National Minorities and European Union Accession: A Consideration of Communist Legacies and EU Conditionality in Central and Eastern Europe

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Keywords
European Union, Central and Eastern Europe, communism, national minorities, Hungarian minorities, democracy, Social Sciences, Political Science, Brendan O'Leary, O'Leary, Brendan

Disciplines
Comparative Politics | Eastern European Studies | European Law | Human Rights Law | International Relations | Race and Ethnicity | Soviet and Post-Soviet Studies

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National Minorities and European Union Accession: A Consideration of Communist Legacies and EU Conditionality in Central and Eastern Europe

By

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University of Pennsylvania

2020
Abstract

The fall of communism in Central and Eastern Europe prompted Western Europe to integrate the region with European Union (EU) expansion. The collapse of the Eastern bloc was concerning to the West, which viewed the nationalist tensions in the region as having the potential to trigger destabilization and conflict. This thesis evaluates the treatment of Hungarian national minorities in three states that eventually joined the EU: Slovakia, Romania, and Slovenia. Marxist-Leninist legacies, in combination with democratization and EU membership, determined key differences in state compliance with EU national minority recommendations in the wake of membership. I identify how both communist-era legacies and European Union accession have shaped the treatment of national minorities – specifically Hungarian minorities – in each of the three cases. There are, however, additional variables that may shape majority and minority sentiment, and compliance with European Union conditionality. These are primarily domestic: the keenness of the state to achieve EU integration; the position of the state emerging from communism; the duration of EU accession; the relative size of the national minority group; and pre-communist historical events. The combination of domestic and international variables suggest that European Union conditionality is not sufficient to understand national minority group treatment; rather, it is a combination of international pressure and domestic state politics that influences how national minority rights are granted, maintained, or regress.
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**Glossary and Terminology**

**Communist States**

The terms “communist” and “post-communist” states are used to reference the past Marxist-Leninist regimes of Slovakia, Slovenia, and Romania. These states have been referred to as “socialist” or “post-socialist” states in other literature, but this choice respects these regimes’ goals of reaching the final stage of communism. While it remains true that the communist states of Central and Eastern Europe never accomplished the “final stage” of communism, the leaders of these states believed they were advancing towards it. Their ideology reflected this. Socialist thought is not defined by Marxism-Leninism.

**Copenhagen Criteria**

The Copenhagen criteria are the key criteria necessary to begin EU accession negotiations. They consist of:

“Stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; a functioning market economy and the capacity to cope with competition and market forces in the EU; the ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union” (European Union, Neighborhood Policy and Enlargement Negotiations, 2020).

Upon application to join the EU, the European Commission considers the progress of the state in meeting the membership criteria before deciding to begin accession negotiations. The European Union has helped Central and Eastern European states prepare to meet the Copenhagen criteria through monetary investment for state development, notably through the PHARE (Poland and Hungary: Assistance for Restructuring their Economies) Program. Failure to meet the Copenhagen criteria results in a delay to accession negotiations. During evaluation, the European Commission makes recommendations to states to assist them in making changes to their domestic policies that would be in line with the criteria. (See section on The European Union).

**Eastern Bloc**

The “Eastern bloc” refers to the group of communist states in Central and Eastern Europe, including states aligned with the Soviet Union under the Warsaw Pact. The Eastern bloc stood in contrast with the West’s democratic ideals, human rights, and capitalist economies.

**European Charter for Regional or Minority Languages (ECRML)**

The European Charter for Regional or Minority Languages was created in 1992, and entered into force in 1993. It was adopted to protect the right of national minorities to use their language in public or private spheres. The ECRML specified several measures to protect national minority language use in public: education, justice, administration and public services, media, cultural activities, and economic and social activities (1993). The significance placed on language rights by national minorities necessitated the creation of an agreement that would best address the rights of national minorities to use their mother-tongue. (See section on The Council of Europe).

**European Commission**

The European Commission is the branch of the European Union that oversees European enlargement and the negotiations process for candidate states. The European Commission works
with the Council of Europe and the OSCE in making reports on candidate states, including recommendations on national minority policies. (See section on The European Union).

**European Convention of Human Rights (ECHR)**

The European Convention of Human Rights was first established in 1950 with the creation of the Council of Europe. The ECHR was previously known as the Convention for the Protection of Human Rights and Fundamental Freedoms, but has since been known as the European Convention of Human Rights. The ECHR advocates for the promotion of fundamental freedoms, including justice and peace, and delineates various human rights to which party states agree to adhere by. Ratification of the ECHR is necessary to joining the Council of Europe. (See section on The Council of Europe).

**Europeanization**

Europeanization refers to the ongoing expansion of Western European ideology, culture, and influence into Central and Eastern Europe. The trend of Western influence has been linked to European Union integration with the promotion and adoption of human rights, democracy, and a market economy into Central and Eastern European states.

**European Union Accession**

Accession to the European Union operates under Article 49 of the Treaty of the European Union. States are required to meet the Copenhagen criteria before proceeding to negotiations with the European Commission. Once negotiations have begun, the candidate state begins adopting and implementing all current European Union rules, or acquis. The rules are divided into 35 chapters, including financial services, energy, social policy and employment, etc. The chapters are progressively opened and closed upon complete implementation of the policies (European Union, Neighborhood Policy and Enlargement Negotiations, 2020). States are eligible for membership after completing and closing all 35 chapters of negotiations. (See section on The European Union).

**European Union Conditionality**

European Union conditionality refers to the incentives proffered to states – predominantly in Central and Eastern Europe – by the EU. Candidate states have to abide by EU recommendations throughout accession negotiations. EU conditionality is believed to be a strong enough force to ensure compliance among candidate states; the benefits to joining the EU are perceived to outweigh the costs of domestic policy changes (Hughes, Sasse, and Gordon, 2004; Kelley, 2004).

**Framework Convention on National Minorities (FCNM)**

The Framework Convention on National Minorities was adopted by the Council of Europe in 1994 in the aftermath of the ECHR, the ECRML, and Recommendation 1201. The FCNM became the Council of Europe’s most detailed text in describing national minority rights; the FCNM considered national minority rights as a part of broader universal human rights. It is a legally binding multilateral agreement that encompasses the ideas set forth in the ECHR and the ECRML (FCNM, 1994). Adherence to the FCNM is monitored by the Advisory Committee by the Council of Europe, which conducts country visits to monitor the status of national minorities in the state; opinions on state affairs are then published with recommendations. (See section on The Council of Europe).
**High Commissioner on National Minorities (HCNM)**

The High Commissioner on National Minorities position was created in 1992 with the OSCE’s interest in monitoring national minority relations after the fall of communism in 1990. The HCNM was designed to be a third party post that would monitor the situation of national minorities, not to advocate on their behalf: the position was the High Commissioner on National Minorities, not the High Commissioner for National Minorities (Kemp, 1999: 14). The establishment of a neutral position was to ensure that national minority conflict would be resolved without bias, and with the best interests for maintaining peace and security within states. The HCNM regularly visits states and speaks to government officials and minority leaders to conduct a report on the status of national minority relations within the state. It proposes recommendations states can adopt in order to improve their minority protections and ensure state stability. (See section on The Organization for Security and Co-operation in Europe).

**Kin-State**

A kin-state has a diaspora of outside of its territorial borders. Kin-states view their diaspora as part of their broader community of potential or actual citizens; as such, the kin-state is invested in the interests of its national minorities abroad and may attempt to protect or advocate on their behalf. In the case of Hungary, the state has made repeated attempts to cultivate ties with its national minorities abroad to maintain shared cultural and national sentiment.

**Maastricht Treaty or Treaty of the European Union**

The Maastricht Treaty or the Treaty of the European Union established the present-day European Union in 1992. While Western European states shared a history of economic linkage in the wake of World War II, the Maastricht Treaty officially created the European Union. Article 1 of the Maastricht Treaty marked “a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen” (Art. 1, 1992). The treaty demonstrated the growing interconnectedness of Europe. (See section on The European Union).

**National Minority**

This thesis will refer to ethnic minority groups as “national minorities.” While some scholarship in the field has used “ethnic minority” to refer to minority groups, both terms have been used interchangeably. The term “national minority” refers to minority groups within states that can stem from a shared belonging to a cultural past, or a pre-conceived “nation” with distinct cultural patterns and autonomy. The choice to use the term “national minority” draws from Marxist-Leninist thought that referred to ethnic minority groups as ones that sought self-determination (Connor, 1984). Use of the term is further reflected in Western European agreements and governmental bodies, including the European Union (EU), the High Commissioner on National Minorities (HCNM) from the Organization for Security and Co-operation in Europe (OSCE), and the Council of Europe. To maintain consistency with both Marxist-Leninist thought and the existing discussion of minority rights in Western European bodies, the term “national minority” will be used throughout this thesis.

**Recommendation 1201**

Recommendation 1201 of the Additional Protocol on the Rights of Minorities to the European Convention on Human Rights was issued in 1993. The Council of Europe adopted the
non-binding Recommendation to provide greater guidance to states with national minorities. The Recommendation notably emphasizes the right of choice for national group membership, the freedom from discrimination for minority groups, and specified collective rights national minorities have to education, language use, and kin-state relations (1993). Recommendation 1201 sought to increase clarity with collective national minority rights in addition to the ECHR and the ECRML. (See section on The Council of Europe).

The Council of Europe (CoE)

The Council of Europe was created in 1949 in the interest of establishing a Europe that protected human rights, democracy, and the rule of law. The Council of Europe, in contrast to the OSCE and the EU, has been considered to adopt a normative approach on human and national minority rights; this differs from the peace and security approach adopted towards minorities by the EU and the OSCE (Kemp, 1999). The Council of Europe promotes human rights through its international conventions, including the European Convention of Human Rights, the Framework Convention on National Minorities, and the European Charter for Regional or Minority Languages. The Council of Europe currently has 47 member states, and includes all European Union member states (Council of Europe, Who We Are, 2020).

The European Union (EU)

The European Union was established in 1993 under the Maastricht Treaty. The concept of the European Union began in the aftermath of World War II among states who wanted to share economic interests. It has since grown in size to encompass 27 European states (European Union, Goals of the EU, 2020). The EU places an emphasis on the promotion of democracy and human rights, its single market, and peace and security within and without its neighborhood. Member states of the European Union are also members of the Council of Europe and the Organization for the Security and Co-operation in Europe.

The Organization for Security and Co-operation in Europe

The Organization for Security and Co-operation in Europe (OSCE) was created in 1975 with the intention of promoting peace and security in Europe. Its presence increased after 1990 and the collapse of communism, regarding the risk of destabilization in Central and Eastern Europe as a potential threat to the stability of Europe as a whole. The OSCE viewed national minority relations and national tensions in Central and Eastern Europe as a potential path to conflict; as such, the OSCE approached national minority protections as necessary to ensuring the interests and peace of Europe (Kemp, 1999: 7). The need for national minority regulation led to the appointment of a High Commissioner on National Minorities (HCNM) who regularly monitors national minority relations in states to avoid potential conflict. European Union members are also members of the OSCE.

Warsaw Pact

The Warsaw Pact refers to states in the Eastern bloc that were aligned militarily with the Soviet Union. The Pact included the Soviet Union (USSR), Hungary, Czechoslovakia, and Romania. Under the Warsaw Pact, USSR Communist Leader Leonid Brezhnev promoted the “Brezhnev Doctrine” which permitted the Soviet Union to intervene in the affairs of any of the states in the Warsaw Pact who were seen as violating communist ideas.
List of Abbreviations

Council of Europe ...................................................................................................................... CoE
European Convention of Human Rights .................................................................................. ECHR
European Charter for Regional or Minority Languages ......................................................... ECRML
European Union ....................................................................................................................... EU
Framework Convention on National Minorities .................................................................. FCNM
High Commissioner on National Minorities .......................................................................... HCNM
Organization for the Security and Co-operation in Europe ................................................ OSCE
1. Introduction

What has been the impact of European Union accession on national minorities in post-communist Central and Eastern European states? Slovakia, Romania, and Slovenia share with the state of Hungary historical legacies from the Kingdom of Hungary (1867-1918). Likewise, they each experienced communist regimes predominantly directed by Marxist-Leninist thought. These states democratized at roughly the same time, joining the EU in 2004 and 2007. Despite their similar histories, the three states have adopted different policies regarding their Hungarian minority population after EU membership. What has caused these different outcomes? The different outcomes of national minority policies and sentiment among states in the wake of European Union (EU) membership necessitates consideration of how communist regimes, their subsequent collapse, and their democratization and Europeanization have shaped this variation. This thesis will consider how the progression of national minority group treatment has evolved over time through an evaluation of the Hungarian national minority in three states: Slovakia, Romania, and Slovenia. The prominent populations of Hungarian national minorities in these cases make them ideal to evaluate in order to determine whether and how communist legacies or EU accession have shaped their current treatment of national minorities. While this thesis focuses on the questions raised by consideration of these three cases, it has broader implications for European Union conditionality and the evolution of national minority policies with increasing Europeanization into Central and Eastern Europe.

1.1 Contribution and Hypothesis

In recent years, there has been considerable scholarship on national minority relations in Central and Eastern European states following the collapse of communism. Violence among national groups in the twentieth century in regions under Soviet hegemony, and tumultuous transitions from communism have prompted scholars to look at the trajectory of intergroup relations in this region. The robust literature on national minorities in Central and Eastern Europe has presented a diverse range of opinions on how national identity is constructed and politicized over time. In addition to contention on national minority formation, scholars have further considered how national minority group treatment is shaped by European Union accession. EU conditionality, and its ability to influence domestic policies in Central and Eastern states, have been closely criticized in its effectiveness. The vast pool of existing research demonstrates the significance of this topic, and the need to further research the intersection of national minorities and European Union accession.

This thesis hopes to advance research by looking at the historical legacies that may have impacted Hungarian minority group treatment in three states: Slovakia, Romania, and Slovenia. It will consider those legacies alongside the impact of EU accession and democratization. While research exists on Hungarian national minorities and the evolution of their treatment throughout EU accession, this thesis hopes to provide an in-depth look at their treatment through the comparison of several cases. This research will look solely at Hungarian national minority group treatment over time in three states; existing research typically analyzes individual cases of different national minority groups to consider the impact of EU conditionality.

This thesis will consider the following hypotheses in response to the research question:

H1. The treatment of Hungarian national minorities in post-communist states is a legacy from the communist period.
H2. European Union accession has changed the pattern of treatment of Hungarian national minorities.

H3. Both the legacies of communist policies and European Union accession have impacted the current treatment of Hungarian national minorities.

1.2 National Minorities in Central and Eastern Europe: A Review

Before discussing the scope of the research, an overview of existing literature and additional information is provided that supplements our understanding of national minority relations in Central and Eastern Europe. There are three dominant themes relevant to the work of this thesis: first, the role of national minorities under communist ideology – specifically Marxist-Leninist thought; secondly, Western European approaches to national minorities; and lastly, European Union conditionality and state compliance. Understanding of these three themes will inform the research later conducted here.

1.2.1 National Minorities and Marxist-Leninist Thought

The adoption of communism in Central and Eastern European (CEE) states resulted in the deliberate reconstruction of national identities as a component of communist revolutionary movements. Scholars agree that many CEE communist states were ethnofederal in form, where the central government had the goal of respecting and protecting multiple national–ethnic identities under a single state policy (Connor 1984; Bunce 1999; Stepan et al. 2011). Marxism-Leninism, employed within the USSR, Yugoslavia, and Soviet-aligned states, referred to ethnic groups living on their respective homelands as “nations.” They viewed self-determination and nationalist movements as potential vehicles of a broader communist revolution that would spread worldwide (Connor 1984: 32). The USSR championed this model of communism, and the aftermath of its successful revolution in 1917 positioned it as a model for subsequent communist states (Schöpflin, 1993). The Soviet Union originally advocated individual national group determination and independence, and promoted revolutions abroad in developed capitalist states. The USSR believed that supporting nationalist revolutions would lead to the creation of states that would later adopt communism in line with the USSR. However, after these groups came under Soviet control, nationalism among unsatisfied minorities was discouraged, and often condemned as counter-revolutionary. Lenin’s strategy prevailed: support nationalist movements where it suited the communist movement, grant them national autonomy within a workers’ state, but not independence (Connor 1984). Marxist-Leninist doctrine regarded nationalities as transitional components of human progress that were a result from capitalism. Leninist vanguard parties expected nationalist consciousness to fade as communism was constructed.

After the establishment of Marxist regimes, some states – notably the USSR and Yugoslavia – engaged in direct national group management through policies that governed language use, education, domestic migration, and political elites (Connor, 1984). Despite the Soviet model, not all communist states in CEE willingly adopted Marxist-Leninist policies. Rather, some regimes were established organically through revolution and civil war, while others were imposed by the USSR. Yugoslavia, Romania, and Czechoslovakia all adopted slightly different interpretations of Marxist-Leninist thought, and disagreed with the USSR on multiple occasions with respect to national minority group treatment. Notably, Yugoslavia afforded significantly more autonomy to its national minorities than the USSR, which gradually began implementing integration programs over time (Connor, 1984). In addition, some CEE states had traditions of Austro-Marxist thought, which left legacies on their communist management of national
minorities. National group management under Austro-Marxist thought differed from Marxism-Leninism, emphasizing the enduring role of national cultures. Under Austro-Marxism, national identities were seen as lasting social formations that could not be easily dissolved. Austro-Marxists were therefore more tolerant in their state policies and accommodations of linguistic and national differences, but viewed these provisions as sufficient expressions of national self-determination: full, sovereign independence was not needed if “national autonomy” was protected (Sandner, 2005). While the three cases of Slovakia, Romania, and Slovenia each adopted their own models of communism that differed slightly from the USSR, their national minority treatments were each partially informed by Marxist-Leninist thought.

1.2.2 Communist Federations and the Breakups of Yugoslavia and Czechoslovakia

The significance of national minority relations continued with the dissolution of communist regimes in the 1990s. While Slovakia, Romania, and Slovenia were all impacted by nationalist tensions near the end of their communist regimes, the particularly tense relations of national minorities in post-federal states warrants further consideration. Slovakia and Slovenia were each part of federations that eventually broke apart due to national tensions and had significant Hungarian national minorities. Romania, since it retained its independence throughout communism, is not relevant to this discussion. However, scholarship on the breakups of communist federations is significant in informing how national minority rights were viewed by states in the aftermath of communism.

The collapse of communist federations has been considerably discussed by scholars seeking to understand their breakups. Collectively, scholars have agreed that national minority groups and their management had a large role in creating tensions within communist states that later contributed to their breakups (Anderson, 2014; Bunce, 1999; Hale, 2005; McGarry and O’Leary, 2009). The Soviets, the Yugoslavs, and the Czechoslovaks claimed to be multinational federations that granted some degree of self-autonomy to regions or groups within a federal system that divided power among government units (Anderson, 2014). Under this system, some communist states granted regional autonomy to national groups through cultural rights, such as language or education (Connor, 1984). This was particularly noticeable in Yugoslavia. However, national minority groups and their parties were often excluded from political power, making these states pseudo-federal as political power was highly centralized within the vanguard Leninist party (Anderson, 2014; McGarry and O’Leary, 2009; Watts, 2008). In the case of Czechoslovakia, the Czechs dominated the Communist Political Party and Slovaks were left excluded from significant decision-making.

Scholars have also agreed that while communist policies claimed to encourage tolerance, they often resulted in the domination of the strongest national groups over minorities (Roeder, 1993, Connor 1984; Bunce 1999). While national groups were expected to, over time, leave behind their adherences to their group identities and adopt a shared identity under the final stage of communism, in reality national minority cultures were often excluded and obliged to adopt the dominant culture (Connor 1984, McGarry and O’Leary, 2009; Veres, 2015). Marxist-Leninist thought, which believed class to be more salient than national identity, was proven incorrect. While national minorities in communist states were often initially granted language and education rights, these policies were slowly taken away. National minorities were often forced to adopt the dominant language or culture, either out of restrictive cultural policies, or because of the economic or social benefits that would arise from the use of the dominant culture (Connor, 1984). These
assimilationist pressures further stressed relations between the dominant and minority groups of the state.

National relations were further exacerbated by economic strain in the years preceding the 1990s (McGarry and O’Leary, 2009; Ramet, 2005). The attempts to create effective economic reform in the period before state collapse were ultimately unsuccessful and were the result of ineffective central government management. Economic strain added further pressure on national minority groups who were often marginalized as a result of assimilationist policies. The ensuing collapse of CEE communist states contributed to a lack of political structure and fears about destabilization within the region (Bunce 1999; Kymlicka 2009). The ongoing national minority exclusion under communist federations increased national tensions that threatened to erupt in the wake of communism. Given this, Western Europe was eager to stabilize the region and integrate Central and Eastern states as a means of conflict prevention.

1.2.3 Western European Democracies and National Minorities

Western Europe’s policies have stood in contrast to communist thought: democracy, human rights, and a market economy are emphasized as a result of liberal ideology. Western liberal democracies place a great emphasis on civil liberties and individual freedoms that are often enshrined within a constitution (Kymlicka 2009; O’Leary and McGarry 2012; McCrudden and O’Leary 2013). The traditions of liberalism and democracy have long been conflated in the West. Here, “democracy can be seen as the natural development of liberalism” that merged the two strains of political thought (Bobbio, 1990: 37). The emphasis on individualism and constraints on government power were later promoted abroad in CEE states after the collapse of communism as a means of mitigating conflict. These states were encouraged to democratize into liberal states similar to the West during this time of transition (Zakaria, 1997; Kymlicka, 2009; Levitsky, 2010). Initially, Western Europe believed that generous protections for national minorities and the development of multiculturalism would be most effective in integrating Central and Eastern Europe. Multicultural states with explicit protections for national minorities became the image of a “modern state” that CEE states should emulate (Kymlicka, 2009: 178).

However, as some CEE states experienced incredibly violent transitions from communism, Western European powers became increasingly wary of spiraling instability within the region. Western states feared that advocacy for specific rights for minority groups would lead to increased tensions within their states and threaten their internal stability. As a result, they reversed their stances on explicit minority rights, and believed that culturally-blind approaches would lead to the gradual assimilation of minority groups (O’Leary and McGarry, 2012: 83; McCrudden and O’Leary, 2013). This approach became known as the “integrationist approach.” Integrationists believe that conflict stems from “group-based” partisanship in political institutions, and specific rights towards an ethnicity, language, or religion, can spark division among communities (O’Leary and McGarry, 2012). As a result of this, the rights granted are individualistic in scope, falling under generic rights that do not place an emphasis on national identity (Kymlicka, 2009; O’Leary and McGarry, 2012). Western Europe’s desire to contain conflict within Central and Eastern Europe led to the adoption of this model, and placed national minority rights under a broader scope of human rights; the lack of specific designation to national minority rights would avoid possibilities of future conflict (Kymlicka, 2009).

Unsurprisingly these policies may fail to protect national minority group identities (Anderson, 2013; Kymlicka, 2009; McCrudden and O’Leary, 2013; O’Leary and McGarry, 2012). Integrationist policies may instead lead to the hegemony of the dominant national group (Kymlicka
“Difference blind” policies do not, in reality, result in equality, but rather encourage assimilation into the dominant culture at the expense of minorities (Kymlicka 2009). Furthermore, Western liberal opposition to stringent group based rights can lead to conflicting approaches towards national group management. The demand to comply with liberal institutions, such as the EU, can be destabilizing for a state that has deeply divided and precarious national group relations (McCrudden and O’Leary, 2013). The volatile posture of Western liberal democracies, initially favorable toward national minority rights, and then favorable to a difference-blind human rights approach, ultimately resulted in conflicting messages regarding what policies are adequate to protect minorities and raised questions about their enforceability and effectiveness.

1.2.4 European Bodies and National Minority Rights

Three organizations drove Western European expansion into Central and Eastern Europe in the wake of communism: The Council of Europe, the Organization for Security and Co-operation in Europe, and the European Union. The motivations of each of these organizations to integrate Central and Eastern Europe differed slightly; the CoE attempted to promote a normative form of human and minority rights, while both the European Union and the OSCE viewed national minority rights as a means of peace and security (Kemp, 2001; Kymlicka, 2009). While their motivations for promoting national minority rights differed, they shared consensus that the granting of minority rights was necessary to address the underlying national tensions in Central and Eastern Europe. Each body established their own relations with each democratizing state, and worked together to provide reports on the status of national minority protections in each state.

1.2.5 Defining National Minority Rights

The West’s aversion to creating explicit national minority group rights was expressed in their lack of clarity surrounding the term “national minority” (Kymlicka, 2009; Hughes and Sasse, 2015). In each of their international agreements, there is no legal definition for the term “national minority” (Kymlicka, 2009; Hughes and Sasse, 2015).

The European Convention on Human Rights mentions national minorities under Article 14, which prohibits discrimination against “association with a national minority” (1950, Art. 14). However, it does not clarify who constitutes a minority. Furthermore, the Framework Convention on National Minorities (FCNM), fails to offer a consistent definition. The introduction to the text acknowledges that a democratic state should “not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve, and develop this identity” (1994). Additionally, the OSCE relies heavily upon its appointment of the High Commissioner on National Minorities to address national minority claims and affairs. As such, the usage of the term “national minority” rose to prominence in the aftermath of the collapse of the Eastern bloc, but lacked a consistent legal definition; scholars agree that this has added to confusion surrounding who constitutes a national minority and what rights should be afforded to individual groups (Kymlicka, 2009; Hughes and Sasse, 2015).

1.2.6 Negative National Minority Rights

The aversion to providing a clear definition of “national minorities” is further complicated with the approach European bodies have taken towards national minority protections. As previously discussed, Western Europe initially took a proactive approach towards national
minority rights, but reversed their stance on explicit minority protections. The shift in Western Europe’s decision to encapsulate national minority rights as a part of human rights led to the promotion of negative national minority rights. Generic human rights promotion has been criticized as limited in their scope since they do not explicitly address the needs of national minority communities (Kelley, 2004; Kymlicka, 2009; Mabry, McGarry, Moore, and O’Leary, 2013; Lempp, 2015).

Instead, the CoE, the OSCE, and the EU have recognized the significance of language, education, and cultural rights and have consistently advocated the freedom of national minority groups to develop their own institutions without discrimination. Language, education, and cultural development each play a large role in the preservation of national minority identity, and as a result most laws involve regulation on these three social categories. The three bodies have agreed on the right of national minorities to self-identify with their national group (Kymlicka, 2009). The ability to choose whether or not to identify as a national minority leaves open the possibility of voluntary assimilation. The enforcement of negative rights protections means that states are not required to provide explicit protections on behalf of national minorities; instead, states cannot interfere in the development of national minority institutions.

The rhetoric of negative rights promotion is evident in both the ECHR and the FCNM. For instance, the ECHR prohibits discrimination against individuals on the basis of “. . . language, religion . . . association with a national minority” and states that “the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions” (ECHR, 1953). The FCNM declares that national minorities have the right to choose whether or not to be treated as such, and that states should promote equality in all aspects of the state – including economic, social, political, and cultural life – between national minorities and the majority (FCMN, 1994). Regarding education, the FCNM further states “that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments” (1994, Art. 13). There are no explicit rights granted to national minorities.

