

Assessing Minority Language Rights in Kosovo¹

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Introduction

Minority language rights are central to minority-majority relations in Kosovo. However, it is an extremely sensitive and complicated issue, considering the recent conflict and continuing tensions between ethnic communities. Since 1999, the Albanian language has become the dominant language in Kosovo, although equal status is given to Serbian and special status is given to other minority languages, including Turkish. The legislative framework for the protection and promotion minority language rights closely follows the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. However, numerous factors impede the actual enjoyment of minority language rights, including a lack of political willingness to enforce legislation from Kosovo institutions and the continued separation of Serbian and Albanian communities both socially and institutionally. This paper will examine to what extent minorities in Kosovo can enjoy their language rights, what factors are obstructing or enhancing their enjoyment of these rights and what broader lessons can be drawn from the Kosovo case.

The paper will provide an overview of Kosovo's current institutional and legislative framework for the protection and promotion of minority language rights, including an analysis of the historical developments that led to its creation. Subsequently, the paper will examine the situation on the ground and look at how and to what extent this framework is put into practice, focusing on three key areas: the use of language in public, in education and in relation with governmental institutions. Following this analysis, the paper will consider what factors are obstructing or enhancing the enjoyment of minority language rights in Kosovo. In its analysis the paper will pay particular attention

¹ The views expressed in any of its publications are the sole responsibility of the author concerned and do not necessarily reflect the opinions of ECMI Kosovo.

to the discrepancy between the ambitious legislation and the capacities and willingness of Kosovo institutions to ensure its implementation. Finally, the paper will conclude with recommendations on measures to ensure the effective enjoyment of language rights in Kosovo.

Overview of Communities

There are a number of minority communities living in Kosovo, nine of them are explicitly mentioned by the *Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo*: the Serb, Turkish, Bosniak, Roma, Ashkali, Egyptian, Gorani, Montenegrin and Croat communities. There are no reliable population statistics available on Kosovo, since the results of the 2011 census have not been published yet and the last reliable census before 2011 was held in 1981. However, according to 2006 estimates by the Kosovo Agency of Statistics, the Albanian community makes up 92% of the population, the Serb community 5.3% and the others the remaining 4.7%.² The Albanian majority as well as Ashkali and Egyptian communities speak Albanian, the Serb, Bosniak, Montenegrin and Croat communities speak closely related Slavic languages, while the Turkish and Roma community speak Turkish and the Romani as their mother tongues.

Historical Overview

In the Socialist Republic of Yugoslavia, minorities enjoyed a high degree of rights, protected by legislative guarantees and an institutional framework. The most advanced achievements in the official use of minority languages were reached in the seventies in parallel with the strengthening of Yugoslavia's provinces' autonomy and competencies. The constitution of the Socialist Federal Republic of Yugoslavia of 1974 granted members of nationalities the right to use their language and their respective alphabet in realisation of their rights and obligations, including relations with state authorities and organizations of public interest. It also granted members of nations and nationalities in each autonomous province the right to education in their language.³ The Constitution of the

² Kosovo Agency of Statistics 2006, *'Demographic changes of the Kosovo population 1948-2006'*, p. 7.

³ Art. 171, Constitution of the Socialist Federal Republic of Yugoslavia, 1974

Socialist Autonomous Province of Kosovo of 1974 affirmed the equal use of Albanian and Serbo-Croatian languages and their respective alphabets in all of Kosovo's territory, in addition to granting the Turkish language equal status in areas inhabited by Turks. The institutions in Kosovo were obliged to respect the principle of equality of the languages in their work.⁴ The Constitution also granted the right to pursue education at all levels, including tertiary, in Albanian, Serbo-Croatian and Turkish languages.⁵ All three languages were to be taught also as non-mother tongue languages.⁶ These language rights were removed by Milošević as he came into power. The new Serbian constitution of 1990 abolished the principle of equality of the two official languages, installing a primacy of Serbian language, while the languages of the national minorities should be used "as well".⁷ The new Law on the Official Use of Language 45/1991 also withdrew the right to education in minority languages at the university level. In response to the removal of the rights established in 1974 and massive violations of human rights against the Albanian community, the nineties were marked by a massive withdrawal by the Albanian community from Yugoslavia's institutional system towards a parallel institutional system, including education and health, functioning solely in Albanian. Following the 1999 conflict, the principle of equality of Albanian and Serbian language was acknowledged in all UNMIK regulations, but it was not explicitly defined in law until the adoption of the 2006 Law on the Use of Languages.

