

Official Languages in Kosovo

A Canadian Contribution to the Implementation of Language Rights in Kosovo

Background

Kosovo's capital, Pristina, is a vibrant city in the Western Balkans. When I arrived late on a weekday night in June 2017, the sidewalk cafés were bustling. As I walked around the downtown pedestrian precinct under a hot southern European sun the next day, it was hard to believe that less than 20 years ago, this was a place of violent conflict – and that not even 10 years ago, Kosovo found its way into statehood, albeit contested by its northern neighbour, Serbia. A monument bears witness to the aspirations in this new country. It consists of only one English word: NEWBORN. When I visited, two of the letters lay flat on the ground. Perhaps a symbol of the ongoing struggles, linguistic and other, that the country faces.



Since 2006, Albanian and Serbian have been the two official languages of Kosovo¹ – a country that is about one third the size of Belgium and has a population of just under two million.

Approximately 90% of Kosovo's population speaks Albanian. Its largest minority community consists of Serbian speakers at 5%. The rest are smaller minorities of Bosnian, Gorani, Romani and Turkish speakers.

For the Albanians and Serbians of Kosovo, today's situation is a reversal of linguistic fortunes. Before the conflict of the 1990s, Kosovo enjoyed autonomy within Serbia, which itself was part of Yugoslavia. Both Albanian and Serbian were official languages in the province of Kosovo. The predominant administrative language in multi-ethnic Yugoslavia was Serbian, or rather Serbo-Croatian, as it was called then. Within Yugoslavia, Kosovo-Albanians lived as a

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Carsten Quell was invited by the Organization for Security and Cooperation in Europe (OSCE) to conduct a four-day workshop for senior officials in the Kosovo Public Service to assist with the implementation of language rights legislation. In this report, he discusses the promise that tenacious implementation of language rights holds for overcoming conflict and lack of inter-community trust. He also reflects on the potential that greater dialogue and cooperation hold for improving the design and implementation of language policies across jurisdictions.

¹ *Law on the Use of Languages* (No. 02/L-37) adopted by Assembly of Kosovo on 27 July 2006.

majority within their own autonomous province but constituted a minority within the larger Yugoslav state.

The rise of the Milošević regime in the 1990s meant increasing oppression for Kosovo-Albanians and the removal of much of the autonomy Kosovo had previously enjoyed. It was a decade during which Albanian-medium schools in Kosovo were shuttered. An underground network of schools operated out of people's private homes, and textbooks were smuggled across the border from Albania on Kosovo's southwestern border. The crisis deepened and finally captured worldwide attention when, in 1999, NATO intervened to force Milošević to retreat. By the end of the conflict, more than 13,000 people had lost their lives.

Canada, as part of its NATO commitments and membership in international organizations, has supported Kosovo since the 1999 deployment of international forces. It has contributed to securing peace through a military presence and development assistance. Since August 2008, the Canadian Forces have committed staff officers to Kosovo Force headquarters. The language rights training reported on in this article took place at the invitation of the Organization for Security and Cooperation in Europe (OSCE), which includes Canada as a member country.

In today's Kosovo, the Albanian majority faces a new challenge that one of the training participants captured succinctly: "Kosovo-Albanians know only too well what it means to be oppressed, but what others did unto us, we must not do unto them." She was talking about the path to reconciliation with the Serbs of Kosovo – a population that traditionally had never considered itself to be a minority. The Serbs of Kosovo face the uncertain question of whether Kosovo's new human rights regime with its guaranteed Serb representation in parliament and language rights framework inspires sufficient confidence to build a future as a minority community within an Albanian-speaking majority state.



