

Minorities and linguistic rights in the Western Balkans

Sanja Kajinić – University of Bologna
sanja.kajinic@unibo.it

ABSTRACT

This article explores the approaches to a comparative analysis of cultural rights, in particular linguistic rights, of minorities in the countries of Western Balkans. The focus is on the interconnection of cultural minority rights, reflected especially in linguistic and minority education rights, and of political rights of minorities, as well as on the dependence of the processes of democratization and post-conflict reconciliation on the status of minorities. Short overview of current state of cultural rights of minorities in the Western Balkans is given, regarding the use and preservation of minority languages and the challenges this presents in divided societies.

Keywords: *minority languages, linguistic rights, Western Balkans.*

DOI: 10.23814/ethn.16.20.kaj

Cultural and linguistic rights of minorities in Western Balkans

Status of minorities was at the heart of the dissolution of Yugoslavia, and continued to be a major issue also in the post-war period, as well as through the EU accession process. The EU conditionality on national minorities was introduced to Western Balkans already in 1997 as Regional approach, developing into SAP (Stabilization and Association Process) in 2001 and into Thessaloniki Agenda in 2003. Since 2005, the Chapter 23 was introduced in the accession negotiations, covering also the rights of national minorities. Apart from the external influences of the EU and the international community, the rights of minorities – both in their cultural and political aspects – have been discussed as major domestic factors of stability and peaceful intergroup dialogue. This article explores the cultural rights, in particular linguistic rights, of minorities in the countries of Western Balkans. The presumption of interconnection of cultural minority rights, reflected especially in linguistic and minority education rights, and of political rights of minorities is corroborated by many authors¹, as is the dependence of the processes of democratization and post-conflict reconciliation on the status of minorities².

Furthermore, the influence of the EU accession process on the preservation of minority languages in the Western Balkans serves as a crucial framework for this inquiry, given the importance of linguistic and cultural diversity for the European Union itself as well as for other influential international organizations, among them the United Nations and the Council of Europe. This article provides a preliminary introduction to the topic of minorities in the Western Balkans, their languages and current state of their cultural rights. The following sections are devoted to a short overview of the status of

¹ SZOCSIK Edina (2012) “The EU accession criteria in the field of minority protection and the demands of ethnic minority parties”, *JEMIE* 11: 104.

² BLONDEL Cyril and Antonija PETRIČUŠIĆ (2012) “Reconciliation in the Western Balkans: New Perspectives and Proposals”, *JEMIE* 11: 1.

minorities in this region, followed by an analysis of the aspects of cultural rights of minorities regarding the use and preservation of minority languages and the challenges this poses in divided societies.

Brief overview: Minorities in Western Balkans

It has long been acknowledged in the literature on minority rights that there exists a time lag between the legislative regulation and the implementation in practice of cultural and linguistic rights, but also that the framework of cultural rights has to be situated within a wider social and economic context in order to be effective³. Concerning general terminology, usually a differentiation is made between national minorities, ethnic minorities, and social or cultural minorities (while the research on language policies also discusses language minorities). The category of social or cultural minorities refers to new social movements – gathering newly articulated minoritarian groups such as LGBT persons or disabled people⁴. In contrast, in the UN framework the term “ethnic” minority is the broadest umbrella term available, and other terms such as “national” or “racial” minorities are considered to be included in it⁵. In addition, applying intersectional perspective to minority issues has resulted in attention to overlapping discrimination of vulnerable groups within ethnic, linguistic or religious minorities, such as women or non-heterosexual persons⁶.

In historical terms, with the end of three empires after the WWI, the new approach to protecting minority rights through law was applied to Southeastern Europe by the international community, and partially resented by the new political elites as the minority rights treaties were perceived not as a part of a universal minority rights regime but especially demanding on this region. Furthermore, historical analysis has contextualized the repression towards minorities in the post-WWI period as bound to the process of state-building, which was liberal in nature and focused on modernization, but not per-se intolerant of minorities⁷. This however will change in the first post-WWII decades, when the ethnic map of the Balkans would get completely altered once again. It is important to recall how on the eve of its breakup, Yugoslavia was the most heterogeneous country in Europe of that time⁸. The system of national rights of Yugoslavia was based on equality of “nations” instead of on ethnic representation: the system of “nations”, “nationalities” and “other nationalities and ethnic groups”.