Legal Framework

Language rights in Kosovo are protected by a comprehensive legal framework. The constitution sets out the basic provisions regulating the use of language, while the *Law on the Use of Language*, passed in 2006, provides for detailed regulations on this issue. In addition to protecting the equal status of both official languages throughout the territory of Kosovo, the constitution also sets out a

⁴ Art. 217, Constitution of the Socialist Autonomous Province of Kosovo, 1974

⁵ Art. 218, Constitution of the Socialist Autonomous Province of Kosovo, 1974

⁶ Art. 219, Constitution of the Socialist Autonomous Province of Kosovo, 1974

⁷ Art. 8, Constitution of the Republic of Serbia, 1990

number of more specific language rights in relation to among others, education, media and relations with government authorities.⁸ In theory, this means, among other things, that any government institution can be addressed in either of these languages, that you can freely choose in which of the two languages you want to be educated, and that the public media broadcaster must set aside time for broadcasting in both languages. At the same time, at the municipal level, languages spoken by communities traditionally present in the territory of Kosovo can be awarded two types of special statuses, depending on the percentage of community members speaking that language in a given municipality.

Moreover, Kosovo's constitution pledges to uphold the highest international human and minority rights standards, stipulating that Kosovo shall promote the values of the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities,⁹ and that human rights in Kosovo shall be interpreted in line with the decisions of the European Court of Human Rights.¹⁰ Finally, the constitution declares that laws on the use of languages shall be considered legislation of vital interest, meaning that to adopt, amend or repeal such laws a double majority will be required; both a majority of all deputies in the assembly and a majority of the deputies holding seats set aside for representatives of communities.¹¹

The *Law on the Use of Languages* provides a more in-depth guidance on what the language rights set out in the constitution mean in practice. It covers a wide range of fields, including the use of languages within and with central and municipal institutions, judicial proceedings and public enterprises and enterprises performing public services. Concretely, this means that any person has the right to communicate with public enterprises and enterprises performing public services in either of the official languages and that court proceedings are held in the official language requested by the

⁸ Article 5 & 59, *Constitution of the Republic of Kosovo*

⁹ Article 58.2, *Constitution of the Republic of Kosovo*

¹⁰ Article 53, *Constitution of the Republic of Kosovo*

¹¹ Article 81, *Constitution of the Republic of Kosovo*. In Kosovo's assembly, out of 120 seats, 20 seats are reserved for representatives of minority communities, 10 for representatives of the Serb community, and the remaining 10 for representatives of all other communities (Article 64.1, *Constitution of Kosovo*)

parties. Moreover, in official meetings in Kosovo institutions, on request, interpretation and translation into the other official language shall be provided.¹²

The Law on the Use of Languages also sets out the conditions under which languages other than the two official languages can be awarded a special status at the municipal level. There are two types of special statuses. If 'a community whose mother tongue is not an official language' constitutes at least five percent of the population of that municipality the language is recognised as an official language at the municipal level, while if that community constitutes at least three percent of the population or the language is traditionally spoken in that municipality the language is granted the status of language in official use at that municipality.¹³ Official languages at the municipal level are awarded the same status in that municipality as the official languages, while a communities speaking a language in official use have the right to conduct both oral and written communication with the municipality in that language and their elected municipal representatives are allowed to use their language in their work.¹⁴ It deserves mentioning that the Turkish language is recognised as an official language in the municipality of Prizren, regardless of the number of people speaking that language.¹⁵

Language rights in Practice

In this section, the implementation of three key aspects of language rights in Kosovo will be analysed in-depth: education, the use of languages in public and communication within and with governmental institutions, thus providing an overview of the reality of language rights in Kosovo today.