Both the ECHR’s and FCNM’s employment of negative rights for national minorities align with the integrationist approach adopted by Western Europe, where policies are tolerant of national differences, but do not necessarily advocate specific programs or policies to protect minorities (Kymlicka, 2009). The encapsulation of national minority rights under human rights has left it to the individual state to interpret what is “sufficient” or “adequate” protection for minorities and does not guarantee national minority representation within states. For example, Slovenia defined its national minority population as Hungarians and Italians; other minority groups are not considered as national minorities or granted the same rights as Hungarians or Italians in the state.

The promotion of negative human rights has been mirrored within the OSCE HCNM. The HCNM has withdrawn from previous consideration of territorial self-government (autonomy) and representation that was first advocated under the Lund Recommendations of 1999. Originally written in response to issues of minority education and languages, the Lund Recommendations were put forth by the HCNM to ensure more rigorous and broader protections of national minorities. The Lund Recommendations (1999) notably called for minority representation and participation in decision making, and self-government, possibly through territorial arrangements (Lund Recommendations, 1999). However, since then, the EU’s evolving stance on national minority rights has also been reflected within the HCNM. By the early 2000s, the HCNM no longer viewed self-autonomy as necessary and ceased advocacy for territorial self-government; in the
case of Hungarian minorities, it viewed that autonomy would violate European standards (Mabry, McGarry, Moore, and O’Leary, 2013: 383).

Altogether, the Western European approach towards national minority protections has predominantly focused on negative national minority rights as a part of a broader human rights. Scholars have agreed that the promotion of negative rights for national minorities and the advocacy of generic human rights alone are not necessarily effective in protecting minority groups (Kelley, 2006; Mabry, McGarry, Moore, and O’Leary, 2013; Lempp, 2015). The combination of vagueness in national minority definitions and the increased aversion to delineating explicit national minority rights makes European Union accession and national minority compliance complicated.

1.2.7 European Union Conditionality

In addition to negative rights promotion and the importation of democracy into Central and Eastern Europe, the OSCE HCNM, the Council of Europe, and the European Union engaged in conditionality as a means to ensure compliance with national minority policies. Conditionality, as defined by Hughes and Sasse, relies on a power imbalance where the EU, or Western institutions, “can exert political leverage on candidates to ensure the requisite outcomes in policy or legislation” (Hughes and Sasse, 2015: 26). The influence of conditionality rests on the premise that democratizing states desire to integrate with Western Europe, and as such will be willing to comply with demands made by the organizations. The perceived benefits from joining European bodies ensures compliance (Hughes, Sasse, Gordon, 2004; Kelley, 2004).

The European Union is most discussed regarding European conditionality. The EU’s changing position on national minorities has been reflected in its membership criteria – the Copenhagen criteria (Hughes and Sasse, 2015: 30). National minority rights, in line with Western Europe’s aversion to delineate specific minority rights, have been categorized under a broader category of “democracy, human rights, and the rule of law and respect for and protection of minorities” (Hughes and Sasse, 2015: 33). The continued advocacy for national minority rights follows a longstanding trend from national minority treaties in the wake of World War I, but policies for the explicit protections of national minorities have increasingly grown broader over time (Kymlicka, 2009; Hughes and Sasse, 2015). This is noticeable in the EU’s inclusion of national minority protections in the Copenhagen criteria, but limited discussion of national minority rights within the 35 chapters of accession negotiations.

However, scholars have debated the effectiveness of EU conditionality in improving national minority protections. Importantly, there are two prominent issues raised regarding national minority policies in the wake of 1990. First, the conditions set forth by the EU regarding minority protections would not have been met by Western European member states had they been applying for candidacy after 1990 (Hughes and Sasse, 2015: 34). The expectations for national minority protections and compliance were higher for new candidate states. Secondly, the EU’s lack of clarity on national minorities – both in the absence of a clear definition and the lack of inclusion in the accession criteria – make compliance difficult (Hughes and Sasse, 2015: 38).

In light of the vagueness on national minority protections set forth by the EU, there are varied opinions among scholars regarding the actual effectiveness of EU conditionality. Scholars agree that are additional factors that may influence compliance with the EU, specifically, domestic factors (Hughes, Sasse, and Gordon, 2004; Kelley, 2004; Kymlicka, 2009). However, the salience of domestic factors in the EU accession process is contested. Some scholars believe that while domestic factors contribute to compliance, joining the EU remains the most significant factor that shapes changes to domestic policy (Kelley, 2004). In contrast, others view that EU conditionality
only appears influential on paper. Instead, hypocrisy and vagueness in EU recommendations contribute to a perception that conditionality reinforces an EU “double standard” (Kymlicka, 2009: 42; Hughes and Sasse, 2015: 38). As a result, these scholars view EU conditionality as one factor that impacts changes in national minority policies, but by far are not the most significant factor in increasing minority protections. In contrast, the domestic aspects of a state play a much larger role in shaping national minority treatment (Hughes, Sasse, and Gordon, 2004).

The ongoing debate over the effectiveness of EU conditionality marks a continuation of shifting Western European stances on national minority rights and treatment. It is clear among scholars that Western Europe’s approaches to national minority rights have evolved over time, and have been predominantly relegated as less significant in light of other recommendations made during the process of Western integration (Hughes, Sasse, and Gordon, 2004; Kymlicka, 2009; Hughes and Sasse, 2015). The ongoing debate over the effectiveness of European Union conditionality will likely continue as Europeanization into Central and Eastern Europe progresses. The discussion of EU conditionality and its development in the early 1990s is significant in considering the outcomes of national minority treatment in our cases: Slovakia, Romania, and Slovenia.

1.3 Data and Methods

This thesis will use qualitative case methods to look at Hungarian national minorities in three states: Slovakia, Romania, and Slovenia. This approach allows for an in-depth evaluation of the treatment of Hungarian national minorities in each state. The research has been conducted in two ways: first through evaluation of secondary data documenting historical communist and pre-communist policies towards Hungarian minorities; and second, with primary archival data from the European Commission, the Office of the High Commission on National Minorities, and the Council of Europe. Together, the usage of primary and secondary data enables us to evaluate the changes made to national minority policies throughout communism, the accession negotiations, and after EU membership.

1.3.1 Measures

This research project has one broad set of independent and dependent variables relevant to EU accession. National minority treatment will be documented over time from communism, EU accession, and after EU membership. Each time period will be evaluated for their protections on national minorities. “Anti-minority” indicates state policies or practices are not beneficial to national communities and have received condemnation from the EU, the CoE, or the OSCE HCNM. “Pro-minority” are policies adopted by states that have been praised by the EU, the CoE, or the OSCE HCNM that are not detrimental to national minorities.

As a result, the independent variable is any position by the EU, the CoE, or the OSCE HCNM on a national minority policy in a state. This could be either a positive or a negative position, typically found in a recommendation or report made by any of the three institutions. The dependent variable is the corresponding change, or lack of change, in the state’s policy on national minorities. The overall trend of national minority policies and their compliance with recommendations from the EU, the CoE, or the OSCE HCNM will determine whether a time period is defined by “anti-minority sentiment” or “pro-minority sentiment.” Anti-minority sentiment will indicate that the state did not abide by recommendations made by any of the three European bodies, while positive minority sentiment will indicate the state’s cooperation. The broad trend of national minority treatment before, during, and after accession will determine the impact
of EU accession on national minority group treatment. A change in sentiment from before accession to after accession will indicate if a state has improved, declined, or maintained its policies on national minorities.

### 1.3.2 Sample

This thesis will gather primary and secondary data to inform its research. Primary data will come from the Historical Archives of the European Commission, located in Brussels, Belgium. Further primary data will be gathered from online databases of the Council of Europe and the OSCE HCNM, found on their official websites. The primary data for the Council of Europe and the OSCE will range from the beginning of the 1990s through to current day reports; these are typically yearly reports and correspondences between the state and the governing body. In the case of primary data from the European Union, yearly reports published by the European Commission documenting each state’s accession progress will be evaluated. The reports will range from 1993 to 2007; this encapsulates the entire accession timeline for Slovakia, Romania, and Slovenia. All primary data will focus solely on the treatment of national minorities and recommendations made to each state on domestic policies each year. These will be recommendations made on laws or treatment regarding language, education, political rights, or cultural development.

Secondary data will predominantly focus on the historical time period before and under communism. The secondary data gathered will focus on language, education, political, and cultural rights; it will further include any international agreements or domestic laws that directly influenced national minority group treatment. It will be sourced from peer-reviewed articles and books that have conducted extensive research on any of the three cases. Secondary data will further supplement primary data regarding EU accession and later EU membership to provide a timeline of events that inform the recommendations and laws passed during EU accession. Together, the combination of primary and secondary data provide a complete picture of how national minority group policies and treatment have evolved over time.

### 1.3.3 Analytic Strategy

This largely historical and documentary analysis has been provided for by a travel grant from the Center for the Study of Ethnicity, Race, and Immigration. The travel grant to the Historical Archives of the European Commission and the European Commission’s Library and eResources allowed me to gather primary data on the accessions of Slovakia, Romania, and Slovenia. The data from the Historical Archives and the Library and eResources focuses on European Commission reports from 1995 to 2007. Additional data has been gathered from the online databases of the OSCE and the Council of Europe. To correspond with the primary data gathered from the OSCE, I reached out to Mr. Bob Deen who was Senior Adviser at the OSCE High Commissioner on National Minorities. The interview was intended to provide supplemental information on the OSCE HCNM’s role in the accessions of Slovakia, Romania, and Slovenia. Recent developments regarding the situation of COVID-19 unfortunately hindered the conduction of an interview.

The data gathered is sorted according to four broad time periods. These are: the establishment of the Hungarian diaspora from World War I to World War II (1910 – 1945); World War II and communist regimes (roughly 1945 – 1990); democratization and EU accession (1990 – 2007); and after EU membership (2004 – 2016). Primary and secondary data work to evaluate two parts of each time period – legislation or policies passed by the state, and the policies in practice. These two components – de jure treatment and de facto treatment – are significant in
considering national minority group relations. Analysis of de jure treatment and de facto treatment allows us to evaluate how “fair” laws for national minorities may in reality have negative impacts on minority communities. In short, policies that appear fair legally, may not be fully implemented or adhered to in social practice.

In addition to analysis of de jure and de facto treatment for each time period, primary and secondary data focus here on the political, language, education, and cultural rights afforded to minorities. These four categories are of particular significance to national minority communities as they provide avenues for advocacy, cultural development, and national self-identification. In summary, each time period will be broken down to consider both laws and practices in four categories – political, language, education, and cultural rights.

2. The Establishment of the Hungarian National Minority Diaspora

To begin, this thesis will discuss the establishment of the Hungarian national minority diaspora that was created after World War I. The period of time between World War I and World War II resulted in drastic changes to state borders in Central and Eastern Europe. The interwar period and the aftermath of the Treaty of Trianon in 1920 were significant in shaping Hungarian national minority consciousness.

Before World War I, Hungary was part of a broader federation known as Austria-Hungary. The Austro-Hungarian empire included the Republic of Austria, the Kingdom of Hungary, and the later annexed Bosnia and Herzegovina. During World War I, the empire was aligned with the Central Powers. The subsequent defeat of the Central Powers in World War I led to territorial cession and the establishment of the present-day Hungarian state. Peace negotiations after the war were settled at the Paris Peace Conference from 1919 to 1920, where the League of Nations first placed a great emphasis on national minority protections.

Before World War I, the Hungarian empire had previously practiced “Magyarization.” “Magyarization” refers to the attempted assimilation of non-Hungarian minorities into the dominant Hungarian culture and language; the term “Magyar” is synonymous with being ethnically Hungarian. The assimilation policies had suppressed many of the national groups in the state, including Slovaks, Romanians, and Slovenes. These national groups would later form independent states after World War I. Their repression under Hungary was not easily forgotten, and after gaining independence from Austria-Hungary, they each attempted to create their own nation-states.

The emergence from World War I also resulted in a growing trend towards communism in Central and Eastern Europe. The 1917 Bolshevik Revolution in Russia and its success was celebrated by communists as the model for future revolutions (Connor, 1985). Marxist-Leninist thought, as a result, became the prominent ideology which communist movements attempted to emulate; the Soviet Union became the communist model (Schöpflin, 1993). Lenin’s thoughts on national groups (as previously discussed) were adopted – with varying success – in Slovenia (Yugoslavia), Romania, and Slovakia (Czechoslovakia) under their later communist regimes.

2.1 The 1910 Austro-Hungarian Census

The 1910 census was the last census taken by Austria-Hungary before its breakup after World War I. The census categorized the population according to their preferred language, and documented the population in each of the regions of the state – Austria, Hungary, and Bosnia and Herzegovina. Dr. Wilhelm Winkler, the Secretary of the Central Commission for Statistics at the
University of Vienna recorded the findings of the 1910 census (see map 2.1.a in Annex). The total population within the federation at the time was approximately 51 million people. Of this, approximately 28 million lived within Austria, with 20.8 million in Hungary. Within Hungary, 48% of the population living there spoke Hungarian and were considered ethnically Hungarian – or Magyar – as a result. The Hungarian population was estimated to be approximately 10 million people. The second largest population within the Hungarian Empire was Romanian, constituting approximately 14%, or 3 million people. In contrast, Austria was predominantly German and Czech (Winkler, 1921: 1) – (see map 2.1.a in the Annex).

The Austro-Hungarian population self-identified by their preferred language. As a result, there is a chance that the population totals may not be entirely accurate, since the national identity of an individual may not directly correspond to their primary language used. Furthermore, some scholars have argued the census during the pre-war period may have favored the ruling nationality instead (Kirk, 1946: 224). While contention over the accuracy remains, this census depicts the concentration of the Hungarian population before World War I and is relevant to later treaty negotiations following the end of the war.

### 2.2 The Treaty of Trianon

The aftermath of World War I and the defeat of the Central Powers culminated in the Paris Peace Conference from 1919 to 1920. During this time, the Treaty of Trianon was negotiated between the Entente Powers and Austria-Hungary. The Treaty of Trianon regulated the new borders of Hungary and the change of territory in the region. During the Paris Peace Conference, the Entente Powers relied upon a map presented by Count Pál Teleki, the Chief Secretary of the Hungarian Geographical Society. This map, known as the *Carte Rouge*, or Red Map, was used at the Paris Peace Conference to determine the national distribution of the population within the Kingdom of Hungary (American Geographical Society, 1918). It was drafted from 1918 to 1919 based on Austria-Hungary’s 1910 census. Its prominent red color depicted the distribution of Hungarians within the region, and further contributed to its name (American Geographical Society, 1918). The Entente Powers attempted to create a highly homogenized Hungarian state, and drew the new borders of Hungary around the heavily concentrated red regions of the map. The ceded territories contained pockets of Hungarian populations that would become national minorities following World War I (see Map 2.2.a in the Annex).

The Treaty of Trianon reshaped Central and Eastern Europe with the establishment of independent Austrian and Hungarian states. Hungary was reduced to roughly one-third of its original size under Article 27 of the Treaty (Treaty of Trianon, 1920; Schöpflin, 1993). Czechoslovakia, Romania, and the Kingdom of Serbs, Croats, and Slovenes (later Yugoslavia) had much to gain from the Treaty. Czechoslovakia increased in size by approximately 60,000 kilometers, and gained a population of roughly 3.5 million people. Of the population added from Austria-Hungary, roughly 30%, or 1 million, were Hungarian minorities. In Romania, around 100,000 kilometers of territory and over 5 million people were added to the state. Roughly 30% of them were nationally Hungarian, or almost 1.7 million people. In The Kingdom of Serbs, Croats and Slovenes, 20,000 kilometers of territory were added with a population increase of 1.5 million people. Approximately 30%, or almost half a million people were nationally Hungarian (Winkler, 1921:1) – (see Maps 2.2.b and 2.2.c in the Annex).

The results of the Treaty led to a more homogenized Hungarian state, with approximately 90% of the total population within Hungary being nationally Hungarian (Zeidler, 2007: 41). The end of World War I resulted in both a significant loss of land and a drastic reduction of Hungary’s
population (Ludanyi, 1996: 372). The Treaty of Trianon left concentrations of national Hungarians within new states, specifically in the regions of Transylvania, Banat, the southern borders of Czechoslovakia, and the Prekmurje and Vojvodina regions of modern-day Slovenia and Serbia. Hungarians who were once the dominant national group now found themselves as minorities; national tensions in the region grew as the hierarchies of national groups shifted. The Treaty of Trianon remains a point of grief and humiliation for Hungarians, and its legacy has continued to shape the foreign policy of Hungary towards its diaspora abroad.

2.3 Slovakia: National Minority Treatment After the Treaty of Trianon

Czechoslovakia gained its independence from Austria-Hungary in 1918, and grew in size after the Treaty of Trianon. The state was formed as a union between Czechs and Slovaks who wanted unite with one another against their large minority populations (Leff, 1997). The Czech Republic a large population of German minorities, and the Slovak Republic had a large population of Hungarian minorities. The Hungarian population in Czechoslovakia at the time of the 1921 census was over 700,000 people, or roughly 5-6% of the total population (Tóth & Novotný, 2014: 217). Czechoslovakia was divided into four provinces: Bohemia, Moravia-Silesia, Slovakia, and Subcarpathian Rus. The Hungarian minority population was predominantly concentrated within Slovakia, along the southern border with Hungary.

Czechoslovakia adopted a constitution in 1920 and established a democratic government. The Constitution extended political rights to all national minorities, and included a provision for national minority rights. The protections for national minorities stemmed from the Paris Peace Conference, where the League of Nations put forth a series of international treaties governing the treatment of national minorities. National minority rights in Czechoslovakia were based on the international Treaty of Saint Germain-en-Laye that was negotiated between the Entente Powers and the state of Austria (Kuklík and Petrás, 2017). It recognized the independence of Czechoslovakia, Poland, Hungary, and The Kingdom of Serbs, Croats, and Slovenes (later Yugoslavia) in 1920.

Under the Treaty of Saint-Germain-en-Laye, Czechoslovakia agreed to guarantee the civil and political rights of all its citizens, granting citizenship to individuals not of Czechoslovak nationality (Treaty of Saint-Germain-en-Laye, 1920, Article 7). Article 7 of the Treaty prohibited discrimination based on national identity, and stated that “no restriction shall be imposed on the free use by any Czechoslovak national of any language in private intercourse, in commerce, in religion, in the press or publications of any kind, or at public meetings” (Treaty of Saint-Germain-en-Laye, 1920, Article 7). The Treaty of Saint Germain also mandated minority language use, permitting minorities to establish and manage schools or institutions in their own language or religion (Treaty of Saint-Germain-en-Laye, 1920, Article 8). The establishment of these institutions fell under state jurisdiction, who was responsible for providing adequate public education facilities for non-Czechoslovak instruction in regions with considerable amounts of national minorities (1920, Art, 9). Together, Articles 7, 8 and 9 provided the framework for Czechoslovakia’s constitutional protections for national minorities.

2.3.1 Political Rights and Representation

The 1920 Constitution of Czechoslovakia began with “We, the Czechoslovak nation.” The inclusion of this language was highly contentious. Hungarian representatives protested this wording because it promoted the idea of a Czechoslovak nation-state that would exclude national minorities (Bakke, 2002). While the preamble discussed the idea of a nation-state, the text of the
Constitution did not refer to a Czechoslovak nation. Instead, the term “people” was commonly used to refer to citizens of the state. National minorities were granted protection under Section VI of the Constitution, with specific articles (128 – 134) covering the treatment and rights granted to national groups (Constitution of the Czechoslovak Republic, 1920, Section VI). The Constitution guaranteed the political and civil rights of all individuals within the state – regardless of national identity. Later sections within the Constitution regulated language and education for national minorities, and national minorities were permitted political parties and active representation within state government. While the Constitution did not impose the creation of a Czechoslovak nation-state, the implications from the preamble reinforced the idea that Czechoslovakia prioritized its dominant Czech and Slovak national groups.

Czechoslovakia adopted a parliamentary electoral system that consisted of two chambers: the Chamber of Deputies and the Senate. The parliament was elected based on proportional representation under multi-member districts (Tóth & Novotný, 2014; Kuklík and Petrás, 2017). There were numerous political parties that emerged during this time, including parties that represented the interests of national minority groups. Positions to the Chamber of Deputies were based on 23 electoral districts, with seats to the Senate elected from 13 larger districts. Hungarian representatives were predominantly elected from the southern districts of Slovakia, such as Nové Zámky and Košice, which had high concentrations of Hungarian communities. The use of proportional representation aided the election of national minorities to the central government, and the political inclusion of national minorities also emerged in public bodies and institutions (Kuklík and Petrás, 2017: 156). The inclusion of minorities in state and administrative bodies provided avenues for Hungarian minority interests.

2.3.2 Language Use, Education and Cultural Expression

National minority language, education, and cultural expression were protected by the Czechoslovak Constitution, the 1920 Language Act, and the international Treaty of Saint-Germain-en-Laye. The 1920 Constitution included a separate provision regulating Czechoslovak language called the Language Act of 1920. The Act established the Czechoslovak language as the official state language under Section 1, relying on Article 7 of the Treaty of Saint-Germain-en-Laye (Language Act 1920). Article 7 of the Treaty permitted the use of the Czechoslovak language in public areas of government, “in which the work of all the courts, offices, institutions, undertakings and organs of the Republic shall be conducted, in which they shall issue their proclamations and notices as well as their inscriptions and designations” (Treaty of Saint Germain-en-Laye, 1920, Article 7). Section 1 of the Language Act reflected this, and stated that Czechoslovak would be the primary language used in courts, offices, and institutions (Language Act, 1920, Section 1). However, under obligation to the Treaty of Saint-Germain-en-Laye, the Language Act also guaranteed the protection of national minority languages. The Act permitted the use of a minority language if 20% of the population within a jurisdictional district spoke the same minority language (1920: Section 2). The minority language would be used in the courts and public offices of districts meeting the population threshold, and representative councils and government officials would likewise be required to accept documents in the minority language. However, the 20% threshold could only be used in regions where the non-Czechoslovak population spoke the same minority language. This hurt districts with diverse minority populations, since a minority language could not be used unless a single minority group constituted at least 20% of the population there (Kuklík and Petrás, 2017).
The Language Act also regulated national minority education. The establishment of national minority schools was based under Article 9 of the Treaty of Saint-Germain. Czechoslovakia’s obligation to the international agreement was fulfilled through the inclusion of minority schooling in its Constitution. Section 5 of the Language Act stated “the instruction in all schools established for members of a national minority shall be given in their language. Likewise, educational and cultural institutions shall be administered in their language” (1920, Section 5). As a result, national minority schools, resources, and supplies were state funded. While the creation of minority schools worked to mitigate inequality between majority and minority education, educational inequality still persisted. Schools for Czechoslovaks in regions that had high national minority populations were noted to have received additional state support (Kuklík and Petrás, 2017). The difference in state funding emphasized the hierarchy of Czechoslovak nationals in the education system.

Despite the initial protections the Language Act offered, the Act was continuously reduced until its implementation in 1926. In the 1926 version, the Language Act was constrained and interpreted to exacerbate national minority relations with the state (Kuklík and Petrás, 2017:143). Under the 1926 interpretation of the Language Act, the ability to use national minority languages was refined to “administration . . . Ministries of the Interior, Justice, Finances, Industry, Business and Trades, Public Works and Public Health, and Sports” (Tóth & Novotný, 2014: 228). It did not apply to any other offices, including education, foreign affairs, or social care. The implementation of the Language Act of 1926 was met with minority criticism which believed too much time has passed between the initial signing of the act and its implementation (Kuklík and Petrás, 2017: 141).

The freedom of expression and press was also protected under the 1920 Constitution. The freedom of press was protected under Section 113 and 117 of the Constitution which guaranteed the freedom of the press, assembly, and right of individual citizens to express their opinion publicly (Constitution of the Czechoslovak Republic, 1920, Section 113). This guaranteed Hungarian minorities the ability to express their opinions and contributed to their cultural development. However, Section 113 also granted the government the right to determine “to which limitations the principles laid down in previous paragraphs shall be subject in times of war or when such events occur in the state that pose a significant threat to the republican state form, the Constitution or peace and order” (1920, Section 113). The permission of press regulation later became a way for the government to suppress national minorities. Censorship laws were later introduced that restricted political parties – specifically communist parties – and national minority opinions that were deemed threatening to the state (Tóth & Novotný, 2014: 228). National minorities viewed the state regulation of press as anti-minority sentiment.

The decline in national minority protections continued in the interwar years with the looming threat of Germany. In the 1930s, the state passed legislation known as the Defense of the State Act, which directly impacted Czechoslovak minorities. Under this act, the government had the authority to intervene in issues they deemed a threat to state security. It granted considerable power to the government to adopt orders with presidential approval that would address state defense emergencies (Kuklík and Petrás, 2017). These orders could be conducted under presidential approval, and would work in place of a law. National minorities were skeptical of the subjective nature of the Act, believing that the government could employ repressive measures against minorities they deemed as “threats.” Interestingly, while some restrictions on national minority expression were occurring, the rising threat of Germany also resulted in some improved national minority treatment. State policies became more tolerant of national minorities –
specifically Germans— and increased minority language support and political representation in an attempt to evade the threat of Germany (Kuklík and Petráš, 2017).

Altogether, the period of interwar Czechoslovakia has been defined as a relatively robust “democratic state” that granted equal citizenship, universal suffrage, and protection of national minorities (Bakke, 2002; Tóth & Novotný, 2014; Kuklík and Petráš, 2017). However, despite de jure protections for minorities, the subjective interpretation of legislation led to varying treatment of minorities within the state. Overall, national minorities were able to freely use their mother-tongue and to pursue education under state protection. The rise of President Beneš in 1938 and later state occupation under Nazi Germany would mark a sharp turn away from tolerant policies for national minorities.

2.4 Romania: National Minority Treatment after the Treaty of Trianon

Romania also benefitted from the Treaty of Trianon, with the addition of Transylvania and parts of eastern Banat nearly doubling the size of the state (Treaty of Trianon, 1920). These regions were predominantly populated by Romanians, but held significant pockets of Hungarians. As a result of World War I, Romania was able to consolidate most of its national people; however, the population of national minorities in Romania increased from 8% to almost 30% of the total population (Ignat-Coman, 2012: 494).

Similar to Czechoslovakia, the Romanian population in newly added territories had been marginalized under Hungarian rule (Kiss, Székely, Toró, & al, 2018). Previous “Magyarization” shaped the policies employed by the newly enlarged Romanian state towards its Hungarian national minorities. As Romania homogenized much of its population, it attempted to consolidate itself as a nation-state.