This intricate system in which no group was actually a majority was destroyed through the dissolution of Yugoslav state and reformulated in new nation-states with different constellation of majorities and minority groups. This fragmentation of the post-1989 period has resulted in the even more complex minorities map in each new country.

³ WILLIAMS Collin H. (1992) “The cultural rights of minorities: Recognition and implementation”. In PLICHTOVA Jana (ed.), *Minorities in politics: cultural and languages rights: Bratislava Symposium, November 13-16, 1991*. Pp. 110-111. Slovak Republic: Czechoslovak Committee of the European Cultural Foundation and Ministry of Culture.

⁴ KYMLICKA Will (2011) “Multicultural citizenship within multination states”, *Ethnicities* 11.3.

⁵ GULIYEVA Gulara (2014) “Defining the Indefinable: A Definition of ‘Minority’ in EU Law”. In T.H. Malloy and J. Marko (eds), *Minority Governance in and beyond Europe*. p. 181. Leiden: Brill.

⁶ BALDWIN Clive (2010) “Do Vulnerable Groups Within Ethnic, Religious or Linguistic Minorities Need Special Standards?”. In *Double Standards Pertaining to Minority Protection*. Pp. 243-258. Nijhoff, Brill.

⁷ MAZOWER Mark (2017) “Minorities and the League of Nations in interwar Europe”. In CASTELLINO Joshua (ed.), *Global Minority Rights*. New York: Routledge.

⁸ POULTON Hugh (1998) “Linguistic minorities in the Balkans (Albania, Greece and the successor states of former Yugoslavia)”. In PAULSTON Christina Bratt and Donald PECKHAM (eds). *Linguistic Minorities in Central Eastern Europe*. Bristol: Multilingual Matters.

The fragmentation into new countries, national identities and “new” languages after the destruction of Yugoslavia was compounded in the post-war period by what the UNHCHR Special Rapporteur⁹ called “over-emphasis” on ethnic, linguistic and religious differences that in the long run prevent social cohesion and reconciliation.

In general and specifically for Western Balkans, it has been strongly recommended that the processes of transitional justice and reconciliation should be based on cultural-rights approaches¹⁰. Cultural rights relate to the fields of language, culture and arts in the broad sense, and imply intercultural dialogue as well as sharing narratives about the past and a focus on diversity in the present. Although mostly civil and political rights are invoked in discussions on reconciliation processes, the cultural dimensions of human rights are crucial for dialogue in divided societies as well, as discussed by the UN Special Rapporteur in the field of cultural rights in relation to memorialization processes in post-conflict societies¹¹.

In perspective, the long history of the international standards of minority rights has evolved from the League of Nations and the post-WWI minority treaties, followed by other essential international human rights and minority rights instruments. Although minority rights were already encompassed by the Paris peace treaties of 1919/1920, their application remained largely problematic. Essential for minority cultural rights were the CSCE meetings since 1975 Helsinki on as well as the UN instruments – such as the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. To this were added the establishment in 1992 of the OSCE High Commissioner on National Minorities as well as the important declarations by the OSCE such as the 1999 Lund Recommendations. Particularly for language rights is of relevance the 1998 OSCE Oslo Recommendations for Linguistic Rights of National Minorities.

Status of minority languages in the Western Balkans

In this article, the topic of minorities in the Western Balkans is approached through attention to the debates on language and minority rights, which are often interdisciplinary and contentious. The contemporary formulations of the paradigm of language rights are concerned with granting the possibility to minority groups to continue using their languages and keeping them alive. On the other hand, the conflicts that are partly based also on language differences have been linked to nationalism and the consolidation of the nation-state through common language and education. One of the ways out of this impasse is reformulating the understanding of the nation-state as plural in cultural and linguistic sense as suggested in many contemporary debates in the field. To counter the tendencies to essentialize the connections between language and identity, a reformulation of the LHR (Linguistic human rights) core claims is needed so that it would acknowledge how difficult it is to speak about collective rights in connection to language since there cannot be assumed a direct correlation between ethnic and linguistic identity: «the languages we speak are not ineluctably linked to our (ethnic)

⁹ UNHCHR (2014) *Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed. Addendum Mission to Bosnia and Herzegovina (13 – 24 May 2013)*, A/HRC/25/49/Add.1. UN General Assembly.

¹⁰ UNHCHR (2014) *Statement by Ms. Farida Shaheed, Special Rapporteur in the Field of Cultural Rights at the 25th session of the Human Rights Council*, Geneva.