Road sign in Gjilan/Gnjilane municipality, 28 May 2014 – OSCE/Enis Ahmetaj



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A fresh start

One person who epitomizes the hope for reconciliation is Slaviša Mladenović. Appointed as Kosovo's first Commissioner of Official Languages in 2012, he is, in many ways, the trailblazer that was Keith Spicer as Canada's first Official Languages Commissioner in the 1970s. Little predisposed Mladenović for the job. Although he grew up in Kosovo just outside Pristina in the Serbian enclave of Gračanica, like most Serbs, he did not learn Albanian in school. The fact that he did as an adult makes him an absolute rarity in today's Kosovo and is a powerful, personal example of what Kosovo's language legislation seeks to achieve: a stable and secure future based on openness and respect towards the other language community.

Speaking with Mladenović before the start of my workshop, I could not help but think of a passage in Spicer's memoirs. Spicer describes his first day in office in Ottawa in 1970 as a sensation of having accepted a task that seemed both improbable and impossible: *I had an extraordinary chance to advance the great reconciliation at the heart of Canada's nationhood -- just as I had long imagined it, at a time of crisis. Asked to raise hell for a cause I deeply believed in; paid to take on extremists, and to harry to*

² Office of the Language Commissioner (June 2014): *Guidebook on the Implementation of the Law on the Use of Languages*.

*reform powerful politicians and bureaucrats.*³ Like Spicer then, Mladenović's challenges today are profound. One example: bilingualism among Kosovo's population has seen a drastic decline. While the older generation of Kosovo-Albanians had learned Serbo-Croatian before the 1990s in order to communicate with the rest of former Yugoslavia, the conflict halted both desire and opportunity to learn the other community's language. Today, neither language community teaches the other community's language in its schools. The separation of schools means that Albanian- and Serbian-speaking students inhabit entirely parallel educational universes.

With a deep conviction that this must change, Mladenović and his team are spearheading the transformation towards a more bilingual future.⁴ Their foundation is a modern legal framework for human rights protection that a decade's worth of work from the United Nations, the European Union and the Organization for Security and Cooperation in Europe (OSCE) have created. It includes rights for the disabled, for the LGBTQ community and, of course, for linguistic minorities. But while the principle is enshrined in law, it is the practice that needs to walk the talk; and hence the sense of urgency with which Mladenović and his team are tackling the implementation of language rights by government institutions.

The OSCE has supported and monitored language rights compliance since 2008. Based on detailed institutional and field observations, OSCE reports paint a thorough picture of the extent to which services to the public are available in official languages and of whether the composition of the public service reflects the demographic make-up of the population as a whole.

*Most municipalities do not display multilingual signs in municipal public offices. Members of communities in a numerical minority at the municipal level continue to face problems in both verbal and written communication with the public administration when using their mother-tongue languages, even when these have the status of an official language at the municipal level or a language in official use. Those shortcomings are largely due to difficulties in the recruitment of civil servants proficient in official languages, an inadequate level of representation of some communities in the civil service, and the lack of adequate language training for civil servants – particularly those providing municipalities with translation services.*⁵

Such results may appear sobering but when compared with the magnitude of the task and how recently an armed conflict divided Kosovo, they are less surprising. Driving around the country, every bilingual road sign where graffiti defaces one of the language versions can be read as an expression of unresolved tension. But it can also be interpreted as the visible expression of the state's intention to pursue a policy of bilingualism that is slowly but steadily steering the country towards acceptance of its multi-ethnic make-up.

³ Keith Spicer (2004): *Life Sentences: Memoirs of an Incurable Canadian*. Toronto: McClelland & Stewart.

⁴ An excellent overview of the activities of the Official Languages Commission is available in this [15-minute video](#).

⁵ Organization for Security and Co-operation in Europe (2014): *Municipal language compliance in Kosovo*. <http://www.osce.org/kosovo/120010>



Training public servants on how to implement language rights

It is in this context that the OSCE and the Office of the Language Commissioner in Kosovo reached out to the Canadian government to share its expertise on implementing language policy in Canada's federal government.⁶ The Official Languages Centre of Excellence within the Treasury Board of Canada Secretariat was the logical place to turn for such help, and I was asked to lead a four-day workshop to share Canada's experience in policy development, monitoring and support to institutions in the area of official languages. Kosovo's Institute of Public Administration (KIPA), which has a mandate similar to the Canada School of Public Service, selected senior public servants as participants. They were drawn from a variety of ministries to attend a four-day "train the trainers" session in order for the participants themselves to become trainers under the auspices of KIPA. KIPA's future role will be to develop specific training modules and rely on the participants as presenters in its deployment of official languages training across the Kosovo public service.