2.4.1 Political Rights and Representation

Romania’s Constitution of 1923 granted suffrage to all men and promised political rights to all individuals within the state, regardless of national identity. However, the Constitution also declared the Kingdom of Romania as a unitary and indivisible national state, emphasizing the dominance of Romanians over national minorities. Article 5 of the Constitution stated that all “Romanians without distinction of ethnic origin, language, or creed” shared the same political freedoms (Blomqvist, 2014: 233). However, the Constitution differentiates between the rights of “Romanians” and “foreigners” yet does not define who is a “foreigner” and who is a “Romanian.” The lack of clarity meant that “Romanians” could be defined to mean Romanian nationals, which would exclude minorities (Blomqvist, 2014). The lack of distinction was significant because “foreigners” are excluded from some political rights, including the right to attend public functions or own property.

The heightened concern over national minority rights and representation led to the creation of political parties along national lines. Hungarians found representation among The Hungarian People’s Party and The Hungarian National Party (Ignat-Coman, 2012: 500). In addition to this, Hungarians in Transylvania aligned themselves with left-wing parties. Many became supporters of communist parties, which they viewed as a way to gain equal treatment and opportunity within the state (Schöpflin, 1993).

2.4.2 Language, Education and Cultural Expression

Language, education and cultural development were regulated under the 1923 Constitution. Article 129 of the Constitution, declared the Romanian language the official language of the state;
this contradicted earlier passages that claimed all individuals had the right to use the language of their choice in both public and private spheres (Blomqvist, 2014). The enforcement of a single national language reflected the establishment of a Romanian nation-state (Macartney, 1937). Romanian language use became a method to assimilate national minorities, and many city and location names within Transylvania were changed from Hungarian to Romanian (Ignat-Coman, 2012). While the state attempted to assimilate Hungarian minorities and suppress Hungarian language use, the Hungarian language remained dominant within Transylvania. As a result, the state turned to education policies as a method of forcing assimilation.

The Romanian government began a “Romanianization” of the public education system. It required the use of Romanian in all state schools, and national minority languages were only permitted in private education. Private schools received less funding than public schools, and this effectively reduced the support for minority education overall (Ignat-Coman, 2012). The increased inequality between public and private schools made it difficult for national minorities to receive the same quality of education from private schools. They would have to attend Romanian public schools in order to improve their future prospects. However, even within private schools, the state made important subjects – such as history and geography – compulsory in the Romanian language (Blomqvist, 2014: 33). National minority schools did not have teachers who were proficient in Romanian to teach these subjects, further contributing to educational inequality (Blomqvist, 2014). The education system became an effective method in promoting the Romanian language and in disadvantaging minorities who pursued private education to preserve their mother-tongue.

Romanianization intensified throughout the interwar years with the deliberate promotion of Romanians in the public sector. The government was wary of large populations of non-Romanians within government and suspected them as a potential threat to the state. In order to restrict minority access to the public sector, the government introduced language tests throughout the Satu-Mare region near the border of Hungary in 1934. Individuals who passed the Romanian language tests tended to be Romanian as a result of lasting educational inequality. The government was successful; Romanians constituted around 59% of workers in the public sector (Blomqvist, 2014: 37). As World War II approached, the state adopted more repressive measures towards its national minorities through its strongly right-winged political stance, increasingly viewing national minorities as traitors to the state (Schöpflin, 1993).

The interwar years of Romania can be characterized by their attempt to reverse “Magyarianization” from Hungarian rule through Romanianization policies. The establishment of a nation-state promoted Romanian culture and language in the public sector and education systems. While the presence of Hungarian culture and language remained strong, the increasing repression of national minorities contributed to their support for communist parties as World War II approached.

2.5 Slovenia: National Minority Treatment after the Treaty of Trianon

The Kingdom of Serbs, Croats, and Slovenes was formed in the aftermath of World War I, and gained over 20,000 kilometers with the addition of Bosnia and Herzegovina from Hungary after the Treaty of Trianon. The increase in territory also added roughly 400,000 Hungarian minorities to the state (Winkler, 1921:1). The Hungarian population was predominantly concentrated in Serbia – in northern Bačka in Vojvodina – and in Slovenia in the northeast Prekmurje region bordering Hungary (Banac, 1984: 55). Hungary’s Magyarization had also impacted The Kingdom of Serbs, Croats, and Slovenes, and the state attempted to develop its national cultures after the World War I (Lukanović and Limon, 2014).
2.5.1 Political Organization and Representation

The initial protections for national minorities in the Kingdom of Serbs, Croats, and Slovenes stemmed from the series of Minority Treaties signed at the Paris Peace Conference in 1919. In particular, the Kingdom of Serbs, Croats, and Slovenes agreed to the Treaty of Saint Germain-en-Laye with the League of Nations, which protected national minority rights to language, education, and political equality within their states (1920: Art. 7). The state agreed to additional treaties which granted rights to both the Italian and Romanian minorities, but none regulated the rights of the Hungarian community (Shoup, 1963). While The Kingdom of Serbs, Croats and Slovenes agreed to protect the rights of national minorities, its first state elections in 1920 denied the right to vote for those who “by virtue of their nationality had a right to opt for foreign citizenship” (Banac, 1984: 49). This provision permitted the exclusion of German, Hungarian, and Jewish voters. The 1920 elections resulted in the exclusion of Hungarian political parties and national minority interests. Hungarian political parties were not permitted to participate in elections until 1923 (Shoup, 1963: 66).

The political exclusion of national minorities within the state was also mirrored within the constitution. The Vidovdan Constitution of The Kingdom of Serbs, Croats and Slovenes (1921) declared the state a “constitutional, parliamentary, and hereditary Monarchy” (Hondius, 1968: 97). Legislative power rested with the King and the National Assembly, which comprised of state elected members. The Constitution recognized three national groups—Serbs, Croats, and Slovenes—but did not acknowledge other national groups, including Hungarians. National minorities were protected broadly under Article 4 of the 1921 Constitution, which stated that all citizens were “equal” (Hondius, 1968: 97). However, the vagueness of national minority policies contributed to insufficient minority protection. The Constitution also attempted to gerrymander territorial districts—Regions—to reduce national minority influence (Hondius, 1968: 100). While the Constitution stated the Regions were created according to “natural, social, and economic conditions,” the intent was to weaken to national minority group interests (Hondius, 1968: 100). As a result, legal national minority protections were weak, and often excluded national minorities from political power and decision-making.

2.5.2 Language, Education, and Cultural Expression

The insufficient protections for national minorities were also prominent in the lack of language and education protections. The immediate end of World War I had resulted in retaliation against Hungarian minorities in the state. Many of the large land estates and farms in Vojvodina were owned by Hungarians; these were confiscated without compensation under the guise of land reform, and granted to Serb peasants. Additionally, all Hungarian-language schools within the region were closed, halting national minority education (Ramet, 2006: 51). The development of the 1921 Constitution contributed to the repression of Hungarians by further preventing political representation of Hungarian interests.

The 1921 Constitution recognized the official state language was “Serbo-Croato-Slovenian.” The three languages not only excluded minority languages, they also were not equal themselves. Even though Serbian, Croatian, and Slovenian were official languages, Serbian language use dominated public institutions (Ramet, 2006: 52). Schools were shifted towards a Serb-centric curriculum, and official state documents often used the Cyrillic alphabet (Ramet, 2006: 52). The Cyrillic alphabet is used by Serbs, while Slovenians rely on a Latin alphabet. The curriculum within some schools—while not standardized—also depicted historical events from a pro-Serb angle, and attempted to claim all national cultures in Yugoslavia stemmed from Serbian
roots (Ramet, 2006: 53). The underlying tensions among the prominent national groups led to contention over the Constitution’s legitimacy, and in 1929, the state was consolidated under a dictatorial monarchy and renamed the Kingdom of Yugoslavia.

For Hungarian minorities, there was restricted access to national minority schools. Where national minority schools were offered, the state engaged in “name analysis” to determine admission (Shoup, 1963: 67). Under “name analysis,” the last names of Hungarian students would be evaluated by the state to determine if the Hungarian student was, in reality, Hungarian. Often times the last names of Hungarians would be reinterpreted to indicate that the family was not of Hungarian nationality. For instance, a Hungarian student would be told their last name (which was in Hungarian) translated to indicate they were “Slovene” or “Slav” in Hungarian. The state attempted to claim some Hungarians were actually Slavs who had simply adopted Hungarian last names under the previous Hungarian empire. By “correcting” Hungarian identities, the state would deny families access to national minority schools (Shoup, 1963). There would be no need to attend a national minority school if you were in fact, not a national minority in the first place. In 1929, the Law on Minority Schools made it more difficult to open minority schools and limited their instruction to basic education which was subject to government approval (Shoup, 1963: 66). The Kingdom of Yugoslavia also attempted to expel its Hungarian population in Vojvodina in 1934 claiming that the Hungarian community was involved in the assassination of King Aleksandar (Ramet, 2006: 51).

Between 1929 and 1934, the Communist Party in Yugoslavia repeatedly attempted to undermine the stability of the state, and aligned itself with national minority movements in its attempts to overthrow the government. Utilizing nationalist movements was in line with Marxist-Leninist thought which viewed national revolutions as a catalyst for the spread of communism (Connor, 1984). The impending Second World War, alliances among neighboring states, and underlying national tensions within the Kingdom of Yugoslavia led to widespread casualties, the outbreak of civil war, and the later establishment of communism.

3. World War II and Post-War Communism

The interwar period for Czechoslovakia, Romania, and the Kingdom of Yugoslavia resulted in attempts to create homogenized nation-states. However, the prominent populations of national minorities left in these newly established states hindered their ability to consolidate their populations. National minorities were of significant importance to the League of Nations, who passed a series of international agreements and protections for minorities in many peace treaties arranged at the end of World War I. As these treaties were binding, many protections for national minorities were regulated under international law, not domestic policy. Despite agreement to binding international treaties, the treatment of Hungarian minorities varied greatly among Czechoslovakia, Romania, and the Kingdom of Yugoslavia.

This section will briefly discuss changes in Hungary and neighboring state relations that later impacted the treatment of Hungarian minorities after World War II. It will then address how policies towards national minorities continued to evolve under communism. Czechoslovakia, Romania, and the Kingdom of Yugoslavia all adopted communist regimes in the aftermath of World War II, and Hungary’s alliance with the USSR further complicated Hungarian minority treatment within the three states during the course of communism.
3.1 World War II

After the Treaty of Trianon, Hungarians were irredentist: they still considered its ceded territory to be Hungarian and were eager to restore its former borders (Zeidler, 2007). In order to do so, Hungary allied itself with Germany before and during WWII in hopes to win back its territories. In 1938, Hungary entered Czechoslovakia, and claimed southern portions of Slovakia with prominent Hungarian minorities. The Munich Agreement, struck between Germany and Czechoslovakia, effectively granted Germany vast territory with prominent German populations, and granted Hungary significant portions of Southern Slovakia (Kuklík and Petrás, 2017). The transfer of territory was recognized as the First Vienna Arbitration Award (Zeidler, 2007: 264). The remaining land of Czechoslovakia was later encapsulated as a protectorate under Nazi Germany, with the Czechoslovak government forced into exile (Kuklík and Petrás, 2017: 183). Czech patriots believed that the partition of Czechoslovakia was partly the fault of prominent national minority groups who they viewed as traitors. The anti-minority sentiment would continue after Czechoslovakia regained sovereignty after the war. Famously, the end of World War II saw the expulsion of the Sudeten Germans and the brutal repression of Hungarians within Slovakia.

After gaining territory from Czechoslovakia, Hungary proceeded to threaten Romania with invasion in 1940. The threat led to negotiations, with Hungary demanding a return of approximately two-thirds of the territory it ceded to Romania at Trianon. The Second Vienna Arbitration Award granted Hungary the northern half of the territory, or northern parts of Transylvania (Zeidler, 2007: 269). The changeover in territory created widespread panic within the region and galvanized nationalist tensions, propelling Romanians to flee from Northern Transylvania, and Hungarians to flee from Southern Transylvania.

Hungary and Yugoslavia discussed a friendship pact in 1940, which fell through with German occupation of the latter. Hungary was then able to broker a deal with Germany to return parts of the Prekmurje region of Slovenia, along with parts of Bačka in Serbia. Both had prominent populations of national Hungarians, with nearly 40% of individuals within those regions identifying as Hungarian (Zeidler, 2007: 279). While Hungary did not regain the entirety of the territories it lost at Trianon, it was able to reclaim significant territory with considerable Hungarian minority populations. In doing so, Hungary re-acquired prominent non-Hungarian minority groups in the regions it reclaimed.

Hungarian rule meant a reversal in representation within the previously ceded regions. Non-Hungarian minority groups were subject to re-integration within the Hungarian state and faced social, political, and economic repression (Zeidler, 2007). Integration efforts continued under World War II until the defeat of the Axis Powers. The defeat of Nazi Germany and its Hungarian ally, the Soviet occupation of Romania and Czechoslovakia, and the alignment of Yugoslavia with the Soviet Union under Tito’s partisans halted Hungarian territorial revisionism. The Treaty of Paris (1947) re-stored Hungary’s pre-Munich borders, and granted additional territory to Czechoslovakia (Kuklík and Petrás, 2017: 228). These borders were predominantly based on the Treaty of Trianon, and remained the same throughout the course of communism in Central and Eastern Europe. The formation of the Eastern bloc began with the adoption of communism in the region; Hungary came under communist control and became part of the Soviet-led Warsaw Pact.
3.2 Slovakia: World War II and Communist Repression

3.2.1 The Beneš Decrees

From 1940 to 1945 the Czechoslovak government-in-exile was led by President Edvard Beneš, who had been elected in 1935. While in exile he issued a number of presidential decrees. These decrees were based on the “interim of legislative power” and were “published on the basis of governmental drafts with signatures attached by the Prime Minister and ministers entrusted with their execution” (Kuklík, 2015: 131). The Beneš decrees focused on the reconstruction of Czechoslovakia after the war, and envisioned a Czechoslovak state without its prominent national minorities. Notably, they called for the expulsion of Hungarian and German minorities within Czechoslovakia (Leff, 1997: 42). The Beneš Decrees were a part of a larger program called “the Košice Program,” an agreement between the exiled Czechoslovak government and Czechoslovak Communists. The end of the war in 1945 restored Czechoslovakia’s pre-Munich borders – with the exception of Ruthenia which was granted to the Soviet Union – and affirmed itself as a nation-state of Czechs and Slovaks (Kuklík and Petrás, 2017: 231).

The proposal for population transfer was supported by the Allied Powers, who negotiated the transfer of German minorities under the Potsdam Agreement. The 1945 Potsdam Agreement predominantly focused on the “humane and orderly” transfer of German minorities from Poland, Czechoslovakia, and Hungary (Kuklík and Petrás, 2017: 204). While the transfer of Hungarians was proposed, the Agreement eventually only discussed the transfer of Germans under Article 12 (1945: Art. 12). The Beneš Decrees relied upon the Potsdam Agreement to carry out its expulsion of the German population, and were implemented in 1945. The expulsion of the German minority was revenge for the treachery of the Sudeten Germans, and the product of Beneš’s widely-shared conviction that the German minority would be a “Trojan horse” in the state. Retaining the German minority would prevent the reconstruction of Czechoslovakia (Leff, 1997: 42).

The Beneš Decrees also addressed Czechoslovakia’s Hungarian minorities. While Germans faced the most severe treatment through forced population transfers, seizure of property, and land redistribution, Hungarian minorities had similar experiences. Specifically, Constitutional Decree No. 33/1945 Sb. addressed the citizenship of German and Hungarian national minorities. The decree regulated who was considered a Czechoslovak citizen based on their citizenship during the war: citizenship would be withdrawn from those who adopted either Hungarian and German citizenship after the Munich Agreement, or while Czechoslovakia was at war (Kuklík and Petrás, 2017: 214). Czechoslovakia also confiscated Hungarian land under Decree No. 4/1945 Sb. SNC, which labeled the Hungarians and Germans as traitors (Kuklík and Petrás, 2017: 215). The presidential decrees regularly referred to Hungarian or German national minorities as “enemies,” “persons unreliable in relation to the state,” “war criminals,” or “traitors;” naturally these usages inflamed national tensions in the post-war period (Kuklík and Petrás, 2017: 218). Specifically, there was a rise in violence, homicides, and seizures of property that were nationally motivated.

The Czechoslovak government also attempted a population exchange with its Hungarian minorities and Hungary. Preparations for this agreement were published under No. 145/1946 Sb. based on Decree No. 133/1945 Sb. regarding the revocation of citizenship. Under No. 145/1946 Sb., the population transfer would apply to those who lost their citizenship under No. 133/1945 Sb (Kuklík and Petrás, 2017: 195). While the population transfer was proposed, there was no international support for it from the Peace Conference in Paris in 1947. Despite the initial intention to transfer roughly 500,000 Hungarians from Slovakia, the government was only able to transfer
about 90,000 Hungarian minorities to Hungary in exchange for about 70,000 Slovaks (Bugajski, 1995: 323).

As a result of the failure to accomplish a comprehensive transfer, Czechoslovakia attempted other policies to regulate its Hungarian minority population. Hungarian minorities were required to complete labor service under Decree No. 88/1945 Sb.; failure to do so would subject Hungarians to forced labor camps, which were regulated under No. 105/1945 Sb. Essentially, individuals stripped of their citizenship were required to work on behalf of the state. While these workers were supposed to be treated the same as their Czechoslovak counterparts, in reality were significantly underpaid and were often mistreated by their employers, leading to insufficient nutrition and clothing (Kuklík and Petrás, 2017: 218). The failure to implement a full population transfer also resulted in the forced relocation of Slovak Hungarians to Czech lands which were once occupied by German minorities for labor (Kuklík and Petrás, 2017). These decrees were ultimately considered as reparations to Czechoslovakia after their war against Germany and Hungary.

For individuals who were not stripped of citizenship, Czechoslovakia attempted “reslovakization.” Under this policy, Hungarians deemed to be of Slovak origin could acquire Slovak nationality. Reslovakization was predominantly based on the perceived loyalty of Hungarian applicants to the state, and individuals who successfully underwent “reslovakization” were not subject to forced labor or loss of property. In addition to the changes made towards national minorities from 1945 to 1948, the Communist Party also solidified its standing and power. Under the communist-inspired Košice Program, there was comprehensive land nationalization, and governmental control was established over major industries and banks. The Stalinist take-over of 1948 consolidated the extensive centralization of the economy and political power that had already begun (Bugajski, 1995: 323).

3.2.2 Czechoslovakia: 1948 – 1968

Under communist rule the newly re-established Czechoslovak state was significantly more nationally homogenous, with approximately 90% of the total population being Czech or Slovak (Leff, 1997: 46). This was largely the result of forced population transfers of Germans, reslovakization of Hungarians, and the forced resettlement of national minorities. The establishment of a communist government disposed of its parliamentary democracy, and led to reduced political freedom. Despite the centralization of power, more rights were granted to national minorities than in the immediate post-war years. The promotion of national minority rights fell in line with communist thought, which sought to accommodate its minorities without supporting national self-determination. Hungarians regained citizenship in 1948 with the passage of Act No. 245/1948 Sb. on State Citizenship of Persons of Hungarian Nationality. Furthermore, any individual with Hungarian nationality could acquire Czechoslovak citizenship after taking an oath of loyalty to the state (Kuklík and Petrás, 2017: 235).

The communist government also granted civil rights to Hungarians and established Hungarian language schools. Cultural societies, books and media, and political representation for Hungarian national minorities also began to emerge (Šutaj, 2011: 282). Czechoslovakia ceased land confiscation, permitted the return of resettled Hungarians, and the central government supported the development of cultural rights (Šutaj, 2011). Political representation began in 1952 as Hungarians became included in District National Committees and Regional National Committees; bilingualism was further enforced in binational districts. The policies of “reslovakization” were further revised in 1954 (Kuklík and Petrás, 2017: 245). The Hungarian
population rose from 200,000 to 530,000 after the “reslovakization” campaign ended: Hungarians no longer needed to declare themselves as Slovak to avoid discrimination (Bugajski, 1995: 323). Hungarian national minorities were able to attain improved political representation, education and language policies, and cultural development under communism. However, many of these permissions were subject to centralized state approval and remained under the party’s supervision (Bugajski, 1995).

The 1960 Czechoslovak Constitution briefly mentioned rights for national minority groups under Section 25, which stated “Citizens of Hungarian, Ukrainian, and Polish nationality are provided with all possibilities and means of education in their mother tongue and cultural development” (Kuklík and Petrás, 2017: 245). The period from 1948 to 1968 ultimately saw increased cultural autonomy, education, and language rights for national minorities; it was a drastic change compared to previous treatment after the Second World War.

3.2.3 The Prague Spring and the Constitutional Act of 1968

Mild liberalization in Czechoslovakia continued with increasingly favorable policies towards national minorities. The Prague Spring of 1968 (from January to August) saw the Communist Party in Czechoslovakia attempt a series of reforms to liberalize the state and introduce greater political and social rights, including increased rights for national minorities. The government made a series of amendments to the 1960 Constitution. First, Czechoslovakia was turned into a federation comprised of: The Czech Socialist Republic and the Slovak Socialist Republic. Of the proposed changes, Amendment 144 dealt directly with national minority rights in Czechoslovakia. The liberalization of the state alarmed the Soviet Union, and as a result Brezhnev and the Warsaw Pact ordered tanks into Prague in August of 1968. The state remained under Soviet occupation and became one of the most repressed people’s democracies until 1989 (Harris, 2002: 7).

The crushing of the Prague Spring did not fully end the movement for increased civil rights and cultural autonomy. The Constitutional Act 144/1968 No. Sb. on Rights of Nationalities was proposed in October of 1968, i.e. after the Soviet intervention and occupation. Article 1 of the Act declared the equality of all citizens regardless of their language and nationality, naming “The Czechoslovak Socialist Republic, as the common State of the Czech and Slovak nations and national groups living in its territory” (Constitutional Act No. 144, 1969). The Act further described considerable rights for national minorities, granting national groups representation in representative and elected bodies according to their population size. It also gave national minorities the right to develop education in their own language, cultural development, and the rights to use their language, create cultural organizations, and distribute press and media in their own language (Constitutional Act No. 144, 1969). The Act further allowed citizens to freely choose their own national origin, and prevented discrimination and ethnic alienation (Constitutional Act No. 144, 1969: Art. 4). The Constitutional Act 144 was intended to be implemented in 1969, but was unfortunately never pushed through as a result of Soviet occupation (Kuklík, 2015).

With the movement for increased civil rights effectively stopped, the aftermath of the Prague Spring resulted in a new wave of repression that attempted to bring the state back in line with USSR policies. The time from 1969 to 1989 and the end of communism was coined the period of “normalization” as the USSR employed strict measures to ensure the full implementation of communist policies (Harris, 2002: 23). The newly appointed Czechoslovak leader was supported by the Soviet Union, and reversed liberalizing policies in line with Soviet beliefs. This period of
time coincided with a feeling of helplessness by the Czechoslovak populace that was further perpetuated with recentralization of state power and the suppression of political and social rights.

### 3.2.4 Normalization: 1970-1989

National minorities under “normalization” experienced a reversal of policies following Soviet occupation, first with the failure to implement Constitutional Act No. 144/1968 Sb. The re-implementation of hardline Soviet policies also correlated with a return to pre-existing minority treatment before the Prague Spring. These policies allowed for the continuation of cultural associations, Hungarian schools, and language use, but were all subject to centralized government approval. The discrepancy in national minority populations between the Czech and Slovak Republics also remained: the 1980 census determined the Czech Republic’s population as 95% Czech, whereas Slovakia’s population was less homogenized at 86% Slovak. Slovakia had a significant portion of Hungarians – 11% of the population – or just over 5.5 million individuals (Kalvoda, 1989: 427). Normalization also saw gradual pressure towards assimilation, which was mirrored in an increase in mixed marriages (by nationality). By the 1980s, roughly 20% of Hungarians were married to an individual who did not identify as Hungarian (Kuklík and Petráš, 2017: 254). While power was increasingly centralized, Hungarian national minorities were able to attain proportional representation in many government bodies (Kalvoda, 1989). Again, inclusion in politics remained subject to Party approval and appointment, and as a result did not truly express the views of the Hungarian population.

Overall, the return to former policies did not stop a push for improved language and education for Hungarian minorities. Instead, Hungarians turned to cultural organizations as avenues to advocate their interests. The Cultural Union of Hungarian Working People in Czechoslovakia (CSEMADOK) had been established in 1949, and continued to advocate the promotion of Hungarian culture and language. The union had been continuously growing and by the 1980s, “consisted of 517 organizations with a total of 60,000 members” (Kalvoda, 1989: 429). In addition, numerous other organizations or cultural clubs worked on behalf of Hungarian cultural promotion and production: Hungarian magazines, radio, and television continued to emerge.

Language use was regulated primarily by regional national committees. Minority languages were rarely used within administrative or governmental bodies, and relegated to use solely by national minority groups (Kuklík and Petráš, 2017). Furthermore, higher education revealed the discrepancy in educational opportunities between Czechs and Slovaks in comparison to national minorities. Among the general population in 1980, over 5% of Czechs and Slovaks were university graduates; in contrast, barely 2% of Hungarians had graduated university (Kuklík and Petráš, 2017: 254). This contrast was largely because of the lack of quality education in Hungarian minority schools, which did not provide adequate instruction in Slovakian. The unfamiliarity with the Slovak language among Hungarian pupils later hindered their ability to enter and successfully perform in higher education (Kalvoda, 1989).

Growing dissatisfaction with minority language and education came to a head in 1983 with the Miklos Duray case. In 1983, proposals to reform schools triggered Hungarian minority backlash because the reforms intended to remove the teaching of minority languages in schools. Miklos Duray had been first arrested and imprisoned for his involvement in the Committee for the Protection of Rights of the Hungarian Minority in Czechoslovakia and held without trial (Kalvoda, 1989: 430). He was arrested again in 1984 after protesting these education reforms that would abolish national minority teaching in their own languages. His imprisonment galvanized protests from the Hungarian community in Czechoslovakia and Hungary, and gained international traction.
among the Hungarian diaspora in the West (Simon & Gilberg, 1986). Duray was tried for treason but later released; his trial was attended by Amnesty International, the Western press, and Hungary’s Writers Union (The New York Times, 1983). While protests mostly stemmed from the Hungarian community, there was also dissent from some Czechs and Slovaks, who were beginning to protest the communist state (Kalvoda, 1989).

3.3 Romania: World War II and Increasing Repression Under Communism

Romania regained most of its territory from Hungary after the Paris Peace Treaty of 1947, but ceded some of its northern territories of Bessarabia – or modern day Moldova – to the Soviet Union. Northern Transylvania was placed back under Romanian control, and the reintegration of Hungarian minorities into the Hungarian state halted. During the war, Romanians and Hungarians living in Transylvania had occupied a gray zone, one continuously transferred between their respective patron-states, and fresh status reversals led to rising tensions among the Romanians and Hungarians during 1940-45. The Hungarian population in Transylvania accounted for approximately 9% of the total population, or around 1.5 million people (Kopyś, 2008: 176). Romania had allied itself with Germany during the war, and was eventually occupied by the Soviet Union as the war drew to a close. When the war was close to ending, traditional Romanian parties began to discuss a population transfer of the Hungarian minority population; they were suspicious of them as a result of Hungary’s aggressive territorial claims during the war. Hungarian minorities therefore aligned themselves with leftist Romanian parties in hopes of gaining better treatment after the war. As the war ended in 1945, Romania’s Communist Party created an alliance with the Hungarian People’s Union (Kiss, Székely, Toró, & al, 2018: 49).