¹¹ UNHCHR (2014) *Report of the Special Rapporteur in the field of cultural rights Farida Shaheed, Memorialization processes*, A/HRC/25/49. UN General Assembly.

identity»¹². In other words, also the (minority) language should be seen as constructed as much as other identity categories. In what follows, various attempts to deal with minority language policies but also the contemporary status of minority languages in the countries of the Western Balkans are briefly analyzed.

Useful for this purpose is the analysis of linguistic ideologies influencing the speakers of small ethnic groups in the Balkans. Tanja Petrović¹³ shows how the Western European language ideology that conflates «categories of ethnicity, language and nation» was a determining influence on the perception of Balkan linguists but also ordinary speakers living within a diametrically different reality of Balkan multilingualism¹⁴. Through her case study of Serbs of the Slovenian region of Bela Krajina, Petrović illustrates the pressure such Western ideological assumptions as purism in language and appreciating standard national language more than other language forms performed on this and other ethnic groups in the Balkans. In terms of minority protection policies, Edina Szocsik¹⁵ discusses the public minority language use and the education in the minority language up to the tertiary level as the «classical arenas in which additional rights for members of minorities are recognized»¹⁶. These cultural dimensions of ethnic rights are so important that she concludes, on the examples of Hungarian minority rights in Romania and Kosovo: «the more possibilities there are for using the minority language in the public sphere, the higher the level of minority protection»¹⁷.

Generally, the Western Balkans, as much as the wider Balkans region, epitomize a complex language mix. Looking at the whole of the Balkans, in use are the Slavic languages Bosnian-Croatian-Serbian(-Montenegrin), Bulgarian and Macedonian; the Romance languages – Romanian, Aromanian and Megleno-Romanian; Albanian; Greek, and a Balkan dialect of Romani. BCS(M) are spoken as majority languages in Croatia, Bosnia and Herzegovina, Serbia, and Montenegro and as minority languages in Romania and Bulgaria; Macedonian as majority language in Macedonia and as minority language in Northern Greece and Albania; while Bulgarian as a majority language in Bulgaria and as minority language in a part of Serbia. Albanian is majority language in Albania and Kosovo and a minority language in parts of Serbia and Greece; Romanian is majority language in Romania and a minority in Serbia and Bulgaria; Modern Greek is majority language in Greece and minority in a part of Albania; Aromanian, Megleni-Romanian and Romani are not majority languages anywhere but spoken by smaller communities around the Balkans (Arli Romani – around Skopje; Megleno Romanian in parts of Macedonia and Greece; Aromanian in some parts of Macedonia, Greece, and Albania)¹⁸.

The EGIDS scale – the Expanded Graded Intergenerational Disruption Scale was created by Lewis and Simons in 2010 to capture the current status of world languages¹⁹. While they encompass 10 levels of language status, the endangered status was further nuanced for two situations – 6b Threatened and 7 Shifting. Currently 22% of world

¹² MAY Stephen (2013) *Language and Minority Rights: Ethnicity, Nationalism and the Politics of Language*. P. 9. London and New York: Routledge.

¹³ PETROVIĆ Tanja (2003) “Studying the minority groups' identities in the Balkans from the perspective of language ideology” *Balkanica* 34.

¹⁴ *Ibidem*. P. 5.

¹⁵ SZOCSIK Edina (2012) “The EU accession criteria in the field of minority protection and the demands of ethnic minority parties” *JEMIE* 11: 104.

¹⁶ *Ibidem*. P. 112.

¹⁷ *Ibidem*.

¹⁸ *Ibidem*.

¹⁹ LEWIS Paul M., GARRY F. SIMONS and CHARLES D. FENNIG (eds.) (2015) *Ethnologue: Languages of the World*. Dallas, Texas: SIL International.

languages are reported to have reached the endangered level²⁰. In addition, according to the UNESCO's Atlas of World Languages in Danger²¹, some 43% of around 6000 world languages are threatened.

On the 10-level EGIDS scale of the language status, Megleno Romanian is classified as an endangered language – as Level 6b, while Istro-Romanian is “shifting” – Level 7 language. Also at Level 7 (shifting) is the Ladino, language of Sephardic Jews, with most speakers in Israel but with some speakers of its Balkan dialect in Bosnia and Herzegovina, Greece and Turkey. Regarded as a disappearing language in 1992²², Aromanian is currently reported as at Level 5 of EGIDS scale (educational status) with more than 180.000 active users in six Balkan countries, and taught in primary schools in specific areas - in for example Albania and North Macedonia. In addition, Balkan Romani is reported as Level 4 (developing) language, having some 809,940 estimated speakers scattered around the Balkans, of which some 100,000 Arli Romani speakers in Albania, Greece, Kosovo and Macedonia²³.

