



2 AUGUST 2015

DISAGREEMENTS SURROUNDING THE USE OF LANGUAGES IN KOSOVO AND THE POOR IMPLEMENTATION OF THE LEGAL FRAMEWORK

At Monday 27 July's meeting of the Kosovo Parliament's Commission for Legislation, the Commission's Head, Albulena Haxhiu, from the Self-Determination Movement (*Lëvizje Vetëvendosje*), decided not to proceed with a proposal on legal aid made by the Ministry of Communities and Returns until further interpretation by parliamentary bodies on the use of the Cyrillic alphabet in the proposal. According to Haxhiu, the proposal's format, and in particular the fact that the Parliament's logo was written in Cyrillic, is not typical for the Kosovo Parliament.¹

Minister of Communities and Returns Dalibor Jevtić of the Serbian List (*Lista srpska*) issued an official statement in which he referred to the Law on the Use of Languages, which states that Albanian and Serbian and their alphabets are official languages and have equal status in Kosovo institutions.² It should be added that the Law does not explicitly specify which alphabets are meant, which can create some ambiguity for Serbian, which uses both the Latin and the Cyrillic alphabet. The majority of official websites owned and operated by government institutions, including the website of the Parliament, use the Latin alphabet.³ Kosovo ID-cards, however, use the Cyrillic alphabet for Serbian.

Jevtić interpreted Haxhiu's decision not to proceed with the proposal a violation of the legal and human right of the Serbian community in Kosovo to use its mother tongue. He also referred to other incidents where the Self-Determination Movement, as he stated, "humiliated" the Serbian community in Kosovo. Jevtić finally asked a public apology from Haxhiu to the entire Serbian community.⁴ Jasmina Živković, parliamentary member of the Serbian List, proposed that the Parliamentary Commission on the Rights and Interests of Communities and Returns issue a statement requiring additional clarification and accountability on what she called the

¹ http://www.balkaninsight.com/en/article/cyrillic-documents-causes-confusion-in-kosovo-parliament?utm_source=Balkan+Insight+Newsletters&utm_campaign=86bd55cf92-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-86bd55cf92-319686089.

² Law No. 02/L-037 on the Use of Languages (27 July 2006), Article 2.1.

³ <http://kuvendikosoves.org/?cid=3,1> or <http://www.kryeministri-ks.net/?page=3,1> or <http://president-ks.gov.net/?page=3,1>

⁴ <https://koha.net/?id=27&l=68256>; <http://www.rtklive.com/rtk2/?id=2&r=2618>.

“unacceptable” decision of Haxhiu to block an official document in one of Kosovo’s official languages.⁵

Haxhiu, in the meantime, has clarified her decision revolved around the fact that the parliamentary logo that accompanied the proposal was written in Cyrillic, which Haxhiu noted was not the same logo the Parliament uses for official documents and correspondence. For this reason, the Commission has referred the issue to the Parliament’s Administration asking for clarification.⁶ Haxhiu stated that she would not apologise because the decision was not made by her personally, but by the Commission she presides. She added that the reaction of Jevtić was part of a strategy by the Serbian List to ruin the Kosovo state, under directives of Belgrade.⁷

The current political divide is an unwelcome return to the confrontationist Albanian–Serb politics of this winter, which subsided after the resignation of the former Minister of Communities and Returns Aleksandar Jablanović and the stabilisation of the position of the Serbian List in the Kosovo government. It threatens to politicise what is in fact a question of legal ambiguity on some of the provisions of the Law on the Use of Languages, and specifically which alphabet is to be used in official government correspondence. At the time of drafting the law in 2005–06, this question was left open – pending a thorough discussion between representatives of the Albanian and Serbian community to find a balance between the need for cross-communication amongst different communities in Kosovo and the right to express one’s national identity through use of language and the alphabet without provoking other communities. Unfortunately, that debate has not taken place until now – ten years after the law was adopted. As a result, the issue of alphabet is still open, resulting in some official documents using the Cyrillic alphabet (as is the case with Kosovo passports and ID cards) and the majority of government websites and other correspondence using the Latin alphabet.

This latest case makes it abundantly clear Kosovo’s political representatives and institutions need to take appropriate measures to clarify which Serbian alphabet(s) is/are to be in official use and when.

More broadly, the incident once more brings our attention to the poor implementation of the Law on the Use of Languages. In a recent report, based on research implemented by ECMI Kosovo, the Office of the Language Commissioner identified a number of challenges in relation to compliance with the Law on the Use of Languages in municipal and central level institutions of Kosovo. The most important of these are the lacking human and infrastructural capacities for language services in public institutions (a question of budget and training), increasing monolingualism of officials, the limited awareness and understanding of the legal framework in place, and the usage of language as a symbol for political-ethnic division.⁸

The establishment of the Office of the Language Commissioner in April 2012 is a step in the right direction towards satisfactory implementation of the legal provisions. More is needed, however, especially in regards to increased funding to deal with some budgetary shortcomings and

⁵ <https://koha.net/?id=27&l=68288>.

⁶ <https://koha.net/?id=27&l=68288>

⁷ <https://koha.net/?id=27&l=68288>.

⁸ Office of the Language Commissioner/Office of the Prime Minister, in cooperation with ECMI Kosovo and the United Nations Development Program. *Monitoring and Evaluation of Language Rights in Kosovo* (March 2015).

provide capacity. In addition, the discussion has to be held in a constructive and non-politicised manner to establish a standard for official correspondence and usage of official languages.

Beyond this issue, if Kosovo strives to implement its bilingual policies as put forth in its legislation, the need for learning of Albanian and Serbian language from early stages in the education system should be seriously discussed and considered by both Serbian and Albanian representatives in the Assembly of Kosovo.

For further reading on language issues, please refer to ECMI Kosovo's website, which has a vast database of reports and studies on language issues in Kosovo

*Through the **Kosovo Communities Issues Monitor**, ECMI Kosovo monitors, analyses, and provides recommendations on developments and concerns related to the position of minority communities in Kosovo, within the framework of international and domestic minority rights legislation. The analyses presented in the Monitor rely on close monitoring of media and interviews with relative stakeholders. While ECMI Kosovo strives at all times to provide accurate and nuanced information and to present the views and perceptions of all sides, the objective of the Monitor is not to provide journalist or factual coverage, but to offer an additional analytical element to the debate, reflecting ECMI Kosovo's longstanding experience with communities issues in Kosovo and the domestic and international legal framework in place.*

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About ECMI Kosovo

ECMI Kosovo is the principal non-governmental organisation engaged with minority issues in Kosovo, with the overarching aim to develop inclusive, representative, community-sensitive institutions that support a stable multi-ethnic Kosovo. ECMI Kosovo contributes to the developing, strengthening and implementation of relevant legislation, supports the institutionalisation of communities-related governmental bodies, and enhances the capacity of civil society actors and the government to engage with one another in a constructive and sustainable way.