The Soviet occupation was directly responsible in shaping national politics after the war. In contrast to Slovakia, Romania adopted a conciliatory approach its toward Hungarian minorities. These accommodating policies included granting national minorities increased representation in the government by reserving seats for national minorities (Kopyś, 2008). As Hungarian minorities aligned with the left, Hungarian political parties were also able to gain representation among leftists. For instance, the Hungarian People’s Union ran independently and won 8.3% of the votes in 1946 (Kiss, Székely, Toró, & al, 2018: 59).

As Romania became the Socialist Republic of Romania in 1947, Romania adopted Marxist-Leninist thought in line with the Soviet model. Under a single-party system the means of production were socialized, the Orthodox Church was nationalized, and power was centralized in an unprecedented fashion. This shift eventually marked a net loss for Hungarian minorities as they no longer retained their dominance in urban centers: Hungarian churches and community centers were closed, and their previous position as the urban middle class was weakened (Kiss, Székely, Toró, & al, 2018).

3.3.1 The Hungarian Autonomous Region (MAT): 1952 - 1968

In 1950, under Soviet guidance, Romania began to consider the establishment of an autonomous region in Transylvania – the Magyar Autonóm Tartomány (MAT) – where the population was 77% Hungarian (Kopyś, 2008: 175). The MAT was located in modern-day Székely Land, in Eastern Transylvania (see Map 5.2.a in the Annex). The creation of an autonomous region sought to retain support from Hungarians who had been supportive of leftist movements (Bottoni, 2017). The establishment of an autonomous region also followed Marxist-Leninist theory and practice, and mimicked the USSR’s attempt to resolve nationality issues (Connor, 1984). The region was demarcated near the center of Romania, avoiding both the border with Hungary and
areas in which Romanians were dominant. The 1952 Constitution governed this region under Article 18, which divided the state into 18 provinces (1952: Art. 18). The MAT was subject to all Romanian laws, but was able to locally elect its own representatives to the People’s Council (The Constitution of the Romanian People’s Republic, 1952: Art. 58). Despite the promise of representation, political power was still heavily centralized within the Communist Party (Bottoni, 2017: 86). The MAT did not encapsulate all Hungarians living within Romania: only a third of all Hungarian minorities lived within the autonomous province (Kopyš, 2008: 178). Greater Transylvania had significant numbers of Hungarians who lived outside the autonomous region. Hungarians within the MAT were afforded better protections than those outside the region, but collectively, Hungarian minorities lacked political power.

The establishment of an autonomous region for Hungarian national minorities led to increased national mobilization within Romania. German national minorities petitioned for an autonomous region, and Romanians living within the MAT were afraid of being treated as minorities within the province (Kopyš, 2008: 178). Hungarian national minorities outside the region were also dissatisfied with their treatment. While Hungarians in the MAT enjoyed language use, minority education, and political representation, Hungarians outside the province were restricted. They were not permitted to use their language or access education in their mother-tongue. While the region provided improved treatment for Hungarian national minorities, it was not necessarily satisfactory for Hungarian leaders who wanted improved conditions for the majority of Hungarians living outside the region.

The autonomous region continued to exist during the Hungarian Revolution in 1956. The Hungarian Revolution in Hungary was marked by anti-communist protests. Some Hungarian minorities in Transylvania and greater Romanian were sympathetic to the movement and led protests within provinces with large populations of Hungarians. The Romanian authorities viewed the support as betrayal to the communist state, and responded with violent crackdowns. Among Hungarian protesters, “several thousand were sent to labor camps, 15 were sentenced to death, of whom 14 were executed” (Kopyš, 2008: 180). The Hungarian Revolution marked a turning point in the treatment of Hungarian minorities living within Romania: Hungarian minority claims were now referred to as “revisionist” and “counter-revolutionary” (Kiss, Székely, Toró, & al, 2018: 59). The Soviet Union withdrew from Hungary after the Hungarian Revolution occurred, and the tolerance for national minorities began to decline. The aftermath of the Revolution led to detentions of Hungarian political elites and families, with roughly 40,000 receiving prison sentences from 10-25 years (Kopyš, 2008: 180). The succeeding years (1957-61) saw the purging and repression of Hungarians, and the loss of their political influence within the Communist Party.

In addition to violent crackdowns, Hungarian and Romanian schools began to be forcibly integrated in 1959. Hungarian universities, and Hungarian press outlets, were closed: the latter determined to be in violation of state censorship laws (Kopyš, 2008: 176). The autonomous region was deliberately expanded in 1960 from 759,000 square kilometers to 802,000 square kilometers in order to dilute its Hungarian concentration. It now included new areas with Romanian majorities, and was renamed the Mureș-Magyar Autonomous Region (MMAT). Two districts within the previous region – Kézdi and Sepsí – were removed, and placed them into another province with a Romanian majority (Kopyš, 2008: 181). This ethnic gerrymandering reduced the concentration of Hungarians within the MMAT from 77% to 62% of the population (Kopyš, 2008: 176). The deliberate restructuring of the region was indicative of the state’s increasing opposition to the autonomous zone. The MMAT was finally dissolved in 1968, and replaced with districts not based on national autonomy.
3.3.2 Ceaușescu’s Regime and Liberalization: 1965-1970

Nicolae Ceaușescu was appointed the general secretary of the Romanian Communist Party in 1965, and remained the leader of the state until his overthrow in 1989. During his regime, Romania became increasingly totalitarian, enacting severely repressive policies on both national minorities and the broader population. Ceaușescu’s initial policies hinted at the possibility of liberalization. He had supported the withdrawal of the Soviet Union from Romania after the crackdown of the Hungarian Revolution, and opposed Soviet intervention in the Eastern bloc (Stanciu, 2013: 1064). Ceaușescu’s divergence from the Soviet model and his tolerance for national minorities brought him a relatively positive reception in Western media.

The initial stages of Ceaușescu’s regime were marked with tolerance toward national minorities and cultural liberalization. One of the significant events in 1968 was a meeting between Ceaușescu and Hungarian leaders. At the meeting, Hungarian minority leaders were concerned with language use, education in their mother-tongue, and increased development of cultural life. They requested further legal status for Hungarian national minorities, but that was denied. This meeting was notable as Hungarian leaders were welcomed to present their group interests to the central government (Šisler, 2015: 138). Following the meeting, there were advances made for Hungarians, including the establishment of Hungarian magazines, broadcasting, museums, and language programs (Šisler, 2015: 138). Ceaușescu also permitted the establishment of the Council of Workers of Hungarian Nationality (CWHN). This organization became the leading advocate for Hungarian interests after the dissolution of the Hungarian People’s Union in 1953 (Šisler, 2015: 140). The CWHN not only promoted Hungarian national minority interests, but worked alongside the Romanian Communist Party to counter Soviet Union intrusion into domestic state interests.

These developments allowed for the inclusion of Hungarian national minority voices within the government and granted Hungarian minority leaders a small degree of influence over national policy. Ceaușescu’s continued openness towards the West brought hope to both Western leaders and domestic Romanians who looked favorably upon liberalization. His tolerance towards national minorities further gained him support from Hungarian minorities who viewed him as sympathetic to their interests.

3.3.3 The July Theses

Ceaușescu’s liberalization ended in July of 1971, with the promotion of his “July Theses.” This speech called for a “cultural revolution” in Romania and promoted a form of extreme nationalism that differed from the Soviet model (Culic, 2006: 179). The theses were later put forth as documents in a Party Plenum, but called for increased “political education and party control” (Stanciu, 2013, 1065). Ceaușescu cultivated a personality cult, and adopted severe restrictions on Western influences and liberalization. The sudden shift in policies also led to a rise in the secret police, repression of press, and increased propaganda in education and media (Stanciu, 2013: 1068).

Under Ceaușescu, the state also eliminated avenues for minority representation and advocacy. In 1974 a law on the Protection of the National Cultural Heritage targeted national minority communities with the confiscation of historical documents, art, libraries, and cultural objects (Culic, 2006: 180). Hungarian party cadres were increasingly viewed as unreliable, and the government moved towards increased centralization and integration (Kiss, Székely, Toró, & al, 2018: 60). In addition to the suspicion of Hungarian minorities, Romania also employed a vast number of secret police and informants to maintain Party dominance. Ceaușescu’s regime had some of the highest numbers of informants in the Eastern bloc, and prominent Hungarian regions
– such as Transylvania – reported higher cases of raids (Bottoni, 2017: 114). Violent state repression was commonplace under Ceaușescu’s regime, both against national minorities and Romanians.

The increase in Party control under Ceaușescu continued to grow into the 1980s, as heightened state control eroded freedoms. For Hungarians living within Romania, their situation worsened with the suppression of Hungarian language use in public spaces, the decline in Hungarian student enrollment at higher universities, and the heavy policing of their communities (Culic, 2006: 180). During this time, Hungary attempted to reach out to its national minorities outside of its state. The attempts of the Hungarian minority to connect with their kin-state perpetuated the suspicion that Hungarian minorities were traitors to Romania. The continued repression of minorities contributed to a migration of Hungarians minorities into neighboring state. The 1980s had an increase in migrants (or refugees) into Yugoslavia and Hungary: around 50,000 Hungarians, or one in ten of their total number, left Romania for Hungary or Western states (Bottoni, 2017: 134). The alienation of Hungarians in Romania pushed Hungarian minorities towards their kin-state, and they increasingly felt a sense of identity with Hungary (Culic, 2006: 181). Altogether, targeted repression, Hungarian foreign policy and outreach, and the increasing control of the government drove Hungarian minorities from Romania (Bottoni, 2017: 134).

3.3.4 The Romanian Revolution: 1989

Poor management under Ceaușescu had resulted in economic stagnation and growing discontent among the Romanian populace. Tolerance for the regime began to fade and on December 16th, 1989, an outbreak of Hungarian minority protests in Timișoara – Western Transylvania – triggered the start of the Romanian Revolution. The Hungarian minority was protesting against the imprisonment of a prominent Hungarian pastor, László Tőkés. He had been a pastor in the Hungarian Reformed Church, and had a long history of advocacy for Hungarian minorities. Tőkés was placed under house arrest on the church premises because the state suspected him of smuggling information regarding his situation to Hungary and Western Europe (Kiss, Székely, Toró, & al, 2018: 57). The government finally attempted to evict him from the church, but was met with protests from his congregation (Kiss, Székely, Toró, & al, 2018: 57). While Timișoara did not have a huge Hungarian minority, the protests from the Hungarian Reformed Church later grew into large scale protests against the communist regime.

Ceaușescu’s government responded with violence, receiving international condemnation for his aggressive crackdown on protests. The ongoing poor economy, social and political repression, and disapproval of his government contributed to the spread of protests. Ultimately, what began as protests by a Hungarian minority church eventually spread and led to the subsequent end of communist rule in Romania (Kiss, Székely, Toró, & al, 2018: 60). The military, which had once supported Ceaușescu, switched sides to support the protestors, and Ceaușescu was later arrested, tried, sentenced to death, and executed. The end of Ceaușescu’s regime marked the beginning of Romania’s democratization and its move to leave the Soviet bloc and integrate with Western Europe.

3.4 Slovenia: WWII and National Minority Tolerance Under Communism

Yugoslavia emerged from World War II divided among its national communities. World War II had contributed to a ferocious civil war, with different national minority groups aligning themselves with different sides of the international war. The Hungarian population size in Yugoslavia remained relatively the same both before and after the war, with slightly under half a
million dwelling in Vojvodina in Backa, and some settlements in Baranja and Prekmurje – located in Croatia and Slovenia, respectively (Shoup, 1963: 1). These regions were returned to Yugoslavia after their annexation by Hungary during the war.

The Hungarian and German minority populations living within these regions faced expulsion and repression as the war began to end in 1944. They were viewed as sympathetic to Nazi Germany and Hungary who had jointly invaded Yugoslavia (Levene, 2013). The end of Nazi occupation was marked with violence, and an estimated 30,000 Hungarian national minorities were killed or imprisoned at the end of the war (Ludanyi, 1979: 237). An additional 40,000 Hungarians were deported from the state (Ludanyi, 1979: 274). Despite the initial crackdown on national minorities, a law was soon passed in 1945 on the Prohibition of the Incitement of National, Racial and Religious Hatred and Discord that would apply criminal sanctions to anyone who denied individuals their national rights (Shoup, 1963: 72).

Yugoslavia re-established itself as a communist state in the 1945 elections under a single party: The Communist National Front. The new government removed the King and declared the state the Federal People’s Republic of Yugoslavia. A new constitution was issued in 1946, which was heavily modeled after the Soviet Union. The Constitution of 1946 followed the Marxist-Leninist model of nationalism, and defined the new regime as a “federal people's state, republican in form, a community of peoples equal in rights who, on the basis of the right to self-determination, including the right of separation, have expressed their will to live together in a federative state” (Ludanyi, 1979: 274). By defining it as a federal state, the Constitution attempted to create a structured state that would grant regional autonomy to its republics and autonomous regions. The Constitution established six republics – Bosnia-Herzegovina, Serbia, Slovenia, Montenegro, Croatia, and Macedonia – and two Autonomous Provinces – Kosovo and Vojvodina in Serbia. The constitution granted republics jurisdiction over the rights of their national minorities. Republics created their own legislation, called constitutions, and Autonomous Provinces were governed by statutes.

The 1946 Constitution claimed to grant freedoms, such as the freedom of speech and religion, to the Yugoslav people, but in reality secured centralized power for the Communist Party of Yugoslavia (Ramet, 2006: 169). Despite heavily centralized power, the Constitution still recognized the multinational nature of the state and attempted to maintain equality between the prominent national groups. National minorities were granted free use of their native language, bilingual administration was implemented in regions with multiple national groups, and education was secured for minorities (Várady, 1997). The establishment of education for national minorities was granted in 1945 by the Ministry of Education which provided minority language instruction in regions with large minority populations (Lukanović and Limon, 2012: 96).

National minority education was further supplemented with a federal educational law in 1958 that protected the instruction of minority languages in minority schools (Lukanović and Limon, 2012: 97). Hungarian national minorities living in Prekmurje (Slovenia) and Vojvodina (Serbia) were guaranteed education in their mother-tongue, and in Prekmurje, bilingual education was available for all students, regardless of their nationality (Lukanović and Limon, 2012: 32). Vojvodina also established bilingual Serbo-Croatian and Hungarian schools for both majority and minority students. The establishment of multinational schools demonstrated the state’s commitment to enforcing national equality. However, despite the availability of national minority schools and language instruction, educational inequality persisted. The differences between national minority schools and non-minority schools was noticeable in school resources, with minority books lacking in comparison to “Yugoslav” textbooks – or books written for the
prominent recognized nations of the state, such as Croats or Serbs, or Slovenes. Because of this, Hungarian students often enrolled in Slovene or non-minority schools for better future opportunities (Lukanović and Limon, 2012: 32).

The adherence to an “equal” Yugoslavia was mirrored in subsequent versions of the Constitution. Under the 1963 Constitution, the government reiterated the establishment of the state as a federation with “equal peoples” and guaranteed citizens “the freedom to express their . . . nationality and culture” (Ludanyi, 1979: 245). The Statute of Vojvodina further named rights for Hungarians, stating that all nationalities had the right to express themselves in their own languages (Ludanyi, 1979: 245). Multinationalism continued to grow in Yugoslavia, with the emergence of newspapers, media, and television programs in different languages (Ivanova, 2012: 98). However, despite the attempt to establish language equality for all national groups within Yugoslavia, Serbo-Croatian operated as the “lingua franca,” and was most prevalent within the military and government (Ivanova, 2012: 100). This later contributed to arguments by national group leaders on what should be the “official” language of use by governmental bodies, and exacerbated frustrations among non-dominant national groups who felt their languages were overlooked.

The difference in treatment for Slavic nationalities and non-Slavic nationalities also became more evident with the 1963 Constitution and its discussion on autonomy. Specifically, Republics were granted increased autonomy from the central government, while the Autonomous Provinces — primarily occupied by non-Slavic minorities — remained heavily subject to the discretion of the Republics (Ludanyi, 1979: 245). The existence and rights of Autonomous Provinces derived from the Republic that was willing to grant them, and Republics were not obligated to establish autonomous provinces. This meant that while equality was promoted within the state, it still relegated political and social autonomy to Slavic nationalities and reduced rights to non-Slavic nationalities. Yugoslavia differentiated between nationalities who had their own states elsewhere — such as the Hungarians — and those who were a part of Yugoslavia (the land of South Slavs).

3.4.1 The 1974 Constitution

The 1974 Constitution continued a pattern of national minority protections by guaranteeing non-discrimination and the right to express national culture, language use, and alphabet use. The Constitution followed previous constitutions by establishing the equality of all individuals, regardless of nationality under Article 245, which stated that “the nations and nationalities of the Socialist Federal Republic of Yugoslavia shall have equal rights” (1974: Art. 245). In addition, the Constitution made specific grants to language rights under Article 269 which granted the use of Hungarian and Albanian in the authentication of Federal statutes (1974, Art. 269). However, the 1974 Constitution differentiated between “nations” and “nationalities.” Specifically, the Constitution stated that both nations and nationalities have the right to equality and freedom within the state, but only nations had the right to self-determination, while nationalities did not (1974). Nations were considered Slavic nationalities — such as Croats, Slovenes, and Serbs — while non-Slavic nationalities were grouped under the term “nationalities.” This category included Hungarians and other smaller minority groups (Ludanyi, 1979: 243). Non-Slavic minorities were not considered to be “from” Yugoslavia, instead they came from other existing states outside of Yugoslav territory. The differentiation between the two limited which national groups were permitted self-determination and claims to self-autonomy. While the Constitution of 1974 made a clear distinction between “nations” and “nationalities,” many of the rights it granted mirrored existing rights under the constitutions of Republics or statutes of Autonomous Provinces.
The 1974 Constitution improved the status of Autonomous Provinces, stating that the territorial integrity of Provinces could not be altered without the consent of the Autonomous Province itself. National minorities viewed this as a step towards increased self-autonomy. The Constitution also granted further autonomy to the Republics and Autonomous Regions of the state, reducing the formal power of the federal government (Ludanyi, 1979). The increased independence of republics resulted in additional legislation that catered to the national minorities living within each republic or region. Specific Republic Constitutions acknowledged the rights of national minorities, and granted their national minority groups further protections the central government did not. For instance, the Slovenian Constitution of 1974 recognized the rights of two national minority groups: Hungarians and Italians (Várady, 1997). In addition, the 1974 Constitution of the Province of Vojvodina identified four national minorities, including Hungarians. All the republican and provincial constitutions declared the equality of nations and nationalities.

However, while the 1974 Yugoslav Constitution increased equality among all nations and national minorities legally, the reality was different. Hungarians and non-Slavic national minorities continued to have limited political representation in the central government, which was dominated by Slavic nationalities (Tolvaïšis, 2012). The military forces and civil servants were almost entirely Serbian, which led to biases in their conduct and investigations (Ludanyi, 1979: 243). The differentiation between nations – Slavic individuals – and nationalities – non-Slavic individuals – created a hierarchy of citizenship with national minorities, such as Hungarians, adopting a position as second class citizens (Várady, 1997). Any attempts to protest inequality would be labeled as “nationalist” and condemned. As a result, while Yugoslavia afforded considerable rights to all national groups – including national minorities – their attempted policies of “equality” in reality meant the subtle domination of Slavic nationalities.

### 3.4.2 Slovenia’s Secession and Independence from Yugoslavia

The death of the Yugoslav leader Josip Broz Tito led to the rise of Slobodan Milošević in Serbia and the promotion of Serbian superiority. Milošević’s rise and attempt to centralize power was driven by the goal of consolidating all Serbian people within the state: a Serb Yugoslavia. His attempts to change the Constitution of the central government were met with resistance by other prominent national groups – specifically the Slovenes, Croats and by Albanians in Kossova (Ramet, 2006: 555). Both Slovenia and Croatia resisted further integration, and wanted to establish a confederal relationship with the central government. In contrast, Milošević wanted a significantly more centralized state with increased federal power.

The difference in Republic interests came to a head in 1990 with Milošević’s attempts to alter the construction of the Yugoslav Presidency Council to increase Serbian representation and influence. Dissent over Milošević’s actions sparked counter-nationalism within the different Republics. Slovenia acted upon the principle of self-determination within its Constitution and held a referendum to leave the state of Yugoslavia. With a majority of the population voting for independence, Slovenia declared independence in 1991 (Ramet, 2006: 555). Yugoslavia’s military – led by Milošević – engaged in a brief conflict known as the Ten Day War, but soon left the state after a truce was declared. Slovenia shortly began its integration into Western Europe and democratization.
4. European Union Accession

The 1990s ushered in a wave of democratization within the Eastern bloc, brought by revolutions within communist states in the Warsaw Pact and Yugoslavia, and the later collapse of the Soviet Union. The pace and pattern of democratization varied, with some states experiencing violent transitions from communism. For the three cases analyzed, Czechoslovakia ended communism in 1989, and Slovakia became an independent state in 1993 after its Velvet Divorce from the Czech Republic. Romania’s communist regime ended in 1989 after the Romanian Revolution, and Slovenia gained its independence from Yugoslavia and began its transition to a democratic state in 1991. Hungary also transitioned from communism in 1989, with Soviet occupation eventually ending in 1991. The collapse of communism in Central and Eastern European states prompted Western Europe to call for a “return to Europe” that would eventually integrate Central and Eastern Europe into the West. The call for European integration corresponded with the establishment of the European Union under the Maastricht Treaty—or the Treaty of the European Union—in 1992 to promote shared security and neighborly relations among European states. As the Eastern bloc emerged from communism, the newly established European Union eventually agreed to the inclusion of post-communist states to the Union and began establishing criteria for accession.

4.1 Slovakia: Nationalist Sentiment and Reluctant EU Compliance

Czechoslovakia attempted democratization as a confederal state after the Velvet Revolution in 1989. The fall of communism began on November 17, 1989 after the military police suppression of a student demonstration triggered statewide protests. Within a month, the Communist Party of Czechoslovakia resigned (Glenn, 1999: 200). The state held its first democratic elections in 1990, and removed parts of the constitution that protected the role of the Communist Party in the government (Glenn, 1999: 200). Demographically, the state maintained its relatively homogenous structure, with the Czech Republic and Slovak Republic each having concentrated populations of their respective nationalities—the Czechs and Slovaks. Most of the minorities were located in Slovakia, with Hungarian minorities constituting roughly 11% of the population in the Slovak Republic (Kusý, 2006: 49). The differences in national composition between the two republics and unequal power distribution between Czechs and Slovaks contributed to their later split in 1993.

4.1.1 Czechoslovakia: National Minorities and the Velvet Divorce

Czechoslovakia’s political, social, and economic systems had historically been dominated by the Czechs (Connor, 1984: 292). The concentration of power under the Czechs in major state systems continuously undermined Slovaks, who had been underrepresented in the Communist Party (McGarry, 2018: 540). The underlying tension between the two national groups contributed to the state’s struggling democratization, and national minorities were eventually pulled into the divide between the two prominent national groups. As Czechoslovakia began its democratization, the state quickly accepted a Charter of Fundamental Rights and Freedoms, directly in response to the European Convention for Human Rights put forth by the Council of Europe. Czechoslovakia had ratified the ECHR as a necessary first step to gaining membership into the Council of Europe, which would act a part of broader Western integration. The acceptance of a Charter of Fundamental Rights and Freedoms guaranteed the rights of national minorities in the state’s constitution under Chapter 3, Articles 24 and 25. These two articles stated that “membership in a national or ethnic
minority may not be to anyone’s detriment” and further guaranteed cultural development, education, use of their own language, and the right to engage in affairs that concern their communities (Slovakia Charter of Fundamental Rights and Freedoms 1992, Art. 24 and 25). The provision of democratic freedoms contributed to the initial improvement of conditions for national minorities in the state.

While democratization afforded national minorities increased rights, events concerning the Hungarian minority led to tensions with Slovaks during Czechoslovakia’s beginning democratization. Notably, the construction of the Gabčíkovo-Nagymaros Dams over the Danube River between Hungary and Slovakia had been protested by the Hungarian minority since construction because it disrupted their communities. The dam contributed to disputes between Czechoslovakia and Hungary, and in 1989, Hungary decided to halt their construction of the dams. The suspension was interpreted by Slovaks to be an anti-Slovak move that demonstrated “Hungarian chauvinism,” heightening anti-Hungarian minority sentiment within the state (Kuklík & Petrás, 2017: 261). While the project was later resolved, the protests of the Hungarian national minority contributed to suspicion that the Hungarian community was not loyal to Czechoslovakia. Despite some issues involving national minorities, the tensions between the Czechs and Slovaks were at the heart of breakup of the two republics. In 1993, Czechoslovakia ceased to exist, and two states – the Czech Republic and the Slovak Republic – were established. The peaceful separation of the two republics became known as the Velvet Divorce. Both had developed their own constitutions in 1992, providing the basis for their newly acquired statehood.

4.1.2 The 1992 Constitution

The establishment of an independent Slovakia and its 1992 Constitution granted national minority rights in accordance with the Council of Europe and the earlier ratification of the European Convention for Human Rights. The 1992 Constitution was largely based on the previous constitution under communism; it had simply been amended to include democratic provisions and necessary national minority rights in accordance with the ECHR. National minority rights were outlined in the Constitution under Articles 33 and 34. The rights granted were based on Czechoslovakia’s Charter of Fundamental Rights and Freedoms, and stated that national minority identification would not be to the detriment of any individual. They further guaranteed minority language use, education, and cultural development (1992, Art. 34). In addition to the 1992 Constitution, Slovakia adopted the Official Language Act, which stated that national minority languages could be used in regions where 20% of the population spoke the same non-Slovak language (Kibbee, 1996: 148). The Official Language Act was an extension of Article 34 of the Constitution, and was in place until it was later revoked and replaced with a new law in 1995.

While the 1992 Constitution discussed the protection of national minorities, minority communities were wary of the Constitution’s preamble. The preamble began with “We, the Slovak Nation” (1992). The terminology implied the creation of a Slovak nation-state that would exclude the rights of national minorities. The Constitution was seen as the establishment of a state only for the Slovak people. Together, the Preamble of the Constitution and a general vagueness towards national minority rights were worrying to minority communities.

4.1.3 Mečiar’s Leadership and Progression of Domestic Practices

Vladimír Mečiar was established as Prime Minister of Slovakia in 1990 and held the position until 1998. Many of Mečiar’s autocratic tendencies led to complications with Western integration, and his consistent appeal to nationalist ideology hindered Slovakia’s EU accession
negotiations. Mečiar’s party was the Movement for a Democratic Slovakia (HZDS), and relied on a coalition with the Slovak National Party (SNS) to construct a government (Haughton, 2002: 1321). The SNS party was a far-right political party that continuously employed pro-Slovak nationalist sentiment. Together, Mečiar’s policies towards national minorities and his coalition with the SNS led to the implementation of anti-Hungarian minority policies that were widely condemned by the EU, the OSCE HCNM, and the Council of Europe.

