like the rest of the population. In 1978, there was even an attempt to abolish education in the Hungarian language.<sup>16</sup> Under the communist regime, the Roma, Rusyn, and German minorities had no opportunity for education in their mother tongue.

The legacy of history has particularly affected the relations between Slovaks and Hungarians and historic grievances continue to play an important role, although this might be less true for the average population than for the elites. It is interesting to note that attitudes of Slovaks towards ethnic Hungarians are better in those ethnically mixed regions, with ethnic Hungarians tending to view inter-ethnic relations more positively than ethnic Slovaks (Bakker 1997: 86-88).<sup>17</sup> Mistrust between Slovaks and Hungarians is fomented by Slovak and Hungarian politicians making frequent reference to various periods of history in which one group was oppressed by the other. Furthermore, Slovaks’ sense of national identity has developed in reaction to Hungarian and Czech culture. Slovaks had very little opportunity for developing their national identity until the inter-war period. When the Slovaks and Czechs were united in the new Czechoslovak Republic in 1918, many Slovaks felt that Hungarian rule had merely been exchanged for rule from Prague. Thus, the inter-war period was characterised by Slovak resentment and the rise of Slovak nationalism. One of the main obstacles building a plural democratic state in Slovakia is the absence of democratic symbols shared by all the ethnic groups. The fact that most of the

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<sup>15</sup> Constitutional Act 144/1968 recognised the Hungarian, German, Polish and Ukrainian minorities as state-forming nations that complemented the Czech and Slovak nations.

<sup>16</sup> This led to the formation of the “Committee for the Protection of the Rights of the Hungarian Minority in Czechoslovakia” whose spokesman, Miklós Duray, was to become one of the main ethnic Hungarian political leaders in post-1989 Slovakia (as chairman of Coexistence- Együttélés).

<sup>17</sup> This is not an uncommon finding.

historical figures seen most positively by Slovaks are associated with the Slovak national movement, and that, similarly, Hungarians in Slovakia identify with important figures in Hungarian history, creates a problem in fostering a sense of identity inclusive of other members of other ethnic groups (Wolchik 1997: 202). Critics and apologists alike agree that the Slovak puppet state of Jozef Tiso served the purpose of Slovaks' national aspirations for their own independent state; but this can hardly serve as an honourable symbol.

### **3. Minority Concerns and Minority Demands**

The Hungarian minority has been particularly effective in pressing its demands and, whilst the Slovak government often claims that the situation of the Hungarian minority is far better than that of other minorities in Europe, the Hungarian minority points to various instances of curtailing of minority rights. When the communist regime collapsed in 1989, such complaints came to the surface.

A key factor in relations between the Slovak government and ethnic Hungarians is the existence of a kin-state for whom the rights of fellow Hungarians abroad is a main element of Hungarian foreign policy (Szilagyi 1996: 45).<sup>18</sup> The ethnic Hungarian parties have instrumentalised this concern to increase their influence on the government, with more or less success depending on whom has held power in Hungary (see Section I.4.). Disputes over minority issues have threatened at times to seriously disrupt Slovak-Hungarian relations, with a low-point in the first half of 1993, during the accession discussions of newly independent Slovakia to the Council of Europe, when Hungary even threatened to veto Slovakia's membership in the Council of Europe due to concerns over the situation of the Hungarian minority (see Section IV).

With the break-up of the Czechoslovak Federation on 1 January 1993, the Hungarian

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<sup>18</sup> The three pillars of Hungarian foreign policy, as announced in 1996, are: integration into Western political and security organisations, establishment or maintenance of good relations with all neighbouring states, and protection of the rights of the Hungarian minorities in other countries. In 1989, Hungary set up an "Office of Hungarians Beyond Borders" to co-ordinate matters concerning Hungarian minorities abroad (see: <http://www.htmh.hu/english.htm>).

minority lost its mediator in Prague and instead turned to the international community. This approach of generating criticism of Slovakia's minority policy has tended to backfire as Slovak nationalists blamed it on ethnic Hungarian politicians that Slovakia was left out of the initial round of EU candidates. It has also made most Slovak political actors wary of openly co-operating with ethnic Hungarian parties for fear of being labelled as "anti-Slovak" and losing votes (see 1994 election campaign). Nevertheless, because of its size, and its high level of organisation and political representation (see below), and because of the internationalisation of its concerns, the Hungarian minority is one of the main domestic actors which the Slovak government has had to contend with.

Language-related issues in general, and minority education in particular, have been one area of dissatisfaction and friction between the Slovak government and the Hungarian minority.<sup>19</sup> Although other minorities share these concerns, there has not been the same level of friction with the government for reasons outlined above. The right to education in the minority language has been a particularly sensitive area since 1994 when the government sought to assert greater control over Hungarian-language schools. Thus, in May 1995, an "Educational Conception for Regions Inhabited by an Ethnically Mixed Population" (also known as "alternative education") was announced with the aim of introducing more courses in Slovak at Hungarian minority schools (Bakker 1997: 78-80). Parents took to the streets when directors of Hungarian schools were fired over this plan in Fall 1995, and again in June 1997, when the government issued a decree discontinuing the practice of issuing final report cards in both Slovak and Hungarian.<sup>20</sup> Questions related to the use of the minority language in official contacts, the registering of names in the minority language, and also the use of topographical signs in the minority language have also been recurrent subjects of dispute.

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<sup>19</sup> There are many schools at the primary and secondary levels with instruction in Hungarian or in Hungarian and Slovak. However, there are no opportunities for studying in Hungarian at the university level. For more on education rights and minority schools, see *Report submitted by the Slovak Republic*, pp. 24-37, as well as the "parallel report" by the Slovak Helsinki Committee, pp. 49.

<sup>20</sup> On 13 January 1999, the Slovak Parliament amended three laws to permit bilingual record-keeping at schools with Hungarian or another language of instruction; Bilingual report cards in Slovak/Hungarian and Slovak/Ukrainian have thus been ordered by the Ministry of Education (U.S. Department of State, 1999 Report on Slovakia).

Because the level of language rights is strongly linked to the share of the minority population in municipalities, the Slovak government has repeatedly sought to introduce administrative reforms aiming at diluting the share of ethnic Hungarians in municipalities. In 1993, the government announced plans to reorganise administrative districts on a north-south basis to reduce the percentage of ethnic Hungarians to less than 20% in all districts. The Hungarian minority reacted by proposing the creation of autonomous administrations (Bakker 1998: 29; Fisher 1995c).<sup>21</sup> The government-proposed administrative reforms, which could be considered as gerrymandering (cf. Maps 3 & 4), were ultimately carried out in 1996 (Wolchik 1997: 223; Bakker 1997: 88-107, esp. 99-100),<sup>22</sup> despite a presidential veto and in direct violation of Slovakia's international commitments. Questions related to territory are particularly sensitive as any proposal by the Hungarian minority for re-drawing municipal boundaries or increased autonomy is perceived by the Slovak government as a move towards secession and a threat to its sovereignty.

The Roma have shown great interest in codification of their language and there have been numerous publications in Romanes since the late eighties. But there is not a single kindergarten, grammar school, high school or university where instruction is in Romanes, allegedly because the Roma have not asked for it.<sup>23</sup> Priorities may lay within more serious breaches of their rights due to widespread discrimination in employment and education, and extremely poor social and economic conditions

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<sup>21</sup> In January 1994, a group of ethnic Hungarian mayors organised a gathering of about 3,000 ethnic Hungarians in the predominantly Hungarian town of Komárno to discuss territorial autonomy in reaction to government plans to reorganise the administrative districts. This resulted in the so-called "Komárno Proposal" which generated a lot of negative reactions amongst Slovak politicians and was presented by the Slovak media as a ploy to reorganise the administrative division of Southern Slovakia so that Slovaks would become a minority. This was compounded by the fact that the proposed map of the "Hungarian region" resembled that of the territories annexed by Hungary in 1938.

<sup>22</sup> Originally approved by the government on 22 March 1996 and again on 3 July 1996, the administrative reform recreated eight regions in Slovakia, reducing the number of districts from 83 to 79. Two of the main centres of Hungarian settlement, Komárno and Dunajská Streda were split between three different regions; other districts with large Hungarian populations were also divided.

<sup>23</sup> There is a secondary art school in Košice for Roma where Romanes is used and a Romany Culture Department at Constantine University in Nitra and a separate department in Spišska Nová Ves (see: *Report submitted by Slovakia*, pp. 31-32; see also: European Roma Rights Center 1997: 26-28; *Fact Sheet on Roma in Slovakia*, European Roma Rights Center, September 1999, both at: <http://errc.org/publications>).

(Bútorá, Bútorová et al. 1998: 63 -75);<sup>24</sup> the Roma also do not trust the ability of the government to meet their specific needs.

Rusyn language and identity have been undergoing a general revival in Slovakia since 1989 due to the efforts of organisations such as the Rusyn Renaissance Society (Rusyn'ska Obroda). Their demands include the restoration of Rusyn-language teaching, Rusyn-language programmes on state radio and television, etc. (Trier 1999: 40-41). The Rusyn language was codified in 1995 in Slovakia and Rusyn-language instruction is provided in two schools and there are courses on Rusyn culture and language at Prešov University.

#### **4. The Party System and Political Life in Slovakia<sup>25</sup>**

The Slovak party system shares certain features with other post-communist European countries: there is a good deal of fluctuation in both political parties and popular affiliation with particular parties; many of the umbrella movements and groups that united people with a wide variety of political perspectives have fragmented; most parties have small memberships; and many citizens in Slovakia have rather low opinions of political parties and are not convinced they are essential to democracy (Wolchik 1997: 227-232). However, unlike in the Czech Republic, the fragmentation of non-traditional movements has not been followed by the domination of political life by parties which can easily be placed on the left-right spectrum, as in more established democracies. Furthermore, ethnic cleavages play a much more significant role in the organisation of the party system than does the structure of the state (Wolchik 1997: 229). Finally, political life in Slovakia is dominated by a high level of conflict between leaders and, as in other post-communist states, personalities and personal rivalries play a key role; Meciar's dominant role in Slovak politics ever since 1990 is a clear illustration of this.

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<sup>24</sup> For more on the Roma in the region, see the report by the OSCE High Commissioner on National Minorities released in April 2000, *Report on the Situation of Roma and Sinti in the OSCE Area* at: [http://www.osce.org/inst/hcnm/docs/report\\_roma\\_sinti\\_2000.pdf](http://www.osce.org/inst/hcnm/docs/report_roma_sinti_2000.pdf).

<sup>25</sup> The acronyms are based on the Slovak names of the political parties; see table 3.4 for the main party names in Slovak.



Slovak politics have been dominated by the nationalist-populist discourse of two parties: the Movement for a Democratic Slovakia (HZDS) of Vladimír Mečiar, and the radical right-wing Slovak National Party (SNS) (Žitný 1998).<sup>26</sup> Although he had been critical in 1990 of nationalist demands, since establishing HZDS, Mečiar has adopted a clear nationalist position and sought the support of the Slovak National Party (SNS) (which has been a coalition partner since 1992 as HZDS has always failed to win a comfortable majority of the votes). The commitment of the nationalist-populist leaders of the HZDS and SNS to democratic principles is not clear, at best. They have used all possible means within the limits of legality to defeat their political opponents and to curtail any form of opposition. They have sought to muster support for their policies and to further their own political ambitions by instigating anti-Hungarian sentiments, making racist statements against Roma or suggestions of population exchanges between Slovakia and Hungary.<sup>27</sup> Their supporters are mostly less-educated voters living in rural areas especially pensioners whose modest incomes are threatened by market reforms. Anti-Hungarian campaigning is a part of a larger strategy of pointing at “anti-Slovak” elements. It was especially conspicuous during the 1994 election campaign and during the adoption of the 1995 State Language Law; but it had already been used by Mečiar to discredit those Slovak parties which supported preserving the Czechoslovak Federation and the fast pace of economic reform advocated by Prague (Wolf 1998: 46-51). As these strategies have yielded results, other Slovak parties have been increasingly reluctant to openly co-operate with ethnic Hungarian parties.

Other important Slovak parties include the Christian Democratic Movement (KDH), a centre-right party led by former dissident Ján Carnogurský, and the post-communist Party of the Democratic Left (SDL) which has been accused of selling its votes to the highest bidder.

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<sup>26</sup> The Slovak National Party is a radically nationalist, pan-Slavic and europhobic party, established in 1990, which openly professes nostalgia for the period of Slovak independence under the Slovak fascist leader, Catholic priest Jozef Tiso. Although it has never enjoyed mass support (apart from a score of almost 14% in 1990, its share has ranged from 6-9 %), it was a steady member of the governing coalition until 1998 and continues to be a vocal and strong presence on the Slovak political scene.

<sup>27</sup> “Slovakia’s Leader Again Plays Nationalist Card,” *International Herald Tribune*, 13 October 1997.

