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Ending a Never-Ending-Story: 
The Solution of the Conflict on Bilingual Topography in Austria—Analysis, Open Questions and Perspectives

I. Introduction¹

The conflict concerning bilingual place-name signs in Carinthia tested the Austrian constitutional state and the authority of the Austrian constitution. Decisions of the Constitutional Court remained unimplemented and minority rights—arising from international and constitutional obligations of Austria—were repeatedly made subject to negotiations between the federal government and the regional and local authorities in Carinthia.² In 2011—56 years after signing the Austrian State Treaty³ that guaranteed the minority rights concerned—a political process brought an end to the place-name sign issue. It was framed by the interests of the opposing conflict parties and therefore led to a renegotiation of the right on bilingual topography and the right to use the minority language as the

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² See Magdalena Pöschl, Die Zukunft der Verfassung (Jan Sramek, Wien, 2010), 39.

³ State Treaty for the Re-establishment of an Independent and Democratic Austria (Staatsvertrag betreffend die Wiederherstellung eines unabhängigen und demokratischen Österreich), BGBl 1955/152 idF BGBl I 2008/2.

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official language before courts and public authorities. As a result, the amendment of the Austrian Federal Act on National Minorities (Volksgruppengesetz, VoGrG)\(^4\) regulates both rights in Carinthia and Burgenland partly on the level of constitutional law to ensure a stable and permanent solution of the conflict.\(^5\)

To some degree, this regulation contradicts basic constitutional obligations and can therefore only be understood as the result of a political process that tried to bring together the opposing interests of the various parties involved in the conflict. It is thus characterized by the chief of the division on constitutional law in the Carinthian government as a solution that could—because of the vague formulation of the minority rights in the Austrian State Treaty—only be “no juristic, no exactly scientifically justifiable […], but in the end a political one”.\(^6\) Without an analysis of its historical and political context, this solution, as well as the conflict and its effects on law, cannot be understood. It illuminates the vast challenges the dispute about bilingual topography set up for the constitutional state until its end and explains the specifics of the (partly) controversial outcome.

II. Background and Recent Developments

The 2011 amendment of the Volksgruppengesetz implemented Austria’s international and constitutional duties based in Article 7(Z)(3) of the Austrian State Treaty.\(^7\) The vague formulation of this article set the ground for the later disputes about its implementation, for it did not explicitly regulate in what “administrative and judicial districts” with what percentage of “mixed populations” what kinds of “topographical terminology and inscriptions” had to be erected. It remained to the Austrian Constitutional Court to answer these questions within its judiciary.\(^8\)

Therefore, the spectrum of prior efforts to solve the place–name sign question was wide. The Ortstafelgesetz 1972, which was passed through the Austrian

\(^4\) Volksgruppengesetz, BGBl 1976/396 idF BGBl I 2011/46.
\(^5\) ErläutRV 1220 BlgNR 24. GP 6.
\(^7\) It states: “In the administrative and judicial districts of Carinthia, Burgenland and Styria, where there are Slovene, Croat or mixed populations, the Slovene or Croat language shall be accepted as an official language in addition to German. In such districts topographical terminology and inscriptions shall be in the Slovene or Croat language as well as in German.”