The policies undertaken by the Slovakian government regarding national minorities through the early and mid-1990s were directly shaped by opinions and recommendations from the European Union, the OSCE High Commissioner on National Minorities, and the Council of Europe. Controversial policies would often be passed, criticized, and then roughly amended to be in line with recommendations from the three European bodies. The policies tended to be openly anti-national minority before later being curbed to abide by Western European standards. Domestic policies primarily concerned: language use, education, and political representation.

The first two laws concerning national minorities emerged in 1993 and focused on language use. Slovakia submitted a draft of the Surname Law in 1993 to the Council of Europe and the OSCE HCNM. The Surname Law increased tolerance for national minorities through name registration. Before the Surname Law was proposed, non-Slovaks had not been permitted to use their own last names. For instance, Hungarian national minorities were not able to register their Hungarian names because name registration was only permitted with Slovak grammar (Bakker, 1998: 420). The previous surname policies had been condemned by the Council of Europe, and Slovakia proposal of the Surname Law in 1993 was widely praised by the CoE as an improvement in minority treatment. While the Surname Law did improve minority conditions, it was marginal in its improvement because it only applied to the registration of newborns (Kelley, 2004: 119). No further action was taken to expand the Surname Law, despite promises by the government to resolve any remaining issues with it. The state was also slow to implement the Surname Law, waiting until 1994 to put the legislation into action. Slovakia also passed a law on the use of bilingual signage in towns and villages, especially in areas with significant national minorities. The Council of Europe had criticized the lack of bilingual signage and viewed it as a source of conflict with minority communities. The Slovakian government initially did not pass any legislation to amend the issue, but eventually discussed permitting bilingual signage in towns with a 30% national minority population (Kelley, 2004: 120). Both of these laws received recommendations from the OSCE HCNM and the Council of Europe before being slowly implemented in 1994.

Despite marginal improvements in national minority policies, Slovakia continued to adopt anti-minority legislation. The Slovakian government passed a new Law on the State Language in 1995, which was widely criticized by the EU, the OSCE HCNM, and the CoE for its potential threat to national minorities. It recognized the Slovak language as “the State language on the territory of the Slovak Republic” and declared it to have “priority over other languages applied on the whole territory of the Slovak Republic” (1995, Art. 1). The Act designated that the Slovak language was compulsory in all schools and educational facilities, and would be the official language used in municipalities, official state agenda, and media (1995). The new law did not provide protections for national minority languages, instead stating that the use of minority languages would be later addressed in separate legislation (1995, Art. 1). The 1995 Language Act reinforced the Slovak language by marking violations of language use as punishable by fines (1995, Art. 10). The lack of clarity surrounding the usage and jurisdiction of national minority
languages and the openly the pro-Slovak rhetoric led to concerns among the Hungarian national minority community and Western European institutions.

In addition to laws regulating language use, the education of national minorities was further subjected to controversial policies. The education ministry of the state decreed that school certificates would only be issued in the Slovak language. The Hungarian national minority community protested the decision, which further attracted condemnation by the EU, the OSCE HCNM and the CoE (Kelley, 2004: 128). Contention over the 1995 Act led to the firing of Hungarian school teachers and administrators who failed to abide by the school certificate policies. While the decision by the education ministry was frowned upon, the government did not change its decision and the policy continued to be applied.

Tensions with the Hungarian national minorities were heightened near the end of Mečiar’s tenure with his proposal for a population transfer with Hungary in 1997. Mečiar was eager for reelection in 1998, and continued to appeal to nationalist sentiment in hopes of maintaining enough support from the far-right SNS party. The prime minister proposed a population exchange with Hungary and continual referred to the Hungarian national minority population as a “threat” to the state (Perlez, 1997). While the proposal was immediately rejected by Hungarian leaders, Mečiar’s proposal continued to incite nationalist tensions and attracted further criticism by the West.

Mečiar lost the 1998 elections, however, and the establishment of new government leadership ushered in changes to national minority treatment in accordance with pressure from the EU, the HCNM, and the CoE. The Hungarian minority consolidated its political parties to form a single coalition party: The Party of the Hungarian Coalition (SMK). By doing so, they were able to meet the increased voting threshold of 5% and gain seats in government. However, the inclusion of Hungarian parties into the new government’s coalition was contingent on the disavowal of any territorial autonomy claims (Leff and Armeanu, 2017: 234). The Hungarians, as a result, traded some minority interests in order to gain political representation. The inclusion of minority representation ushered in new laws that benefitted national minorities. The Law on the Use of Languages of National Minorities (Law No. 184/1999 of Coll.) declared that the Slovak government was committed to respecting and protecting the rights of national minorities, stating that minorities would be permitted to use their language officially if they constituted at least 20% of the population within a municipality (1999, Act. 2). The 20% threshold was adopted in line with previous communist-era policies. National minorities would further be permitted to submit requests to local governments in their chosen language, and have street signs in their minority language if they met the demographic threshold. The Act repealed aspects of the 1995 State Language Law that only permitted usage of the Slovak language in official state sanctioned programs or events. However, the 20% requirement for national minorities was still heavily criticized by Hungarian minorities, especially by those who lived in nationally diverse regions who may not have met the 20% threshold.

4.1.4 Slovakia and International Agreements

There are several international agreements Slovakia agreed to which subsequently influenced domestic policy on national minorities. Slovakia ratified the European Convention on Human Rights (ECHR) in 1993 upon its entry to the Council of Europe. The ratification of the treaty led to amendments in the 1992 Constitution that, as earlier discussed, afforded democratic rights and protections for national minorities and human rights. Agreement to the ECHR brought Slovakia in line with democratic ideals.
Further influencing domestic policy was the implementation of the Treaty on Good Neighborly Relations and Friendly Cooperation Between the Republic of Hungary and the Slovak Republic in 1995, also known as the Basic Treaty. The bilateral agreement was favorably viewed by the West, which had promoted bilateral treaties as an effective way of ensuring national minority protections. The Treaty worked to promote good relations, shared security, and to preserve the cultural, national, and linguistic integrity of national minorities within their respective states (1995). The vast majority of national minority protections stemmed from Article 15, which acknowledged membership of a national minority as a personal choice of the individual; required all minorities to be protected from discrimination; and secured the right to express, maintain, and develop their respective cultures (1995, Art. 15). While the de facto protections for national minorities in Slovakia may have differed, the Basic Treaty attempted to create de jure protections for national minorities in both states.

Lastly, Slovakia agreed to the Framework Convention on National Minorities (FCNM) in 1995. The adoption of the FCNM was in line with negotiations from the Basic Treaty, where both states agreed to protect minority rights in accordance with the FCNM (1995, Article 15). Slovakia’s ratification of the FCNM was seen as a step forward in the treatment of national minorities by the West. Together, international treaties and agreements aided Slovakia in its accession and integration into the EU. The adoption of these policies continued to indicate Slovakia’s commitment to joining Western Europe, but their impact on domestic policy, specifically with regards to national minorities, was questionable. Comparatively, Slovakia’s domestic policies had a much greater influence than international agreements on Hungarian national minorities, and the domestic practices were profoundly shaped by the state leadership and willingness to cooperate with Western Europe.

4.1.5 European Union Accession

Following the fall of communism, Western Europe viewed the national minority situation in Slovakia as a potential trigger for instability in the region. As a result, Western Europe invested a great deal of funding in the state under the European Union’s PHARE program, which worked to develop economic, industrial, social, and political systems as part of the pre-accession process. The threat of conflict and the anticipated costs of peacekeeping operations within the region led to the investment of hundreds of millions of dollars into PHARE programming; this was the better alternative to the much higher projected costs of war (Brown & Rosecrance, 1999: 169). Slovakia had also indicated its intention to merge with the European Union since its independence, and as a result had quickly forwarded its membership with the Council of Europe. The state was seen as a part of a broader enlargement of the European Union into Central and Eastern Europe (European Commission, S. 9/97: 9). However, while the state claimed to be eager to join the West, Mečiar’s lack of cooperation with the EU before and during accession complicated the state’s progress.

Slovakia formally applied for EU membership on June 27, 1995, and was repeatedly evaluated to see if it met the Copenhagen criteria to begin accession. In the European Commission’s initial opinion on Slovakia’s application in 1997, the Commission determined that the state had not yet met the Copenhagen criteria to start accession talks (European Commission, S.9.97: 77). The evaluation outlined various aspects of Slovakia’s minority group treatment that were in violation of the Copenhagen criteria on minority rights. The European Commission was particularly concerned that the state had not adhered to Recommendation 1201 of the FCNM (European Commission, S.9/97: 19). While non-binding, Recommendation 1201 of the FCNM provided for collective rights of national minorities. These included the right of minorities to
establish their own organizations and political parties, official usage of their names in their mother tongue, and the ability to establish schools and education systems in their language (Recommendation 1201, 1993). The Recommendation additionally granted national minorities the right to foster relations with their kin-states, and generally worked to promote the collective rights of national minorities as individuals (1993: Art. 12). Slovakia had passed legislation in 1996 that denied the recognition of collective rights for minorities, directly in violation of Recommendation 1201. Despite receiving Western criticism, the Recommendation was not legally binding and Slovakia was not legally obligated to amend their policies (European Commission, S. 9/97: 19).

In addition to initial concerns on Slovakia’s application, the European Commission noticed the lack of provision for national minority representation in the central government. The Commission saw this as the deliberate exclusion of minorities from state decision-making. While there were no reserved minority seats, Hungarian minority parties were still able to attain seats in parliament due to their large population size – roughly 10% of the state – and Slovakia’s use of a proportional voting system (European Commission, S. 9/97: 19). The European Commission viewed the development of Hungarian political parties positively, and saw it as a small improvement amid many concerning national minority issues.

One of the most prominent issues the European Commission addressed with the state was the passage of the 1995 Language Law, which had made extensive provisions for the usage of the Slovak language with little clarity surrounding the rights of national minority languages. In response to Western condemnation, Slovakia had promised to amend the law, but did not do so until 1999 with the Law on Minority Languages. The European Commission viewed the 1995 Law as a contrast with Article 34 of the Slovak Constitution, which guaranteed the protection and usage of national minority rights (European Commission, S. 9/97: 19). The situation surrounding language usage was further aggravated with the lack of funding to Hungarian cultural associations and the termination of bilingual school certificates. As a result of Slovakia’s inadequate performance and ability to address outstanding issues, including national minority rights, Slovakia was not considered ready for accession negotiations in 1997.

The following year the European Commission published another report on the status of Slovakia’s application to begin the accession process. The 1998 Report noted there had been no significant change in the protection of minorities or in legislation for minority languages (European Commission, S. 8/98: 11). The lack of protections for the rights of national minorities was becoming evident, with the dismissal of teachers and school administrators who refused to give out school certificates in Slovak in Hungarian schools. The European Commission raised additional concerns regarding the Basic Treaty between Slovakia and Hungary, since practices prescribed within the treaty had not been implemented. Amid numerous disappointments, the European Commission praised the Parliament’s rejection of an Educational Act Amendment in 1998, which would have prohibited the teaching of most subjects in national minority languages. The proposed act would have stood in violation of the Constitution and contributed to aggravation of national minority relations. At the end of the 1998 Report, the European Commission concluded that Slovakia needed further progress on national minority rights in order to meet the Copenhagen criteria (European Commission, S. 8/98).

The change in Slovakia’s government in 1998 resulted in increased cooperation with the EU. Slovakia finally began accession talks with the European Union in 1999. In the 1999 Report, the European Commission deemed Slovakia had satisfied all the Copenhagen criteria necessary to begin accession; the declaration was done in spite of ongoing concerns regarding the national minority population (European Commission, 1999). The European Commission considered the
passage of the 1999 Law on the Use of Minority Languages in Official Communications as sufficient in protecting minority languages. Previous concern regarding the lack of national minority representation within the government was satisfied with the appointment of a Deputy Prime Minister for Human Rights, National Minorities and Regional Development (European Commission, 1999: 16). The Commission believed Slovakia had fulfilled the Copenhagen political criteria, but declared that there needed to be additional work done to protect minority rights.

Interestingly, following reports on Slovakia’s accession after 1999 no longer discussed Hungarian national minorities, and instead focused on the treatment and policies impacting the Roma community. While significant, the absence of commentary on the prominent Hungarian national minority marked a sudden shift in the attitudes of the European Commission. The lack of recommendations regarding Hungarian minorities was especially notable considering the European Commission had stated that further work still needed to be done regarding minority protection in the state (European Commission, 1999: 18).

Slovakia continued to progress through accession, with greater focus on the political and economic institutions of the state. The state was finally deemed ready for EU membership in 2002 and slated for entry into the European Union in 2004; membership occurred on the same timeline as Slovenia (European Commission, Gen. Rep. EU 2002). In 2003, Slovakia held a referendum to join the European Union and roughly 93% of the population voted to join the EU (NSD Slovakia, 2003). Slovakia was later welcomed into the European Union on May 1, 2004.

4.1.6 The OSCE High Commissioner on National Minorities

Slovakia was admitted as a member of the OSCE in 1993. The OSCE’s HCNM was deeply interested in conflict prevention within the state and the HCNM began visitations in 1993, viewing the treatment of the Hungarian minority as ripe for destabilization. In his initial report, the HCNM expressed concern for Hungarian language instruction in minority schools (OSCE, 1993). During this time, Slovakia was passing new laws providing for the use of non-Slovak surnames and bilingual signs; these were praised by the HCNM. However, the HCNM was repeatedly concerned that Slovakia was pushing through laws on national minorities without first consulting the OSCE; because of this, the laws could not be first reviewed for improvement before being implemented (OSCE, 1993).

The following year in 1994, the OSCE advocated increased inclusion of national minorities in government, and proposed establishing an organ that would focus on the treatment of national minorities. The Slovak government stated that they had already established a body called the Governmental Council of the Slovak Republic for National Minorities, which three Hungarians sat on. While the Slovak government insisted that there was political representation for Hungarian minorities, the OSCE remained concerned about the lack of involvement of national minorities in general elections (OSCE, 1994). There was further contention over the teaching of Hungarian children, with the HCNM receiving reports that there were not enough experienced teachers to teach the Hungarian language. In response, Slovakia restated the significance of the Slovak state language, and deemed the number of Hungarian language teachers to be appropriate.

Furthermore, the HCNM’s 1995 report also focused on the financing of cultural development for national minorities. It noticed state funding for the Ministry of Culture had increased in comparison to previous years, but remained concerned that the funding was for the promotion of Slovakian culture at the expense of national minorities (OSCE, 1995). The 1995 Report continuously referred the Slovak government to its international obligations under the Framework Convention on National Minorities and the state’s constitution. Many of the policies
Slovakia passed during this time were questionable in their adherence to international agreements or constitutional provisions.

The 1996 Report by the HCNM focused on the Slovak Penal Code adopted in 1996. The Penal Code amendment specified that anyone with the intention of harming or undermining the constitutional order of Slovakia would be punished with imprisonment or a fine (OSCE, 1996). During this time, the Hungarian minority had been making claims for increased autonomy that could be interpreted as anti-Slovakian by the government. Enforcement of the Penal Code would threaten the assembly of Hungarian national minorities, and further challenge democratic ideals. The HCNM also noted there was a discrepancy in the treatment of Hungarian minorities compared to other minorities with an ongoing trend of discriminatory policies targeting the Hungarian population. In a response to the Penal Code concern, the Slovak government notified the OSCE that it was unable to pass the Penal Code in Parliament despite repeated attempts to do so (Kelley, 2004: 124).

While much of the concern of the HCNM centered on language rights, two further issues were raised in 1998 on draft laws proposed by the Slovak government. First was a Law on Local Elections that attempted to fix electoral representation along national lines. The fixation of voting rights on national identity violated democratic principles that allowed individuals to vote for whoever they wanted, regardless of national affiliation. The draft law was also considered to negatively impact national minorities as it ascribed a national identity to individuals – this would remove the freedom to associate with a minority culture, or the ability to identify with a national group privately (OSCE, 1998). The HCNM emphasized the right of the individual to choose to identify with their nationality. In addition to this, the Slovak government proposed a draft law on Education, which attempted to impose a concept called the “alternative school” (OSCE, 1998). The draft law proposed restrictions on national minority schools through the creation of schools designated for national minorities that provided bilingual teaching, language choice, etc. The establishment of alternative schools was in opposition to the wishes of Hungarian national minorities, who wanted the freedom to choose where to send their students to school – whether they were Hungarian, Slovak, or bilingual schools. Neither of these draft laws were later passed through government, but did represent the continued contention over national minority rights that persisted during Slovakia’s transition to Western integration.

The shift to a new government in 1998 and the removal of Mečiar from office led to some improvements in national minority rights and treatment. The accommodations made to national minorities – specifically the 1999 Law on National Minority Languages provoked the EU to determine Slovakia had met the Copenhagen criteria regarding democracy and human rights and was ready to begin accession. The HCNM continued to work closely with the EU through its accession process, and later made additional comments on Slovakian elections and policies impacting national minorities following Slovakia’s admittance to the EU.

4.1.7 The Council of Europe

Slovakia’s relationship with the Council of Europe also changed over time, increasingly becoming more cooperative with the organization as it progressed through EU accession. While the Council of Europe has offered numerous opinions on Slovakian national minority policies, it has published detailed reports addressing the progress of domestic policy. These reports consider how domestic policy needs to be improved in accordance with provisions laid out in the Framework Convention for National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML).
Slovakia signed the FCNM in 1995 as a part of the Basic Treaty with Hungary, and the CoE provided a report on the implementation of the FCNM in Slovakia in 2000. In this report, the CoE recognized the improvements the Slovakian government had made in respect to national minority protections since its adoption of the FCNM. Concerns for improvements were largely focused on language policy, notably the 1995 Language Law which increased the dominance of the Slovak language. However, some of the CoE’s worries on the 1995 Language Law were assuaged with the passage of the 1999 Law on National Minority Languages. The implementation of the 1999 law was seen as a significant step forward in the treatment of national minorities within the state (Council of Europe, ACFC/INF/OP/I(2001)001). The CoE noted the trend in improvement that had occurred in the state over time; this corresponded with the removal of Mečiars from government and increased willingness of the state to comply with EU recommendations. In addition to concerns focusing on national minority language, the 2000 Report stressed the need for increased communication between national minority leaders and the government. The inclusion of minority leaders would increase avenues for cooperation between the central government and minority groups on minority protections.

The CoE provided further commentary on the state’s implementation of the European Charter for Regional or Minority Languages, ratified and entered into force in 2001. The report raised concern regarding the 20% threshold for the use of minority languages, which was set out in the 1999 Law on National Minority Languages. The CoE noted that this threshold may not provide adequate protection for national minorities who do not meet the 20% benchmark to use their national language. While the threshold was met by Hungarian national minorities in concentrated regions, it was difficult for other national minority groups to achieve (Council of Europe, ECRML (2007)1). The CoE further recommended that the Slovak government provide increased training for teachers in Hungarian to diversify the curriculum available in minority languages. The difference in adequate training for teachers in Slovak and Hungarian contributed to educational inequality. Concerns for the Hungarian language were further expressed about the administrative and court systems, where the usage of Hungarian was low. Both reports from the CoE on the implementation of the FCNM and the ECRML focused on national minority language rights. Since the ECRML report was provided several years later than the FCNM report, the CoE was concerned about the slow progress made by the state on minority policies. Since these initial reviews, the CoE has continued to review the implementation of the FCNM and the ECRML in the years following EU accession.

4.1.8 Policies in Practice

The numerous changes in domestic policy that occurred throughout the 1990s and the mid-2000s continued to shape the experiences of Hungarians within Slovakia. Many of the reports of the HCNM and the CoE relied upon input from leaders of the Hungarian community in Slovakia. The controversial policies of the Slovak government continuously heightened Hungarian minority fears during accession.

The lack of reserved seats for minorities within the Slovakian parliament was alarming to Hungarian minorities and eventually led to the establishment of political parties along national lines. The Hungarians were able to find representation within government by establishing their own political parties, notably the Magyar Coalition Party (MKP) which formed in 1998 when three parties merged to increase their chances of election to parliament (Friedman, 2005: 383). While the Hungarians were consistently able to gain positions within government as a result of the proportional representation system, there were attempts to remove Hungarian representation under
Mečiar’s government. In the 1998 elections, Mečiar proposed changing the proportional representation system to a majoritarian one that would have ensured the domination of Slovak parties. In addition, Mečiar’s government increased the state-wide threshold for parties to win representation in parliament from 3% to 5% of the vote (Friedman, 2005: 383). While the majoritarian voting system was not implemented, the 5% threshold persisted, making it more difficult for national minorities to gain representation in the Slovak Parliament.

In education, Hungarian national minority schools were established in line with Slovakia’s constitution and later recommendations made by the EU, the HCNM, and the CoE. In the 2000 Report by the Slovakian government to the Council of Europe, there were 277 public nursery schools that used Hungarian as the main language of instruction; additionally, there were 101 schools with bilingual education (Council of Europe, ACFC/SR (2000)4: 38). The education model was based on the 1992 Constitution, which mandated primary and secondary education. There were Hungarian, Slovakian, and bilingual schools available, and families could choose which schools to send their children to. Slovak schools located in regions with Hungarian minorities also offered some classes in the Hungarian language (Council of Europe, ACFC/SR (2000)4: 38). Education was incredibly important to the Hungarian national community, which saw it as fundamental to the continuation of its cultural survival and development.

During the evaluations by the EU, the HCNM, and the CoE, there were concerns regarding inequality between Slovak and Hungarian schools—specifically focused on the training of Hungarian teachers and differences in available resources. Schools were a source of national tension, with the continued passage of laws that limited the use of Hungarian in school certificates, and the firing of teachers who did not abide by education policies. Hungarian national minorities navigated a difficult position in democratizing Slovakia because of Mečiar’s ultra-nationalist stance. The removal of Mečiar from the premiership in the 1998 elections immediately led to improved national minority protections, but the position of Hungarian minorities remained a point of contention throughout Slovakia’s accession to the EU.

4.2. Romania: Democratization and EU Accession

4.2.1 The Aftermath of Communism

Romania’s emergence from communism was marked by violent protests after the removal of communist leader Nicolae Ceaușescu. The Hungarian national minority population was then roughly 1.6 million people, or 5-7% of the total population of Romania (Kocsis, 2007: 184). The relative size of the population remained roughly the same before and during EU accession, with the population concentrated predominantly in Transylvania and the border with Hungary. Tensions between the Hungarian minority and the Romanian majority had been worsening under Ceaușescu’s regime, and continued as the state emerged from communism. Hungarian minorities advocated increased cultural and linguistic autonomy after facing repression under Ceaușescu’s regime. The destabilization of the regime and ongoing demands for increased autonomy by the Hungarians led to an outbreak of violence in Târgu Mureș, a town in north central Transylvania. The clash was the bloodiest outbreak of national violence during Romania’s transition from communism, killing several people and leaving several hundred injured (Battiata, 1990).

Hungarians formed the Democratic Alliance of Hungarians in Romania (RMDSZ), which successfully spread throughout cities with Hungarian populations in the immediate aftermath of the 1989 revolution. The party organized itself around advocacy for self-determination and collective rights for Hungarians in Romania (Toró, 2016: 85). The RMDSZ’s goals of resolving
national minority conflict were also supported by Romanian elites, specifically the National Salvation Front that won the 1990 political election and became the dominant political party after 1989 (Toró, 2016: 85). The shared goals among the Hungarian minority elites and Romanian elites contributed to a gradual shift towards pluralist policies that permitted increased autonomy for national minorities and led to improved national relations (Kiss, Székely, Toró, & al, 2018: 79). The slow trend towards pluralism and the resolution of national minority issues were steps towards democratization further advanced in the new 1991 Constitution.

4.2.2 The 1991 Romanian Constitution

Romania’s 1991 Constitution marked the beginning of the state’s democratization and declared the state as a “democratic and social state” that guaranteed the rights and freedoms of its citizens (1991, Art. 1). The Constitution addressed national minority rights under Articles 4 and 6, which prohibited discrimination on the basis of nationality, recognized the rights of national minorities to preserve, develop, and express their culture, and further ensured the Romanian government would protect minorities in their cultural development and preservation (1991, Art. 4 and 6). National minorities were further granted rights to education, as the Constitution made primary and secondary school compulsory for all citizens; public education was to be free. National minorities were guaranteed the right to learn their mother tongue, and to receive education in it (1991, Art. 32). In addition to the rights of self-identification and mother-tongue education, the Romanian government incorporated the right to representation for national minorities within its bicameral parliament. Under Article 59, the Constitution recognized that national minorities who do not obtain the number of votes needed for parliamentary representation would have one seat each in the lower house of Parliament – the Chamber of Deputies (1991). In addition to linguistic, educational, and political rights, the Constitution also gave members of national minorities the right to have an interpreter in court trials (1991, Art. 127).

While the Constitution afforded more rights to national minorities, it remained unclear on its acceptance of national minorities in the state. The Preamble declared Romania to be a “national state” (1991, Preamble). This left minorities unsure if the government was declaring Romania a nation-state that would be unaccepting of minority communities. In addition to this, there was a general lack of clarity on the position of national minority languages vis-à-vis the Romanian language. Despite these concerns, the formal granting of education, language, and political rights to national minorities was a stark contrast from practices under the Ceaușescu regime. The Constitution marked a pluralist trend in the Romanian government, and was successful in establishing a democratic base for future policy improvements during accession.

4.2.3 Foreign Relations with the West and Hungary

Romania began establishing relations with the West shortly after its transition from communism. Western Europe had begun investing in hopes of conflict prevention and to bolster the state’s resources as it democratized. This came largely from the European Union’s PHARE program, which invested several hundred million dollars yearly in the state in preparation for later EU accession (European Commission, S. 8/97: 12). Romania also quickly joined the Council of Europe in 1993, viewing membership as a way to demonstrate its commitment to democratization and integration with the West. The Romanian government adopted the European Convention on Human Rights (ECHR) in 1993, and further committed itself to the nonbinding Recommendation 1201 on the collective rights of national minorities. Together, these actions demonstrated the
commitment of Romania to submit itself to recommendations by the Council of Europe with respect to improving human and minority rights.

In addition to signing the ECHR, Romania signed and ratified the Framework Convention on National Minorities (FCNM) in 1995. This action, together with the later adoption and ratification of the European Charter for Regional or Minority Languages in 2006, cemented Romania’s commitment to improving national minority rights to the West. Together, ratification of the ECHR, the FCNM, and the ECRML provided the basis for the Council of Europe to review national minority policies, and their consideration further influenced European Union recommendations on national minority policies in Romania.