*a. Representation of the Hungarian Minority*

Parties representing the Hungarian minority formed immediately after the “Velvet Revolution” of 1989, drawing both from the official pre-1989 networks of the Hungarian minority as well as from the dissident movements. The Hungarian minority is represented by three main political parties: Együttélés (Coexistence), the Hungarian Christian Democratic Movement (MKDH), and the Hungarian Civic Party (MOS).<sup>28</sup> Ethnic Hungarians in Slovakia tend to vote for ethnic Hungarian parties which are more or less aligned with their ideological counterparts across the border in Hungary and are supported by them.<sup>29</sup> Originally created to represent not only ethnic Hungarians but also other minorities, Coexistence (Chairman: Miklós Duray) is the largest (Wolchik 1997: 232).<sup>30</sup> The other two are centre-right parties, with MKDH (Chairman: Béla Bugár) coming to realise the political benefits to be gained from presenting a more moderate position, although its precise stance on autonomy has varied over time (Fisher 1995c: 60; Fisher 1995a). The liberal party MOS (Chairman: Laszlo Nagy) is the oldest and most moderate, and has sought to cooperate with Slovak parties. The three parties have different ideas on the adequate protection of Hungarians, and especially on the question of autonomy. There has been infighting between the ethnic Hungarian parties, especially between Coexistence and MOS, and their political influence has waxed and waned depending on who has been in power in Hungary.<sup>31</sup>

By the time of the 1992 elections, the level of nationalist sentiment was such that few Slovak parties wanted to co-operate with Hungarian parties. This situation lasted until 1998. Parliamentary representation in the National Council (*Národná Rada*) has

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<sup>28</sup> There is also a fourth party, the Hungarian People’s Party, but it has failed to gain significant following.

<sup>29</sup> Coexistence’s equivalent in Hungary is the Hungarian Democratic Forum (MDF); MKDH’s counterpart is the Hungarian Christian Democratic Party (MKDP); while the equivalent of MOS is the Free Democrats (SZDSZ).

<sup>30</sup> According to a survey conducted in May 1994, Coexistence was the most popular among ethnic Hungarian respondents, with 31%, followed by MKDH (28%), SDL (9%) (there is no leftist ethnic Hungarian party equivalent to SDL) and MOS (8%). However, opinion polls since 1995 suggest that MKDH might now be the biggest of the three parties.

<sup>31</sup> Support from Hungary has been stronger during the period of Hungarian Prime Minister Antall (1990-1993) from the Hungarian Democratic Forum (MDF) who placed a high priority on the protection of Hungarian minorities abroad; their influence has been weaker under the Horn government (1994-1998), as there is no ethnic Hungarian party equivalent in Slovakia to Horn’s Hungarian Socialist Party (MSP) in Slovakia and also because good relations with Slovakia have higher priority than Hungarians abroad.

ranged from 14 to 17 seats (out of 150), despite the absence of special measures for minority representation. Coexistence and MKDH have been represented since 1990 by joining forces in pre-election coalitions. MOS (then called the "Hungarian Civic Initiative"—MOI) ran on the VPN ticket in the 1990 elections, and thus participated in Government from 1990 to 1992 and was also represented in Parliament. It had to run alone in 1992<sup>32</sup> and failed to reach the new 5% minimum threshold.<sup>33</sup> Since 1994, it has been represented again as part of the Hungarian Coalition.

*b. Other Minority Parties*

Political representation of the Roma is fragmented. The Romany Civic Initiative (ROI), established in 1990, is the oldest, and its membership is estimated at about 30,000.<sup>34</sup> It has never been represented in Parliament because it has failed to reach the 5% minimum threshold for a party to accede to the Parliament. In addition to ROI, there are 13 other officially registered Roma parties (Šedivý and Maroši 1995: 14-15).<sup>35</sup> There is also one party representing Rusyns/Ukrainians.

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<sup>32</sup> MOS failed to reach an agreement with the successor to VPN, the Civic Democratic Union (ODU).

<sup>33</sup> In 1992, a new election law increased the minimum threshold for entering Parliament from 3 to 5%. The minimum for a coalition of two parties is 8%.

<sup>34</sup> "Slovak Romany party planning political allegiance with Left parties," RomNews Network at: <http://www.romnews.com/a/109-00.html>.

<sup>35</sup> For a list, as of May 1999, see: *Report submitted by the Slovak Republic*, p.18. Another active Roma party is the Roma Intelligentsia for Coexistence (RIS). In 1995, efforts at political co-ordination and communication led to the creation of an umbrella organisation representing the Roma: the Union of Roma Political Parties in the Slovak Republic (URPS SR). Renewed efforts to join forces came in September 1999, when 14 out of 15 registered Romany associations and political parties agreed to set up a Council of the Coalition of Romany Parties in order to form a single political representation for the 2002 elections (see Slovakia.org – The Guide to the Slovak Republic, at: <http://lisiak.net/slovakia/fa-sep1.htm>).

### **III. NATION-BUILDING AND LANGUAGE POLICY IN SLOVAKIA (1990-1998)**

#### **1. The Rise of Slovak Nationalism and the Act on the Official Language of the Slovak Republic (1990-1992)**

In the period immediately following the upheavals of 1989, strong nationalist sentiments which had been subdued under the communist regime came to the fore in Slovakia. The first democratic elections in June 1990 (Table 3.1) placed in power in the Czech and Slovak Republics the dissident movements which had contributed to the fall of the communist regime. In Slovakia, Public Against Violence (VPN) (the Slovak equivalent of Civic Forum—OF—led by Václav Havel) was composed of individuals with very different ideas about how to deal with the immediate tasks in the transition to democracy. Because the 1989 “Velvet Revolution” began in Prague and because of the high degree of cooperation between Czech and Slovak leaders in the period of change, many of the Slovak intellectuals at the forefront were susceptible to criticism of not representing Slovak interests sufficiently. Meciar was a member of VPN at the time and thus enjoyed his first term as Prime Minister, from June 1990 until his resignation in April 1991. Having regained his position as Prime Minister after the 1992 elections, this time under his own party—Movement for a Democratic Slovakia (HZDS), Meciar moved fast to assert Slovakia’s national identity against Prague. By the end of the year, Slovakia had declared sovereignty (July 1992) and adopted a new Constitution (September 1992). Following the failure of negotiations on the Czech and Slovak Federation between Czech Premier Václav Klaus and Meciar, the Federal Assembly adopted a law in November 1992 to dissolve the Czech and Slovak Federal Republic. Thus, on 1 January 1993, Slovakia became an independent country—for the second time in its history—and the Meciar government was faced with the task of strengthening the identity of a state whose population, for the most part, had not been in favour of outright independence (Fisher 1996a).

The break-up of the Czech and Slovak Federal Republic may partially be attributed to the rise in nationalist sentiment in Slovakia, as evidenced by the support for the HZDS and the SNS in the 1992 elections;<sup>36</sup> but the majority of Slovaks had favoured some

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<sup>36</sup> See Table 3.2 for the results of the 1992 elections to the Slovak National Council.

sort of confederation, an option which was not given.<sup>37</sup> Furthermore, the break-up was essentially a process which took place at the elite level, without consulting the Czech and Slovak populations through referendum.<sup>38</sup> Another factor was Slovakia's nervousness about the fast pace of economic reform advocated by Prague. Thus, Meciar's success in the 1992 elections may partly be attributed to his promise to find a road to the market that would take Slovakia's specific features into account (Wolchik 1997: 214).

The first sign of tensions over minority issues, and language in particular, appeared in 1990 during the debate over a bill on the official language in Slovakia. At the end of the summer, the Slovak National Party had launched a campaign for a language law aimed at depriving the Hungarian minority of the right to use its mother tongue in official matters, as a sort of "historical justice". This proposal was supported by the Slovak nationalist cultural organisation, Matica Slovenská. The ethnic Hungarians were circulating another proposal which would have allowed for minorities to use their language where they constituted at least 10% of the population of a municipality.

The version which was finally adopted on 25 October 1990 (Slovak National Council *Act No. 428/1990 on the Official Language of the Slovak Republic*)<sup>39</sup> was supposedly a compromise. It established the Slovak language as the official language "as a means of mutual understanding and communication" and in order to "support the development of the democracy and the culture of the Slovak nation and of the national minorities in the Slovak Republic in the spirit of understanding, of strengthening of national tolerance [...]."<sup>40</sup> It did not grant official status to any other language, but it allowed for the use of Czech in official contact and for minorities to use their language in municipalities where they constituted at least 20%. But even there,

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<sup>37</sup> Opinion polls held in mid-1992 indicated that: (1) Czechs and Slovaks wanted a referendum to be held; and (2) the majority were against the break-up of Czechoslovakia (Wolf 1998: 90-91).

<sup>38</sup> A large share of responsibility was borne by Meciar and Klaus whose personal rivalry and ambitions led to the escalation of a process which came to be seen as inevitable and irreversible. For an insider's view on the split and the political manoeuvrings, see the account written by Slovak journalist Karol Wolf (Wolf 1998), based on extensive interviews with Meciar aide Anna Nagyová.

<sup>39</sup> The Act on the Official Language of the Slovak Republic (25 October 1990) may be found in an unofficial English translation in: Šedivý and Maroši 1995: 24-25.

<sup>40</sup> Act on the Official Language in the Slovak Republic, 25 October 1990, Section 1 "Introductory Provisions".

employees of state administration and local self-government bodies were not required to know and use the minority language; and all public documents were to be issued in the official language only. Thus, already in 1990, the Slovak language was granted a dominant position. Although this law was a legitimate step in language policy (primarily status planning but also with elements of corpus planing, see section 5 “Care for the Official Language”) and clarified the official language of Slovakia (which until then had been “Czechoslovak”), it could also be used as a means of ethnic containment through restriction of the use of minority languages on Slovak territory at the discretion of state authorities and local officials.

Rather than establish certain standards concerning language use, the Act on the Official Language resulted in confusion and inter-ethnic antagonism (Kontra 1995/1996: 348; see also Kontra 1996), satisfying neither the nationalists (who claimed the law went too far in granting minority language rights) nor the Hungarian minority (who claimed it did not go far enough). In October 1991, the Ministry of the Interior claimed that the bilingual city signs which had been put up by mayors after the collapse of the communist regime were illegal and ordered them to be taken down. However, as the text of the law did not explicitly prohibit such signs, ethnic Hungarians argued that “what is not prohibited is permitted” (Kontra 1995/1996: 347). For years after the 1990 law was adopted, fierce disputes erupted over bilingual place name signs, first and last names in the mother tongue, bilingual certificates, etc.

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Under the two nationalist-populist coalition governments led by Vladimír Mečiar and the HZDS (1992-1994, and 1994-1998, with a short interruption from March to October 1994), Slovakia was to experience a phase of intense nation-building and promotion of the Slovak national identity, accompanied by restrictive policies against minorities and any form of opposition. The State thus extended its control to all spheres, including education and culture. The system of granting subsidies to minority organisations for cultural activities and publications was modified, and grants to Hungarian organisations especially were greatly reduced (Fisher 1996b). In the following section, we shall examine the main initiatives in language legislation and policy under the two Mečiar governments and see how these fit into the general process of Slovak nation-building.

## 2. Building the Slovak Nation-State and the Slovak Constitution (1992-1994)

The *Slovak Constitution*, adopted on 3 September 1992, was a key step in Slovak nation-building, with implications also in the field of language. It established the pre-eminence of the Slovak nation, stating that the Slovak Republic is the state of the Slovak nation (and not of the Slovak citizens). Indeed, in its preamble, the Constitution states “We, the Slovak People [...] Together with members of national minorities and ethnic groups living in the Slovak Republic.”<sup>41</sup>

The Constitution confirms Slovak as the official language (art. 6), as already established in the 1990 law on the official language, and guarantees minorities the “the right to learn the official language” (art. 34.2). In terms of minority language rights, the Constitution guarantees minority citizens the right to receive and disseminate information in their mother tongue (art. 34.1), the right to education in the minority language (34.2.a) and the right to use the minority language in official communications (art. 34.2.b).

The adoption of the Constitution marked the final stage in the move towards independence, initiated with the Declaration of Sovereignty on 17 July 1992. Although it made great progress in providing basic human rights as well as minority rights, it was nevertheless criticised, both by the Hungarian minority (whose objections rest mainly with the formulation “We, the Slovak People...”) as well by scholars who deem that the rights guaranteed by the Constitution can easily be taken away, through a simple parliamentary majority, rather than a constitutional amendment which requires 60% approval. Also, the clauses in Part two, Chapter four, dealing with minority rights are immediately followed by a clause stating that “the exercise of rights by citizens of a national minority guaranteed by this Constitution may not threaten the sovereignty and territorial integrity of the Slovak Republic or

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<sup>41</sup> In Slovak, the Constitution reads: “*My, národ slovenský [...]*”. There is currently a debate whether the word *národ* (which can be translated both as “people” and as “nation”) refers to members of the Slovak nation only or whether it could not be interpreted as referring to all citizens of Slovakia. The Hungarian minority interprets this as “We, the Slovak Nation” (and I would tend to agree). If the drafters had wanted to make an unambiguous reference to all citizens, then a different phrasing could have been used, for example: “*My, občania Slovenskej republiky*”. The Slovak Constitution and the official English translation may be found on the website of the Slovak Government (at: [http://www.government.gov.sk/LISTA/sk\\_frame\\_vlada.shtml](http://www.government.gov.sk/LISTA/sk_frame_vlada.shtml)).

discriminate against other citizens” (art. 34.3). This clearly means that there shall be no question of territorial autonomy; it also addresses the “fear” that granting minority rights might lead to the assimilation of ethnic Slovaks living in mixed regions.