Education

Linguistic rights are inherently interlinked with the right to learn and develop one's minority language. The Kosovo Constitution grants everyone the right to receive public education in one of

¹²Article 11 & 12, *Law on the Use of Languages*

¹³Articles 2.3 & 2.4, *Law on the Use of Languages*

¹⁴Article 8, *Law on the Use of Languages*

¹⁵Article 2.3, *Law on the Use of Languages*

the official languages of the Republic of Kosovo of their choice at all levels¹⁶ (Art. 59 (2)). In practice, due to the political situation, Kosovo is characterised by two education systems, one operated by the Kosovo Ministry of Education, Technology and Science (MEST), the other by the Serb Ministry of Education.¹⁷ As the Kosovo system managed by MEST does not provide the opportunity to follow education in Serbian language, the choice of the primary language of instruction automatically determines also whether the pupil will follow the curriculum of the Republic of Kosovo or Serbia. The Kosovo legislative framework tries to address this issue and to integrate the teaching in Serbian in the Kosovo system by stipulating that “schools that teach in the Serbian Language may apply curricula or textbooks developed by the Ministry of Education of the Republic of Serbia upon notification to the Kosovo Ministry of Education, Science and Technology” (Law on Right of Communities, Art. 8.5, Law on Education in Municipalities, Art. 12). For this purpose, an Independent Commission reviewed the curriculum and textbooks used by the Serbian school system and provided recommendations as to their conformity with the Constitution of the Republic of Kosovo and applicable legislation. However, although these recommendations were supposed to lead to the modification of the Serbian curriculum for its use in the Kosovo education system, up to now, the recommendations remained without any follow-up. As no school operated by the Republic of Serbia has yet cooperated with Kosovo institutions in officially notifying MEST about the curricula or textbooks used. The two systems remain thus highly separated, with neither the pupils attending the schools with Serbian as language of instruction, nor the pupils receiving their education in Albanian required to learn the second official language. The Kosovo law foresees the obligation for pupils to study one of the official languages of their choice only for pupils attending primary and secondary schools where the language of instruction is not an official language¹⁸. This means that currently only non-Serb community members are obliged to study one, but not both, of the official languages. Also,

¹⁶ Art. 59(2), Constitution of the Republic of Kosovo

¹⁷ Serb schools use curricula and textbooks provided by the Republic of Serbia, diplomas are delivered by the Serb Ministry of Education and teachers are being paid from the Serb budget. However, many teachers receive additional salary from the Kosovo budget.

¹⁸ Art. 8.10, Law on Rights of Communities, Art. 21, Law on the Use of Languages

the new Curriculum Framework for Pre-University Education in Kosovo, to be fully implemented by 2018, does not foresee the obligation for Albanian pupils to learn Serbian in the future.¹⁹

Importantly, other minorities than Serb have the constitutional right to receive pre-school, primary and secondary public education, in their own language to the extent prescribed by law, with the thresholds for establishing specific classes or schools for this purpose being lower than normally stipulated for educational institutions.²⁰ The right to education in the communities' own language at the pre-school, primary and secondary level is further confirmed in the Law on the Right of Communities. The Law also states that municipalities have an obligation to offer alternatives to community students where the number of community students is insufficient to offer regular education in a non-official community language.²¹ This ambitious legislation, poses practical problems, as substantive resources, commitment and capacities are required for its full implementation. Currently, mother tongue education in Turkish and Bosnian is provided under the Kosovo system of education²². However, both Turkish and Bosniak communities receiving instruction in their mother tongues encounter practical problems in their education. Firstly, textbooks are usually imported from Turkey or Bosnia and are thus not fully compatible with the Kosovo curriculum. In other cases, textbooks are either poorly translated or simply missing. This situation leaves students following the Kosovo curriculum in their mother tongue disadvantaged when it comes to the Kosovo national exams. Secondly, the low thresholds lead to cases where as much as 4 grades are being taught together in one class by one teacher, which might affect the quality of education received. Thirdly, non-Serb community members also experience problems in learning of the official language. In fact, currently only the Bosniak and Turkish communities pursuing their pre-

¹⁹ The new Curriculum Framework for Pre-University Education in Kosovo (<http://kkapk.armods.com/Portals/0/Korniza%20e%20Kurrikul%C3%ABs.pdf>), foresees that pupils will have to start with learning of a second language, following English, in the 3rd grade, for which they will be able to choose between a local language (Serbian, Bosnian, Turkish) or another foreign language such as German.

