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Slovakia: Controversy over a Defense Agreement with the United States

On January 12, 2022, the government of Eduard Heger (OLaNO) adopted a draft framework defense agreement with the US, which, inter alia, regulates the legal status of US soldiers and allows the US to use and modernize the Slovak military infrastructure. The document still has to be ratified by the parliament and signed by President Zuzana Čaputová. The contract will run for 10 years with the possibility of extension. The opposition criticizes the agreement with the US, pointing to the possibility of Slovakia losing its sovereignty.

Experiences of Slovak-American military cooperation. In the previous term of office, a specific cacophony was visible within the then government coalition regarding the vision of relations with the USA. While the Smer-SD group was in favor of tightening cooperation in the field of security, the pro-Russian Slovak National Party (SNS) remained clearly skeptical about the deepening of relations with the USA. Despite intra-coalition misunderstandings, the American side saw Slovakia as a reliable partner on NATO's eastern flank. It was determined by the participation of American companies in the modernization of the Slovak army (then, among others, F-16 planes and Black Hawk helicopters were purchased). The cooperation of the American and Slovak armed forces was intensively developed, as exemplified by, inter alia, military exercises "Slovak Shield" and participation of Slovak soldiers in NATO contingents in Afghanistan, Iraq and Latvia. Moreover, the government of Peter Pellegrini (Smer-SD) declared a rapid increase in defense spending to 2% of GDP.

Until the parliamentary elections in 2020, the Slovak side did not seek an American military presence on its territory. The Slovaks were also opposed to greater US involvement in the region. For example, the government of Robert Fico (Smer-SD) was against the deployment of an anti-missile shield in Poland and the Czech Republic. He was also quite ambivalent about the conflict in Ukraine after 2014. The SNS, which at that time appointed the minister of defense, was the only coalition party to oppose the conclusion of a defense cooperation agreement with the US.

In April 2020, the program of the government of Igor Matovič (OLaNO) for 2020-2024 was adopted. In this document, the undisputed pillars of Slovakia's security and defense policy are: NATO membership and strong transatlantic ties. The US has been identified in the program as Slovakia's "key ally" because of its unique military capabilities necessary for collective defense that EU allies do not have. Slovakia has declared that its armed forces will participate in foreign military missions and operations, provided that this is consistent with international law and the country's security policy. The declaration of achieving expenditure of 2% of GDP on defense by 2024 was also maintained ([see "IEŚ Commentaries", No. 184](#)).

At the NATO summit in Brussels in June 2021, the Slovak delegation declared that NATO would remain the main and basic guarantor of the country's security and defense. In Brussels, the desire to increase defense spending to 2% of GDP by 2024 was also maintained. At the same time, Slovakia announced support for the Alliance's adaptation changes to the changing international environment, including by adopting a new action strategy. In its position, the Slovak side noticed the threats from China, which was identical to the position of the US and the Alliance. Support was also given for activities aimed at strengthening NATO's eastern flank and combating hybrid threats ([see "IEŚ Commentaries", No. 408](#)).

Agreement on defense cooperation between Slovakia and the USA. The Defense Cooperation Agreement (DCA) adopted by the government at the beginning of the year is a standard document regulating defense cooperation between the US and NATO member states. Currently, 23 of the 30 Allies have signed a DCA or similar type of military agreement with the US side. In the region of Central Europe, they were adopted, among others, by Hungary, Poland, Romania, Bulgaria and the Baltic States.

The new agreement aims to regulate the legal status and presence conditions of US soldiers, their family members and civilian personnel. The agreement also regulates the areas related to the implementation of jointly agreed projects to modernize the Slovak defense infrastructure and the issues of US access to Slovak defense infrastructure facilities. The Slovak-American DCA is based on the NATO SOFA agreement of 1951, which regulates the status of the armed forces of the member states of the Alliance.