As an illustration of the high degree of sensitivity concerning the Slovak language, even on the part of linguists who should be able to provide independent expertise: on 7 July 1993, in order to fulfil requirements for Council of Europe membership granted on 29 June (see Section IV), the 1950 Czechoslovak law on minority names was amended. This led to protests by Slovak nationalists and by the Institute of Linguistics of the Slovak Academy of Sciences which argued that the law did not conform to the rules of the Slovak language and that Slovak grammar was not within the competence of the Council of Europe! (Reisch 1993). Bowing in to pressure by Meciar, President Kováč vetoed the law.<sup>42</sup> 1993 was further marked by disputes over place name signs in Hungarian, leading to the first mass demonstrations of ethnic Hungarians in Komárno in August.

### **3. Language Policy under the Interim Moravčík Government (March-October 1994)**

Some damage control and progress in the field of minority protection (and also economic reform) was achieved when Meciar’s rule was briefly interrupted in March 1994, following defections from the HZDS and a vote of no-confidence. A broad left-right coalition, under the leadership of then Foreign Minister Jozef Moravčík, governed until the Fall 1994 elections, relying on the tacit support of the ethnic Hungarian deputies.

Under Moravčík, two important laws fulfilling the Council of Europe requirements were passed: one on names in birth registers and marriage certificates, and the other on the use of bilingual signs (see Section IV). These acts still failed to satisfy the Hungarian minority as common names such as Attila which are not on the approved list of names may not be used; and only the religious marriage ceremony may be conducted in the minority language, not the civil part.

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<sup>42</sup> This issue was resolved at the end of 1993 with the adoption of Names and Surnames Act No. 300/1993.



#### **4. Consolidating the Slovak Nation-State and the Law on the State Language (1994-1998)**

The 1994 HZDS and SNS election campaigns were characterised by “anti-Slovak” finger-pointing against the other parties and especially the Hungarian parties (Fisher 1996a).<sup>43</sup> The nationalistic and anti-Hungarian campaign yielded results, as the HZDS obtained good results but not the majority of votes in the elections held on 30 September-1 October (Table 3.3). Unable to convince the SDL to enter the coalition, the new coalition government formed by Meciar on 13 December consisted of HZDS, SNS and the newly formed Association of Slovak Workers (ZRS), with HZDS taking 12 out of the new cabinet’s 18 portfolios. No one was willing to offer the ethnic Hungarian parties a position in government, even though they had obtained 10% of the votes. The new nationalist coalition government continued the nation-building process and launched an aggressive anti-minority campaign. The government programme openly said that the Slovak State would be built on the national principle (Fisher 1995c). One year later, the Law on the State Language was adopted.

The original proposal for such a law was made by the Slovak National Party (SNS) in April 1995, in accordance with the policy statement of 12 January 1995 where the government had announced its intention to “create the conditions for the thorough learning of the state language in the linguistically mixed areas of the Slovak Republic.”<sup>44</sup> However, the law had much more ambitious aims and this proposal was accompanied by a range of measures aimed against minorities and the opposition.<sup>45</sup>

On 15 November 1995, the Slovak National Council adopted *Law No. 270/1995 on*

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<sup>43</sup> This was not the first time that such a strategy was used for political ends. Indeed, the foundation of HZDS in 1991 was justified by Meciar in opposition to the supposed anti-Slovak tendencies of VPN which supported preserving the federation and the pace of economic reform advocated by Prague (Wolf 1998: 46-51). In 1992, KDH was again labelled anti-Slovak for not supporting the declaration of sovereignty and the new constitution.

<sup>44</sup> Letter of the OSCE High Commissioner on National Minorities, sent to Slovak Foreign Minister Juraj Schenk on 24 August 1995 (at: <http://www.osce.org/inst/hcnm/index.html>).

<sup>45</sup> For example, in April 1995 the SNS proposed an amendment to the criminal code stipulating punishments for anyone engaging in actions seeking to subvert Slovakia’s territorial integrity or to reduce its autonomy and expanded the definition of criminal activity to include spreading false news endangering the security of the Republic (Fisher 1995a). This amendment was rejected by Parliament in February 1997.

*the State Language of the Slovak Republic*.<sup>46</sup> Before voting for the law began, an HZDS representative stated that “anyone who votes against the bill is against the fulfilment of the Slovaks’ desires and deserves public contempt;” there was even a proposal that each deputy state his opinion and cast his vote in front of Slovak television (Fisher 1996a). Almost all opposition deputies thus voted in favour of the law for fear of being labelled “anti-Slovak”. Ethnic Hungarians were alone in voting against it, and only the KDH abstained (but more because of church-related concerns). It was signed by President Michal Kováč, and entered into force on 1 January 1996, thereby cancelling the 1990 Act on the Official Language. As of 1 January 1997, very high fines could be imposed. The Ministry of Culture was entrusted with monitoring compliance and, already in February 1996, “language consultants” began work to supervise observance of the law.

The 1995 State Language Law was seen as finally giving the Slovak language the position it was due, that of a *state language* rather than an official language. It applies the “One State - One Language” model, and in the justification section, reference is made to (allegedly) comparable policies in other European states and also to the United States where an “English Only” or “Official English” movement has aimed at making English the official language and which opposes bilingual education in elementary and secondary education (Kontra 1995/1996; Taras 1998).<sup>47</sup> The 1995 Language Law also seeks to protect the Slovak language against foreign influences, namely “Americanisms”.

The 1995 Language Law was more than a piece of legislation concerning the use of language. It was clearly designed as a pillar of Slovak nation-building, stating that “the Slovak language is the most important distinctive feature of the uniqueness of the Slovak nation, the most valuable piece of the cultural heritage and expression of

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<sup>46</sup> The text of the law may be found on the web site of the Slovak Ministry of Culture (<http://www.culture.gov.sk/UVOD/kultura.html>), while an unofficial English translation, along with the “justification”, may be found in Minority Protection Association 1996.

<sup>47</sup> On the “English Only” movement in the US and how the Slovak language law compares, Kontra argues that restrictive legislation for language use seems to be an equally central issue for some politicians in “established democracies” such as the USA, as well as in “emerging democracies” such as Slovakia. See also the “Statement on Language Rights” issued by the Linguistic Society of America which holds that that speakers should be allowed to express themselves, publicly or privately, in the language of their choice.

sovereignty of the Slovak Republic and the general means of communication for its citizens, which guarantees them freedom and equality in dignity and rights in the territory of the Slovak Republic” (Kontra 1995/1996: 351-357). Its overall stated aim is to establish the conditions for every citizen to be able to master the Slovak language in which he can make himself understood in the entire territory of the state. At the same time, the Law was a means of reasserting the position of the Slovak language not only against the Czech language, which had enjoyed a dominant position during the period of joint statehood,<sup>48</sup> but primarily against the languages of its own minorities, especially Hungarian. In the historical overview of the Slovak language at the beginning of the justification section, reference is made to the period of “very consistent Magyarisation” under historic Hungary and between 1938 and 1945.

The 1995 State Language Law undoubtedly represented a key step in the process of building a Slovak nation-state, without the participation of Slovak citizens belonging to ethnic minorities. Part II of the justification section stated that: “The Slovak language is the national language of the Slovaks, who comprise the only state-forming element of the Slovak Republic.” A Slovak political scientist wrote that since 1 January 1993, “Hungarians and other minorities have become tenants in the country in which they have lived together with us because the Slovaks turned it into their own nation-state.”<sup>49</sup> According to another analysis, “its barely hidden purpose is to remedy the ‘historical grievances’ that fell upon the Slovak language, to eliminate the linguistic identity of minorities and to use the linguistic superiority of the state-forming nation as a tool of assimilation” (Minority Protection Association 1996: 6).

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By this point, although strong nationalist sentiments persisted, Slovaks were beginning to feel alienated. Disaffection with politics was illustrated by the low turnout for the demonstration organised the day the law was adopted: only about 300 citizens who had been bussed in from all over the country to show their devotion to the Slovak language (Fisher 1996a: 14). In February 1996, the State Language Law

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<sup>48</sup> The state language, according to the 1918 Czechoslovak Constitution, was “Czechoslovak” in two versions: Czech and Slovak. Constitutional Law No. 122 adopted on 29 February 1920, para. 1 asserted that: “The Czechoslovak language is the state and official language of the Republic.” (See the “Justification” attached to the Draft-Law on the State Language submitted to the Slovak Parliament on 24 October 1995 (Minority Protection Association 1996: 12-17).

<sup>49</sup> Miroslav Kusý, translated by Miklós Kontra (Kontra 1995/1996: 348).

was sent by the opposition Christian Democratic Coalition and Hungarian Democratic Coalition to the Slovak Constitutional Court in September 1997; it ruled that it contravened the Slovak Constitution (see Section IV).<sup>50</sup> Practical repercussions domestically were marginal as means of circumventing the Law in many areas were found. At the international level, too, the adoption of the Law led to widespread concern and criticism. But no steps were taken by the Meciar Government to amend it nor to adopt a law regulating the use of minority languages, disregarding the Constitutional Court ruling as well as domestic and international commitments. By the end of 1997, despite repeated calls by the international community,<sup>51</sup> it was clear that Slovakia had no intention of doing so.<sup>52</sup>

During this period, the Slovak government also launched several initiatives aimed at making Slovak culture more “Slovak” (to be understood as “pro-government”) (Fisher 1996b). The final symbolic act of the Meciar government was the adoption of a law on state symbols in 1996, restricting the playing of foreign anthems and display of foreign flags. Again, the Hungarian minority felt particularly targeted by this legislation.

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<sup>50</sup> “Slovak Constitutional Court Rules on Language Law Complaints,” *RFE/RL Newswire*, 10 September 1997.

<sup>51</sup> Calls to adopt a law on minority languages were renewed in 1997, inter alia, by Hungary in February, by CoE Secretary General Daniel Tarschys and U.S. Secretary of State Madeleine Albright in April, by the OSCE High Commissioner in October (see: *RFE/RL Newswire*, 4 February 1997; *ibid* 15 April 1997; *ibid* 25 April 1997; *ibid* 17 October 1997).

<sup>52</sup> This should also be viewed in light of the fact that, in July 1997, Slovakia was excluded from the first round of EU candidates (Czech Republic, Estonia, Hungary, Poland, Slovenia and Cyprus) (see Section V).

#### IV. THE NEW SLOVAK GOVERNMENT AND THE ADOPTION OF THE 1999 LAW ON THE USE OF MINORITY LANGUAGES (OCTOBER 1998 TO PRESENT)

##### 1. The 1998 Parliamentary Elections

In September 1998, parliamentary elections were held in Slovakia (cf. Table 3.4). Although HZDS obtained the most votes (27%), it was defeated by four opposition parties which together won a constitutional majority of 93 of the 150 seats in the National Council.<sup>53</sup> A month later,<sup>54</sup> on 30 October, a coalition government was finally formed by these four parties, with Slovak Democratic Coalition (SDK) Chairman Mikuláš Dzurinda as Prime Minister.<sup>55</sup> The Hungarian Coalition Party (SMK) was given three portfolios in the government, including the new position of Deputy Premier for Human Rights and Minority Issues.<sup>56</sup> By establishing this position, held by Pál Csáky, and deciding to include the Hungarian parties in government, the three Slovak parties sent strong signals, mainly to the international community but also to nationalist forces at home, that the new government was determined to break with the previous nationalist-populist one. Indeed, Dzurinda stated that the election results showed that “Slovakia wants a change, a different orientation, and an end to constant confrontation.”<sup>57</sup> The SMK had made the necessary political concessions by issuing a declaration before the elections that it “will not push for ethnic autonomy either its political program or in practice.”<sup>58</sup> Thus, expectations were high concerning Slovakia’s policies towards its minorities and the future of democracy in the country. The international community also sent messages

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<sup>53</sup> The parties in the government coalition are: the Slovak Democratic Coalition (SDK), the post-communist Party of the Democratic Left (SDL), the Hungarian Coalition Party (SMK), and the populist Party of Civic Understanding (SOP). The SDK itself is a coalition of five parties: three right-wing parties—the Christian Democratic Movement (KDH), the Democratic Party (DS), and the Democratic Union (DU)—as well as two left-of-centre parties—the Social Democratic Party (SD), and the Green Party (SZS). SMK, as in the 1994 elections, was formed by the three ethnic Hungarian parties (*RFE/RL Newslines*, 28 September 1998).