Romania’s national minority policies were also drastically shaped by the state’s relationship with Hungary. The two states have had an intermittently adversarial history, but signed the Treaty of Understanding, Cooperation, and Good Neighborliness in 1996. The treaty recognized the significant role of their respective national minorities, and agreed that the protection of human and national rights was dependent on their cooperation. The Treaty promised increased trade, sharing of scientific research, but focused most on issues of national minorities. Under Article 12, the Treaty supported cooperation in the development and exchange of culture, specifically in education (1996, Art. 12). Article 15 addressed the significance of the Framework Convention on National Minorities and ensured the rights of their minorities to express their cultures freely, to promote cultural and language development, and to access education in their mother tongues (1996, Art. 15). It further guaranteed the right of cultural expression in media, and agreed to work towards securing these rights together. Most significantly, however, the two states renounced territorial autonomy claims in exchange for the security of national minority rights (Leff and Armeanu, 2017: 238). The revocation of territorial autonomy possibilities was a turn from communist era legacies which had established the Magyar Autonomous Region (MAT) and given the Hungarian minority in Romania considerable national minority protections.

Romania’s general adherence to its international agreements resulted in improved rights for national minorities throughout its transition to an integrated European state. The international and bilateral treaties shaped domestic policy on national minorities, especially because Romania’s 1991 Constitution recognized the priority of international treaties on human rights over domestic regulations (1991, Art. 20). The ratification of these agreements benefitted Romania in its accession process, since the EU viewed the implementation of these treaties as a significant step towards ensuring national minority protections that were in line with the Copenhagen criteria.

4.2.4 Notable Domestic Policies on National Minorities

Following the creation of the 1991 Constitution, Romania continued to pass legislation on national minorities that gradually improved minority treatment. Romania’s initial policies following its emergence from communism were unfavorable for national minorities, and a significant change in minority sentiment did not occur until the mid-1990s. In 1991 Romania passed the Local Administration Act, which met strong criticism from the Council of Europe and the OSCE HCNM because of its discrimination of national minorities. The Local Administration Act established the Romanian language as the official language in all local government and public administration meetings, regardless of the languages spoken by council members (Kettley, 2003: 254). In addition, national minorities could only use their language if they constituted a “significant numerical concentration” and the use of mother-tongue languages remained subject to approval of formal requests (Kettley, 2003: 254).
In 1993, the Romanian government established the Council of National Minorities to address national minority issues. This creation was praised by the European Union, but in reality did not effectively improve the protections for national minorities or increase the political voice of minorities in government (Kettley, 2003: 253). Additional anti-national minority legislation was passed in 1995 with the Act on Education that restricted educational access to national minorities in their mother tongue. While the state provided access to education in minority languages for primary and secondary levels, there were significant barriers to higher education for Hungarian minorities (Kettley, 2003: 254). Entrance exams in important subject areas for higher education were only given in Romanian, which meant Hungarian students would need to transfer to Romanian-language schools as children to improve their future prospects. The education law also received international condemnation, and was later amended in 1997.

Despite the ratification of national minority treaties such as the ECHR and the FCNM, significant progress was not made domestically until 1996. Instead, the government focused predominantly on democratization policies and ignored outstanding national minority concerns (Kettley, 2003: 247). Government attitudes began to shift in 1996 when the Hungarian political party RMDSZ gained representation in parliament and began to influence the state’s decision making process (Toró, 2016: 85). The RMDSZ worked alongside a majority coalition government that prioritized the protection of national minorities (Kiss, Székely, Toró, & al, 2018). This marked a departure from the previous administration. Changes in national minority policies began to emerge and correlated with Romania’s application to the European Union.

In 1997, the government enacted the Government Emergency Ordinance No. 36 of 1997 which amended the 1995 Education Act. The amendment was later updated in the new 1999 Education Act, but in the meantime acknowledged the significance of education in minority languages. The Emergency Ordinance was accepted and approved by the Hungarian national minority and demonstrated an attempt to balance the linguistic education between Romanian and Hungarian students (Kettley, 2003: 256). National minority instruction remained very important to the Hungarian community, who continued to work towards the establishment of a private Hungarian university in the state.

The 1999 Law of National Education resolved matters. It replaced the 1995 Education Act, and specified specific protections for national minority students in Romania’s education system. Notably, the act granted minorities the right to learn their mother tongue and to have curricula taught in minority languages. Under Article 10, the government confirmed that public education would be carried out in both Romanian and national minority languages. The Romanian language was still acknowledged as the official language of the state and would be taught to students in all schools, regardless of their nationality (1999, Art. 10). National minority students were granted specific rights under Article 45 of the Education Law, which allowed them to request resources, classes, or materials to learn in their mother-tongue (1999). The law also ensured that students who did not have the possibility to study their language in their district would receive free transportation or housing to attend the nearest school that offered their language instruction (1999, Art. 45). The 1999 Education Law attempted to promote equal opportunity to higher education by permitting university entrance exams to “be taken in the language in which the subjects in question have been studied” (Art. 46). Doing so greatly benefitted national minority communities who attended minority schools and studied curriculum in their mother-tongue. A private Hungarian school was later established in 2001, which directly catered to the future interests of Hungarian national minorities (European Commission, SEC (2001) 1753: 19).
Another act that shaped national minority treatment during the course of accession was the 2001 Law on Local Public Administration. This law permitted the use of a national minority language in towns where a national minority constituted over 20% of the population residing there (2001, Art. 40). Furthermore, in towns with a national minority population over 20%, any decisions that would be made public were to be broadcasted in both Romanian and the national language (2001, Art. 51). The implementation of this act was a considerable improvement from the 1991 Law on Local Administration.

Lastly in 2003, the 1991 Constitution was amended to clarify the position of national minority languages. The amendments to the constitution granted the use of minority languages in public administration, constitutionalizing the earlier Law on Local Administration in 2001 that permitted national minority language use in towns meeting the 20% population threshold (2003: Act. 120). Additionally, the 2003 amendments further guaranteed the right of national minorities to use their mother tongue in court (Art. 128). Under the 1991 Constitution, national minorities were entitled to speak with the use of an interpreter, which – with the exception of criminal trials – would incur a cost to the individual. The 2003 Amendment improved this by ensuring the use of translations or interpreters without additional fees (Act. 128). Romania’s democratization and accession continually made strides towards national minority protections which were praised by the European Union, the OSCE HCNM and the Council of Europe.

4.2.5 European Union Accession

Romania first applied for European Union membership in 1995, and – like Slovakia and Slovenia – was seen as a part of a broader enlargement of the European Union into Central and Eastern Europe. Romania’s application was considered in 1997, at which time the European Commission deemed the state unfit to begin accession negotiations as it had not met the Copenhagen criteria. However, in its initial appraisal, the European Commission looked favorably upon Romania’s national minority polices – particularly those related to the Hungarian minority. The European Commission noted how the political system enshrined representation for Hungarian minorities by reserving 15 seats for minorities in the Chamber of Deputies in the bicameral parliament (European Commission, S. 8/97: 13). At the time of consideration, Romania had further ratified the European Convention for the Protection of Human Rights (ECHR) and the Framework Convention for the Protection of National Minorities under the Council of Europe. Additionally, the bilateral treaty between Hungary and Romania in 1996 had greatly improved the treatment of Hungarian minorities within the state.

However, despite the positive view on Hungarian treatment in Romania, the European Commission raised concerns over the state’s refusal to recognize collective rights despite signing the non-binding Recommendation 1201 on collective group rights. They also expressed concern over an article of the Criminal Code that forbade individuals from singing a foreign national anthem or carrying a foreign flag (European Commission, S. 8/97: 17). These were the only issues raised regarding Hungarian minorities, and the Commission focused more predominantly on issues impacting the Roma community. As of 1997, the European Commission believed the state to be undertaking the correct steps to improving national minority treatment, especially for Hungarian minorities.

In the following 1998 evaluation, the Commission determined that Romania had fulfilled the Copenhagen political criteria, and – after consideration of the state’s economic and political progress – the state was slated to begin negotiations in 1999 (European Commission, S. 7/98). Upon beginning its accession talks, the Commission approved of continued improvements for non-
Roma minorities, including the Hungarian community. Romania had amended its education law in 1999 to provide the legal basis for minority languages, allowing national minorities to establish their own universities. Furthermore, national minorities were able to receive instruction in their mother tongue at all education levels; the state incorporated minority culture into the educational curriculum, textbooks, and materials (European Commission, COM (2000) 710: 24). The treatment of national minorities was considered satisfactory to the EU and continually improving.

As Romania progressed towards membership, more changes developed that impacted national minorities. As discussed, the 2001 Law on Local Administration allowed for the usage of a minority language in official regional affairs, including decisions and services from the local government. Improvement continued with the establishment of a private Hungarian university, funded with aid from Hungary (European Commission, SEC (2001) 1753: 19). The collaboration was further indication of improved relations between the Hungarian and Romanian states. Romania continued to establish institutions for reporting discrimination against national minorities in 2002 and 2003, increasing transparency in the legal framework and investigation process (European Commission, SEC (2001) 753; European Commission, SEC (2002) 1409). The implementation of national minority policies continued to improve throughout accession, and the Commission’s reports became increasingly more positive. The Commission eventually determined the state was ready for EU membership in 2005. In contrast to Slovakia and Slovenia, Romania took considerably more time in progressing through accession negotiations, but its policies on national minorities remained consistently positive throughout accession. Romania was officially admitted as a new member state in 2007.

4.2.6 The OSCE High Commissioner on National Minorities

The OSCE’s High Commissioner on National Minorities has published numerous reports on the treatment of national minorities in Romania. These reports and recommendations have directly shaped domestic policies. In the 1993 correspondence between the Romanian government and the OSCE HCNM, the HCNM praised the establishment of the Council for National Minorities which was seen as a pathway to open communication between national minorities and the government (OSCE 1028/93/L, 1993). The OSCE offered advice on the role of the Council, pushing Romania to adopt laws on education that would strengthen the position of national minority languages. While this was proposed, it was evident that the Council for National Minorities did not contribute to positive developments in national minority policies until after 1996.

In addition to the 1993 correspondence, the OSCE made statements in the late 1990s and early 2000s on the cultural programming at Babes-Bolyai University, the largest public university in Romania. The OSCE recognized the significance of higher education to the Hungarian minority, and wanted to ensure the university was effectively accommodating all national groups. The OSCE first evaluated the university’s development of a multicultural curriculum that developed programs in Romanian, Hungarian, and German (OSCE, Ref. 730/98, 1998). In later recommendations made regarding the university, the HCNM proposed improvements to instruction in national minority languages (OSCE, 2000). The recommendation came with further encouragement to increase funding to the Hungarian curriculum, in order to bring it in line with Romanian educational development. As the university continued to accept recommendations, the OSCE deemed the development of the university’s multicultural program to be a model for other states in Eastern Europe (OSCE, 2000).
4.2.7 The Council of Europe

In addition to EU and OSCE recommendations made on national minority policies, the Council of Europe played a formative role in establishing national minority rights. Similar to Slovakia, Romania first joined the Council of Europe as a beginning step to European integration. Romania became a member of the Council of Europe in 1993 after ratification of the European Convention on Human Rights. The Council of Europe first conducted a report in 1999 on Romania’s adoption and implementation of the Framework Convention on National Minorities, which Romania ratified in 1995.

The 1999 Report noted that Romania had taken many steps to prevent discrimination for Hungarian minorities, but saw that the improved treatment for Hungarians did not result in improved protections for other minority groups – most notably the Roma. In its evaluation of state media, the Council of Europe noticed that portrayals of national minorities tended to stereotype minority communities (Council of Europe ACFC/SR (99) 11., 1999). The upcoming 2000 elections had also resulted in the rise of anti-minority sentiment and xenophobic language. The rise in far right-wing politics correlated with increased support for the nationalist Social Democrat Party (PDSR) which had split from the National Salvation Front in the early 1990s (Kettley, 2003: 257). The rise of anti-minority sentiment at the time prompted the Council of Europe to call for increased dialogue among national minorities leaders and the central government.

The Council of Europe later released a report on the state’s implementation of the European Charter for Regional or Minority Languages. While the report was published in 2012, it reviewed Romanian policies that were established under European integration. The Council of Europe’s main concern surrounded the 20% threshold needed to use a minority language in local administrations and public signage. The 20% population threshold was considered to be particularly difficult for smaller national minority groups – who may not constitute 20% of the population in any region – to access publications and enjoy signage in their national language. The 2012 report encouraged the state to provide greater funding and support for Hungarian media; it specifically discussed the creation of a Hungarian language channel, instead of broadcasting programs in Hungarian (Council of Europe ECRML (2012)3: 85).

Altogether, while the Council of Europe provided recommendations Romania could undertake to improve the treatment of its Hungarian minorities, the CoE believed that the state had fulfilled many of the undertakings of the FCNM and ECRML. The Council of Europe had more significant reservations regarding the state’s progress in establishing Roma minority protections, but Hungarian national minorities were largely considered protected under existing policies.

4.2.8 Policies in Practice

Romania’s improvements on national minorities led to tangible changes for Hungarian communities. Politically, the Hungarian national minorities established prominent political parties – notably the RMDSZ – that worked together with majority coalitions in government on behalf of Hungarian minorities. The Constitution also reserved positions for national minorities in parliament to ensure representation, regardless of the seats attained through general elections. The Council of National Minorities, established in 1993, continued to receive praise from the European Union in the early 2000s for its increased transparency in investigations of discrimination against minority individuals. As a result, Hungarian national minorities were not excluded politically during the period of EU accession, but enjoyed an influential position in the central government’s decision making process.
In language polices, bilingual education and use of bilingual signage were also successfully established. A study conducted in 2004 discovered that “nearly two-thirds of Transylvania’s Hungarians were highly or very highly proficient in Romanian” (Kiss, Székely, Toró, & al, 2018: 176). The high percentage of Hungarian minorities comfortable speaking Romanian was a direct result of the education system established by the state that had established bilingual educational programs. However, Hungarian minorities noted there was still room for improvement regarding the training of Romanian teachers in Hungarian schools. An additional national level survey conducted in 2008 found more than 90% of Hungarian inhabited administrative units had bilingual signage; the survey also revealed more than 80% of local administrations with Hungarian communities were publishing information in Hungarian (Kiss, Székely, Toró, & al, 2018: 203). The high percentages of Hungarian language use and education demonstrated Romania’s continual improvement in Hungarian minority protections.

Lastly, in media and cultural development, Hungarian radio and television programs were regularly broadcasted throughout Hungarian populated regions. Radio broadcasting hours per week varied based on the region, but there were several radio stations and television channels that would regularly provide Hungarian language programming. The demand for increased programming was also met by some Hungarian non-governmental organizations. These NGOs were prominent avenues for Hungarian advocacy, and roughly 300 NGOs were established that dedicated their work to improve education, cultural preservation, and community development (Magyari, Mark, Harbula, & Magyari-Vincze, 2008: 26). Altogether, the treatment of Hungarian national minorities was vastly improved in comparison to pre-accession policies under communism. While the state still had areas for improvement, the Hungarian national minority developed forms of political and social advocacy that came from direct political representation or private organizations.

4.3 Slovenia: The National Minority Model in Central and Eastern Europe

Slovenia’s independence from Yugoslavia focuses our attention on the Hungarian population within the Prekmurje region, near the northeastern border of Slovenia next to Hungary. Yugoslavia’s remaining Hungarian population was concentrated in Vojvodina, Serbia. Slovenia’s Hungarian population had been in gradual decline since the 1950s, with the Hungarian minority population making up approximately 0.8% of Slovenia’s population in 1953 (Lipott, 2013: 66). The population size continued to fall, and the 1991 census placed the Hungarian population at 0.4% of the population, or approximately 8,000 individuals (Statistical Office of the Republic of Slovenia, 2002). The decline was attributed to low birth rates, higher seniority levels, and the regional location of the minority group, which originally lagged in economic development and prompted migration away from the state (Lipott, 2013: 66). Slovenia’s population after independence was fairly homogeneous, with nearly 88% declaring themselves as Slovenes (Statistical Office of the Republic of Slovenia, 2001).

4.3.1 The 1991 Constitution

Slovenia’s declaration of independence in 1991 from Yugoslavia led to the implementation of a new constitution as the basis for the state’s democratization and European integration. This Constitution had been drafted as early as 1987, when Slovenia had already begun advocating for increased autonomy from the Yugoslavian state. The attempted consolidation of the state provoked Slovenia to push for independence (Hayden, 1992: 7). The 1991 Constitution was indicative of Slovenia’s longstanding desire to gain independence and demonstrated the history of national
minority protections in the state under communism. As a result, the 1991 Constitution can be viewed as an extension of long-standing policies from Yugoslav communism that increased rights to its national minorities.

The 1991 Constitution is the current constitution of the state and recognizes two national minorities, called autochthonous minorities: the Italians and the Hungarians. Hungarians are first recognized under Article 5 of the Constitution, which guarantees their rights and ensures their cultural development in Slovenia (1991, Art. 4). Article 11 grants language rights to national minorities. It recognizes Slovene as the national language, but in regions with Hungarian or Italian communities, both Slovene and the minority language are official languages (1991, Art. 11). The majority of rights for national minorities are found under Articles 61 to 64. These articles address the rights to express cultural affiliation, to use minority languages when exercising rights in public, and further designate specific rights for the Italian and Hungarian national communities. Article 64 explicitly grants the rights for national minorities to: “use their national symbols freely;” “preserve their national identity” and “establish organizations and develop economic, cultural, scientific and research activities, as well as activities in the field of public media and publishing” (1991, Art. 64). Both the Hungarian and Italian communities are also given the right to foster relations with their kin-states. Most importantly, Article 64 guarantees that Hungarians will be able to establish self-governing communities, and provides them direct representation both in local government and in the National Assembly, or the central government. These rights are not contingent on the sizes of their communities.

The Slovenian government ensured that Hungarian national minorities would have access to cultural development, state funded and mandated bilingual education in their mother tongue and Slovene, and further included them in the central government. Hungarian representatives in the central government had a say over national minority policies, and the passage of new legislation needed the consent of minority representatives. By doing so, minority representatives had a veto over policies that would impact minority communities (Lipott, 2013: 68). Slovenia’s proactive stance on national minorities was favorably viewed by the Council of Europe, the European Union, and the OSCE High Commissioner on National Minorities.

4.3.2 Foreign Relations with Hungary and the West

Slovenia’s rapid transition further led to the establishment of relations with the newly democratizing Hungary. The two states signed two treaties on national minorities in their respective states, primarily addressing the treatment of Hungarian national minorities in Slovenia and the Slovene minority population in Hungary. The two states established the Convention Providing Special Rights for the Slovenian Minority Living in the Republic of Hungary and the Hungarian Minority Living in the Republic of Slovenia (November 1992) and the later Hungarian-Slovenian Treaty on Friendship and Cooperation (December 1992). These bilateral treaties provided the basis for national minorities protections, and were viewed favorably by Western Europe. The West often perceived bilateral treaties as an effective solution to stabilizing national minority relations.

The Convention Providing Special Rights for the Slovenian Minority Living in the Republic of Hungary provided for: the “preservation, development, and free expression of their cultural, linguistic, religious, full Slovenian and Hungarian identities” (1992, Art. 1). The Convention also outlined cooperation between the two states that would facilitate education through the exchange of teachers, materials, and scholarship; it further promoted the use of mother-tongue languages and the rights of their minorities to develop their own media. In addition to this,
the Convention ensured economic development within the regions of the state with minorities and granted them the right to form their own local organizations and self-governments. Most significantly, the Convention acknowledged the ability of national minorities to form relations with their kin-states. The two states continued to establish an inter-governmental commission that would meet twice yearly to discuss the issues and interests of their national minorities (1992, Art. 15). The rights afforded under the bilateral treaties with Hungary mirrored the existing rights that were granted to Hungarian minorities under Slovenia’s 1991 Constitution, with a particular focus on language, education, and political rights.

In addition to establishing friendly relations with post-communist Hungary, Slovenia began its integration into Western Europe through membership to two European bodies: the Council of Europe (CoE) and the Organization for Security and Co-operation in Europe (OSCE). Slovenia joined the Council of Europe in 1993 and became a signatory to the European Convention on Human Rights (ECHR). In addition to the Council of Europe, Slovenia joined the OSCE in 1992. Together, Slovenia’s membership to the CoE and the OSCE demonstrated its commitment to democratic governance, respect for human rights, and cooperation with Europe to maintain peace and stability. Accession to these organizations was significant in moving forward with later EU accession, as all members of the EU are also members of the CoE and the OSCE. Both of these organizations cooperated closely with the EU in Slovenia’s accession negotiations.

4.3.3 European Union Accession


The European Union ultimately did not express any concerns regarding the status of Hungarian minorities, and concluded that Slovenia’s constitution and existing policies regarding Hungarian minorities met the standards set forth in the Copenhagen criteria. As a result, Slovenia’s accession focused more heavily on economic development than on the establishment of human rights and minority protections. The state was approved for EU membership by the European Commission in 2002, and was deemed to be on track to completing and closing all 35 chapters of accession by 2004. After gaining European Commission approval, Slovenia conducted a referendum on accession to the EU in 2003, and 89% of the population voted to join the EU (NSD Slovenia, 2003). As a result, Slovenia formally joined the European Union on May 1, 2004.

4.3.4 The OSCE High Commissioner on National Minorities

In addition to the EU’s evaluation of Slovenia’s national minorities, Slovenia’s policies were also evaluated and commended by the OSCE High Commissioner on National Minorities (HCNM) and the Council of Europe (CoE). The OSCE conducted an analysis into the linguistic
rights of national minorities in the state in 1999 and published a report on its findings. In the report, the OSCE considered the linguistic policies of national minorities in its 51 member states, including Slovenia, through a questionnaire survey. The OSCE stated that Slovenia, among other states, had met the standards of the Copenhagen Document—a number of provisions regarding national minorities put forth by the OSCE in 1990 (OSCE Report on the Linguistic Rights, 1999). In addition, the report concluded that the provisions in the evaluated states met the expectations of international treaties, including the European Convention on Human Rights (ECHR).

The OSCE looked also favorably upon the state’s language policies. The provision of bilingual education and the establishment of national minority languages as additional official languages were viewed as positive protections for national minorities (OSCE Report on the Linguistic Rights, 1999). Both of these policies were first established in the 1991 Constitution. Slovenia’s development of education and media for national minorities continued to improve, and their commitment to protecting national minority rights was further solidified through their repeated evaluations by the OSCE.

4.3.5 The Council of Europe

In addition to praise from the European Commission and the HCNM, the Council of Europe’s Rapporteur of the Committee on Legal Affairs and Human Rights lauded Slovenia’s attention to national minority and human rights in 1993 stating, “Slovenia, in our opinion, fully respects the rule of law and fundamental rights and freedoms. The way it protects the rights of minorities is a model and an example for many other European states both east and west” (Council of Europe, ACFC/SR (2000) 4: 12). Slovenia’s policies for national minorities were considered above the standard expectation for Central and Eastern states seeking integration to Western Europe, and afforded more rights to national minorities even in comparison with Western European states.

Slovenia, despite receiving approval from the European Commission at the beginning of its accession process regarding its national minority protections, continued to demonstrate its commitment to improving national minority rights. The state signed the Framework Convention for the Protection of National Minorities (FCNM) and implemented it in 1999. A report conducted by Slovenia and submitted to the CoE upon implementation of the FCNM in 2000 provided data regarding the state’s treatment of its national minorities. Slovenia’s constitution recognized the supremacy of international law, and ensured that its domestic policies complied with numerous international agreements on human and minority rights (Council of Europe, ACFC/SR (2000) 4: 8). The report discussed all of its domestic laws as they related to the FCNM, with a particular focus on education programs, language use, and cultural development and media.

Slovenia signed the European Charter for Regional or Minority Languages (ECRML) in 1997 and ratified it in 2000. Adoption of the ECRML led to further evaluation and reports by the Council of Europe on Slovenia’s performance. In a 2004 report by the CoE, the Council offered few recommendations to improve the treatment of minorities. The report concluded in its overall statements that the state’s “legal framework offers a high standard of protection for the Hungarian and Italian languages. In several respects this standard was already in place when Slovenia was still part of Yugoslavia, but after it gained independence in 1991 Slovenia maintained it, developing it further” (Council of Europe, ECRML (2004)3: 8). The report recognized Slovenia’s history of national minority protections, and saw how the state’s actions continued to follow a longstanding trend of proactive minority rights. However, Slovenia’s positive minority treatment
was not the same for all minorities, and it continued to receive criticism for its poor treatment of the Roma.

When the ECRML report looked specifically at the use of the Hungarian minority language in nationally mixed areas, the Committee of Experts noted it had not received any complaints from Hungarian communities (Council of Europe, ECRML (2004)3: 9). Furthermore, the report concluded that the provision of education in the Hungarian language was sufficient in protecting the interests of the Hungarian minority. This was due in part to its Constitution, which made bilingual education mandatory in nationally mixed areas for all students living within the region. This meant that both Hungarian and Slovene students learned both languages in their schools. The Committee of Experts considered this an effective measure to protect the Hungarian language, and agreed with the Slovenian government that this best expressed the wishes of Hungarian speakers (Council of Europe, ECRML (2004)3: 21). While Slovenia met the CoE’s standards for both language and education in accordance with the ECRML, the CoE’s Committee of Experts encouraged the Slovenian authorities to improve the usage of the Hungarian language in the court and administrative system (Council of Europe, ECRML (2004)3: 26). Though this recommendation was made, the CoE also acknowledged that a “rich legal framework exists in regard and measures seem to have been taken in the past” to improve the use of the Hungarian language in courts (Council of Europe, ECRML (2004)3: 51). The CoE finally concluded that Slovenia had enacted many of the necessary protections for national minorities and expected it to continue to improve its domestic policies for national minorities.

### 4.3.6 Policies in Practice

Slovenia’s policies for national minorities were largely an extension of pre-existing communist-era practices. Independence and accession further improved national minority conditions, and Slovenia’s deliberate intention to integrate into the West was mirrored in its adherence to numerous international and bilateral treaties governing minority treatment. With respect to language use, the Slovenian government incorporated Hungarian language into public signs in bilingual regions, included the use of the Hungarian language in courts, and further ensured that bilingual education was mandatory for all students living in nationally mixed regions, regardless of nationality. All notices and publications by the state or government in the autochthonous regions were required to be bilingual, and all legal or official affairs were to be conducted in the language chosen by the individual (Report Submitted by the Republic of Slovenia ACFC/SR (2000) 4: 101). The importance placed on language rights was mirrored in the education system and media.