"We have the legislation, but we now need to move on implementation"

Asked to describe their expectations of the training session, one participant put it succinctly: "Where do we begin?" To answer that question, I took a three-step approach: First, I provided an overview of how Canada's official languages framework had evolved historically; second, I set out the current legislative and regulatory regime for official languages; and, third, I organized an interactive session that illustrated how rules and guidelines provide coherence in an administration and help practitioners on the ground tackle the complex realities they encounter every day.

Following an overview of Canada's geography and demographic make-up, I took participants from the Quebec Act of 1774 with its guarantees for language rights, religious practices and civil law to the Quebec Conference ninety years later. The Quebec Conference of 1864 laid the blueprint for Confederation and

⁶ The workshop on language policy implementation that I led in the summer of 2017 was followed by a visit to Pristina by Ms. Laurie Wright, Assistant Deputy Minister of the Public Law Sector in the Department of Justice. She shared best practices from Canada's experience of co-drafting legislation simultaneously in English and French. This process is of interest to Kosovo as it avoids the process of translation and puts both languages on an equal footing from the moment that the legislative text is created.

In 2018, the International Association of Language Commissioners, which owes its creation to the efforts of Graham Fraser, Canada's Commissioner of Official Languages from 2006 until 2016, will be holding its fifth annual conference in Kosovo's capital Pristina in 2018.

Canada's constitution. Section 133 of the Constitution Act of 1867 establishes that English and French can be used in the Canadian parliament and provides guarantees for the use of both languages before the courts. A hundred years later, against the backdrop of rising nationalist sentiment in Quebec, the federal government created the Royal Commission on Bilingualism and Biculturalism. That Commission's work laid the ground for Canada's modern legal framework for the protection of the rights of English-speaking and French-speaking minority communities, the promotion of Canada's linguistic duality and the guarantee of bilingual government services. In 1969, the first Official Languages Act was adopted and, in 1982, the Canadian Charter of Rights and Freedoms further enshrined language rights in the Constitution.

Today, the daily operation of language rights across more than 180 federal institutions is built on that constitutional foundation, on language legislation and on the rules and procedures established by the Treasury Board of Canada Secretariat. It is being kept current through the efforts of the responsible policy centre, which is the Official Languages Centre of Excellence. Its responsibility is to consider the constantly evolving context in terms of demographic shifts, service delivery models and technological opportunities so that the public service continues to deliver on language rights in practice. A policy centre fulfils its role through the periodic review of the rules for implementing rights as well as support and monitoring activities for government institutions. As far as monitoring is concerned, an additional independent level of oversight in Canada is exercised by the federal Official Languages Commissioner who reports to parliament on the extent to which government respects language rights. At the end of the first day of training, I concluded that language policy in Canada has been a multi-generational project: It dates back 50 years if the *Official Languages Act* is taken as the starting point, but 150 years if we look at the constitutional provisions at Confederation and nearly 250 years if the Quebec Act of 1774 with its legal, cultural and linguistic guarantees is taken as the starting point.

Kosovo's timeframes are much shorter: the new country needs success with implementing language rights to demonstrate that they are more than empty promises. As one participant quipped: "We don't have a hundred years!" Kosovo has a modern language rights framework, but it lacks the social acceptance that a gradual, historical process bestows on a set of rules. The pressure therefore is for the rules to show their practical value and rapidly acquire sufficient acceptance – a process which, in a country like Canada, was achieved over generations.