<sup>54</sup> Delays were caused by SDL which was originally opposed to the participation of ethnic Hungarians in government.

<sup>55</sup> The SDK is a coalition of five parties formed in 1997 with the aim of presenting a united front against HZDS.

<sup>56</sup> Composition of the new cabinet: SDK: 9 portfolios, SOP: 2 portfolios, SDL: 6 portfolios, SMK: 3 portfolios (“Slovak Parties Sign Coalition Agreement,” *RFE/RL Newslines*, 29 October 1998).

<sup>57</sup> Jolyon Naegele, “Slovakia: Democratic Opposition Has Chance to Change Policies,” *RFE/RL Features*, 28 September 1998.

<sup>58</sup> *RFE/RL Newslines*, 4 December 1997.

to Slovakia that it was not too late for EU membership, provided it was willing to address a few unresolved issues inherited from the Meciar government.

## **2. Drafting and Adoption of the 1999 Law on the Use of Minority Languages**

In its “Programme Declarations” of 19 November 1998, the government announced that it would prepare an “Act on the Use of Languages of National Minorities and Ethnic Groups.”<sup>59</sup> A draft was already expected in February 1999, but agreement was delayed by arguments over the contents of the law, namely on *scope* and *percentage*.<sup>60</sup> The Hungarian Coalition Party was very strongly in favour of a wide-ranging law, regulating not only the use of minority languages in official contacts, but also in education, culture, and media, in order to match the fields covered by the 1995 Law on the State Language. Furthermore, it proposed that the minority language be allowed in official contacts in municipalities where the minority constituted at least 10% of the population; the SMK argued that a 20% minimum threshold, as proposed in the government draft, was too high for the other minorities and would leave out 158 municipalities representing 100,000 minority members in total. There were also concerns that the main motivation of the government was to draft a law as soon as possible, before the summer recess in time for a key meeting of the EU,<sup>61</sup> in order to satisfy EU criteria, with little regard for how the law was to function in practice.<sup>62</sup> Still, the Slovak government parties were optimistic that a law could be passed in time without compromising on quality and stated that the most important consideration was

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<sup>59</sup> See Section IV.3.F “Culture” of the Programme Declarations of the Government (in Slovak and in English) of 19 November 1998 on the website of the Slovak Government at: [http://www.government.gov.sk/LISTA/sk\\_frame\\_vlada.shtml](http://www.government.gov.sk/LISTA/sk_frame_vlada.shtml).

<sup>60</sup> Ivan Remiaš, “Language law held up by squabble,” *The Slovak Spectator*, 7-13 June 1999.

<sup>61</sup> The European Commission was due to meet in early July to review Slovakia’s petition requesting inclusion in the talks.

<sup>62</sup> “Road to EU paved with good intentions, untried laws,” *The Slovak Spectator*, 1-7 February 1999. According to another article, the Hungarian and Slovak parties had different reasons for wanting such a law passed: while the Hungarian Coalition wanted a clear, consistent and wide-ranging bill, the Slovak parties didn’t care about the niceties of the law and were mainly preoccupied with winning the approval of the EU (“If Hungarians won’t board EU train, leave them at the station,” *The Slovak Spectator*, 28 June – 4 July 1999, editorial).

to approve a “well-shaped law that people would benefit from.”<sup>63</sup> Clearly, the government wished to communicate that it was trying to adopt a draft which would satisfy all four coalition parties.

On 8 June, the Slovak cabinet finally approved a draft law. The main principle behind it was that the Slovak language should play an integrating role in society.<sup>64</sup> This version was deemed unacceptable by the Hungarian Coalition Party. Two weeks later, on 23 June, the government approved a revised version, taking into account the recommendations of the OSCE High Commissioner on National Minorities who had travelled to Slovakia upon two occasions.<sup>65</sup> Despite the inclusion of these recommendations, the revised draft still failed to win the endorsement of the Hungarian Coalition Party which decided to submit its own version to the Slovak Parliament.<sup>66</sup> Thus, strangely, two versions—both emanating from the government—were presented to Parliament on 28 June. The Hungarian proposal was defeated on 6 July, while the proposal submitted by the other three government coalition parties remained, along with 20 amendments proposed by the Hungarian Coalition Party. The unchanged draft bill was finally rushed through and, on 10 July 1999, law 184/1999 “On the Use of Minority Languages” was adopted by a narrow majority. The opposition (HZDS and SNS) boycotted the vote, while the SMK alone voted against it.<sup>67</sup>

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<sup>63</sup> Slovak Deputy Prime Minister Pavol Hamžík, quoted in Ivan Remiaš, “Language law held up by squabble,” *The Slovak Spectator*, 7-13 June 1999. One of the government coalition parties, the SDL, was especially critical of the SMK, implying that it was using the time pressure and international support to push through “irrational proposals”. In the eyes of the highly controversial SDL figure Robert Fico, the language law issue was a question of dealing with minority languages “in a way that allows us to keep our face and a certain measure of independence from not-always objective international organisations.” (Ivan Remiaš, “Language law held up by squabble,” *The Slovak Spectator*, 7-13 June 1999).

<sup>64</sup> “Minority Language Law passed after emotional seven-day debate,” *The Slovak Spectator*, 19-25 July 1999.

<sup>65</sup> “The New Minority Language Law in Slovakia,” *Central Europe Review* 1:2, 5 July 1999.

<sup>66</sup> Even without the votes of the SMK, the other three parties in the government coalition have 78 out of 150 seats in the Slovak Parliament which is sufficient to pass a law.

<sup>67</sup> Of the 89 deputies present, 70 voted in favour, 18 were against, and 1 abstained (“Minority Language Law passed after emotional seven-day debate,” *The Slovak Spectator*, 19-25 July 1999).

### 3. Domestic Reactions

Before the law was even adopted, the opposition organised demonstrations and a referendum drive on the use of the state language in official communication.<sup>68</sup> But President Schuster decided that no such referendum would be held, having been informed by experts, including the OSCE High Commissioner, that such a referendum would infringe on constitutional provisions prohibiting plebiscites on human rights issues.<sup>69</sup>

According to some analysts in Slovakia, while the government stood to gain minority votes by satisfying (ethnic) Hungarian demands, it stood to lose a great deal more among the (ethnic) Slovak electorate. However, given the stability of its electorate, the Hungarian Coalition Party only stood to gain by pressing its demands and by demonstrating that it wanted to create a firm, uncompromising basis on which it would conduct politics.<sup>70</sup> But, according to SMK Chairman Béla Bugár, this long-awaited language law represented a great disappointment and the SMK even considered leaving the government coalition because of it. But the SMK's official statement was quite moderate, stating that it was not entirely satisfied with the law because it did not alleviate the negative impact of the existing State Language Law.<sup>71</sup>

The other three coalition parties clearly considered this law a success and were optimistic that the final major hurdle to becoming a possible EU front-runner had been removed. Deputy Prime Minister for European Integration Pavol Hamžík nevertheless stated that he would have been happier had the law been approved by the Hungarian Coalition Party.<sup>72</sup>

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<sup>68</sup> The question read: "Do you agree that the Slovak language should be used exclusively in official contacts as it was before June 1, 1999?" In the end 447,000 signatures were collected by HZDS, SNS and Matica Slovenská for the referendum which also included a second question on the privatisation of strategic companies (381,529 were deemed valid; 350,000 signatures are needed to initiate a referendum) (*RFE/RL Newline*, 7 July 1999; "HZDS wants referendum on language bill, critics allege populist ploy," *The Slovak Spectator*, 28 June-4 July 1999; "Opposition Parties Forewarn Public Outrage will Follow President's Decision," *The Slovak Spectator*, 30 August-5 September 1999).

<sup>69</sup> *RFE/RL Newline*, 25 August 1999.

<sup>70</sup> Luboš Kubín, political scientist at the Slovak Academy of Sciences (quoted in "Hungarian Language Bill Defeated," *The Slovak Spectator*, 12-18 July 1999).

<sup>71</sup> "Minority Language Law passed after emotional seven-day debate," *The Slovak Spectator*, 19-25 July 1999. This is quite a complex problem, as it was already not clear how the 1995 Law on the State Language affected other laws concerning minority language use in education, media, etc.

<sup>72</sup> "Minority Language Law passed after emotional seven-day debate," *The Slovak Spectator*, 19-25 July 1999.



## **V. THE 1999 LAW ON USE OF MINORITY LANGUAGES FROM THE PERSPECTIVE OF SLOVAKIA'S INTERNATIONAL RELATIONS**

The Language Law passed in July 1999 by the Slovak Parliament was regarded as the last political criterion which Slovakia had to meet in order to be considered for EU membership. To the same extent, it was a delayed fulfilment of one of the undertakings of Slovakia under its Council of Europe membership.

This section will focus on the expectations of international organisations in the field of language use of national minorities, as a particular form of their overall protection. It will also look at the requirements deriving from the Slovak Constitution and the 1998 government programme. The enlisting of expectations in this field will help to better understand the reactions of international actors as well as the domestic dynamics in the field of minority policies. Further on, we will try to answer whether Slovakia fulfilled these expectations by adopting the 1999 Language Law and why the reactions to this Law were so different and contradictory. In order to analyse the situation created by this legal act, two additional acts of national legislation will also be commented upon: the 1990 Act on the Official Language of the Slovak Republic,<sup>73</sup> and the 1995 Law on the State Language of the Slovak Republic.

### **1. Expectations and Requirements Concerning a Law on Minority Languages**

#### *a. The European Union*

As already mentioned, the adoption of a language law was regarded as one important political criteria Slovakia had to meet in order to be considered for EU membership

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<sup>73</sup> Slovak National Council Act No. 428/1990 on the Official Language of the Slovak Republic.

and for accession negotiations to be started.<sup>74</sup> As Foreign Minister Eduard Kukan stated in an interview: “Slovakia cannot rely on EU understanding if it fails to meet this requirement.”<sup>75</sup>

The first Report on Slovakia prepared by the European Commission in 1997 expressed serious concerns about the level of democracy and rule of law in the country in the context of the political criteria of enlargement agreed upon by the Union. The protection of national minorities in general, and the language rights of minorities in particular, were deemed especially important. Among others, the absence of minority legislation was a major source of concern for the European Commission.

In the 1998 Regular Report on Slovakia, the Commission concluded, *inter alia*, that “[t]here have been problems in the treatment of minorities and a lack of progress concerning the adoption of legislation on minority languages.”<sup>76</sup> Therefore, the adoption of legislative provisions on minority language use and related implementing measures were enshrined in the short-term political priorities of the 1998 Accession Partnership on Slovakia, while the medium-term priorities included “the policies and

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<sup>74</sup> The Copenhagen meeting of the European Council in June 1993 made a decisive step towards enlargement. The Member States declared it formally as an explicit goal of the Union. The heads of states and governments agreed upon “the associated countries in Central and Eastern Europe that so desire shall become members of the Union. Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions. According to these Copenhagen criteria, membership requires that the candidate country: (1) has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities; (2) the existence of a functioning market economy, as well as the capacity to cope with competitive pressure and market forces within the Union; (3) the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.” In this context associated countries were defined as those countries with which the EU had already concluded or planned to conclude “Europe Agreements”. The adopted membership criteria became the basis of negotiations and pre-accession strategy with the applicant countries, the last condition implying full acceptance of the *acquis communautaire*, including participation in all three pillars established by the Treaty on European Union (for more on enlargement see the EU website at: <http://europa.eu.int/comm/enlargement/intro/criteria.htm>; see also “Agenda 2000 - The Challenge of Enlargement” at: <http://europa.eu.int/scadplus/leg/en/lvb/l60020.htm>).

<sup>75</sup> “Language law held up by squabble,” *The Slovak Spectator*, 7-13 June 1999.