The purpose of the agreement is to strengthen defense cooperation between Slovakia and the US and within NATO, create a legal framework for an extended and deepened partnership, development of defense capabilities, defense planning and military training of the Slovak army; facilitate regular bilateral consultations on security threats and challenges and the exchange of information and experience in the field of strategic defense and security; strengthen Slovakia's security and defense capabilities as part of the NATO collective defense system.

The DCA does not grant the Slovak side unrestricted consent to the presence of US troops on Slovak territory. The relevant constitutional bodies are still to decide on the stationing of foreign armed forces in this country. US troops have been obliged to operate in Slovakia with full respect for that country's sovereignty, its constitution, and internal and international legislation. According to the Slovak legal order, the DCA is a presidential treaty. It is to be concluded for a period of 10 years with the possibility of extension. The entities responsible for the implementation of the provisions of the agreement are the Ministry of Defense of the Slovak Republic and the US Department of Defense.

According to the Ministry of Defense, the agreement excludes the possibility for US troops to possess nuclear, biological or chemical weapons in Slovakia, as this is prevented by international legislation adopted by the Slovak side. However, the agreement allows the US armed forces to use military airfields in Sliač and Kuchyňa. Thanks to the American support in the amount of USD 105 million, there are to be created, among others, modern ammunition depots, which are currently missing at Slovak airports.

Political dispute over the defense deal. Slovakia's largest opposition parties remain skeptical of the new defense agreement. They take advantage of the anti-American and anti-NATO moods of part of Slovak society. The non-parliamentary Hlas-SD does not want to support the DCA project because it believes that the document infringes Slovakia's sovereignty. In this regard, it refers to the legal reservations raised by the Public Prosecutor General's Office. According to Hlas-SD politicians, in the current tense international and domestic situation, it is very important that every such important document is subject to "thorough public debate". This is because it will make it impossible to adopt obligations that are contrary to the views of the majority of Slovak society. The party asked President Zuzana Čaputová to refer the defense agreement to the Slovak Constitutional Court in order to assess whether the document complies with the constitution. Party leader Peter Pellegrini is also a supporter of holding a nationwide referendum on the possibility of locating foreign military bases on Slovak territory.

Also, according to the leader of Smer-SD, Robert Fico, the adoption of the DCA means the loss of sovereignty by Slovakia. The former prime minister is in favor of holding a referendum on the presence of US soldiers on its territory. He believes that the defense agreement as an international agreement will stand above national legislation. According to Fico, the document is more beneficial to the American side, as it will have full control over the military airports Sliač and Kuchyňa. He negatively estimates that Americans will not pay rent for the use of the above-mentioned facilities for a period of 10 years. Smer-SD politicians also point to the problem of jurisdiction over American soldiers stationed in Slovakia.

The far-right party LSNS is also critical of the defense agreement. Its politicians regard the DCA as an "occupation agreement." According to them, NATO is a criminal organization. For this reason, during the recent protest at the US embassy in Bratislava, they collected signatures on the motion for Slovakia to withdraw from the Alliance. Party leader Marian Kotleba accused President Zuzana Čaputová of not sending the document to the Slovak Constitutional Court. In his opinion, the DCA is inconsistent with the constitution and national interest of Slovakia. He also believes that the document will enable the placement of nuclear weapons on the territory of the country. The LSNS has declared to block the debate on the defense agreement in parliament.

Conclusions. The United States remains Slovakia's most important strategic partner in the field of military security. Despite this, for many years a part of the Slovak political scene blocked the adoption of a defense agreement with the USA. The breakthrough came after the parliamentary elections in 2020, when the new government paid more attention to the development of transatlantic relations. The adoption of the DCA may contribute to a more favorable perception of Slovakia by the American administration and positively affect the security of NATO's eastern flank. US investments can also contribute to the modernization of the Slovak armed forces. At the same time, there is a clear polarization of the Slovak political scene as regards the adoption of the defense agreement. Representatives of both the left and the extreme right believe that it will limit state sovereignty. For some of the opposition, it will certainly be an important topic in the next election campaigns.