So, what can Canadian expertise contribute? It clearly emerged during the four days that there are three areas of language policy implementation that can be usefully discussed and compared across jurisdictional specificities. They are capacity building, monitoring, and practical support to the ministries and government agencies whose linguistic conduct is the ultimate litmus test for a policy's success. None of these areas, though, allow for an easy transfer of practices from one country to another. Language policy requires active leadership which is nourished by the contextual values behind the policy. When those values have evolved and become part of the mainstream over a long time, as in Canada, the underlying conditions for felicitous implementation are different from those that exist in a country like Kosovo where the rules are now in search of broad-based acceptance to support their legitimacy.

Capacity building

The capacity to produce high-quality translations is a critical aspect of the linguistic infrastructure for any bi- or multilingual country – but it is one that takes time and effort to build. In Canada, the Translation Bureau has been providing its services to federal departments and Parliament since 1934.

To ensure that words and concepts can be rendered consistently in the other language, translators require standardized and readily accessible terminology. The best-known example in Canada is the online terminology bank [TERMIUM Plus®](#). Kosovo today struggles with a scarcity of linguistic support tools and professional translators. Nearly all available translators have Albanian as their mother tongue, meaning that translations from Albanian into Serbian are often not performed by native speakers. The few professional translators that do exist are often called upon to do double duty. One of them who attended the workshop explained that she regularly gets called away from her office to interpret at a service counter in her ministry. Serbian-speaking citizens and Albanian-speaking officials often simply cannot communicate with each other because neither speaks the other's language.

This illustrates two key challenges to offering bilingual services to citizens. First, there are too few translators to provide the required documents. Second, the recruitment of bilingual staff is severely hampered by the lack of bilingual candidates. The conflict of the 1990s has resulted in a generation of Albanian and Serbian students where neither group has learned the other's language in school. The current linguistic situation in Kosovo is often characterized as one of "increasing monolingualism".

The increasing monolingualism among the employed civil servants is a possible explanation for the partially translated and out-dated municipal and central level institutions' official websites. Furthermore, the lack of a clear awareness and understanding of the legal framework; as well as high number of defaced and/or destroyed bilingual road and boundary signs, and the inconsistency of some institution's signage, show there is still room for improvement in the implementation of the Law on the Use of Languages in Kosovo.⁷

The pool of external bilingual candidates is small and likely still shrinking, while language training within the public service is only now beginning. Policies for identifying bilingual positions, establishing proficiency levels and using those to staff positions are only in the early stages. In 2013, the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities identified the challenges as follows:

Younger generations do not learn and use both official languages and efforts to develop a common civic identity that is based firmly on the appreciation of diversity in society are insufficient. (...) Implementation of the language legislation, which remains one of the most ambitious in Europe in terms of its low thresholds, appears to have further deteriorated. Monolingualism is gradually being established in many municipalities with only few exceptions of public offices attempting to use both official languages and relevant minority languages in line with the legislation. (...) The situation is exacerbated by the fact that it is increasingly difficult to recruit public servants that are proficient in both official languages, let alone relevant minority languages.⁸

⁷Office of the Language Commissioner (March 2015: *Monitoring and Evaluation of Language Rights in Kosovo*. http://www.komisioneri-ks.org/repository/docs/Piloting-the-Use-of-Indicators-in-the-Work-of-the-Assembly-of-Kosovo_Final-Report_January-2014_ENG.pdf

⁸ Council of Europe – Advisory Committee on the Framework Convention for the Protection of National Minorities (2013): *Third Opinion on Kosovo*. Adopted on 6 March 2013 (ACFC/OP/III(2013)002). <http://www.refworld.org/docid/5236e3304.html>

But if the challenges are tall, so is the determination of those entrusted to bring about change. Over the past year, the staff of the Office of the Language Commissioner with the help of the OSCE has developed Kosovo's first set of policy instruments for official languages: *The Manual for the Implementation of Language Rights by Civil Servants*.