<sup>76</sup> At the same time, the Regular Report referred to the lack of stability in the institutions guaranteeing democracy, the rule of law and protection of human rights, as reflected by the inability to elect a President, the controversial use of the transferred presidential powers, the unsatisfactory functioning of the parliamentary committees and the disregard for Constitutional Court rulings during the period July 1997 to end September 1998.

institutions protecting the rights of the minorities.”<sup>77</sup>

The Regular Report of the Commission on the Progress towards Accession on Slovakia of 13 October 1999<sup>78</sup> already took into account the developments that took place in Slovakia following the 1998 elections. The report argued that minority protection was one of the areas where the Slovak authorities had made significant progress over the previous year.<sup>79</sup> According to one Slovak source: “The report marked a decisive moment for Slovakia, because for the first time a report produced by an international organisation was similar to the Slovak government’s view of itself [...]”<sup>80</sup>

*b. The OSCE High Commissioner on National Minorities*

The expectations on the side of the OSCE High Commissioner on National Minorities were also high. The High Commissioner, Max van der Stoep, had already suggested the adoption of a law on the use of minority languages ever since the 1995 Law on the State Language was adopted. He himself initiated several negotiations in this regard with the Meciar government but without much success. Therefore, in his first letter sent to the newly-elected Prime Minister on 4 November 1998, he again stressed the importance of adopting a law on minority language use: “it would be desirable to draft a law on minority languages as a counterpart to the Law on the State Language. I am aware that several existing laws contain provisions regarding minority languages. I therefore suggest that references to these provisions will be included in such a law.”<sup>81</sup> He even made some recommendations regarding this law and initiated negotiations with the coalition parties in order to reach a compromise on the content of the provisions.

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<sup>77</sup> To the same extent were mentioned “free and fair presidential, national and local elections, effective opposition participation in parliamentary oversight committees and supervisory boards.” (<http://europa.eu.int/comm/enlargement/slovakia/rep-10-99/b13.htm>).

<sup>78</sup> At: <http://europa.eu.int/comm/enlargement/slovakia/rep-10-99/b13.htm>.

<sup>79</sup> Regular Report from the Commission on Progress towards Accession, October 13, 1999 / political Criteria / Minority rights and the protection of minorities. See at the above mentioned WebPages.

<sup>80</sup> Martina Pisárová, “EC report crowning achievement of 1999,” *The Slovak Spectator*, 20-26 December 1999.

<sup>81</sup> Letter of the OSCE High Commissioner on National Minorities, sent to Mikuláš Dzurinda, on 4 November 1998 (at: <http://www.osce.org/inst/hcnm/index.html>).

c. *The Council of Europe*

Slovakia also had several “debts” in the field of minority language use to be satisfied in the framework of accession to the Council of Europe as the recommendations adopted by the Parliamentary Assembly upon approval of Slovakia’s membership had not been fulfilled.

Slovakia was invited to become a member of the Council of Europe on 29 June 1993 by the Committee of Ministers in its Resolution (93)33. This resolution was based on Parliamentary Assembly *Opinion No. 175(1993) on the application by the Slovak Republic for membership of the Council of Europe* (Reisch 1993).<sup>82</sup> This document “asks the Slovak authorities to base their policy regarding the protection of national minorities on the principles laid down in Recommendation 1201(1993) on an additional protocol on the rights of national minorities to the European Convention of Human Rights” (Paragraph 8). Paragraph 9 of the Opinion “takes note of the Slovak authorities’ commitment to adopt a legislation granting to every person belonging to a minority the right to use his/her surname and first names in his/her mother tongue and, in the regions in which substantial numbers of a national minority are settled, the right for the persons belonging to this minority to display in their language local names, signs, inscriptions and other similar information, in accordance with the principles contained in Recommendation 1201(1993).” On the other hand “it also takes note, whatever administrative divisions may be introduced in the Slovak Republic, of the declaration made by the Slovak authorities that they will respect the rights of national minorities” (Paragraph 11).<sup>83</sup>

The legislative acts from 1993 on Names and Surnames,<sup>84</sup> as well as from 1994 on Registers<sup>85</sup> and on the Indication of Settlements in the Language of National

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<sup>82</sup> The Council of Europe recommendations were based on the final report by its Rapporteur Tarja Halonen, submitted on 13 January 1993. In this document, she listed the specific requirements that had to be met with regard to minorities. On 12 May, the political committee voted to propose Slovakia’s admission on the basis of the Halonen report and a ten-point list of the conditions that Slovakia had to fulfil. These also included abolishing the Beneš Decrees from 1945 assigning collective guilt to all ethnic Germans and Hungarians on Czechoslovak territory (Fisher 1995c: 59).

<sup>83</sup> Opinion No. 175(1993) of the Parliamentary Assembly, adopted on 29 June 1993 (39<sup>th</sup> Sitting) (at: <http://stars.coe.fr/ta/ta93/EOPI175.htm>).

<sup>84</sup> Names and Surnames Act No. 300/1993, Section 2(1).

<sup>85</sup> Registers Act No. 154/1994. Section 16 and Section 19(3) and (5).

Minorities<sup>86</sup> settled some of the outstanding debts from accession to the Council of Europe in 1993. However, by becoming a member state of the Council of Europe, Slovakia has undertaken commitments in the field of general human rights (it has ratified the *European Convention on Human Rights*) and minority protection (it has ratified the *Framework Convention for the Protection of National Minorities*).<sup>87</sup> A broad range of minority rights are guaranteed in this Framework Convention which entered into force in Slovakia in February 1998, including linguistic rights and freedoms such as, *inter alia*, the freedom to receive and impart information in the minority language (media) (art. 9); the right to freely use the minority language, in private and in public, orally and in writing (art. 10); and the right to use their surname and first names in the minority language, to display in the minority language signs, inscriptions and other information of a private nature visible to the public (art. 11).

Although Slovakia was among the first to sign and ratify the Framework Convention in 1995, in the same year it adopted a contradictory piece of domestic legislation—the 1995 Law on the State Language.

#### *d. Bilateral Treaties*

Article 15 of the *Treaty on Good Neighborliness and Friendly Co-operation* between the Slovak Republic and the Republic of Hungary establishes a whole range of language rights in the field of the overall minority protection envisaged in the document. The basic right to *use one's mother tongue in private and in public* is complemented with a detailed list of linguistic rights: the free use of names; the use of the minority language in administration; the right to disseminate and receive information in the minority language, and to have access to public media; education

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<sup>86</sup> Act of the National Council of the Slovak Republic No. 191/1994 Coll. on the Indication of Settlements in the Language of National Minorities, Section 1.

<sup>87</sup> These and other treaties of the Council of Europe may be found on the website of the Council of Europe at: <http://www.coe.fr/eng/legaltxt/treaties.htm>.

rights; and the right to profess and practice religion in the minority language.<sup>88</sup> Thus, the bilateral treaty between Slovakia and Hungary also reflected the expectations of international organisations. To the same extent, it was a clear sign that the effective protection of minorities was a major impediment in the development of relations between the two states. According to the Treaty, Slovakia would have had to take further legislative measures in order to implement the provisions enshrined in the document. This treaty was signed in Paris in March 1995, in the framework of the *Pact on Stability for Europe*.<sup>89</sup> The Pact aimed at improving neighbourly relations by avoiding the issue of borders and establishing minority rights on the basis of existing international standards, with the prospect of accession to the European Union.

Unfortunately, the treaty could not automatically solve existing disputes between the two states; neither did it contribute directly to the improvement of the situation of the respective minorities. On the contrary, article 15 led to further interpretations and

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<sup>88</sup> Several provisions dealing with minority rights in the bilateral treaties strongly bear the imprint of international and regional instruments on minority issues. One can find in these treaties provisions quoted almost word by word from several documents on the rights of national minorities. Similar guarantees were enshrined in the Treaty between Hungary and Slovakia (arts. 2 and 15): “in the interest of defending the rights of persons belonging to the Slovak minority living in the Hungarian Republic, as well as the Hungarian minority living in the Slovak Republic, shall apply as legal obligations the rules and political commitments laid down in the following documents [...]” The provisions then list the 1990 OSCE Copenhagen Document, Council of Europe Recommendation 1201(1993) and the 1992 UN Declaration on Minorities. The bilateral treaties give legal force to these documents through their incorporation into the agreements (see: Gál 1999).

<sup>89</sup> The Treaty on Good Neighbourliness and Friendly Cooperation was signed in Paris on 19 March 1995 (ratified in March 1996), as part of the closing conference of the above mentioned Pact on Stability in Europe. Obviously seeking to send a positive signal to the international community, Slovakia was under strong Western pressure to sign the treaty, including a visit to Bratislava, in February 1995, by U.S. Assistant Secretary of State Richard Holbrooke, and even a letter from US President Clinton who stressed the importance of resolving the potential sources of misunderstanding and tension in Central Europe. The desire to be considered a serious candidate for the EU and NATO certainly played a very important role, if not a primary role; indeed, it was not a coincidence that the Basic Treaty was signed just days before a meeting of the OSCE in Paris during which the Stability Pact was signed.

misinterpretations by both sides of European norms concerning minority protection.<sup>90</sup> As an example, both governments have for almost three years not been able to agree upon the composition of the joint committees tasked to monitor the implementation of the treaty. Only in November 1998 did the Foreign Ministers of Slovakia and Hungary sign a protocol on the implementation mechanism of the bilateral treaty; the Joint Commission had its first meeting in January 1999.

*e. The Slovak Constitution*

The *Slovak Constitution* of September 1992 (see Section II) contains several minority-relevant provisions (arts. 6, 32, 34). According to Article 6 of the Constitution, Slovak is the official language of the state, while the use of minority languages in official communications is subject to further simple legislation. Article 34 enlists a whole set of minority rights and it guarantees “in addition to the right to learn the official language, the citizens of national minorities or ethnic groups shall, under provisions fixed by law, also be guaranteed: (a) the right to be educated in a minority language, (b) the right to use a minority language in official communications [...]”.

However, apart from the legislative acts in 1993 and 1994, there were no laws regulating the use of minority languages in official contacts, as the 1995 Law on State Language cancelled the 1990 law in this regard. There was thus a legal void.<sup>91</sup> Even

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<sup>90</sup> In particular the interpretation of the Council of Europe’s Parliament Assembly Recommendation 1201(1993) provided the basis for further disputes and disagreements in spite of the commitments Slovakia undertook in this respect before obtaining Council of Europe membership. Article 11 of the Recommendation has been especially difficult to interpret and unacceptable for Slovakia.<sup>90</sup> This article includes a reference to special minority arrangements and makes an allusion, according to some interpretations, to different types of autonomies as well as collective rights. Therefore, the Slovak government attached an interpretation of this article to the treaty before its ratification, unilaterally amending the agreed text, insisting that “it has agreed to mention the Recommendation of the Parliamentary Assembly of the Council of Europe 1201/1993 exclusively with the inclusion of the restricting clause: “[...] respecting individual human and civil rights, including the rights of persons belonging to national minorities.” According to this interpretation, it is obvious that the Slovak government was afraid to incorporate any reference to collective rights or to the special status of national minorities in a bilateral agreement.

<sup>91</sup> The OSCE High Commissioner on National Minorities referred to this in his correspondence with then Slovak Foreign Minister Juraj Schenk. According to a letter dated 26 February 1996 by the High Commissioner, “the Law on State Language states [...] that the usage of languages of national minorities and ethnic groups will be dealt with in separate legislation. On the other hand, however, article 12 of the Law states that Law 428/1990 on the Official Language of the Slovak Republic is null and void [...] However, the right to use a minority language in official communications has been laid down in article 34 of the Slovak Constitution ‘under provisions fixed by law’. As long as new legislation on this subject is not yet in force, there is, therefore, a legal vacuum” (<http://www.osce.org/inst/hcnm/index.html>).

the Slovak Constitutional Court ruled on 9 September 1997 that art. 3(5) of the 1995 Language Law, stating that written communications intended for public-legal administration matters must be in the State language, was contrary to the Slovak Constitution.<sup>92</sup> Despite this ruling by the Slovak Constitutional Court and repeated international criticism, no steps were taken under the Meciar government either to amend the State Language Law or to adopt a law regulating the use of minority languages. Indeed, some government representatives even claimed that existing legislation gave sufficient protection to minority languages and that they would rather favour acceding to the European Charter for Regional or Minority Languages.<sup>93</sup> Nevertheless, Slovakia has not yet signed this Charter,<sup>94</sup> which offers a wide range of measures concerning all aspects of minority language protection and promotion.

*f. The Programme of the Dzurinda Coalition Government*

The new government programme addressed international expectations to a large extent. Under Chapter IV.1 (Democratic Legal State) of its Programme Declarations, adopted on 19 November 1998, the Slovak Government states that it will “undertake an analysis of the state of human and minority rights in the Slovak Republic with regard to international documents, and on the basis of its results it will decide on entering further international conventions, on the adoption of a Constitutional law or a law on the position of minorities of the Slovak Republic.”<sup>95</sup> Section IV.3.F (Culture) mentioned, among others, the adoption of a law on use of minority languages.<sup>96</sup> The Prime Minister stressed in a letter to the High Commissioner on National Minorities that: “We regard the rapid solution of the open questions concerning national minorities in our country as our contribution to build an inclusive type of society and thus extend the zone of peace and stability in Central Europe, which is an important

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<sup>92</sup> However, the Court did not uphold ten other complaints against the law, saying that a number of mistakes were made in filing them (“Slovak Constitutional Court Rules on Language Law Complaints,” *RFE/RL Newswire*, 10 September 1997).

<sup>93</sup> “Slovak Government won’t Pass New Language Law,” *RFE/RL Newswire*, 5 November 1997.