The dissolution of Yugoslavia resulted not only in the appearance of new states but also in fragmentation of the previously shared Serbo-Croatian or Croato-Serbian language into four different national languages. This political process, accompanied with insisting on linguistic and cultural differences, has complicated the map of minority linguistic groups in the region. However, while the four “new” national languages have gained separate political and symbolic status, they may be argued to comprise one mutually comprehensible polycentric language in linguistic and communicative terms²⁴. With this in mind, it is important to emphasize the distinction between historical (language) minority groups and such new linguistic minorities in the post-Yugoslav region. This difference is also reflected in the status of these languages on the EGIDS scale. Listed both as separate “new” national languages (Bosnian, Croatian, Serbian, Montenegrin) and with their old, “alternate” name (Serbo-Croatian), all four of these hold a Level 1 status of National language or statutory national language, as does Albanian²⁵. Although these languages have the status of minority languages in most of the countries of the region, their linguistic dominant status reflect the difference from the previously discussed endangered or shifting minority languages, both in terms of number of speakers and their role in consolidating national identity.

Also useful for the broader understanding of the importance of cultural rights of minorities in multination states is the discussion of social cohesion in diverse societies, both in relation to historic national minorities and new minorities such as immigrants²⁶. The aim of the multinational citizenship should not consist in homogenization; instead “successful integration” consists of «integration into ambivalent identifications and contested commitments»²⁷. In this vision, constant mediation of disagreements is inherent to a multination state, and this commitment needs to be «continually negotiated in a peaceful and democratic way»²⁸. In Western Balkans, this renegotiation of the past

²⁰ *Ibidem*.

²¹ See <http://www.unesco.org/languages-atlas/en/statistics.html>

²² POULTON Hugh (2001) *The Balkans: Minorities and States in Conflict*. London: Minority Rights Group.

²³ LEWIS Paul M., Garry F. SIMONS and Charles D. FENNIG (eds.) (2015) *Ethnologue: Languages of the World*. Dallas, Texas: SIL International.

²⁴ KORDIĆ Snježana (2010) *Jezik i nacionalizam (Language and nationalism)*. Zagreb: Durieux.

²⁵ LEWIS Paul M., Garry F. SIMONS and Charles D. FENNIG (eds.) (2015) *Ethnologue: Languages of the World*. Dallas, Texas: SIL International.

²⁶ KYMLICKA Will (2011) “Multicultural citizenship within multination states”, *Ethnicities* 11.3.

²⁷ *Ibidem*. P. 283.

²⁸ *Ibidem*. P. 299.

and of a complex present needs to engage also the politics of memory as well as the processes of transitional justice. Regarding the tenuous position of all minorities in the reconciliation processes, it is significant that no nation in Western Balkans has built any monument to civilian victims of a minority, as pointed out in the 2012 report of the Council of Europe on former Yugoslav countries²⁹.

Impact of EU enlargement on the cultural rights of minorities

In the research on democratization in Western Balkans, it is acknowledged that the status of minorities was at the heart of the dissolution of Yugoslavia, and continued to be a major issue in the post-war period, as well as through the EU accession process. This is clearly traceable in the fact that the EU conditionality on national minorities was introduced to Western Balkans already in 1997 as Regional approach, developing into SAP (Stabilization and Association Process) in 2001 and Thessaloniki Agenda in 2003³⁰. Moreover, since 2005, the Chapter 23 was introduced in the accession negotiations, regulating also the rights of national minorities³¹.

The EU conditionality has had significant effect in the accession processes as different as those of Croatia and North Macedonia, in particular the functioning of councils for national minorities in the first case and the process around the law on languages in the second case³². In a similar vein, the importance of European integrations might perhaps best be noted in examining comparatively the process of democratization and EU accession in the Western Balkans. In this sense, as Meka shows on the example of Albanian minority in Macedonia, there is a strong correlation between the protection of minorities and democratic consolidation, which he relates to European integrations³³.

