

The Slovak-Hungarian dispute over Slovakia's language law

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The amendment to the Act on the state language of the Slovak Republic, adopted on 30 June 2009, has led to strong reactions from the Hungarian minority in Slovakia and from politicians in Hungary itself. The conflict surrounding the new law, which is being exploited by Slovak and Hungarian leaders alike to mobilise their electorates, has become the main bone of contention in the relations between the two states in recent months. As elections are to be held in both countries next year, the tension in mutual relations is expected to continue.

The Slovak act on state language

The controversial amendment adopted by the Slovak parliament on 30 June 2009 concerns the 1995 Act on the state language of the Slovak Republic. The law, drafted by the Vladimir Meciar government, originally stated that Slovak was the mandatory language of official contacts throughout the country. Failure to comply with the law was punishable by fine. Oral and written exams were introduced to ensure that public administration officials speak Slovak. The law led to much controversy, both in the opposition and in the international community. In 1999, the Mikulas Dzurinda cabinet, which included members of the Party of the Hungarian Coalition (SMK), decided to take the interests of the Hungarians living in Slovakia into account, and adopted the Act on national minority languages which granted minorities the right to use their native language in official contacts in those municipalities where said minority accounted for at least 20% of the population. Strongly criticised by the nationalist HZDS and SNS parties, who were then in opposition, the new law also abolished penalties for failure to comply with the 1995 Act on the state language.

Work on this year's amendment to the language regulations started in 2007. The amendment extends the scope of the act, which until now applied to central state institutions, local governments and other public bodies, by including legal persons and natural persons acting as economic entities, and in specific cases, also natural persons as such. All of them are required to use the Slovak language in official contacts with state institutions and legal persons.

The current provisions of the law do not limit any existing minority rights to use their native languages. They do, however, require certain persons and bodies to use the Slovak language in certain official situations and contacts. Consequently, it introduces the primacy of the Slovak language in public life, and leaves the minorities with the right to use the native language in parallel in those municipalities where the minority accounts for

at least twenty percent of the population. In healthcare, for instance, the act in principle requires the Slovak language to be used, unless the patient is unable to communicate in this language. While the law permits minority languages to be used where the minority meets the twenty-percent threshold, it explicitly states that medical personnel are under no obligation to use any language other than Slovak.

On the other hand, some provisions of the amendment extend minority rights, for example by abolishing the requirement for persons applying for jobs in public institutions to demonstrate spoken and written command of Slovak. It also maintains the multilingual nature of some areas of social life, e.g. by requiring minority schools to keep bilingual documentation.

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The provisions for checks and penalties, which are much more extensive than they had been in the original version of the law, have caused most controversy. This issue has also been the subject of most of the disinformation in the international media. The law does not provide penalties for natural persons, although it does state that an economic entity which is also a natural

person may be punished, for example if they fail to include a Slovak-language version on the packaging of products. Fines of between €100 and €5000 may be imposed on public institutions, legal persons and economic entities who fail to remedy such infringements of the law following a written notice. Compliance with the law is to be monitored by a special institution within the Culture Ministry (dubbed the 'language police' by the media). As regards the penalties, the OSCE, among others, has remarked that while they are not inconsistent with international norms, the actual amounts may be questionable.

The Slovak position on the language law amendment

According to the Slovak government, the principal objective of the amendment is to ensure every citizen's right to information. Slovak Prime Minister Robert Fico has emphasised that if at least one Slovak lives among a minority, the state has to safeguard this person's full rights. This is why the amendment places special emphasis on ensuring that wherever a minority language is present in public life, Slovak must be present there as well.

Government officials in Bratislava argue that the amendment only applies to the Act on the Slovak language, and does not in any way limit the possibilities to use the minority language, and that where the law does apply to minority languages, it liberalises the existing provisions. The Slovak authorities have also underlined that the amendment has been welcomed by all other minorities, except for the Hungarians. Prime Minister Fico has said that Slovakia is ready to enter into talks with Hungary, but it did not intend to make any concessions with regard to the protection of its national interests, the language or the borders.

The Slovak government also claims that it has fallen victim to a 'blatantly misleading' campaign in the international media. Slovakia's foreign minister Miroslav Lajcak defended the law in July by saying that its true meaning has been „drowned out by historicising and „hystericising” malicious, and sometimes even ridiculous, propaganda”. Prime Minister Fico even believes that the language law issue has been artificially drummed up, and the harsh criticism of the amendment coming from Budapest is motivated by Hungary's difficult economic situation and the rise of extremist sentiments in that country.

Bratislava's principal argument in defence of the language law amendment is that no international institution has ordered the amendment's provisions to be altered, or declared

them incompatible with international standards. The Slovak PM has also pointed out that following his meeting with the Hungarian Prime Minister Gordon Bajnai, the Hungarian side issued a declaration to the effect that it was not necessary to change the law, and that further talks would only concern secondary legislation.

The dispute over the language law is an important element in the battle between the Slovak political parties before the regional and parliamentary elections to be held there in June 2010. The left-wing SMER-SD, led by the prime minister, which has topped the polls since the 2006 elections, has in recent months been losing its advantage over the opposition Christian-Democrat SDKU-DS of former PM Mikulas Dzurinda. The nationalist rhetoric of the government and the president, as well as the radicalisation of the Party of the Hungarian Coalition (SMK), have created deep ethnic divisions on the Slovak political scene. This situation is consolidating the coalition by uniting it against a common enemy, while at the same time weakening the opposition by hindering agreement between the Christian-Democrat SDKU-DS and KDH parties, and the Hungarian minority parties SMK and Most-Hid. Maintaining constant tension in relations with Hungary is also a way for the PM and his party to gain more popularity among voters with nationalist sympathies, at the expense of its coalition partner, the Slovak National Party (SNS).