<sup>94</sup> According to the latest update (28 March 2000) on signatures and ratifications of the Charter (<http://www.coe.fr/tablconv/148t.htm>). The text of the European Charter for Regional or Minority Languages (5 November 1992) may be found at: <http://www.coe.fr/eng/legaltxt/148e.htm>.

<sup>95</sup> Programme Declarations of the Government (in Slovak and in English) of 19 November 1998 on the website of the Slovak Government at: [http://www.government.gov.sk/LISTA/sk\\_frame\\_vlada.shtml](http://www.government.gov.sk/LISTA/sk_frame_vlada.shtml).

<sup>96</sup> Program Thesis from 27 October 1998 of the SDK-SDL-SMK-SOP coalition, in Hungarian translation in: József Reiter, A szlovákiai Magyar Koalíció Pártja kormányzati tevékenységének első négy hónapja (The first four months of the Hungarian Coalition in government), at: <http://hhrf.org/magyarkisebbseg/9901/m990117.htm>.



element of the European integration process in this part of our continent.”<sup>97</sup>

## **2. International Reactions to the Adoption of the 1999 Minority Language Law**

The Law on the use of minority languages (entered into force on 1 September 1999) can be considered as a direct outcome of the government programme and aiming at fulfilling the commitments that Slovakia undertook since the new Slovak state was established.

The adoption of the 1999 Language Law was interpreted very positively by international organisations. Based on the 1999 Regular Report, the *European Commission* started accession negotiations with Slovakia in February 2000, after the favourable decision taken by the European Council in Helsinki in December 1999. That was the clearest sign that the European Commission was in favour of the adopted language law<sup>98</sup>.

The *OSCE High Commissioner on National Minorities*, Max van der Stoel called the language law a considerable step forward.<sup>99</sup> In a press release on 19 July 1999 he stated that “[b]y adopting Article 2 of the new Law concerning the use of minority languages in official communications, not only has the Slovak Republic restored an established practice which was eliminated under the previous Government, but it brings Slovakia’s law in this matter back into conformity with the Slovak Constitution, applicable international standards and specific recommendations from relevant international institutions, including my own office. With regard to application of the Law as a whole, I have received the assurance of the Government that the provisions of the Law on the Use of Minority Languages will prevail, as a matter of subsequent and specific law, when interpreting and applying the Law in relation to provisions of the Law on the State Language. I consider solution of the question of the use of minority languages in official communications to be a step forward which

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<sup>97</sup> The quote by the Prime Minister is from a letter dated 12 November 1998 to the OSCE High Commissioner (at <http://www.osce.org/inst/hcnm/recomm/slovak/1998/11gal98.html>).

<sup>98</sup> In March 2000, the European Commission announced that it was ready to open negotiations with Slovakia on eight out of the 31 chapters of the *acquis communautaire*; talks are to begin in May.

<sup>99</sup> “Van der Stoel likes Slovakia’s Minority Language Law,” *The Slovak Spectator*, 13-19 September 1999.

follows previous decisions of the Government in the field of inter-ethnic relations [...].”<sup>100</sup>

The Parliamentary Assembly of the *Council of Europe* terminated the monitoring of the fulfilment undertaken by Slovakia soon after the law was adopted, putting an end to six years of monitoring since Slovakia’s acceptance.<sup>101</sup> This decision was based also on the fact that “a law was adopted on 10 July 1999 to regulate, in conjunction with other specific laws, the use of minority languages in official communications.” The document emphasised “the law, which restores previous practice—interrupted by the adoption of a law on the state language—and satisfies a constitutional requirement, was adopted following consultations with the OSCE High Commissioner for National Minorities, the European Union and the Council of Europe and is welcomed.”

Having stressed the expectations on the international level regarding the adoption of a law on minority language use and the diverging reactions after the adoption of this law (see domestic reactions in Section III), the immediate question would be: why these discrepancies in the interpretation of the law? Why were the reactions so different and contradictory? In order to understand the different attitudes towards the 1999 language law, it must be analysed from two points of view: (1) what does this legal text say? and (2) what does this law mean in practice?

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<sup>100</sup> “High Commissioner Welcomes Restoration of Use of Minority Languages in Official Communications in Slovakia,” OSCE High Commissioner on National Minorities Press Release, 19 July 1999 (at: <http://www.osce.org/inst/hcnm/index.html>).

<sup>101</sup> Recommendation 1419 (1999) Honouring of obligations and commitments by Slovakia (Extract from the Official Gazette of the Council of Europe, September 1999), “e. regarding minorities: the post of a deputy prime minister responsible for human rights, minorities and regional development, and a parliamentary committee for human rights and minorities have been created; bilingual certificates are used in schools with instruction in a minority language; a law was adopted on 10 July 1999 to regulate, in conjunction with other specific laws, the use of minority languages in official communications: the law, which restores previous practice – interrupted by the adoption of a law on the state language – and satisfies a constitutional requirement, was adopted following consultations with the OSCE High Commissioner for National Minorities, the European Union and the Council of Europe and is welcomed; other problems, however, resulting from the state language law, with regard to freedom of expression, as well as the use of minority languages in other settings, notably education, still need to be regulated, in conformity with recommendations by the three international organisations; the ratification of the European Charter for Regional or Minority Languages is also strongly recommended (Recommendation 1419 (1999) “Honouring of obligations and commitments by Slovakia,” at: <http://stars.coe.fr/ta/ta99/erec1419.htm>).

### 3. Analysis of the 1999 Language Law<sup>102</sup>

#### a. What does the law say?

There are three problematic issues in the 1999 Law:

(i) The Law regulates the language use of national minorities living in Slovakia only in their *official contacts* with local self-governments: “The purpose of this Act is to lay down, in conjunction with specific legal acts, the rules governing the use of minority languages also in official communication” (art. 1).

Although the concept of official contacts has not been defined in this case, from its wording it becomes clear that it regulates minority language use in contacts with the local administration. It guarantees the right:

- to submit written requests to the local and state administration and to get an answer next to the state language, also in the minority language (art. 2.3) with the “*exception of public documents*”;
- to distribute official forms of the local administrative bodies in a minority language *upon request* (art. 2.6); as well as to provide *on request* information about general legal regulations in a minority language (art. 4.3);
- to conduct meetings of the local administrative bodies in a minority language, *if all present at the meeting agree* (art. 3.1); and the use of a minority language by representatives of local administration at meetings with the assistance of an interpreter provided by the municipality (art. 3.2);
- to keep records/chronicles of the municipality also in a minority language (art. 3.3)
- to display important information (warnings, protection and health notices) in public areas also in a minority language (art. 4.2).

The law provides the possibility to mark streets and to display other local geographical signs in a minority language (art. 4.1). It also enables local administrative bodies and their employees to use a minority language in official

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<sup>102</sup> The analysis of the 1999 Language Law is based on a translation into English provided by the Council of Europe; for the Slovak original, “Zákon o používaní jazykov národnostných menšín,” see the website of the Ministry of Culture, at: <http://www.culture.gov.sk>.

contacts (art. 7.1); however, it leaves the decision up to the municipality or local administration: “municipalities may display” (art. 4.1), “may use also a minority language” (art. 7.1).

It declares that local administration bodies are obliged to create conditions for the use of minority languages (art. 7.2), but at the same time it declares that these bodies are obliged to use the state language in official communication (art. 7.1).

Article 5 clearly establishes that the use of minority languages in court proceedings, education (enlisting pre-school, primary and secondary education) and culture are regulated by separate laws. At the same time, it regulates in its article 2.4 that decisions made in administrative proceedings are issued in both the minority and the state language upon request, although the state language version takes precedence in case of doubts.

(ii) In addition to its most important feature of regulating minority language use in official contacts only, there is a main condition which has to be fulfilled: minority language use in official contacts is restricted to those municipalities where “persons belonging to a national minority constitute according to the last census at least 20% of the inhabitants of a municipality” (art. 2.1). As provided by the law, the government regulates in a decree those municipalities that meet this condition (art. 2.2).

The 20% threshold is not a new requirement in the history of Slovak law. This minimum percentage was already established for the use of minority languages by the 1990 Law No. 428/1990 on the Official Language of the Slovak Republic. This law adopted still under the Czechoslovak Federation regulated the use of minority languages in communication with the authorities, while stating that the official language was Slovak. (art. 2). Thus, all official documents were to be issued in Slovak (art. 6). The use of minority languages was allowed in dealings with authorities in those areas where persons belonging to a minority community constituted at least 20% of the local population.

(iii) Although the 1999 Language Law could be regarded as generous in providing the

above-listed rights for persons belonging to national minorities in those municipalities which fit the requirements, the provisions by themselves are all quite restrictive. While establishing certain rights, it immediately restricts these rights by creating exceptions that are not defined in a proper way. It thereby gives the possibility of interpreting them in a contradictory manner even (art. 2.3 “except in the case of public documents”). The best example of the contradiction in the text itself is between the two paragraphs of art. 7. Paragraph two of this article states that local administrative bodies are obliged to create conditions for the use of minority languages according to the terms of this law and separate regulations. At the same time, paragraph one declares that the local administrative bodies and their employees are obliged to use in official contacts the state language and may use a minority language if this complies with the terms set by law. Immediately restricting this generous declaration by adding that these administrative bodies and “shall not be required to have the command of a Minority Language.”

*b. What does the law mean?*

Having analysed the text of the 1999 Law, it is very important to look at the meaning and implementation of these provisions. A legislative act only makes sense if it regulates an existing issue/relation and if it can be used and implemented in practice.

(i) Being formulated in a vague and contradictory way, and because of escape clauses, this is a legislative act full of loopholes. To the same extent, it leads to doubts as to the intention of the legislators as enshrined in the preamble of the law which says that the law was enacted “pursuant to the Constitution of the Slovak Republic and international instruments binding on the Slovak Republic” and is “recognising and appreciating the importance of mother tongues of the citizens of the Slovak Republic who are persons belonging to national minority as an expression of the cultural wealth of the state.” At the same time, it is “realising that the Slovak language is the State Language.” This makes it very difficult to ascertain the real intentions of the legislators concerning each article and the law in its totality.

The first deficiency is that it defines neither the term “official contacts” in general (art. 2.1), nor that of “public documents” in particular (art. 2.3). The rights enshrined

in the provisions are either formulated inconsistently or are vaguely formulated in order to avoid effective implementation. As in the case of streets and other geographical signs, the use of the minority language depends on the goodwill of the given municipality (these *may* use the minority language). This can be regarded as a restrictive interpretation of the provisions enshrined in paragraph 15.2/g of the Slovak-Hungarian Bilateral Treaty<sup>103</sup> as well as in article 7 paragraphs 3 and 4 of the Council of Europe Parliamentary Assembly Recommendation 1201(1993).<sup>104</sup>

Furthermore, the contradictions in article 7 will create confusion. It is not easy to imagine how this provision will ever be implemented nor how the implementation of this provision will ever be claimed before court proceedings. What will this look like in practice? A citizen speaking a minority language in a municipality that is in conformity with the law (minority population above 20%) has the right to address a question to the employee of the local administration in his/her mother tongue (art. 7.2). On the other hand, nobody has to understand his request (as the local administration will not be required to hire a minority language speaking employee, art. 7.1). Even if, by mere coincidence, the employee does understand it, he/she is obliged to answer in the state language (art. 7.1). However, he/she *may* (under undefined circumstances: i.e., he/she is having a good day, the boss is not present, or there is no Slovak in the room) answer in the minority language.

The law provides at the same time certain rights that will not work automatically between the person belonging to the minority and the local administrative bodies. This is the case where the rights are exercised only upon request (arts. 2.4; 2.6 and 4.3), presuming that the person belonging to the minority is aware of his/her right to address a request, speak, etc., in the minority language.

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<sup>103</sup> Article 15.2/g says: [...] “They shall also have the right, in conformity with the domestic law and with the international commitments undertaken by the two Contracting Parties, to use their mother tongue in contacts with official authorities, including public administration, and in judicial proceedings, to display in their mother tongue the names of municipalities in which they live, street names and names of other public areas, topographical indications, inscriptions and information in public areas.”

<sup>104</sup> Article 7.3: “In the regions in which substantial numbers of a national minority are settled, the persons belonging to a national minority shall have the right to use their mother tongue in their contacts with the administrative authorities and in proceedings before the courts and legal authorities. Article 7.4: “In the regions in which substantial numbers of a national minority are settled, the persons belonging to that minority shall have the right to display in their language local names, signs, inscriptions and other similar information visible to the public [...]”