The Manual's approximately one hundred requirements guide managers and employees in how to interpret legal obligations and put them into practice. It includes linguistic aspects of recruitment procedures, services to the public, specific provisions on media and communications, communication between government institutions, the representation of linguistic communities in the public service and provisions on the availability of professional development training in both official languages as well provisions on language training itself. As Commissioner Mladenović writes in the introduction to the Manual:

The modules of the manual have been developed with the aim of increasing the awareness of civil servants of the provisions deriving from the Law on the Use of Languages and provide them with practical advice on implementing the law in the daily conduct of their duties. Proper implementation of the law will contribute to improved services for the citizens (...).⁹

During the four-day workshop, I led the participants through a number of exercises that encouraged reflection and discussion of how their new rules would hold up under the practical circumstances of specific government actions. How, for example, would you ensure bilingualism when consulting the public on a new policy? Or how would you prepare for and conduct a press conference in a way that makes it accessible for journalists from two or more linguistic communities? As far as serving the public is concerned, what was of particular interest was the Canadian concept of active offer. Mostly known for its bilingual greeting "Hello! Bonjour !", it consists of the Canadian approach on how institutions should deploy their front-line services in a way that allows the public to be served in their preferred language, even if not all front-line employees are bilingual. We explored how this involves careful planning on the part of managers responsible for citizen services. It is these managers who have to ensure that unilingual front-line employees are equipped with at least a few basic phrases in the other official language, so that they can ask the citizen to wait while a bilingual employee can be found to serve the citizen, and all this within a reasonable time frame.



⁹ Republic of Kosovo, Office of The Prime Minister and Office of the Language Commissioner (2016): Manual for the Implementation of Language Rights by the Civil Servants. http://www.komisioneri-ks.org/repository/docs/Manual_for_the_implementation_of_language_rights_by_the_civil_servants.pdf



Dialogue

French-speaking visitor

**Listen to and repeat this dialogue.
Memorize the attendant's answers.*

Attendant: Hello! Bonjour! Welcome to Terra Nova National Park of Canada.
Visitor: Parlez-vous français?
Attendant: Un moment, s'il vous plaît.

Un visiteur anglophone

**Écoutez et répétez ce dialogue.
Mémorisez les réponses du préposé.*

Préposé : Bonjour! Hello! Bienvenue au parc national du Canada de la Mauricie.
Visiteur : Do you speak English?
Préposé : One moment, please.

Both Parks Canada and, more recently, Canada’s Official Languages Commissioner have developed videos and tools to help managers and employees appreciate how active offer contributes to service excellence and what concrete steps can be taken to implement it, including basic tools such as pronunciation guides.

Monitoring and support

For any policy to achieve traction, it must be monitored. Kosovo’s efforts in this area are quite impressive. The OSCE conducts regular monitoring and research in the field. The information collected is based on a review of regulations and administrative practices as well as on interviews with elected officials and senior civil servants. Also, Kosovo’s Language Commissioner investigates complaints which produce rich case studies of ongoing implementation challenges.

In order to be successful, though, policies also require support from the direction-setting nerve centres of government, “central agencies” in Canadian parlance. Canada has developed a fairly complex system for official languages that includes a network of departmental representatives who assist their colleagues in respecting language obligations in areas such as staffing, communicating with the public and ensuring that the interests of linguistic minority communities are taken into consideration when public programs are developed. These officials are also often responsible for responding to complaints lodged with the Official Languages Commissioner against their institutions. The working-level network of departmental representatives, or “persons responsible for official languages”, is complemented by a senior-level network of officials called “champions”, who flag linguistic concerns at the executive table in their respective ministries. Ultimately, it is the deputy heads of around 180 federal institutions that are accountable for the implementation of the Official Languages Act in their organizations.