²⁰ Art. 59 (2), Constitution of the Republic of Kosovo

²¹ Art. 8.1 & 8.2, *Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo*

²² A curriculum of Romani culture and history has been piloted in the school year 2011/2012 as a facultative subject in 4 schools in the municipality of Prizren.

university education in their respective mother tongues under the Kosovo curriculum are being offered the possibility to learn Albanian as a facultative subject for 2 hours per week from the 3rd grade on, whereas there is still no possibility to choose Serbian. The teaching of Albanian as a second language is characterised by an absence of appropriate textbooks²³ and lack of qualified teachers. Especially communities who have little contact with Albanian speaking communities, the 2 hours weekly have proven to be insufficient to effectively learn the language. As a result, minority members following the Turkish or Bosnian language curriculum are often left with limited opportunities in Kosovo regarding their further schooling or employment, being forced to migrate outside of Kosovo.

Thus, one can conclude that minorities in Kosovo have the right to follow education in their mother tongue, be it in the Kosovo or Serb system. However, This does not apply for the Roma community, which has to content itself with a facultative subject on Roma history and culture to be introduced in schools following Kosovo curriculum. However, the existence of two segregated education systems has practical implications for the enjoyment of broader language and minority rights. The existence of two separate systems creates two parallel societies unable to understand or speak each other's language. The limited opportunities for pupils to interact between each other also restrain the possibilities of integration.

Use of Language in Public

Kosovo's constitution establishes clearly the right of communities to 'use their language and alphabet freely in private and in public'.²⁴ The freedom to use your native language in public is an important way for minorities to express their identity and says much about the ability of a minority community to practise their language rights. In Kosovo the government has no policy to intervene with minority languages spoken in public, nor are there reports of the state taking unofficial or incidental actions to prevent the use of minority languages in public. Consequently, the limitations

²³ Except for 3rd grade, the textbooks used are those for Albanian mother tongue speakers.

²⁴ Article 59.5, Constitution of the Republic of Kosovo

on the use of languages in public are not set by the state, but by the public, both by people exercising pressure, for example through intimidation, on others not to speak their native language and by the minority communities censoring themselves due to perceived security threats. As such the issue at stake here is in how far minority community members feel safe to use their native language, in other words, the ability of the government to create a public sphere where all Kosovo citizens feels safe to express themselves in their own languages. However, since this issue concerns feelings of safety and incidents of intimidation, which usually remain unreported, it is extremely difficult to measure to what extent minority communities are in reality free to use their own language and alphabet in public.

Kosovo's minority communities live for the most part in separate geographical areas and conduct most of their everyday lives separate from other ethnic groups. In these separate areas minority community members feel mostly free to express themselves in their own language; it is common in Kosovo to see languages and alphabets changing as you travel from one village to the next. Whether a member of one ethnic group is free to use his or her language in a region mostly inhabited by another ethnic group is a more difficult question to answer. Firstly, it is a situation that does not happen too frequently, as there is relatively little contact between different communities; according to a 2012 UNDP survey, only 14.4% of Kosovo Albanians had, over the last three months, had come into contact with members from another ethnic group on more than three occasions and 46.5% of Kosovo Serbs had, over the last three months, not had any contact with members of other ethnic groups.²⁵ Secondly, little official data is available on the use of languages in public. To our awareness, no cases have been brought before the court or the Language Commissioner, Kosovo's official complaints body on language issues. However, this probably tells us more about the lack of faith minority community members have in Kosovo's institutional and justice system than it tells us about the issue at hand. Finally, little research has been conducted into the use of languages in public.

²⁵ UNDP 2012, p. 23.

Considering this lack of clear data it is necessary to look at indirect indicators, with freedom of movement providing a good starting point, considering that if someone does not feel free to travel, they are unlikely to feel free to use their own language in that area. In 2009, UNDP conducted a survey on freedom of movement, which provides some insights. It concluded that more than 50% of Kosovo Serbs have visited Prishtinë/Priština²⁶ since the 1999 conflict and the vast majority of Kosovo Serbs have travelled in central and northern Kosovo, while the majority of Serbs have not travelled to other the other regions of Kosovo. These numbers seem to indicate that there are some places where Kosovo Serbs feel free to travel, and consequently are also likely to feel more free to speak their language, and other places where this is not the case. The areas where Kosovo Serbs feel free to travel seem to correspond to the areas close to where most Kosovo Serbs live. Thus this confirms the analysis that the Serb community feels free to express themselves in Serbian in the area where they live and some neighbouring areas, but still feel unsafe to do so in areas inhabited by other communities further removed from their living areas.