The intention of the legislators is even more confusing when looking at the basic conditions established by the law. There is the requirement of minimum 20% of minority members in a municipality in order for the law to take effect. But, in addition, this provision is further restricted by a government decree that gives a list of municipalities satisfying these conditions. (As one of the analyses prepared by the Hungarian Human Rights Foundation states: the government listing Decree no. 221/1999 strangely failed to include several minority-inhabited communities.<sup>105</sup>)

(ii) The 1999 Language Law has to be placed and defined in the context of Slovak national legislation. It is a simple legislative act and, as such, does not take precedence over other laws. The last paragraph of the law cancels article 10 of the Law on the State Language of the Slovak Republic, although article 10 merely refers to the fines that can be levied—and not to the official use of the state language (art. 3<sup>106</sup>). As there are no other acts which would have cancelled the 1995 Law, and as this 1999 Law does not contain any provision on its position within the Slovak legislation, it is very unclear which act will take precedence: whether any of them could be regarded as *lex specialis* over *lex generalis*.

(iii) According to some interpretations, as the last article of the Law cancels only

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<sup>105</sup> One of the reasons for the omission was that the list, originally excerpted from Law 191/1994 on the Designation of Localities in National Minority Languages, did not include municipalities which received their Slovak-language equivalents after 1945. In addition, since 1994, several primarily Hungarian-inhabited suburbs have decided to separate and create their own administrative units. These changes are also not reflected in the government's list, resulting in the omission of one Czech-inhabited and 66 Roma inhabited municipalities." See HHRF *Hungarian Minorities Monitor* 1:1, July-August 1999.

<sup>106</sup> Article 3 of the 1995 Law on State Language states among others that: (1) State agencies and entities, organs of the territorial self-governments and public institutions [...] are obliged to use the state language in exercising their competencies on the entire territory of the Slovak Republic. Proof of proficiency in speaking and writing the state language is a condition to employment or engagement in other work-like situations, and is a prerequisite to completing specified contractual work for public bodies [...] (3) In the state language [...] hold all deliberations of public bodies; are recorded all official documents [...]; are indicated the official names of communities and their parts, the names of streets and other public places, other geographic terms, as well as data contained in state maps, including cadaster maps; a separate law will regulate the designation of localities in other languages; [...] (4) All public authorities, and all organisations established by them, are obliged to use the state language in every informational system and inter-agency contact. (5) Citizens prepare all written submissions to public bodies in state language." (Quotations from the Slovak State Language Law in: Minority Protection Association 1996).

article 10 of the 1995 State Language Law, the often and highly contested Law on the State Language of the Slovak Republic remains in force. The general principle of the 1995 law was to position the Slovak language as the exclusive language to be used in almost every aspect of life. Thus, the fields addressed included: use of the State language in official contact (art. 3); in education (art. 4); in mass media, cultural events and assembly (art. 5); in the armed forces, armed services and fire departments (art. 6); in court and public administration proceedings (art. 7); and in the economic sector, service industries and health care (art. 8). Although the 1995 State Language Law referred to the protection, promotion and use of the Slovak language, it restricted at the same time to a large extent the use and overall status of the minority languages since there was a lack of regulation regarding minority language use. It could also be used to discriminate against minority members employed in the civil services, and against teachers at Hungarian minority schools. The 1995 law was thus considered as a major setback even in comparison with the 1990 legislation.

Article 3 of the 1995 Law describes official contacts in a broader sense, referring to all public bodies, such as state agencies, selfgovernments, public institutions, transportation and telecommunication, armed forces, armed security services, fire departments. These public bodies are not enlisted in the 1999 Law. The uncertainty created by the 1999 Language law could easily lead to the interpretation that if the 1999 Law is not clear enough or does not regulate in a detailed way the language use of minorities in official contacts, then article 3 of the 1995 Law on Sate Language will prevail except for article 10 (no taxes will be levied for violating the 1995 State Language Law). The assurances of the Government that the provisions of the Law on the Use of Minority Languages will prevail, as a matter of subsequent and specific law, when interpreting and applying the Law in relation to provisions of the Law on the State Language, are not enough in this sense.<sup>107</sup>

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<sup>107</sup> See the above quoted letter of Prime Minister Dzurinda to the OSCE High Commissioner.



## **VI. CONCLUSION**

### **1. Impact of the Minority Language Law on Inter-Ethnic Relations in Slovakia**

One of the first conclusions derived from the pure analysis of the law refers to the fact that the text mostly follows international requirements. It does not contradict the major legal international, bilateral and national documents, such as the Council of Europe Framework Convention, Council of Europe Recommendation 1201, the OSCE Copenhagen Document, the Slovak-Hungarian Bilateral Treaty or the Constitution, from a strictly legal point of view. The problem lies in the meaning and implementation of the law: the wording of the text, the loopholes that were built into the different paragraphs and the legal uncertainty it creates. Therefore, it can be stated that the law was hardly formulated and adopted with the intention of using it in everyday practice. (This would be almost impossible given the contradiction in article 7). In order to implement the 1999 Language Law, other laws or decrees are needed that clarify the provisions, fill in the legal gaps and give concrete meaning to the terms used.

The mere existence of a law on the use of minority languages is positive in itself. It also represents progress compared to the situation after the adoption of the 1995 Law on the State Language, and even to the period 1990-1995 when the 1990 Law on the Official Language was in force. However, it is a vague and hard to interpret legal text. Although it does not contradict Slovakia's international undertakings, the spirit of the law is questionable from several aspects. Therefore, one can conclude that it has helped the legitimisation of the new Slovak government and is a milestone in the process of Slovak accession to the European Union. But most probably, it will not be used by the national minorities in their official contacts with local authorities. One important point of the government programme has been satisfied with the adoption of this law, but the minorities themselves remained unsatisfied yet again.

Internally, the 1999 language law is a failure as it has revealed disagreements within the government coalition parties and has satisfied neither the Slovak nationalists—who consider the law too far-reaching—nor the ethnic Hungarians—whose proposals

were not taken into account. This is indeed the most striking feature of the adoption process: that a law concerning minorities was adopted without the support of the minority concerned, even though it was represented in government. But this law was arguably the best which could have been achieved, given the particular political context, as there are lingering fears among Slovak parties that it is politically dangerous to be seen as too conciliatory to the Hungarian minority. As one analyst wrote, “giving the Hungarians just about enough to keep them content is the safest way to avoid strong reactions from Meciar’s followers and other nationalists.”<sup>108</sup> Some have argued that a stronger version of the law, as proposed by the Hungarian Coalition Party, would have threatened to seriously disrupt inter-ethnic relations. Hopefully, the force of these nationalist political stratagems will decrease as Slovakia’s experience with democracy and free media grows; this process can also be abetted by the Hungarian minority itself.<sup>109</sup>

Before speculating about the possible effects of the law on the minority communities, one must first ask whether there will be any impact at all, as there has traditionally been a large discrepancy in Slovakia between what is written in the law and the actual situation (“posturing”). Indeed, legal provisions can be curtailed by government decrees or circumvented by local decrees issued by mayors of predominantly Hungarian municipalities. According to the Hungarian parties, the law will result in a situation where Hungarians and Rusyns will continue to break the 1995 State Language Law by using their mother tongue. Indeed, the 20% threshold can exclude the Rusyn population from the benefit of language rights.<sup>110</sup> As Roma in Slovakia have not yet codified or standardised their language, it is hard to imagine that they will be able to claim application of the rights contained in the 1999 law. But there are increasing signs that they wish to do just that. Indeed, on 9 March, Romani Civic Initiative (ROI) announced that it was demanding that the 1999 law be applied in the

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<sup>108</sup> Paul Nemes, “Reversing Xenophobia. Assessing one year of power-sharing at the MKP party conference,” *Central Europe Review* 1:23, 29 November 1999.

<sup>109</sup> One of the stated goals of Pál Csáky has been to neutralise the effect of the so-called “Hungarian Card (Ivan Remiaš, Guest Interview with Pál Csáky, “I bring more empathy to Romany Problems,” *Slovak Spectator*, 16-22 November 1999).

<sup>110</sup> “Ruthenian Language Rights takes one Big Step Forward, a Half Step Back in Slovakia, while Slovakia takes a Big Step Forward,” *Rusyn News and Information Service* ([www.legacyrus.com/NewsReel/RusynNews](http://www.legacyrus.com/NewsReel/RusynNews)).

57 municipalities where Roma make up more than 20% of the population.<sup>111</sup>

Many issues still remain to be dealt with: practical realisation of the provisions in the 1999 law, regulation of the use of minority languages in other spheres (especially in culture, education and media), Hungarian higher education, and the restoration of pre-1996 administrative districts. The following questions then arise: (1) is the new Slovak government prepared to fully protect and promote minority language rights or will language-related demands continue to be highly sensitive? and (2) to what extent is the new government ready to accept members of ethnic minorities as equal constituent elements of the Slovak state?

Improving the situation of Hungarian and other minorities, especially in the field of education in the mother tongue and teacher training, has been a stated priority of the new government.<sup>112</sup> In its Programme Declarations, the government also stated that it would “ensure the protection and development of the state language,”<sup>113</sup> while the only mention of minority of minority languages in the whole document is in the announcement of a minority language law. It cannot really be said that the new government is committed to the principle of linguistic diversity (see preamble) as the state language still enjoys a dominant position in all spheres of life. There are also discussions about a minority law to be adopted by the end of 2000, as announced in the government’s programme. But the real test of the Slovak government’s commitment to multicultural ideals and ethnic diversity will be its ability to address the case of the Roma—and it is under intense international pressure to do so. There have already been several statements by government members which indicate a move away from the Slovak nation-state concept to that of a true multiethnic society, where all Slovak citizens will be equal members of society. In his New Year speech,

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<sup>111</sup> Statement by ROI Chairman Gejza Adam (“Slovak Roma Want Language Law Implemented,” *RNV*, 9 March 2000). ROI has stated that this would imply creating 20,000 new jobs in local government and civil service for members of the Roma minority. As desirable as this would be, this does not flow from the 1999 law as it does not require that local officials speak (nor even understand) the minority language.

<sup>112</sup> On 5 November 1999, Csáky announced plans to establish a Hungarian-language teacher-training university faculty (*Új Szó*, 6 November 1999, in *Hungarian Human Rights Monitor*). He has also been entrusted with developing similar plans for the Ukrainian, Rusyn and Roma minorities at Prešov and Nitra universities.

<sup>113</sup> Section IV.3.F “Culture”.

President Schuster announced that 2000 is to be the year of “national reconciliation” between Slovaks and ethnic minorities,<sup>114</sup> and on 5 January 2000, Csáky announced that the government had accepted a multiethnic model for Slovak society, meaning respect for all minority communities, and not only the Hungarian minority.<sup>115</sup>

## 2. Slovakia’s “Return to Europe”?

A clear positive factor will be Slovakia’s “return to Europe”. There has been a marked improvement in Slovakia’s international standing<sup>116</sup> and chances of EU (and NATO) membership. Slovakia’s relations with Hungary have also improved, despite the latter’s strong disapproval of the language law.<sup>117</sup> The EU’s decision to invite Slovakia to begin membership negotiations was described by Prime Minister Dzurinda as “the greatest achievement in the history of Slovakia.”<sup>118</sup> But EU officials have made it clear that there will be no softening of requirements for the second wave candidate countries.<sup>119</sup> The international community has made it especially clear that Slovakia’s return to Europe is conditional upon active efforts to improve the situation of minorities and especially that of the Roma. Thus, merely stating its good will and introducing a few legislative measures will not suffice.

It remains to be seen how Slovakia’s integration into European structures and implementation of minority policies will be hampered by political instability, dissent within the coalition parties,<sup>120</sup> and government scandals.<sup>121</sup> Particularly disquieting are the signs of lingering personal rivalries, especially within the Slovak Democratic

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<sup>114</sup> “Slovak President Says Difficulties Still Ahead in 2000,” *RFE/RL Newswire*, 3 January 2000.

<sup>115</sup> Radio Slovakia International, 5 January 2000 (see Hungarian Human Rights Monitor).

<sup>116</sup> There have been visits or encouraging remarks by Robin Cook, Madeleine Albright and Council of Europe Deputy Secretary General Hans Christian Krüger, inter alia.

<sup>117</sup> “Hungary Praises Slovakia’s Improved Minorities’ Policies,” *RFE/RL Newswire*, 1 October 1999. Also, meetings have been held between the Slovak and Hungarian Foreign Ministers (December 1999) and between the two Prime Ministers (March 2000).

<sup>118</sup> “Slovak Politicians Welcome EU Summit Decision,” *RFE/RL Newswire*, 13 December 1999.

<sup>119</sup> These are, in addition to Slovakia, Bulgaria, Romania, Latvia and Lithuania (Breffni O’Rourke, “EU: Enlargement Negotiations Adhere to Tough Criteria,” *RFE/RL Features*, 15 March 2000).

<sup>120</sup> In one such incident, SDL refused to appoint an SMK member as head of the Slovak Land Fund, despite an alleged verbal agreement, because it suspected SMK of wanting to use that position to reconstitute land confiscated from ethnic Hungarians under the Beneš Decrees (Michael Shafir, “When Four Times Five Might Equal Zero,” *RFE/RL Newswire*, 24 August 1999).