Kosovo has taken a page out of Canada’s book and created a Language Policy Network, which combines working-level and senior-level functions. Each institution operates an administrative “focal point on the use of languages” with a person identified as the “language assistant”. The Language Policy Network seeks to ensure that institutions comply with language policy requirements, that staff are made aware of their obligations and that the Office of the Language Commissioner has a network of contacts when compliance issues arise.

The workshop participants were eager to learn how Canada's governance system for official languages actually works in practice. It is one thing to create positions such as an official languages champion or a unit with ministerial representatives for official languages but quite another to ensure that these networks actually translate responsibilities into action and contribute their official languages expertise during the cycle of ministerial planning, execution and evaluation. Participants were curious how a policy centre such as OLCE can harness an established governance framework to produce results. Examples, such as regular meetings of departmental representatives for official languages and annual events for senior-level champions, were of particular interest to participants as they illustrate how policy rules are transformed into a dynamic set of activities that work to achieve the overall objectives of a government's official languages program.

Conclusion

The pursuit of language policy in Kosovo today is a courageous attempt to build a new future when much of history is weighing against the effort – a conclusion that clearly emerged from many of the discussions during workshop. As the map of multi-ethnic and multi-linguistic former Yugoslavia has been reconfigured into new political entities, the value of bi- or multilingualism is once again being contested. As language policy experts Braunmüller and Ferraresi state in their book "Aspects of Multilingualism in European Language History":

*The political history of the 19th and 20th centuries and the ideology of 'one state - one nation - one language' have given rise to the idea that monolingualism has always been the default or normal case in Europe and more or less a precondition for political loyalty. Facing this situation, it has been overlooked that the vast majority of the world's population - in whatever form or conditions — is multilingual."*¹⁰

Against a backdrop where "normal" statehood is still tied to monolingualism, Canada offers a model of successful and integrative statecraft that has reconciled the pillar of linguistic duality both with multiculturalism and respect for indigenous peoples. Though not without ongoing challenges, Canada is viewed as a country that has succeeded in embracing and turning to its advantage a diverse past and present.

So, at the end of the four-day session, the discussion broadened to cover the general social context in which official languages are evolving in Canada today. Participants were curious about the active promotion of bilingualism in education. Canada's French immersion program is well-known and the most compelling example of how a numerically larger community can embrace the language of a smaller community. It is an inspiring initiative, which was conceived in the 1970s by anglophone parents and strongly supported by Keith Spicer as Canada's first Official Languages Commissioner. For nearly 50 years now, the federal government has supported bilingualism through education and, by the same token, advanced linguistic duality as a source of cohesion and enrichment for Canadian society. This, in turn, has facilitated the implementation of language policy obligations within a climate of social acceptance.

Obviously, Canada and Kosovo are different and no language policy model can be simply exported. However, the comparative learning and inspiration that can arise from a thorough understanding of the

¹⁰ Kurt Braunmüller, Gisella Ferraresi (2013): *Aspects of Multilingualism in European Language History*. John Benjamins Publishing: Amsterdam/Philadelphia. p. 12.

realities and challenges in multilingual jurisdictions can be tremendous. Recent years have seen a number of visits, conferences and other engagement activities between Canada and jurisdictions with official languages policies such as Finland, Ireland, Sri Lanka, Switzerland, Wales, and now, most recently, Kosovo. While the linguistic context in each of them is unique, they all face similar issues: How does government provide services to its citizens in two or more languages? How to recruit and assess the linguistic proficiency of civil servants? How to ensure the bi- or multilingual functioning a public service in a way that is reflective of the linguistic make-up of its population? And what measures must be taken to support the vitality of a linguistic minority communities and promote bilingualism in society?

Ten years after independence, Kosovo has established a modern human rights framework that includes solid language rights. The challenges of transforming them into practice remain significant. Still, every incremental step towards language policy implementation builds confidence that a future of mutual recognition, respect and enrichment is possible. At the end of the workshop and looking back over her life since the conflict of the 1990s, one of the participants expressed her hope for a stable future quite simply: "One such crisis in a lifetime is enough."

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