The above analysis refers to the Serb community and the Serbian language, but can reasonably be assumed to be equally valid for the speakers of other Slavic languages, such as Bosnian. Although the Bosnian, Montenegrin and Croatian communities are on significantly better terms with the Albanian majority, their languages are hard to distinguish from Serbian and as a consequence a speaker of, for example, Bosnian would face a similar response to a Serbian speaker. Communities speaking non-Slavic languages, for example Romani or Turkish, generally feel free to express themselves in public throughout Kosovo.²⁷ The Turkish community, for the most part, is well integrated into Kosovo society and do not experience significant security concerns in Albanian or Serb populated areas. The Roma community does sometimes experience security concerns both due to their perceived links to the Serb community in the 1999 conflict and due to the more general prejudices this community

²⁶In this paper both Albanian and Serbian place names are used, with the language of the community in majority in that place listed first.

²⁷ Interviews with representatives of Romani and Turkish communities

faces. However, Roma are not identified by their language, which is unknown to the majority of the Kosovo population, but rather by their appearance and skin colour.

Use of Languages in Central and Municipal Institutions

The use of languages in central and municipal institutions tells much about the willingness and capacity of state institutions to protect the language rights of minorities. After all, if the government cannot protect minorities' language rights in its own work, how can it be expected to protect those rights elsewhere? Kosovo's legal framework imposes extensive obligations on central and local institutions to ensure the equality of both official languages and the languages with special statuses at the municipal level. Specifically, this means that anyone has the right to communicate with Kosovo institutions in either of Kosovo's official languages, that, if requested, interpretation shall be provided in official meetings from one official language into the other,²⁸ and that all official documents, including laws and regulations, shall be published in both languages with each version being equally authoritative.²⁹ Moreover, promulgated laws shall be published into the Bosnian and Turkish Languages, in addition to Serbian and Albanian.³⁰ At the same time all institutions shall ensure a work environment that accommodates the use of both official languages.³¹

In practice Kosovo institutions manage to enable most minority communities to access services in their own language. However, this is mostly due to the fact that a large number of minority community members live in municipalities where they make up the majority of the population and due to Kosovo's highly decentralised administrative system most services are provided at the municipal level. Community members living in municipalities where they are the minority have a much tougher time accessing services in their own languages and communication in Serbian with central level institutions is also more problematic; sometimes institutions respond in Albanian to

²⁸ Article 4.3 & 7.3, *Law on the Use of Languages*

²⁹ Article 5.4, *Law on the Use of Languages*

³⁰ Article 5.4, *Law on the Use of Languages*

³¹ Article 4.7 & 7.5, *Law on the Use of Languages*

requests in Serbian,³² one municipality has demanded that documents in Cyrillic are translated, and Serb community members have reported poor treatment by municipal official when trying to communicate in Serbian.³³ A particularly visible example of the failure of institutions to live up to the standards set by law is the fact that a lot of official websites, particularly at the municipal level, but also at the central level do not make all information available equally.³⁴ Often, even essential information such as municipal and government decisions and regulations are not available in both official languages.

Additionally, government institutions often fail to protect the equality of languages in their signs and symbols. At times, official signs of government and municipal institutions display only one of the official languages. For example, as reported by International Crisis Group, 'a major new government building in downtown Prishtinë/Priština, seat of four ministries, has no Serbian-language signs'.³⁵ Interestingly, the Constitutional Court of Kosovo on 18 March 2012 ruled that the municipal emblem of Prizren violated the law and should appear in three languages rather than one and should also reflect all communities living in the Municipality. However, the municipality has yet to agree on a replacement.³⁶ Moreover, although most major road signs have place names in both official languages, smaller roads often only use one of the official languages.

At the central level all primary legislation is translated into both official languages, however municipalities regularly fail to translate legislation into the official languages. When translation is ensured, the quality is frequently poor, resulting not only in spelling and grammar mistakes, but also in the changing of the meaning of a text. Although this is a serious problem in relation to all official documents, it is particularly concerning in relation to legislation. Since both Serbian and Albanian

³² International Crisis Group 2012 '*Setting Kosovo Free: Remaining Challenges*', p. 3.

³³ Report of NGO '*Nas Dom*', 17 July 2012

³⁴ For example, the European Centre for Minority Issues Kosovo has on 22 June 2012 submitted complaints regarding the violation of 27 central and local level institutions in relation to the use of language in their official websites. Also, International Crisis Group 2012 '*Setting Kosovo Free: Remaining Challenges*', p. 3.