<sup>121</sup> Two SDK ministers (Telecommunications and Economy) have also resigned due to scandals.

Coalition, which are threatening to result in a full-scale government crisis.<sup>122</sup> Threats are also coming from the outside, as Meciar has made various attempts to destabilise the government by negotiating with government coalition members, calling for early elections, asking for Csáky to be dismissed, etc. The Hungarian Coalition Party is therefore unlikely to leave the government as any split in the coalition might facilitate Meciar's return. SMK wants to be seen as a democratic and stable coalition partner and, although it was clearly dissatisfied with the 1999 language law, it has renewed its full support for the coalition government in 2000.<sup>123</sup> It also does not want to be seen as hindering Slovakia's Euro-Atlantic integration. In short, despite recent improvements in democratic government, there are still doubts concerning the future of democracy in Slovakia as long as personal rivalries dictate politics and as long as HZDS is acting in the background to destabilise the government.<sup>124</sup> This in turn might present a serious obstacle to Slovakia's membership in the EU.<sup>125</sup>

While Meciar has blamed domestic and foreign villains for Slovakia's problems, the current government will have to perform on many fronts, not least the economic one, to show that the "price" paid for turning towards the West (perceived concessions to minorities and ceding a degree of national sovereignty to central institutions in Brussels) is worthwhile.<sup>126</sup> And there is not much time: the next parliamentary

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<sup>122</sup> SDK was supposed to disband after the elections. When SDK Chairman Dzurinda refused to do so, this led to a confrontation with Justice Minister Ján Carnogurský (also KDH Chairman) (Chris Tognieri, "Domestic Politics," *The Slovak Spectator*, 20-26 December 1999). On 17 January 2000, Dzurinda announced the creation of a new political party, the Slovak Democratic and Christian Union (SDKU), which would probably replace the SDK in the 2002 parliamentary elections. Carnogurský was the first to speak out against this initiative which has KDH members equally split (Jolyon Naegele, "Slovak Premier Announces Controversial New Party," *RFE/RL Newslines*, 24 January 2000).

<sup>123</sup> Statement by Pál Csáky on 5 January 2000 on Radio Slovakia International (see Hungarian Human Rights Monitor).

<sup>124</sup> Meciar has been manoeuvring within the limits of legality, to break the government coalition and to call a referendum on early elections. Also, in August 1999, HZDS submitted a motion to oust Csáky by blaming him for the exodus of Roma because he was too preoccupied with Hungarian minority issues; only 40 out of the 114 deputies present voted for this motion ("Slovak Opposition Fails to Oust Minister," *RFE/RL Newslines*, 26 August 1999).

<sup>125</sup> The EU has said that lack of political stability might be a "critical obstacle" to Slovakia's bid to join ("EU says political stability needed in Slovakia," *RFE/RL Newslines* 21 March 2000).

<sup>126</sup> At present, public support for EU membership is steadily rising, from 62% in January 1999 to 70% in March 2000, support is highest in the youngest age category (18-24), and as the level of education increases; in terms of party affiliation, 80-90% of supporters of the government coalition parties are for EU membership, against only 47% of HZDS voters and 55% of SNS voters (opinion poll dated 27 March 2000 by the Slovak Institute for Public Affairs, at: <http://www.ivo.sk/showvyskum.asp?Id=66>). Support for NATO membership is much lower, at 42% only (<http://www.ivo.sk/showvyskum.asp?Id=67>).

elections will be held in 2002 and, although the SDK still remains the most popular party, it is closely followed by HZDS and the new party of former SDL member Robert Fico: SMER (“direction”).<sup>127</sup>

In conclusion, even though the practical issue of minority language use has not been solved by this new legislation, prospects for improved inter-ethnic relations and democracy in Slovakia, as well as for Slovak-Hungarian relations, are good. But the main challenges are yet to come. It remains to be seen whether the government will take concrete and lasting steps to build a plural democratic state where ethnic and linguistic differences will not only be tolerated but will also be valued as contributing to the cultural wealth and diversity of the country, in the interest of interethnic relations and stability in the country and in the region as a whole.

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<sup>127</sup> According to recent polls, SMER would capture 12% of votes in the 2002 parliamentary elections, compared to 12.4% for SDK and 25.8% for HZDS (Chris Tognieri, “Domestic Politics,” *The Slovak Spectator*, 20-26 December 1999).

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## ANNEXES

**TABLE 1.1: NATIONAL MINORITIES IN SLOVAKIA BY ETHNICITY**  
(derived from the 1991 Czechoslovak Census)

<b>Ethnicity</b>	<b>Total number</b>	<b>%</b>
Slovak	4,590,100	85.7
Hungarian	568,714	10.6
Romany*	83,988	1.6
Bohemian	51,293	1
Ruthenian	17,277	0.3
Ukrainian	14,341	0.3
German	5,380	0.1
Moravian, Silesian	6,361	0.1
Croatian	4,000	0.07
Jewish	3,500	0.06
Polish	3,039	0.05
Bulgarian	1,400	0.02
Others	6,814	0.1
<b>Total</b>	<b>5,356,207</b>	<b>100.00</b>

*Source: Report submitted by the Slovak Republic pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities, Received on 4 May 1999, pp. 6-7.*

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\* The estimated number of Roma is 350,000 to 520,000 persons (6.5-9.7%).

**TABLE 1.2: NATIONAL MINORITIES IN SLOVAKIA BY ETHNICITY AND MOTHER TONGUE** (derived from the 1991 Czechoslovak census)

<b>Ethnicity</b>	<b>Number</b>	<b>%</b>	<b>Mother/ Native tongue</b>	<b>%</b>
Slovaks	4,519,328	85.7	4,445,303	84.3
Czechs	59,326	1.1	56,487	1.1
Hungarians	567,296	10.7	608,221	11.5
Germans	5,414	0.1	7,738	0.1
Ruthenians, Ukrainians	30,478	0.6	58,579	1.1
Others**	92,493	1.8	98,007	1.9
Total population	5,274,335	100	5,274,335	100

Source: *The Slovak State Language Law and the Minorities – Critical Analyses and Remarks*. Minority Protection Series 1. Budapest: Minority Protection Association, 1996.

**TABLE 2: DISTRIBUTION OF MIXED MUNICIPALITIES, BY PROPORTION OF HUNGARIAN-SPEAKERS (1991 DATA)**

<b>Proportion of Hungarian speakers</b>	<b>Number of municipalities</b>	<b>Number of Hungarians per municipality</b>	<b>Percentage of all of Slovakia's Hungarians</b>
90% and over	177	138,244	26.32
80-90%	101	118,522	22.57
70-80%	63	75,845	14.44
60-70%	52	82,030	15.62
50-60%	42	25,502	4.86
40-50%	24	21,574	4.11
30-40%	26	35,925	6.84
20-30%	17	12,397	2.36
10-20%	21	12,369	2.36
< 10%*	19	2,777	0.53
<b>Total</b>	<b>542</b>	<b>525,185</b>	<b>100</b>

Source: *The Slovak State Language Law and the Minorities – Critical Analyses and Remarks*. Minority Protection Series 1. Budapest: Minority Protection Association, 1996.

\*\* The estimated number of Romanes speakers is 245,000 to 365,000 persons (4.6-6.2%).

**TABLE 3.1: 1990 PARLIAMENTARY ELECTIONS – SLOVAK NATIONAL COUNCIL**  
(Minimum threshold for a single party: 3%)

Political parties	% votes	No. seats
VPN	29.34	48
KDH	19.20	31
SNS	13.94	22
KSS	13.34	22
ESWMK	8.66	14
DS	4.39	7
SZ	3.48	6
SD	1.81	-
SSL	1.77	-
SZV	2.51	-
CSS	0.03	-
SB	0.09	-
VDS	0.20	-
CSDF	0.01	-
HCSP	0.39	-
DURS	0.73	-
VDSPR	0.21	-

Source: Wolchik 1997: 210

**VPN:** Public Against Violence; **KDH:** Christian Democratic Movement; **SNS:** Slovak National Party; **KSS:** Communist Party of Slovakia; **ESWMK:** Coexistence + Hungarian Christian Democratic Party; **DS:** Democratic Party; **SZ:** Green Party; **SD:** Social Democratic Party; **SSL:** Freedom Party; **SZV:** The Alliance of Farmers; **CSS:** Czechoslovak Socialist Party; **SB:** Free Bloc; **VDS:** All-People's Democratic Party; **CSDF:** Czechoslovak Democratic Forum; **HCSP:** Movement of Czechoslovak Understanding; **DURS:** Romanies; **VDSPR:** People's Democratic Party-Rally for the Republic.

**TABLE 3.2: 1992 PARLIAMENTARY ELECTIONS – SLOVAK NATIONAL COUNCIL\***  
(Minimum threshold for a single party: 5%)

<b>Political parties</b>	<b>% votes</b>	<b>No. seats</b>
HZDS	37.3	74
SDL	14.7	39
KDH	8.9	18
SNS	7.9	15
MKDH	7.42	14
SDSS	4	-
ODU	4	-
MOS	2.3	-
DS	2.3	-

Source: Wolchik 1997: 212.

**HZDS:** Movement for a Democratic Slovakia; **SDL:** Party of the Democratic Left; **KDH:** Christian Democratic Movement; **SNS:** Slovak National Party; **MKDH:** Coexistence + Hungarian Christian Democratic Movement; **SDSS:** Social Democratic Party; **ODU:** Civic Democratic Union; **MOS:** Hungarian Civic Party; **DS:** Democratic Party.

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\* In 1992, a new electoral law increased the minimum threshold for entering the Slovak National Council from 3 to 5%. The number for a coalition of two parties is 8%.

**TABLE 3.3: 1994 PARLIAMENTARY ELECTIONS – SLOVAK NATIONAL COUNCIL**  
(Minimum threshold for a single party: 5%)

Political parties	% votes	No. seats
HZDS/RSS	34.96	61
SU	10.41	18
MK	10.18	17
KDH	10.08	17
DU	8.57	15
ZRS	7.34	13
SNS	5.40	9
DS	3.42	-
KSS	2.72	-
KSU	2.05	-
NS	1.33	-
SPK	1.31	-
HZPC+S	1.05	-
ROI	0.67	-
SD	0.24	-
RSDSS	0.12	-
ZPR	0.04	-

Source: Wolchik 1997: 213.

**HZDS/RSS:** Movement for a Democratic Slovakia, Peasant Party of Slovakia; **SU:** Common Choice coalition: Party of Democratic Left (SDL), Social-Democratic Party of Slovakia (SDSS), Movement of Farmers of the Slovak Republic, Green Party of Slovakia (SZS); **MK:** Hungarian Coalition: Coexistence, Hungarian Christian Democratic Movement (MKDH), Hungarian Civic Party (MOS); **KDH:** Christian Democratic Movement; **DU:** Democratic Union; **ZRS:** Workers' Association of Slovakia; **SNS:** Slovak National Party; **DS:** Democratic Party; **KSS:** Communist Party of Slovakia; **KSU:** Christian-Social Union; **NS:** New Slovakia; **SPK:** Party against Corruption; **HZPC+S:** Movement for a Prosperous Czechia and Slovakia; **ROI:** Romany Civic Initiative; **SD:** Social Democracy; **RSDSS:** Realistic-Social Democratic Party; **ZPR:** Association for the Republic-Republicans.

**TABLE 3.4: 1998 PARLIAMENTARY ELECTIONS – SLOVAK NATIONAL COUNCIL**  
(Minimum threshold for a single party: 5%)

Political parties	% votes	No. seats
HZDS	27	43
SDK	26.33	42
SDL	14.66	23
SMK	9.12	15
SOP	8.01	13
SNS	9.07	14

Source: RFE/RL Newslines, 28 September 1998.

**HZDS:** Movement for a Democratic Slovakia / Hnutie za demokratické Slovensko.

**SDK:** Slovak Democratic Coalition / Slovenská demokratická koalícia

- Christian Democratic Movement / Kresťansko demokratické hnutie (KDH)
- Democratic Party / Demokratická strana (DS)
- Democratic Union / Demokratická únia Slovenska (DU)
- Social Democratic Party of Slovakia / Sociálnodemokratická strana Slovenska (SDSS)
- Green Party / Slovenská strana zelených (SZS)

**SOP:** Party of Civic Understanding / Strana občianskeho porozumenia

**SDL:** Party of Democratic Left / Strana demokratickej ľavice

**SMK:** Hungarian Coalition Party / Magyar Koalíció Pártja (MKP)/ Strana maďarskej koalície (SMK)

- Coexistence / Együttélés / Spolužitie
- Hungarian Christian Democratic Movement / Maďarské Kresťansko demokratické hnutie (MKDH)
- Hungarian Civic Party / Maďarská občianská strana (MOS)

**SNS:** Slovak National Party / Slovenská národná strana