Hungary's consensus on the Slovak language law

The adoption of the language-law amendment by the Slovak parliament has led to strongly critical reactions from both the Hungarian minority parties in Slovakia and politicians in Hungary itself. The matter has been taken so seriously that comments were voiced not only by Hungarian right-wing and nationalist parties (Fidesz and Jobbik respectively), but also by the liberals (SzDSz) and the socialists (MSzP) in the ruling minority government, who have

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hitherto approached the issue very moderately. The Hungarian media and church organisations have also criticised Bratislava's actions. It is generally believed that the adoption of the amendment was politically motivated and directed against the Hungarian national minority in Slovakia.

The Hungarian government had already voiced its reservations about the amendment at the drafting stage. In Budapest's view, the new Slovak language law is unprecedented in Europe, and many of its provisions run counter to Slovakia's international commitments. The Hungarians argue that the new provisions considerably limit the rights of the national minorities in Slovakia. The issue about which the Hungarians have expressed the most reservations is the introduction of fines for non-compliance with the new regulations. Budapest has pointed out that the penalties largely limit the Hungarian minority's right to use its native language, which, in the opinion of the Hungarian authorities, is the foundation of the minority's identity.

The opposition party Fidesz has been the most active in criticising Slovakia's new language regulations. Its MP Zsolt Nemeth, who heads the Foreign Affairs Committee in the Hungarian National Assembly and may become foreign minister in the new government, has denounced the new law as a deliberate action on Bratislava's part, and as „institutionalised persecution” of the Hungarian minority.

The Party of the Hungarian Coalition (SMK) in Slovakia has employed no less radical rhetoric. It has prepared a twelve-point analysis demonstrating how, in its view, the amendment

impairs minority rights. The main allegations concern the restoration of fines for non-compliance, and especially the fact that no criteria have been defined for deciding what kind of non-compliance should be subject to a fine of €100, and what kind to a €5000 fine. Slovakia's Hungarians fear that the maximum penalties may be applied even for minor infractions of the law.

Controversy also surrounds the provision that foreign-language inscriptions on monuments and memorial plaques have to be accompanied by a Slovak version of the same size. The provision also applies to existing monuments and commemorative plaques, which according to the Hungarian minority is an instance of retroactive operation of the law. The Hungarians in Slovakia fear that the provision will entail enormous expenses for the local authorities, leave the existing monuments defaced, and infringe the copyrights of their creators.

The strong responses in Hungary to the new provisions of the language law are indirectly motivated by the complex internal situation in Hungary. Economic recession and the political crisis have radicalised the public, which in turn has directly prompted political parties to adopt more assertive positions. The parties are competing to show which of them is the stronger defender

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of the Hungarian minority in Slovakia. The prospect of parliamentary elections in April has made the issue attractive to all political forces without exception. It should be noted that it has been addressed by groups which until now had paid no particular attention to the question of

Slovak language regulations, including the socialists, and especially the liberals. In this context, the rivalry for voters between the right-wing Fidesz and Jobbik, and the change of the MSzP's position on minority issues, are significant.

Forecast

Due to Slovakia and Hungary's diverging interests and positions, as well as the internal social and political conditions in the two countries, it appears unlikely that the conflict will be ended and relations normalised in the medium term. The involvement of international institutions in mediation between the two governments may only improve relations in the short term, and even so, such improvement will probably manifest itself only at the level of political declarations. Practice has shown that neither of the parties is willing to make genuine concessions.

The political calendar in Slovakia and Hungary will have a fundamental influence on the shape of mutual relations and the potential for agreement between Slovak and Hungarian politicians. Both Hungary and Slovakia will hold parliamentary elections in April and June 2010 respectively. It is very likely that the Hungarian-Slovak relations and the status of the Hungarian minority in Slovakia will be among the main themes of the campaign, as indicated by the fact that during this year's presidential elections in Slovakia, the ruling SMER-SD, which backed Ivan Gasparovic as the presidential candidate, reached for 'nationalist rhetoric' in the campaign as one way of discrediting the opposition candidate Iveta Radicova, who was backed by the Hungarian minority. In Hungary, on the other hand, the defence of the Hungarian minority's rights will be an inevitable element of the campaign, and will be included in the programmes of all parties competing for seats in the National Assembly, irrespective of their political outlook.

Relations between Slovakia and Hungary are also unlikely to improve after next year's parliamentary elections in the two countries. According to the most probable scenario, the conservative Fidesz will come to power in Hungary; it has been the political force most actively involved in the dispute with Slovakia, and has demonstrated a strong commitment to lobbying for the interests of the Hungarian minorities in neighbouring countries in the past. Fidesz will probably be able to form a majority government on its own, although it is not possible to predict the final results of the elections in Hungary at this stage. Another possibility that has to be taken into account is a government coalition of Fidesz and the nationalist Jobbik party, a scenario that will certainly have a negative impact on relations with Bratislava and the election campaign in Slovakia, where elections will take place six to eight weeks after the vote in Hungary. There are many indications that the future government coalition in Slovakia will be very similar to the current one. The position of SMER-SD, which is striving to take over some of the radical electorate gathered around the SNS and, to a lesser extent, the LS-HZDS, seems to be unchallenged. During the campaign, these parties will certainly step up their efforts to attract radical voters, which may in effect exacerbate the crisis in relations with Budapest.

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The dispute between Slovakia and Hungary over the language regulations is having a rather limited impact on the people in the two countries. The peaceful co-existence of the Hungarians and Slovaks in ethnically-mixed areas, and the very

small number of aggressive incidents, suggest that the conflict between Bratislava and Budapest will remain a political disagreement to be handled at the verbal level, and will not transform into a conflict between the two nations.



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