³⁵ International Crisis Group 2012 '*Setting Kosovo Free: Remaining Challenges*', p. 3.

³⁶ OSCE Kosovo 2012, *Community Rights Assessment Report, Third Edition*, p. 30.

versions of a law have an equal authoritative status, it becomes possible to have two versions of a law, both equally valid, with two different meanings, with potentially serious consequences.³⁷

Languages with special statuses at the municipal level are not exempt of the problems mentioned above. For example the Municipality of Prishtinë/Priština, where Turkish is a language in official use, it is for the most part not possible to communicate in Turkish with the municipality.³⁸ An additional problem is the fact that because the results of the 2011 census are still not published, there are no official data available to assess whether certain communities reach the thresholds established by law for their language to receive a special status. This had led to a number of municipalities postponing the decision on whether to recognise the special status of certain languages.

Factors

The previous section has highlighted that, although most minority community members can enjoy their language rights in their living areas, the Kosovo government is largely failing to live up to the more ambitious standards set by law. This paper will argue that there are three interlinked factors at the root of this failure: The huge discrepancy between the ambitious legal framework and the reality on the ground, the lack of financial and human capacity of government institutions, and the lack of political will.

First, there is an almost unmanageable gap between the standards foreseen by law and the facts on the ground. As explained above, Kosovo's legislation, following rights established in 1974, recognizes the equal status Serbian and Albanian, and under certain conditions the official status of other minority languages at the municipal level. However, Kosovo's demographic and linguistic makeup has changed drastically since then, with the relative size of the Serb community significantly reduced. This has the consequence that, in reality, both official language are not equal; Albanian is spoken by the vast majority of people, while Serbian is spoken by an ever decreasing minority. Worryingly bilingualism is rare and getting increasingly rarer. Although older generations of Albanians still speak

³⁷ OSCE Kosovo 2012, '*Multilingual Legislation in Kosovo and its Challenges*', pp. 21-26.

³⁸ OSCE Kosovo 2012, *Community Rights Assessment Report, Third Edition*, p. 30.

Serbian, new generations do not speak or learn Serbian. At the same time most Serbs have never learnt Albanian, and thus for most part do not speak this language, a situation that does not seem likely to change, considering the current segregated education system. The only people who continue to learn both languages are members of the smaller minority communities, such as the Gorani and Bosniak community. This means that a small and decreasing number of people speak more than one official language. This makes it hard for governmental institutions to provide services in more than one language without using expensive translation services or employing different staff members speaking different languages, leading to *de-facto* segregation in service provision based on language. Moreover, the lack of common language also creates significant barriers within governmental organizations as different civil servants are unable to communicate effectively with one another. To transform a reality where only a small minority of people speak a certain language into a system where all official languages function with full equality is hugely resource consuming and a uphill struggle for a poor and newly developing country.

Particular complications arise in relation to the official languages at the municipal level and languages in official use. The low threshold for awarding a special status to minority languages at the municipal level leads to a situation where a small municipality might, due to a minority community of no more than a few hundred members, according to law have to translate all official documents into that language. The municipality of Gračanica/Graçanicë is faced with a specific situation where, according to population estimates by the European Centre for Minority Issues Kosovo,³⁹ the Roma community make up sufficient numbers to require the recognition of Romani as an official language at the municipal level. However, most Roma have never had any formal education in Romani and as a consequence are not familiar with written Romani, leading to the question of how to achieve the implementation of the requirements of the law; How can the municipality translate official

³⁹ www.ecmi-map.com

documents into Romani when most community members themselves do not know how use the Romani script formally.

However, some of the problems cited above, could be solved through a concerted effort by the Kosovo government to establish an effective system to ensure that linguistic rights are protected. Particularly issues relating a lack of poor quality of translation or interpretation could be addressed in such a manner. Currently no system for quality control exists in Kosovo in relation to translated documents; Translated documents are usually neither edited nor proof read. Moreover, there is no system to certify translators or interpreters, nor does the Government offer training opportunities for its translators and interpreters.