While many scholars agree that the success of the EU politics of conditionality has been questionable in the Western Balkans³⁴, they would argue that in the particular area of rights and status of national minorities its influence was of major importance. This is in accordance with how Petričušić and Blondel³⁵ see the EU conditionality in the domain of minority rights as mirroring or “exporting” the fundamental values on which the EU was built to (potential) candidate countries, asking for protection of human rights, including national minorities’ rights. However, the crucial problem with this approach was the limited efficiency of conditionality in a field in which the EU did not have clear and consistent common standards of minority protection. Besides this key inconsistency, there are two other areas in which EU promotion of minority protection through conditionality in Central Eastern Europe and the Western Balkans is perceived as of limited range: namely the problems with application of the existing laws and norms, and

²⁹ KISIĆ Izabela (2013) “Transitional Justice in the Western Balkans”. *Transitional Justice—Experiences from Africa and the Western Balkans*: 63.

³⁰ KACARSKA Simonida (2019) “The Europeanization of minority policies in the Western Balkans”. In DŽANKIĆ Jelena, Soeren KEIL and Marko KMEZIĆ (eds) *The Europeanization of the Western Balkans*. London: Palgrave Macmillan.

³¹ *Ibidem*.

³² *Ibidem*.

³³ MEKA Eltion (2016) “Minority Protection and Democratic Consolidation: The role of European Integration in the Republic of Macedonia”. *Genocide Studies and Prevention: An International Journal* 10(2): 5.

³⁴ See BIEBER Florian (2011) “Building Impossible States? State-Building Strategies and EU Membership in the Western Balkans”. *Europe-Asia Studies* 63(10).

³⁵ BLONDEL Cyril and Antonija PETRIČUŠIĆ (2012) “Reconciliation in the Western Balkans: New Perspectives and Proposals”, *JEMIE* 11: 1.

of effective monitoring³⁶. Despite these limitations, Edina Szocsik shows that her case-study Serbia and other Western Balkans countries «have much more advanced minority protection legislation» than did the Central Eastern European countries in the last decade of the 20th century so that the European Union could «push for even higher levels of minority protection»³⁷. The relatively highly developed legislative protection of minorities in the Western Balkans makes even more obvious the problems with implementation and its monitoring, generally missing or inadequate.

Regarding the linguistic rights of the minorities, linguistic diversity has been advocated as a fundamental value by the European Union, but also by other international organizations such as the United Nations and the Council of Europe, expressed also through the Council of Europe's establishing of the "European Day of Languages" every 26th September, and on the other hand, through the UNESCO Universal Declaration of Linguistic Rights³⁸. While sometimes this linguistic diversity is promoted at national or transnational levels, what is especially interesting for this overview are the cases of minority language survival accomplished through grassroots efforts, especially in post-conflict societies, such as post-war Italy and Spain³⁹, and the contemporary deeply divided societies of the Western Balkans.

Further directions

One of important insights that come out of studying the minorities and their cultural rights in the Western Balkans is the importance of continuous learning from the lessons that can strengthen the chances of reconciliation in divided societies and prevent future conflicts. Analysis of the state of minority cultural rights, in dialogue with the discussion of their political rights, indicates that despite the presence of numerous advanced legal instruments of minority rights protection and the involvement of international organizations with profound experience in minority issues, both the international community and local political elites have shown clear weakness in implementing them in contexts such as Kosovo, North Macedonia and Bosnia and Herzegovina. The most important insight, shared by many authors as well as members of local communities, might be that the minority rights are a key to democratization and reconciliation in divided societies, and that the framework of minority rights is as indispensable for Western Balkan societies as elsewhere.

Another important direction for the future research and understanding of this issue is an interest in positive examples of inter-group communication and cooperation in the field of minority cultural rights. Though a challenging field, both historically and at present, the linguistic rights and cultural rights related to education, arts and cultural life of minorities have also seen inspiring moments of intercultural encounters, which need to be understood and studied for a better future in this region and more broadly.

³⁶ SZOCSIK Edina (2012) "The EU accession criteria in the field of minority protection and the demands of ethnic minority parties", *JEMIE* 11: 104.

³⁷ *Ibidem*. P.122.

³⁸ MCDERMOTT Philip and Mairead Nic CRAITH (2019) "Linguistic Recognition in Deeply Divided Societies: Antagonism or Reconciliation?". In HOGAN-BRUN Gabrielle and Bernadette O'ROURKE, *The Palgrave Handbook of Minority Languages and Communities*. Pp. 159-181. London: Palgrave Macmillan.

³⁹ *Ibidem*.