In national minority education, Hungarian kindergartens and secondary schools in the Prekmurje region were funded by the state. In 2000, there were six bilingual kindergartens, attended by roughly 1000 students (Report Submitted by the Republic of Slovenia ACFC/SR (2000) 4: 49). In addition, there was one bilingual secondary school that was attended by almost 400 students (Report Submitted by the Republic of Slovenia ACFC/SR (2000) 4: 50). The schools received Hungarian textbooks, and the Slovenian Ministry of Education, Sport, and Science subsidized travel to and from the schools. Teachers in the bilingual schools also received a 20% wage increase to foster good training and instruction (Council of Europe, ECRML (2004)3: 22). This was an improvement from an earlier report in 1999 to the Council of Europe by Slovenia which discussed how the teachers lacked sufficient training in bilingual instruction and needed to improve education within multinational regions.
In addition to language and education, Hungarian media and press were widely available within the Prekmurje region. There was a weekly newspaper published in Hungarian, in addition to state funding that mandated the inclusion of Hungarian speakers in public programming for nationally mixed regions (Application of the Charter in Slovenia ECRML (2004): 30). The state also made foreign press importation free, and consumption of Hungarian media increased ties with the kin-state. In addition to state established media and publications, the Hungarian national minority community also developed roughly 30 organizations which have been committed to Hungarian cultural development (Lipott, 2013: 66). As a result, much of the cultural and media development were financed by the state and organized by institutes designated for Hungarian national minority interests.

Hungarian national minorities were lastly granted political representation through appointment in local elections and in the larger central government. As previously mentioned under the 1991 Constitution, no matters concerning national minorities could be undertaken without the consent of national minority representatives (Lipott, 2013). Minority representation also extended to local government, where national minorities have had the right to at least one representative and additional rights to organizing local self-government (Lipott, 2013: 69). By doing so, national minority communities increased agency over their own affairs, and enjoyed cultural autonomy. The inclusion and representation of national minorities both in local and central governments ensured that the interests of minority groups would be promoted. The culmination of evaluations conducted by the European Union, the OSCE, and the Council of Europe demonstrated that Slovenia not only maintained, but improved its commitment to national minority rights throughout accession. Slovenia’s policies were a continuation of communist-era practices, and their improvements exceeded standards for national minority protections within Europe.

5. The Aftermath of European Union Membership

5.1 Slovakia: Shaky Compliance and Declining Minority Rights

Slovakia’s EU accession was largely defined by contested national minority policies that slightly improved over time. While Slovakia was deemed fit to enter the European Union as a member in 2004, the European Commission noted that further work still needed to be done regarding its national minorities. Since its membership, Slovakia’s policies on national minorities appear to have regressed, especially in their protections of Hungarian minorities. Slovakia’s Hungarian population has remained much the same after accession, hovering around half a million people (Statistical Office of the Slovak Republic, 2011). They remain the largest national minority, accounting for nearly 10% of the population (see Map 5.1.a in the Annex). The Slovak state is fairly diverse, with national minorities comprising over 20% of the total population; the state is roughly 80% nationally Slovak (Statistical Office of the Slovak Republic, 2011). As such, issues surrounding national minorities continue to be of great significance and the HCNM and the Council of Europe have continued to critically evaluate domestic policies impacting national communities.

5.1.1 Political Representation

The Hungarian national community in Slovakia does not have allocated seats for national minority representation in parliament. Slovakia adopted a party-list proportional representation system with a 5% threshold for representation in the Slovak National Council – the national parliament (Friedman, 2005: 382). Three prominent political parties have represented the
Hungarian national minority – the Magyar Coalition Party (MKP), Coexistence, and the Magyar Christian Democratic Movement (MKDH). These three parties differ in stances not related to national minority rights, but share similar concerns regarding Hungarian minority treatment. In elections, the MKDH and the MKP have repeatedly cleared the 5% threshold for representation, and have been able to represent the Hungarian national minority population in the Slovak parliament. However, the percentage of votes Hungarian parties have received has declined in the years following 2002 (Leff and Armeanu, 2015: 232).

The Party of the Hungarian Coalition (SMK) was formed in 1998 and enjoyed political inclusion until it began to split after EU membership. The diversification of Hungarian parties resulted in different party stances, some of which were more “nationally accommodating” and wanted to establish bridges with other minority groups in the state (Leff and Armeanu, 2015: 232). The Hungarian minority vote has been fragmented among the political parties, with ongoing worries about the ability to meet the 5% voting threshold. In the elections before 2020, Hungarians were still able to garner representation in government, albeit at smaller numbers due to split voting.

The latest elections in 2020 resulted in no Hungarian parties in the Slovak parliament (Vaski, 2020). The inability to elect a Hungarian party to government was partly a result of the contrasting political leanings of the minority parties; several of the political parties which typically formed a coalition were unable to compromise and work together. As a result, the Hungarian vote was divided among several Hungarian political parties and unable to gain enough votes in total to meet the threshold for representation. The inability to elect a Hungarian political party has also been attributed to 30% of Hungarian minorities voting for Slovakian political parties, and low voter turnout rates among the Hungarian community (Vaski, 2020). The lack of Hungarian representation in the central government and its consequences are yet to be seen.

5.1.2 Language Use

Slovakia’s decline in national minority policies continued in its changes to minority language protections. In 2009, the Slovakian government passed an amended law on language, the State Language Law No. 418/2009. It adapted the earlier 1995 Language Law and increased compulsory usage of the Slovak language. The Act notably stated that the Slovak language would be used in all public documents with the exception of school certificates and would be the default language in all information systems, textbooks, instruction, and official inscriptions unless otherwise regulated (Council of Europe, CDL (2010)080). The right to use national minority languages remained contingent on the 1999 Law on the Use of Minority Languages, which set the ability to use a minority language at a 20% threshold of the population within each region (Mikalayeva, Schwellnus, & Balázs, 2012: 391). While the 1999 Law on Minority Languages still afforded protections to national minorities, the lack of updated policies governing minority language use in the wake of the 2009 Language Law was disconcerting to Hungarian communities. The neglect to update policies on national minority language use, in combination with the extended use of the Slovak language, was seen as widely discriminatory towards national minorities.

The 2009 Language Law further received condemnation from the HCNM and the Council of Europe. The HCNM published a statement in 2009 that expressed dismay that the law was adopted before receiving the HCNM’s opinion. It stated that the law could lead to issues with international standards governing national minority rights – especially as Slovakia has signed numerous treaties and conventions protecting national minorities (OSCE, 2009). In addition, the HCNM was concerned with the lack of clarity surrounding the usage of national minority languages. The HCNM asked for a new law on national minority languages that would help bridge
the gap between the 2009 Language Law and the 1999 Act on National Minorities, but no immediate action was taken by the state (OSCE, 2009). The passage of legislation before consulting the OSCE or the Council of Europe followed a trend that had occurred under EU accession; both organizations had repeatedly frowned upon Slovakia’s implementation of national minority policies without waiting for recommendations first.

The Council of Europe published its opinion on the 2009 Language Law, echoing the concerns raised by the OSCE. Like the OSCE, the Council of Europe found that the Language Law was problematic in its lack of clarification on the rights of national minorities to use their own language, especially in regions where minority populations did not meet the 20% threshold. The obligation to use the Slovak language in regions not meeting the threshold would be in violation of international agreements (Council of Europe, CDL (2010)080). While both the HCNM and the CoE made recommendations to Slovakia, there were no sanctions to ensure cooperation with the proposals (Mikalayeva, Schwellnus, & Balázs, 2012: 391). The state later amended its Language Law to be in line with international recommendations, but the amended version still fell short of the hopes of the Council of Europe.

5.1.3 Education

Discrepancies in educational opportunities for national minorities continued to persist, specifically in higher education. In a study conducted in 2006 on Hungarian national minorities entering higher education, Hungarians were found to be lagging behind the majority of the state. Just 7% of Hungarian minorities entered higher education in comparison with the 12% average of the population (Pásztor, 2017: 118). The achievement gap has been attributed to the importance national minorities place on education in their mother-tongue as a means of preserving their national identity and culture. The decision between attending a Slovak school with a higher quality of education or a Hungarian minority school with poorer instruction is viewed as a choice between increased future opportunities and cultural preservation.

The choice over which school to attend for Hungarians is also partly a matter of social class – wealthier individuals tend to send their children to Hungarian schools, while lower-income families send their children to Slovakian schools (Pásztor, 2017: 121). Wealthier Hungarians can compensate for the lower quality of education among Hungarian minority schools, and view cultural development as more important than the increased future opportunities that comes from Slovak schools. For lower income families, the possibility of increased career opportunities takes precedence over the preservation of national culture. The low percentage of Hungarians attending university has been further connected to broader questions on national identity. Many universities are located further away from Hungarian communities; the decision to attend higher education in Slovak “carried the risk of leaving the ethnic [national] community for good” (Pásztor, 2017: 121). As a result, education for national minorities in Slovakia remains highly contested for the Hungarian community, which views it as part of a larger question on how to best preserve national identity while attempting to open future opportunities for their children.

5.1.4 Foreign Relations with Hungary

Slovakia’s relations with Hungary have remained contentious after EU accession, and peaked with the passage of a dual citizenship law by Hungary in 2010. That legislation welcomed dual citizenship, especially for its Hungarian national minorities abroad. Slovakia reacted strongly, and immediately passed a law that banned dual citizenship for its citizens who voluntarily chose to adopt a second citizenship (Kusá, 2013: 15). Slovak citizenship could be lost if the individual
requested to be removed from the state, or if they chose to adopt citizenship in another state. The law did not apply retroactively, but after May 2010, individuals were no longer permitted to acquire dual citizenship (Kusà, 2013: 15). This legislation was seen as a target on national minorities – particularly Hungarian minorities – who may have desired to cultivate closer relationships with their kin-states. The law however, impacted more than Slovakia’s national minorities, as some Slovaks in the diaspora lost their citizenship as a result of the policy.

Overall, Slovakia’s polices on national minorities have noticeably declined after attaining EU membership. The lack of minority inclusion in government, decline in educational and language protections, and reactionary legislation to Hungary’s policies indicate the state does not view the maintenance of national minority protections as a priority.

5.2 Romania: Sustained National Minority Protections

The population of Romania’s Hungarian population remained relatively the same after EU accession. In the 2011 census, the Hungarian minority population accounted for roughly 6-7% of the state (Romania Central Population and Housing Census Commission, 2012). This population was concentrated in regions in Transylvania, specifically in the northwestern region of Transylvania along the border of Hungary, and in central-eastern Transylvania in Székeley Land (Kiss, Székely, Toró, & al, 2018: 435) – (see Map 5.2.a in the Annex). Romania’s national minority policies have largely remained consistent with the protections established before and during EU accession. The state was admitted into the European Union in 2007, which was slightly delayed in comparison with Slovakia and Slovenia. The delay was primarily a reserved judgment on Romania’s economic and administrative capacities, its corruption, and its democratic caliber, but not its management of national minorities. While the accession process took longer for Romania than Slovakia and Slovenia, its national minority polices met the standards obliged by the EU. Romania’s more recent protections for national minorities and their treatment can be evaluated through minority political engagement, language and education, and cultural development.

5.2.1 Political Engagement

Politically, Hungarian minorities have continued to have a diverse spectrum of political parties to represent their views in government. The electoral system in Romania is a closed list proportional representation system, with a 5% electoral threshold. The RMDSZ, or the Democratic Alliance of Hungarians in Romania, has often cleared the threshold successfully in the elections after accession. They consistently received 6-7% of the votes throughout the 2004 to 2008 elections (Protsyk, 2010: 8). Hungarian political parties have been able to obtain seats in both houses of parliament; in the Chamber of Deputies, the proportion of representatives to the Hungarian population size has been fairly stable, with a 1:1 ratio (Protsyk, 2010: 6). In the upper house – the Senate – smaller minority groups are underrepresented, but Hungarians were able to obtain around 8% of the seats in the 2004-8 term (Protsyk, 2010: 7).

The development of political parties has allowed Hungarian minorities to have a central role in state legislation. Their inclusion in government is reinforced in reserved seats for national minorities in the Chamber of Deputies, first laid out in the 1991 Constitution, and maintained through subsequent elections. The OSCE and the Council of Europe have continued to monitor elections in the state after EU accession, and have continued to progress smoothly.

Despite the robust political representation of Hungarian national minorities, Hungarian political parties have been split over how to best represent group interests. Territorial autonomy claims have been longstanding interests for the Hungarian community, especially those residing
on Székely Land. The Székely Land was notably granted autonomy under communism as part of the MAT, and claims for territorial autonomy have continued despite agreements to disavow advocacy for regional autonomy. The push for autonomy has increased tensions between the Romanian majority and the Hungarian minority, since the Romanian majority views territorial autonomy claim as a violation of the 1996 Treaty of Understanding, Cooperation, and Good Neighborliness with Hungary (Leff and Armeanu, 2017: 239). The tension over territorial autonomy claims has led to some splits among Hungarian political parties, but they largely remain united in their advocacy for the Hungarian minority and have been able to consistently hold representation in government.

5.2.2 Language and Education

The promotion of higher education for national minorities in the aftermath of the 1999 Education Act have correlated with increased attainment of higher education degrees by Hungarians. In the 2011 census, about 10% of Hungarian minorities had received a higher education degree, in comparison with 16% of Romanians; the national average was 15% (Kiss, Székely, Toró, & al, 2018: 435). For individuals born in 1985, i.e. who attended university during or after accession, the rate of participation in higher education for Hungarians was roughly 27%; Romanians born in 1985 had an average of 34% with a degree in higher education. (Kiss, Székely, Toró, & al, 2018: 434). Educational inequality still persists, but Hungarians are attending higher educational institutions at increasing rates. The rise in attendance can be attributed to the increase of national minority curriculum and programming in public universities, as well as the establishment of Hungarian higher educational institutions.

5.2.3 Cultural Development

Hungarian national minorities have continued to rely upon Hungarian newspapers, television, and radio as sources of cultural development. In a 2015 survey by the Romanian Institute for Research on National Minorities, there were 117 Hungarian language media sources in Romania. Of these, 58 were print media and the remaining 54 were radio or television (Kiss, Székely, Toró, & al, 2018: 327). The distribution of locally generated Hungarian minority newspapers has declined over time, largely because of the increased consumption of print media from Hungary itself. While print consumption from Hungarian minority sources has decreased, Hungarian minority radio has dominated the radio system in Romania: 48% of the general population, and 64% of the Hungarian minority population, listen to Hungarian language programming (Kiss, Székely, Toró, & al, 2018: 331). The ability to broadcast exclusively in national minority languages was made possible with 2004 legislation, and since then Hungarian minority radio has continued to grow. In contrast, television programming is still predominantly Romanian, but with regular programming available in Hungarian.

5.2.4 Foreign Relations with Hungary

The Hungarian national minority maintained ties with the Hungarian state throughout accession and after EU membership. Hungary passed legislation in 2010 on dual citizenship, which largely welcomed its national minorities abroad to claim citizenship. Hungarian minorities who had long been making claims for increased autonomy viewed this law positively. In 2016, less than 3% of Transylvanian Hungarians opposed the citizenship law, and the overwhelming majority of them saw it as an opportunity to cultivate closer ties with their kin state (Kiss, Székely, Toró, & al, 2018: 137). As part of Hungary’s attempt to bolster relations with its national minorities abroad,
its government has increased funding of Transylvanian Hungarian communities. In 2017, Hungary granted more than $(US) 118 million to Hungarian minority organizations and institutions; this has strengthened the relationship between the community and its kin state (Kiss, Székely, Toró, & al, 2018: 138).

The ongoing support from Hungary to the Hungarian national community in Romania has been favorably viewed by Hungarian political parties, who have continuously attempted to foster close relations with their kin-state. In 2018, three Hungarian political parties – the Democratic Union of Hungarians in Romania, the Popular Hungary Party, and the Hungarian Civic Party – put forward a joint demand for “territorial, local, and cultural autonomy” (Luca, 2018). The Romanian government, however, has often opposed demands for collective rights, and has deemed territorial autonomy as unacceptable. The increase in foreign investment from Hungary and the repeated attempts to cultivate close relations between Hungarian minorities and their kin state has strained political relations within Romania, and between the two neighboring states. Despite this, there has not been a significant decline in national minority policies, and Romanians have maintained their protections for Hungarian minorities.

5.3 Slovenia: A Legacy of National Minority Protections

Out of the three states considered in this research, Slovenia’s policies on national minorities have remained consistent before, during, and after accession. Slovenia’s successful Western integration and democratization has been continuously recognized by the European Union, the United Nations, and the World Bank (Lambroni, 2009: 130). It emerged from communism and accession as one of the most prosperous states that joined the European Union in 2004. Following its accession to the EU in 2004, Slovenia held the Chairmanship for the OSCE in 2005 (OSCE News Room, 2005). The appointment of Slovenia’s former prime minister was indicative of the OSCE’s desire to continue outreach into Central and Eastern Europe, and demonstrated confidence in the ability of the former prime minister’s capacity to “strengthen [...] dialogue” within the region (OSCE News Room, 2005). Slovenia also held the Presidency of the EU Council in 2008, the first of the new member states to do so (Lambroni, 2009: 129). These European nominations were marks of Slovenia’s status as a role model in Central and Eastern Europe. Slovenia’s protections for national minorities continued after being admitted into the EU, and demonstrated its commitment to maintaining positive national minority policies that were in line with international agreements and recommendations.

5.3.1 Political Participation

Hungarian political participation remains governed under the 1991 Constitution and the Law on Self-Governance which ensure the involvement of national minorities in Slovenia’s parliament. National minority representatives have continued to have a veto on issues that would directly impact their minority communities, and minorities employ a dual voting right by voting once for their representatives, and again at general elections (OSCE News Room, 2012). While this right has been contested in court, Slovenia has maintained that these rights granted to national minorities are not in violation of its constitution and the principle of equality before the law (Roter, 2017: 77). Slovenia’s legal framework has received additional praise from the OSCE in 2012, which viewed it as a “framework [that] provides for the rapid and effective consideration of complaints and appeals” (OSCE News Release, 2012). The OSCE has continued to evaluate the state’s elections, and has repeatedly praised the state for its inclusion of Hungarian and Italian communities (OSCE News Release, 2012).
5.3.2 Education and Language

In addition to consistent protections for political representation, education and language rights have remained in place in Slovenia following accession. The Hungarian community places a high priority on national minority education and language usage, and policies on both have been continuously improved in the aftermath of EU membership. Slovenia’s bilingual education model continued after accession, with the goal of achieving equality between the Slovene and Hungarian languages in nationally mixed regions. As previously discussed, all students – regardless of nationality – within the region of Prekmurje are required to take classes in both Hungarian and Slovenian. In 2011 and 2012, the kindergarten school program had an attendance of 293 children (Lukanovič & Limon, 2014: 431). There is an additional free bilingual pre-school program offered, and students self-declare their first language. This means that nationally Slovenian students could declare Hungarian as their first language, simply as a matter of which they learn first in school. The enforced bilingual education ensures that Hungarian culture and language is preserved by both Slovenes and Hungarians.

In addition to kindergarten, primary schools are instructed in both Slovene and Hungarian. This policy is in accordance with Slovenia’s National Education Institution, which regulates the curriculum and the training of teachers, and provides the resources for mandatory bilingual education (Lukanovič & Limon, 2014: 431). Classrooms have two teachers, one with training in Slovenian, and one in Hungarian. In secondary education, there remains one fully bilingual secondary school in Prekmurje in the town of Lendava. This school was the single secondary school established before and remained during the process of accession. The secondary school enforces a system where both Slovene and Hungarian have equality in class subjects and in teaching instruction (Lukanovič & Limon, 2014: 432). In 2011 and 2012, this school was attended by 308 students (Lukanovič & Limon, 2014: 432). The use of Hungarian schools has continued, despite the declining population of Hungarians that has continued since the late 1960s. Since bilingual education is not contingent on the numbers of national minorities, Hungarian minorities are guaranteed their language instruction regardless of their shrinking population size.

5.3.3 Cultural Development

While Slovenia has largely been praised in its treatment of national minorities, some concern has arisen over their funding for cultural development. Under the Law on Mass Media in 2001, funding for national minorities comes directly from the state government (Lipott, 2013: 76). However, promised funding has not been consistent, and Hungarian minority media has received comparatively less resources than Slovenian media. In 2005, it was reported by the advisory Committee on the Framework Convention for the Protection of National Minorities that there was a discrepancy between the broadcasting time and resources dedicated to Hungarian programming in comparison with Slovenian and Italian resources (Lipott, 2013: 76). In addition to this, funding from RTV, the national television programming of Slovenia, decreased in 2012 by around 10% (Lipott, 2013: 76).

5.3.4 Foreign Relations with Hungary

Slovenia’s overall relations with its domestic Hungarian communities have been largely positive, and the state has maintained mutually beneficial relationships with Hungary as well. The rise of populist sentiment in Eastern Europe, specifically in Hungary, has been mirrored in Slovenia. Hungary’s Viktor Orban supported the right-wing movement in Slovenia and campaigned alongside the current Slovenian Prime Minister Janez Jansa in 2018 (Kingsley, 2018).
The two states have maintained close relations, and their current governments share similar sentiments regarding immigration, foreign policy, and domestic affairs. The relationship between Hungary and Slovenia has been relatively peaceful since their Treaty on Good Neighborliness in 1992.

Overall, Slovenia’s policies on national minorities have been stable, with no significant change or decline in the treatment of its Hungarian national minorities. While concern has arisen for the Roma minority, the state has been appraised positively by outside observers because of its treatment of its Hungarian national minority. Slovenia’s protections of its national minorities have stemmed from a longer history of positive treatment under communism, where Yugoslavia afforded considerable rights to its national minority groups. The protections for national minorities are continuation of this legacy that has persisted into current day policies.

6. Key Findings and Analysis

6.1. Case Analysis and Results

Let us now cross-analyze the cases of Slovakia, Romania, and Slovenia to consider the impact European Union accession has had on the treatment of their Hungarian national minorities. Each state may be considered according to their communist legacies, pre-accession national minority policies, the changes in their policies during accession, and the continuation or otherwise of these policies after EU membership. The periods will be categorized as “anti-minority” or “pro-minority” in accordance with their benefit or harm to national minority communities. “Anti-minority” refers to legislation that received condemnation by the EU, the Council of Europe, or the HCNM. “Pro-minority” policies are actions that have been praised by any of the three institutions for increasing protections or maintaining the rights of national minorities in their states. Evaluating the current state of policies after membership will determine whether EU accession has had a lasting impact on national minority treatment.

6.1.1 Slovakia

The first case to be discussed is Slovakia. Slovakia’s national minority policies became especially severe in the aftermath of the Prague Spring in 1968. After 1968, the government centralized its power, and the possibility of liberalizing policies towards national minorities came to an end. The repression of the general populace and national minority rights continued until the regime’s collapse in 1989. Despite democratization, Slovakia’s transition from communism remained unfriendly towards its national minorities. A strongly nationalist government took power that passed several anti-minority policies in its pre-accession time period. Slovakia was criticized for its lack of clarity on the standing of national minorities in its 1992 Constitution, which heavily relied on its previous constitution under communist rule. Despite passing some pro-minority legislation – specifically the Law on Surnames and the Bilingual Signage Law in 1993 – they were not implemented until later in 1994 after prodding from the Council of Europe and the OSCE HCNM. The state also passed openly anti-minority legislation with the 1995 Language Law, which excluded protections of minority language use and reinforced the dominance of the Slovak language. Many of the policies on national minorities in the pre-accession period were repeatedly criticized by Western Europe. Additionally, even upon approval to begin accession talks in 1999, the EU maintained reservations regarding Slovakia’s progress in its national minority protections. As a result, the communist and pre-accession periods for Slovakia can be categorized as anti-minority.
Slovakia’s accession continued with anti-minority sentiment, with the state repeatedly passing legislation that raised concerns for the EU, the CoE, and the OSCE HCNM. The Slovakian government was criticized for its anti-minority rhetoric, specifically Mečiar’s proposal for a population exchange with Hungary in 1997. During Mečiar’s leadership, the Council of Europe and the HCNM were alarmed as the government continued to pass legislation affecting national minorities without first consulting any of their organizations. Slovakia’s shaky compliance with the EU, the CoE, and the OSCE was mirrored in the delays between receiving recommendations from each organization and amending anti-minority policies. Slovakia’s stance on anti-minority policies during EU accession did not begin to change until after Mečiar was removed from office in 1998. The change in government ushered in new protection laws for national minorities in 1999. Despite this, Slovakia’s accession period is still largely defined by anti-minority sentiment, and a general reluctance towards establishing pro-minority policies.

After attaining EU membership, Slovakia’s policies for national minorities have regressed. This fact became noticeable with the lack of political representation for national minorities in government, and heightened in 2009 and 2010 with the passage of legislation that directly targeted the language use and citizenship of national minorities. Slovakia’s policies after accession demonstrated that anti-minority sentiment has persisted; there have been few amendments made to improve the conditions of national minorities after EU membership. While the state’s policies on national minorities slightly improved during accession negotiations, the regression in minority treatment demonstrates that EU membership has not had a significant impact on current state protections. Instead, there is a historical component – perhaps legacies from communism – that have continued to shape the treatment of national groups in the state. The decline in policies and the general reluctance of the state to adhere to protections in the wake of accession shows that national minority relations in Slovakia may be a part of a greater trend of national tensions in the state.

6.1.2 Romania

In comparison to Slovakia, Romania and Slovenia’s national minority treatment after EU membership have been drastically different. Similar to Slovakia, Romania’s last communist regime under Ceauşescu was defined by extreme centralization of state power, and repression of the general populace and national minorities. Hungarian minorities had originally been granted relatively tolerant rights under communism, including regional autonomy, but the rise of Ceauşescu in 1965 led to the termination of Hungarian minority autonomy and increased intolerance for minorities. Near the end of communism, the fall of Ceauşescu’s regime was triggered by Hungarian protests that spread state-wide. The immediate aftermath of communism also resulted in anti-minority sentiment. However, Romania’s Hungarian minorities found effective representation in their elites, who advocated in government on their behalf. Romania’s anti-minority stance in its pre-accession time was evident in its restrictions on national minority language use and education, which limited higher education accessibility for Hungarian students. Upon consideration, the majority of the period under communism and the beginning stages of its democratization were strongly anti-Hungarian.

The state’s anti-minority policies began to evolve after the inclusion of Hungarian political parties in the central government and the election of a pro-minority Romanian party to government in 1996. The shift in Romania’s perception of national minorities also corresponded with beginning accession to the EU. Upon starting accession talks in 1999, the state was deemed to have fulfilled the necessary requirements for national minority protections. The state adopted a
proactive stance towards the adoption of pro-minority policies, and continued to amend domestic policies in line with recommendations from the EU, the OSCE’s HCNM, and the Council of Europe. Accession notably improved education for national minorities and increased protections for minority language usage in local government.

Following EU membership, Romania has maintained its protections for its national minorities; there has not been a decline in minority group treatment. Hungarian national minorities have maintained representation in government, which has been a primary source of advocacy for the group’s rights. The Hungarian community has further improved its cultural development, and maintained deep ties with its kin-state; this has continued through the consumption of Hungarian state media and the rise of foreign investment from Hungary in minority regions. While Hungary’s stance towards its diaspora has contributed to tensions between the Hungary and Romania, there has not been increased repression of Hungarian national minorities. Romania has been successful in maintaining policies that are beneficial to their Hungarian minorities, and this positive sentiment has carried throughout and after EU accession.

