

Multilingualism and Conflict Prevention: Speaking the Language(s) of Integration (2005)

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Finding a fair balance between the promotion and protection of minority rights and policies of integration remains a recurrent issue in a number of OSCE participating States. If such a balance is not achieved, specifically with regard to the status of a particular mother tongue and the regulation of the use of language, polarisation between minorities and majorities within the State may become a source of considerable tension. On the other hand, if the appropriate kind of policy is employed, language and education can serve as tools of integration rather than polarisation. This will enhance the stability of civil society, which in turn will also facilitate economic and social development, benefiting all inhabitants of the country irrespective of national, ethnic, religious or linguistic background.

International law clearly favours the notion that education should contribute to the integration of minorities into society, while forbidding forceful assimilation.²

Most notably, the Framework Convention expressly refers to the integration of persons belonging to national minorities and to the importance of the link between a policy of integration and social cohesion as an essential condition for a democratic society and sustainable development. The Framework Convention further provides the obligation to State Parties to encourage a spirit of tolerance and intercultural dialogue and to take effective measures to promote mutual respect and understanding, and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.³

The Commentary to the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 5 April 2005,⁴ also emphasizes a need "to ensure egalitarian integration based on non-discrimination and respect for each of the cultural, linguistic or religious groups which together form the national society. The formation of involuntary ghettos where the different groups live in their own world without knowledge of, or tolerance for, persons belonging to the other parts of the national society would be a violation of the purpose and spirit of the Declaration."⁵

However in practice this is a rather more difficult task, and as Professor Thornberry recently noted, "in minority affairs, educational issues are often delicately balanced between integration and separation. If integration is pushed too far, the result is assimilation and the disappearance of the minority as a distinct culture. A policy of separation, on the other hand, can lead to a ghetto culture of withdrawal from society."⁶

Over the years, the OSCE High Commissioner on National Minorities (High Commissioner)⁷ has developed considerable experience in this area. A key challenge for the OSCE participating States where he is involved, was to find ways to promote knowledge of the 'State' language while at the same

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² See Article 5 of the Framework Convention for the Protection of National Minorities.

³ See Article 6 of the Framework Convention for the Protection of National Minorities.

⁴ Available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G05/133/85/PDF/G0513385.pdf?OpenElement>.

⁵ See para. 69 of the Commentary.

⁶ Thornberry, P. (2005), 'Education', in Weller, M. (ed.), *The Rights of Minorities: A Commentary to the European Framework Convention for the Protection of National Minorities*, Oxford University Press, Oxford, Article 12, p.392.

⁷ Full text of the HCNM mandate and information about activities available at: <http://www.osce.org/hcnm/>.

time ensuring the rights of persons belonging to national minorities to protect and develop their languages.

While the High Commissioner should be considered as an instrument of conflict prevention, rather than a norm-setter or minority rights monitor, he also uses his mandate to assist governments to reduce the risk of tensions arising in the first place. Indeed, the High Commissioner is regularly approached by governments of OSCE countries requesting his assistance in devising appropriate policy and law in the field of minority rights protection. The recent Romanian Draft Law on National Minorities being a case in point.

The High Commissioner therefore devotes considerable attention to issues like minority education, language use and political participation in an effort to create integrated societies where minority-majority relations are harmonious rather than explosive. He views this as conflict prevention at an early stage. Recently, the High Commissioner observed that while the problems that can arise in inter-ethnic relations vary from case to case, "education-related issues crop up again and again."⁸

The High Commissioner's basic philosophy is that a society at peace with itself will more likely be at peace with its neighbours and thus will contribute to regional stability and create the conditions for prosperity. Since conflict is fuelled by injustice and insecurity, one must protect human rights and ensure equal opportunities for all, as it is prescribed in international human rights standards.⁹

Such standards include, notably, the CSCE Copenhagen Document on the Human Dimension (Copenhagen Document), the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN Declaration) and the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM). They all build upon, and assume the full implementation of, the bedrock of basic human rights instruments beginning with the International Bill of Rights and the European Convention on Human Rights. Together, these instruments set the standard for how States are to provide an adequate legal framework and the practical mechanisms for the protection of minorities.