There is also a lack of an effective monitoring system for compliance with language rights. The Language Commission, that was foreseen by the Law as the body mandated to oversee the implementation of the Law on the Use of Languages⁴⁰ was established only in 2007, 1 year after the adoption of the Law. The impact of the Commission so far has been marginal. In the period from mid 2010 to August 2011, only 4 complaints have been received. In addition to internal problems such as lack of separate budget and no full-time staff, the Language Commission has been little known to the public. The government initiated a reform of the Language Commission to address these shortfalls, which resulted in adoption of a new Regulation⁴¹ in April 2012. The newly established Office of the Language Commissioner has an extended mandate, and shall have a separate budget and 8 full-time staff.⁴² However, it remains to be seen whether the new Commission will develop into an effective redress mechanism. This will depend on the capacities of the commission to effectively address violations in the implementation of the Law by public institutions, as well as on the institutions' capacities to comply with the provisions of the Law. Lastly, the Commission will also need to gain the trust of Kosovo's communities if it is to be recognised as watchdog of their language rights.

⁴⁰ Art. 32, Law on the Use of Languages

⁴¹ Regulation No 07/2012 on the Office of the Language Commissioner

⁴² The new Language Commissioner has been appointed in July 2012

This leads us to the final point. Often the inadequate delivery of language rights is not due to a lack of resources, but due to a lack of (political) will. Kosovo's extensive legislative protections of language rights are not the consequence of an internal process, but was largely imposed from the outside as requirements to be fulfilled before the status issue could be resolved. This outside 'imposition' of values combined with the memories of the recent conflict and preceding discrimination is resulting in a lack of political will to ensure that language rights are adequately protected. At times this is visible through blatant violations of laws, such as the refusal of municipal officials to speak Serbian or the refusal to translate any official documents into Serbian or the fact that the municipality of Gračanica/Graçanicë operates an unofficial website only in Serbian, which is more up to date than the official website.⁴³

Conclusion

This paper has discussed language rights in Kosovo, focusing on the use of languages in public, in education and in public institutions. It concludes that minority communities in Kosovo are up to a large extent able to speak, learn and communicate with public institutions in their native tongue. Concretely, a Serb community member can speak Serbian in public without fear, communicate effectively with most public institutions and follow an education in Serbian. However, this is only possible because most communities in Kosovo live separated from one another in concentrated ethnic communities. As soon as a member of one community leaves his or her living area, the enjoyment of his or her rights will be significantly impeded. Moreover, with the withdrawal of the Serbian institutions from Kosovo, the Serb community will be increasingly dependent on Kosovo institutions.

The limitations in the enjoyment of these rights are not due to a lack of legal framework, which is in line with and sometimes exceeds all international standards. However, it can be attributed to inadequate implementation of this legal framework by the Kosovo government. As this paper has

⁴³ www.opstina-gracanica.com

previously noted, this lack of implementation comes as a result of three interlinked factors, first the discrepancy between standards foreseen by law and the state of affairs on the ground. Second, the lack of institutional capacity to deliver on their legal obligations and finally, the lack of political will to transform paper standards into reality.

In analyzing these factors it can be concluded that the legal framework largely promoted by the international community set standards that far exceeded what could reasonably be achieved in the short to medium term. However, it should be noted that Kosovo's language rights were largely an outcome of a conflict resolution process and as such served not only the purpose of establishing a sustainable system for the protection of language rights, but was part of a larger conflict settlement negotiation process.

Nonetheless, it has created a situation in which ambitious legislation cannot effectively be implemented. As a consequence, expectations are raised with minority community members, but fail to be met by the Kosovo government, resulting increased feelings of distrust of minority communities towards the rule of law and the sincerity of the Kosovo government. As such the gap between the rights awarded and those effectively enjoyed is negatively affecting majority-minority relations.

Moreover, the system fails to address the separation between communities that started in the 1990s, when the Albanian community created a parallel education system and institutions in response to widespread human rights violations by the Milosovic regime. The current legislative framework on language rights does not oblige the learning of both official languages, reinforcing the communication divide between the Serb and Albanian communities. This, firstly, exacerbates the difficulties in implementing the legislative framework, since it reduces the number of people able to work in both official languages and therefore increases the need for resource intensive translation and interpretation. Secondly, the increased communication divide reinforces the exclusion of the

Serb community from participation in Kosovo public life and hampers the creation of an integrated society.

In conclusion, under the current conditions the Kosovo government is unlikely to be able to ensure the effective enjoyment of language rights outside of minority inhabited areas. Considerable measures must be taken to address the current shortfalls, most importantly, both official languages must be taught at school and the quality of translation and interpretation will need to be improved drastically. Only through an increase in political commitment can these objectives be achieved.

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