6.1.3 Slovenia

The last state to consider is Slovenia, which has been considered one of the most protective states for minorities by the EU. As a part of Yugoslavia, Slovenia had policies that granted education and language rights for its national minorities. The state was relatively de-centralized, and as such each Yugoslav Republic had a considerably degree of control over the rights they could grant to minority groups. As Slovenia began to consider independence, they began to construct their subsequent 1991 Constitution as early as 1987 (Hayden, 1992: 7). The draft constitution proposed increased decentralization from Yugoslavia, and likewise implemented further national minority rights. The proposed draft also reinforced the state’s trend of positive policies towards national minorities. The protections in the 1991 Constitution after Slovenian independence allowed the state to increase its policies on national minorities. The Constitution guaranteed language, education, and political rights and representation to its Hungarian minorities. Slovenia’s policies repeatedly received praise from the EU, the CoE, and the OSCE’s HCNM which viewed the state’s national minority protections to be among the best in Central and Eastern Europe. Upon consideration for accession, the EU had little to no concerns regarding the state’s policies for national minorities. As a result, Slovenia’s communist and pre-accession national minority policies can be deemed positive; there were continued improvements in minority treatment.

During accession negotiations, Slovenia did not receive additional recommendations to improve its Hungarian minority policies. Instead, the state received praise for its inclusion of the Hungarian minority population in education and government institutions. Slovenia was also favorably viewed for its adoption of international treaties that continued to guarantee national minority rights; the state’s commitment to ensuring minority protections was further secured in its constitution which confirmed the supremacy of international law over domestic law. Accession only saw an increase in pro-minority policies, and no decline was evident.

Slovenia’s positive stance toward its national minorities has continued even after attaining EU membership. Hungarian national minorities have representation in media, veto rights in government on legislation that impacts their community, and have found success in bilingual schooling. The state has also maintained good relations with Hungary, establishing ties that facilitate cultural exchange between the two states. The culmination of these policies allows us to conclude that Slovenia has had no regression in national minority policies. It has, since
communism, maintained a proactive stance on national minority treatment and has continued to meet the expectations set forth by the EU, the CoE, and the OSCE’s HCNM.

6.2. Reconsideration of the Research Question
In summary, all three states and their policies towards national minorities have been impacted by their communist regimes, democratization, and EU integration. Of the three, Romania and Slovenia have maintained favorable sentiment towards their national minorities throughout and after EU accession. Their membership to the EU has not resulted in a reversal of policies that are detrimental to their Hungarian national minority communities. In contrast, Slovakia’s national minority policies slightly improved under EU accession, but their protections were later reversed after its EU membership. Among the three states, Slovakia stands out for its declining protections for Hungarian minorities after gaining EU membership.

The findings of my research allow me to answer the original research question: What has been the impact of European Union accession on national minority treatment in post-communist Central and Eastern European states? With consideration of the three proposed hypotheses, I conclude that national minority treatment – specifically Hungarian minority treatment – has been impacted by both European Union accession and legacies from communist-era policies. It is impossible to isolate one from the other; instead, both communist policies and EU accession have informed how states treat their national minorities and should be viewed as a progression of one another. National minority policies continued to evolve in each of these three states under different communist leaders, and continued to do so throughout democratization and EU accession. The evolution of policies demonstrates how national minority group treatment is shaped over time by numerous events, such as – the Treaty of Trianon, World War II, communism, democratization, and EU membership.

The culmination of these events and policies on national minority policies affirms the hypothesis that both EU accession and communist era policies have shaped national minority group treatment. While this hypothesis can be affirmed, it alone does not explain the different outcomes of minority treatment in the three cases considered. All three states have been shaped by communist experiences and EU accession – this is evident through the changes each state made to national minority policies before and during their accession negotiations. However, two of the three cases maintained pro-national minority policies while one regressed in its national minority protections. Slovakia’s change in national minority policies stands out as an outlier among the three cases, and will be further evaluated to consider what alternative factors have contributed to its decline.

6.3 Additional Contributing Variables
Slovakia, Romania, and Slovenia have all been shaped by their communist regimes and their accession to the European Union. However, Slovakia’s drastically different outcome from Romania and Slovenia in its national minority treatment after EU membership must be further explained. There are several proposed variables that may have impacted the outcome of Slovakia’s national minority policies.

6.3.1 Keenness to EU Integration
First, membership and accession to the European Union are shaped not only by the EU’s agreement to integrate the region, but by the individual state’s willingness to comply with EU recommendations. In the case of Slovenia and Romania, both states emerged from communism
with the intention to merge with the West. Slovenia had begun outreach to the West upon its independence from Yugoslavia, and quickly joined the Council of Europe as a stepping stone to Western integration. It had also previously established ties with Western Europe under communism through trade relations (European Commission, Gen. Rep. EU 1996). In addition to this, Romania’s government wanted to join Western Europe. The state received a considerable amount of PHARE funding from the EU after it began democratization, which was used to develop the state to meet pre-accession criteria (European Commission, S. 8/97: 12). When Romania was considered for accession in 1999, the EU had no reservations regarding its national minority policies. In contrast to both, Slovakia did not adopt a proactive stance towards EU accession until after the removal of Mečiar from government in 1998 (Nič, Slobodník, and Šimečka, 2014: 4). This was noticeable through Slovakia’s continued reluctance to cooperate with the EU, the CoE, and the OSCE under Mečiar’s government. Despite Slovakian government reluctance, the people of Slovakia wanted to integrate with the EU. Slovakian’s endorsement of the EU through referendum was the highest, with over 90% of the population voting to join the EU in 2003 (NSD Slovakia, 2003). Romania did not hold a referendum to join, instead its parliament voted on accession to the EU.

However, the comparative keenness of the government to join the EU may have resulted in the different outcomes among the three states. Both Romania and Slovenia wanted to join the EU and Western Europe, and as a result began adopting pro-minority stances as preparation for integration in the early stages of their democratization. In contrast, Slovakia’s policies on national minorities remained comparatively slow and reactive – changes were only made to policies after they were condemned. The difference in the desire to join the EU and to be approved by Western European institutions may have resulted in varied willingness to comply with recommendations made by the three organizations. Slovakia’s shaky compliance with the EU may have only occurred in order to gain membership. After gaining membership, Slovakia may no longer have had the incentive to comply with recommendations made towards its national minority policies. The overall reluctance to join the EU could lead to decreased seriousness in policy implementation, and the later decline in adherence to policy changes.

6.3.2 Position of the State After Communism

A second variable that may have influenced Slovakia’s outcome may have been the position of the state as it emerged from communism. In the case of Slovenia, the state emerged from Yugoslavia relatively unscathed. Among the Yugoslav states, it was better off economically, politically, and did not experience a violent transition to democracy; it wanted further autonomy from Yugoslavia (Ramet, 2006: 555). In the case of Romania, the state was not a part of a former larger state and, with the obvious exception of Soviet occupation until 1958, it retained its independence throughout communism. The state did not experience a breakup from a broader federation or confederation as it transitioned to democracy. In comparison, Slovakia was a part of a confederation with the Czech Republic. Czechoslovakia attempted democratization in 1990, but relations between the two states fell apart and both decided to create independent sovereign states in 1992. However, of the two republics under Czechoslovakia, Slovakia was considerably underrepresented in the Czechoslovak government, military, and the country’s main industries (Connor, 1984: 292). Slovakia, of the two, emerged “weaker” than the Czech Republic.

The difference in its position as it emerged from communism may have contributed to Slovakia’s poor treatment of its national minorities. The state and its dominant Slovak population were already vulnerable when they broke with the Czech Republic. The concentration of minorities...
in Slovakia may have stirred up additional anxiety regarding the stability of the state; the government securitized its national minority groups out of fear. For Romania and Slovenia, their emergence from communism may have been more comfortable since they were already established states with control over their government and prominent state industries. Perhaps Slovakia’s reluctance to grant national minority rights may have stemmed from its uncertainty in its own government and desire for Slovak hegemony after independence.

6.3.3 Duration of EU Accession

A third variable that may have shaped Slovakia’s treatment towards its national minorities is the duration of EU accession. Slovenia began accession in 1997, after it was deemed to have fulfilled the Copenhagen Criteria. Both Slovakia and Romania were slated to begin accession talks at the same time as Slovenia, but neither state had met the Copenhagen criteria by 1997. Both countries began accession talks in 1999. Despite delayed accession for Slovakia and Romania, Slovakia had a considerably shorter accession timeline. The state was approved for membership in 2002, and officially admitted into the EU in 2004. In contrast, Romania began accession talks in 1999 but was not officially admitted until 2007. Of the three states, Slovakia spent the shortest time in accession negotiations, while Slovenia and Romania both took longer to become member states. Slovakia was also the only state which began the accession process despite the EU having reservations about its national minority policies (European Commission, 1999: 18).

The short duration of accession negotiations may have resulted in Slovakia’s declining minority policies because there was not enough time for the government or its citizens to fully implement and adjust to changes in national minority protections. Both Slovenia’s and Romania’s more gradual and measured accessions, in combination with their proactive stances on minority policies, may have contributed to better adoption and implementation of EU recommendations. Slovakia’s timeline was very quick, with many changes being made politically, economically, and monetarily. As a result, it may have been more difficult for Slovakia to fully implement all aspects of EU recommendations during its short accession timeline. If Slovakia did not fully implement all national minority recommendations, or the citizens of Slovakia did not fully accept the new minority policies, it may have been easier for a regression in national minority treatment over time. The protections and policies were not fully implemented in the first place. This may explain why Slovakia’s national minority policies have declined, while Romania’s and Slovenia’s have not.

6.3.4 Size of Hungarian National Group

Another factor that may have contributed to the varied outcomes of Hungarian minority treatment is the size of the Hungarian population in each state. Proportionally, Slovakia has the largest Hungarian minority population. It has consistently hovered around 10% of the population (Kusý, 2006: 49). In contrast, Slovenia’s Hungarian population is several thousand, or under 0.5% of its population (Statistical Office of the Republic of Slovenia, 2001). Romania’s Hungarian population remains around 1.5 million, or 5-7% of its population (Kocsis, 2007: 184). The difference in the population size in each of the states can contribute to the willingness of governments to grant protective minority rights. National minority rights typically afford a degree of autonomy and cultural agency to their groups. This may be threatening to states with a large minority population as they believe granting minority group autonomy may promote secessionist movements.

In the case of Slovakia, the large population of Hungarians concentrated along the southern border with Hungary may be viewed as a threat to the sovereignty and territorial integrity of the
Since the Hungarian minority population is close to its kin-state, the Slovakian government may view the minority group as possible secessionists. Slovenia and Romania, in contrast, may be more willing to grant and maintain protections for national minority rights since their Hungarian populations are comparatively small and unlikely secessionists. They are able to grant more generous national minority autonomy and protections because their Hungarian minority population is not large enough or concentrated enough to warrant worries about secession. In this case, Slovakia’s regression in its national minority policies could be explained as a way of mitigating the risk of their Hungarian national minority group seceding. Changes in national minority policies during accession would have been necessary to gain membership, but after admission to the EU, would no longer need to be respected. Instead, Slovakia’s decline in minority policies may be driven by worries about the integrity of its state.

6.3.5. Pre-Communist Causes

There are several facets to the last variable of pre-communist causes. They include: Hungarian policies under Austria-Hungary before World War I, the Treaty of Trianon, and the changeover of territory within the region during and after World War II. First, before the Treaty of Trianon, the Austro-Hungarian state encompassed part of the territories of Slovakia, Romania, and Slovenia. These are regions along the border of Hungary that each currently have Hungarian minority populations. Under Hungary’s regime within the empire, the Hungarian kingdom enacted “Magyarization” policies that forced integration of the state’s national minorities—who at the time were Slovaks, Romanians, and Slovenians (Kiss, Székely, Toró, & al, 2018). Slovakian, Romanian, and Slovenian minorities were repressed while Hungarians maintained hegemony as the dominant group. National minorities under Hungary were marginalized under the state, and continually wanted independence from Austria-Hungary.

The Treaty of Trianon after WWI broke up Austria-Hungary, and ceded territory to Slovenia (Yugoslavia), Romania, and Slovakia (Czechoslovakia). The distribution of territory created many Hungarian national minorities in territories no longer under Hungarian rule. The memories of Magyarization lingered, and Hungarian minorities lost their positions of dominance. The Treaty of Trianon remained a significant national loss to Hungary, which attempted to reclaim its ceded territories during WWII. Hungarian aggression further damaged relations between the states, as Hungary coerced the three states into returning parts of the territories ceded from the Treaty of Trianon. During WWII, Hungary then engaged in re-integration methods after reclaiming its lost territory. This maneuver again repressed Slovaks, Slovenians, and Romanians who found themselves once more under Hungarian domination. The end of WWII and the loss of the Axis Powers resulted in the return of these territories to their respective states.

While all three states regained their territories after WWII, their reactions to Hungary’s actions during World War II vastly differed. Romania and Slovenia adopted more conciliatory policies towards their Hungarian minorities; Romania granted the minority group regional autonomy in 1952, and Tito’s reconstruction of Yugoslavia afforded greater national minority protections that would later continue into Slovenian independence. In contrast, Slovakia engaged in extremely repressive measures against the Hungarian and German minorities after WWII ended. Slovakia forcibly deported the German population, and attempted to do the same with its Hungarian population. When it was unable to remove its Hungarian population, it transferred many of them to different regions within the state, and sent uncooperative Hungarian minorities to labor camps.
The intense measures adopted by the Slovakian government after WWII and the trauma of the continuous territorial changeovers between Hungary and Slovakia may have resulted in long term consequences for interstate and minority group relations. Even after gaining EU membership, Slovakia’s relationship with Hungary remains tense. In response to Hungary’s dual citizenship law, Slovakia deliberately passed legislation that would make it impossible for its Hungarian minorities to attain Hungarian citizenship without giving up their Slovakian citizenship. Hungary also continues to view the Treaty of Trianon as a loss of its people and its territory; it has made repeated attempts to cultivate relationships with its national minorities abroad even in its current foreign policy.

As a result, Slovakia, Romania, and Slovenia have all been impacted and shaped by the Treaty of Trianon and the subsequent transfers of territory between Hungary and their states before and after WWII. However, Slovakia’s particular history of violence may have been an outstanding legacy that still shapes their treatment of Hungarian minorities today. The legacy of brutal repression and retaliation towards Hungarians after WWII may continue to define Hungarian minority and Slovak relations today. The history of the Treaty of Trianon in Slovakia may be a part of ongoing tensions that have caused the decline in national minority policies after gaining EU membership. Slovakia may have viewed changes to national minority policies as a temporary necessity to gaining EU membership, but upon membership, would no longer need to be enforced. Consideration of Hungarian and Slovakian policies demonstrate that both states still view the legacies of the Treaty of Trianon as significant.

The previously discussed five variables may all partly explain the different outcome for Hungarian minority protections in Slovakia. The keenness of the state to join the European Union, the position of the state as it emerged from communism, the duration of accession, the size of the Hungarian minority group, and pre-communist events may have contributed to the impact EU accession and communism have had on Hungarian national minorities. While some of these variables may have had a greater impact than others, there is a possibility that the combination of these factors shape current Slovakian policies for its Hungarian national minority. As a result, the decline of Hungarian national minority group policies in Slovakia are influenced by both communist legacies and EU accession, but may further be the result of a combination of any of these additional variables.

6.4 Limitations of Research

The outcomes of the research presented in this thesis leave much to be further explored. The possibility of many contributing factors that may have influenced Hungarian minority treatment in Slovakia proves that there is no blanket improvement in minority treatment that occurs with EU accession. Rather, EU accession can shape national minority policies, but it is ultimately up to the individual state to enforce protections for their national minority groups. At the very least, EU accession can lead to nominal compliance that varies greatly by each state; de jure policies protecting national minorities may not lead to de facto improvements in minority treatment.

Furthermore, the research conducted has only evaluated the situation of Hungarian national minorities in three post-communist states. For every policy that was praised regarding Hungarian group treatment, there were criticisms made by the EU, the CoE, and the OSCE’s HCNM on the treatment of other national minorities within the three states. Notably, the EU, the CoE, and the OSCE each concluded that the treatment of Roma minorities was incredibly poor in each of the three states. This has unfortunately still persisted. Condemnation of Roma policies did not lead to
much change in protections granted to the Roma community. The lack of compliance for Roma policies stands in contrast to the changes made towards Hungarian national minorities. As a result, EU accession is one aspect that can improve the treatment of some national minorities, but it is not the central factor in shaping national minority policies.

### 6.5 Areas for Further Research

There are several variables that can be considered for further research to evaluate the difference in outcomes among Slovakia, Slovenia, and Romania. First, further consideration regarding the speed of accession is necessary. Additional research could consider how EU accession recommendations become internalized by states, and consider how public sentiment towards the EU and national minorities evolve over the course of accession. Consideration of accession length would provide greater understanding for how states may implement their policies and have them be accepted by their citizens. In the case of Slovakia, it would be interesting to see whether public sentiment towards national minorities and Hungarian minorities changed before, during, and after accession. If there was no change, it may bolster the idea that EU accession was rushed and policies were not fully accepted by the state and its people. The acceptance of policies in Slovakia could be compared with data on public sentiment in Slovenia and Romania that looks at public opinion on national and Hungarian minorities. If both of these states have increasingly positive public perceptions of Hungarian minorities throughout accession, it could be attributed to increased acceptance of EU policy recommendations.

A second variable that can be explored for future research is the size of the national minority group and its impact on the maintenance of national minority protections. If the size of a minority group has an impact on the willingness of a state to comply with EU accession recommendations, we would expect states with smaller national minority populations to have better compliance with national minority policies after EU membership. In contrast, states with larger populations of national minorities may experience a regression in national minority group treatment after membership. Research could be conducted with a variety of cases in Central and Eastern Europe which have joined the European Union. Cases with both large and small national minority groups could be evaluated to find a trend between national minority group size and compliance with EU accession recommendations after attaining EU membership. If states with larger national minority groups tend to have a decline in their protections of national minorities, it may be indicative of underlying worries states have regarding the possibility of secessionist movements by their national minority groups.

The consideration of areas for further research falls within a broader discussion of EU conditionality. Briefly touched upon in the literature review, scholars Hughes, Sasse, and Gordon, and Kelley have provided research on how EU conditionality impacts the compliance of EU candidate states. For Kelley, EU accession is influenced by three factors: the normative pressures of the European institutions, the conditionality of the institutions – or the incentives to join and obey recommendations – and domestic political factors (Kelley, 2004: 3). While normative pressure and domestic policies can influence how compliant a state is with accession recommendations, Kelley argues that EU conditionality remains the most powerful influence on state conformity to recommendations. Kelley claims that the prospect of EU membership can influence policy in states with “sizable ethnic minority groups” (Kelley, 2004: 174). Despite ongoing pessimism about the influence of conditionality, the perceived benefits from EU membership remain impactful on a broader scale for all candidate states.
In contrast to Kelley, Hughes, Sasse, and Gordon view EU conditionality as a highly subjective and individualized influencer on state compliance. EU conditionality does not have a broad “blanket” impact in all states – rather, it is highly dependent on the individual state and the combination of domestic political and social forces that impacts the willingness of a state to abide by EU recommendations (Hughes, Sasse, and Gordon, 2004: 174). The prospect of joining the EU might not be powerful enough to force changes in domestic policy. Instead of viewing compliance as a result of EU membership conditionality, compliance with EU recommendations is a result of domestic factors.

The scholarship surrounding EU conditionality is highly contested, with scholars debating the actual effectiveness of prospective EU membership as a way to establish lasting domestic political change. Arguably, as in the cases evaluated in this thesis, EU conditionality may not be the greatest factor in shaping domestic policies on national minorities. EU conditionality has resulted in changes in state policies in all three cases – notably in Slovakia who saw a brief improvement in minority protections during accession. However, it is difficult to claim that EU conditionality was the main driving factor behind changes to national minority policies. Instead, the differing results among the three cases after EU membership may bolster the argument made by Hughes, Sasse, and Gordon: EU conditionality is highly subjective in its effectiveness to guarantee state compliance and there are numerous additional factors that influence the outcomes of state policies during and after accession. In light of the numerous contributing variables to this research and the discussion of EU conditionality prompted by Hughes, Sasse, and Gordon, and Kelley, further research on national minority compliance within Slovakia, Romania, and Slovenia is needed.

6.6. Concluding Remarks

This thesis has evaluated the impact of European Union accession on national minorities in post-communist Central and Eastern European states. Through a qualitative case analysis of Hungarian national minorities in Slovakia, Romania, and Slovenia, this research has considered how national minority group treatment and policies have changed under predominantly Marxist-Leninist communism, democratization and EU accession, and under current policies after EU membership.

Analysis of Hungarian minority treatment during and after EU accession has demonstrated that both communist legacies and EU accession recommendations have contributed to current national group treatment. However, the decline in minority protections in Slovakia and the different results of compliance among the three states may be the result of additional variables, most notably the duration of accession negotiations and the size of the minority group in the state. While this research has focused solely on Hungarian minorities in three states, it holds broader implications for national minorities in the European Union. National minority status remains salient in Central and Eastern Europe with continuous changes among national groups relations and minority group policies. The expansion of the European Union into the region demonstrates the need to further evaluate the impact of EU conditionality and membership on national minority communities.
References

Additional Protocol on the Rights of Minorities to the European Convention on Human
Advisory Committee on the Framework Convention for the Protection of National Minorities:
Agenda 2000 Enlargement: Regular Report 1998 from the Commission on Romania's progress
Agenda 2000: Commission Opinion on Romania’s Application for Membership of the European
Agenda 2000: Commission Opinion on Slovakia’s Application for Membership of the European
Agenda 2000: Commission Opinion on Slovakia’s Application for Membership of the
Agenda 2000: Commission Opinion on Slovenia’s Application for Membership of the
Agenda 2000: Enlargement: Regular Report 1998 from the Commission on Slovenia’s
14/98.
Application of the Charter for Regional or Minority Languages in Romania (2012). *Council of
Application of the European Charter for Regional or Minority Languages in Slovenia.
27th, 1968 concerning the Status of Ethnic Groups in the Czechoslovak Socialist
Convention Providing Special Rights for the Slovenian Minority Living in the Republic
Correspondence between HCNM and Romania Regarding National Minorities (1993).
*OSCE*. 1028/93/L.
Correspondence between HCNM and the Slovak Republic Regarding the Hungarian
Correspondence between HCNM and the Slovak Republic Regarding the Hungarian
Correspondence between HCNM and the Slovak Republic Regarding the Hungarian
Correspondence between HCNM and the Slovak Republic Regarding the Hungarian
Correspondence between HCNM and the Slovak Republic Regarding the Hungarian
Draft Opinion on the Act on the State Language of the Slovak Republic (2010). *Council
European Charter for Regional or Minority Languages (1992). *Council of Europe*.


Letter from HCNM to Babes-Bolyai University, Romania, with recommendations on multiculturalism (2000). OSCE.
Opinion and Recommendations of the OSCE High Commissioner on National Minorities on Amendments to the “Law on the State Language of the Slovak Republic (2009). OSCE.

Regular report from the Commission on Romania's progress towards accession (2003). European Commission.
The Constitution of the Czechoslovak Republic (1920).


Annex

Map 2.1.a: The 1910 Census of Austria-Hungary

Graph of the population demographics from the 1910 Census of Austria-Hungary, categorized according to preferred language and region.

<table>
<thead>
<tr>
<th>Language</th>
<th>Austria Absolute Numbers</th>
<th>Hungary Absolute Numbers</th>
<th>Bosnia and Herzegovina Absolute Numbers</th>
<th>Austro-Hungarian Monarchy Absolute Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Percentage</td>
<td>Percentage</td>
<td>Percentage</td>
<td>Percentage</td>
</tr>
<tr>
<td>Germans</td>
<td>9,950,678</td>
<td>2,097,455</td>
<td>22,968</td>
<td>12,011,081</td>
</tr>
<tr>
<td>Magyars</td>
<td>10,899</td>
<td>10,030,575</td>
<td>6,443</td>
<td>10,067,917</td>
</tr>
<tr>
<td>Czechs</td>
<td>6,433,532</td>
<td>7,045</td>
<td>6,442,577</td>
<td>12,54</td>
</tr>
<tr>
<td>Slovaks</td>
<td>1,967,970</td>
<td>482</td>
<td>1,968,452</td>
<td>3.83</td>
</tr>
<tr>
<td>Poles</td>
<td>4,965,667</td>
<td>10,975</td>
<td>4,976,042</td>
<td>9.69</td>
</tr>
<tr>
<td>Ukrainians</td>
<td>5,518,882</td>
<td>7,431</td>
<td>3,998,900</td>
<td>7.79</td>
</tr>
<tr>
<td>Slovenians</td>
<td>1,253,148</td>
<td>3,108</td>
<td>1,256,256</td>
<td>2.45</td>
</tr>
<tr>
<td>Croatians</td>
<td>1,833,162</td>
<td>1,822,564</td>
<td>5,545,207</td>
<td>10.80</td>
</tr>
<tr>
<td>Serbians</td>
<td>783,010</td>
<td>2,642</td>
<td>771,054</td>
<td>1.50</td>
</tr>
<tr>
<td>Roumanians</td>
<td>275,088</td>
<td>608</td>
<td>3,243,728</td>
<td>6.28</td>
</tr>
<tr>
<td>Italians and Ladinians</td>
<td>768,592</td>
<td>2,642</td>
<td>771,054</td>
<td>1.50</td>
</tr>
<tr>
<td>Sundry others</td>
<td>469,255</td>
<td>2.25</td>
<td>18,958</td>
<td>0.74</td>
</tr>
<tr>
<td>Foreigners</td>
<td>609,304</td>
<td>488,213</td>
<td>609,304</td>
<td>1.18</td>
</tr>
</tbody>
</table>

Map 2.2.a: The “Carte Rouge”

The “Carte Rouge” from the Paris Peace Conference in 1919-1920 depicting the territory of Austria-Hungary. Red shading indicates the distribution of the Hungarian population according to the 1910 census of Austria-Hungary. Light green indicates Slovaks, and purple shading represents Romanians.

Map 2.2.b: The Proposed Borders of Hungary in 1920

American map depicting the roughly proposed borders of Hungary at the Paris Peace Conference of 1919-1920.

Map 2.2.c: Newly Constructed Borders of Europe after 1920

Map with the newly constructed borders of Europe after the Paris Peace Conference of 1919-1920.

Map 5.1.a: 2011 Census Demographics of the Slovak Republic

Demographics of the Slovak Republic and its Hungarian minority according to the 2011 Census. The shading represents the concentration of the minority population within the region; most Hungarians are found in the Southern regions of Slovakia.

Map 5.2.a: 2011 Romanian Census and Demographics

Demographics of Romania and its Hungarian minority according to the 2011 Census. The eastern Székely Land indicates the region where the historical MAT (Magyar Autónóm Tartomány) was located. Hungarian minorities are highly concentrated in Partium (along the border with Hungary) and Székely Land.

Fig. 1 Hungarians in Transylvania (Source Map created by Samu Mártón Balogh based on census data)