To assist States in understanding and applying international standards concerning national minorities, in the last ten years the High Commissioner has commissioned five groups of international experts to produce general recommendations regarding the education rights of national minorities, the linguistic rights of national minorities, the effective participation of minorities in public life, the use of minority language in the broadcasting media and policing in multi-ethnic societies. These are all issues that the High Commissioner regularly encounters in his work.

The first set of recommendations entitled 'The Hague Recommendations Regarding the Education Rights of National Minorities' (the Hague Recommendations)¹⁰ were developed almost ten years ago in 1996. They were followed by 'The Oslo Recommendations Regarding the Linguistic Rights of National Minorities' (the Oslo Recommendations) in 1998.¹¹

The Hague Recommendations have stood the test of time and according to many experts they represent one of the most comprehensive and authoritative accounts of a number of crucial aspects of minority education.

⁸ Ekéus, R. (OSCE High Commissioner on National Minorities), 'The Education Solution. Fostering Harmony in Diversity', in Sutter, P. (ed.), OSCE magazine, December 2004, p. 20.

⁹ Ekéus, R. (OSCE High Commissioner on National Minorities), 'Towards a Europe for All', address to the Roundtable Conference *'New Minorities': Inclusion and Equality*, organized by Netherlands Helsinki Committee, The Hague, 20 October 2003

¹⁰ Full text and Explanatory Note to the Hague Recommendations available at: http://www.osce.org/documents/hcnm/1996/10/2700_en.pdf

¹¹ Full text and Explanatory Note to the Oslo Recommendations available at: http://www.osce.org/documents/hcnm/1996/10/2700_en.pdf

Paragraph 1 of these Recommendations emphasizes that the right of persons belonging to national minorities to maintain their identity can only be fully realized if they acquire a proper knowledge of their mother tongue during the educational process. It goes on to say, however, that persons belonging to national minorities have a responsibility to integrate into the wider national society through the acquisition of a proper knowledge of the State language.

In order to achieve integration that will not lead to assimilation or separation it is of primary importance to ensure the full and effective participation of minorities in all key areas of the life of the state.

As stated in the Explanatory Note of the third set of recommendations entitled 'The Lund Recommendations on the Effective Participation of National Minorities' (the Lund Recommendations), "[T]he creation of opportunities for effective participation takes for granted that such participation will be voluntary. [...] Only through voluntary processes may the pursuit of the legitimate interests of persons belonging to minorities be a peaceful process, offers the prospect of optimal outcomes in public policy- and law-making. Such inclusive, participatory processes thus serve the objective of good governance by responding to the interests of the whole population – weaving all interests into the fabric of public life and ultimately strengthening the integrity of the State."¹²

The Lund Recommendations go on to stress that it is essential to recognize the right of minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language. Such a right can only be invoked under the following conditions:

(i) That this right is not exercised in a manner which prevents the minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty; (ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and (iii) That attendance at such schools is optional.¹³

Most language issues with which the High Commissioner has been involved concern the right of persons belonging to national minorities to use their language in the public sphere. In a number of cases, the High Commissioner stressed to the government concerned that efforts to strengthen the State language – with which he sympathised – should not be done at the expense or the detriment of the minority language. He further underlined that reform in language education, which is not thoroughly thought through and does not take into account the sensitivities of all sections of society, can have a negative domino effect on ethnic communities, and as a result, on the country as whole.

At the same time, the High Commissioner reminds minorities that as members of the larger society of the state, it is also in their interests to learn and to use the language(s) of the state. Indeed, the learning of the State language promotes intra-state cohesion and it also benefits linguistic minorities in terms of their integration into society and their access to public goods. However, in many transitional democracies, where a substantial part of the population may not speak the designated State language to any degree of proficiency, there is a need for adequate educational opportunities for persons belonging to minorities to improve their command of the State language(s).

Therefore in Georgia, for example, the High Commissioner's practical activities (projects) focus particularly on the integration of the Samtskhe-Javakheti region, where the Armenian-speaking minority is concentrated. Most notably, the High Commissioner supports and has further developed a host of projects under the umbrella of the multi-sector 'Conflict Prevention and Integration Programme for Samtskhe-Javakheti, Georgia'. The Programme takes a co-ordinated approach to addressing the economic, social and political isolation of the region and the immediate, attendant problems by means of a number of language-related and other capacity-building initiatives aimed at promoting the inclusion and integration of the region and its population into Georgian society. It enjoys the strong

¹² Explanatory Note of The Lund Recommendations on the Effective Participation of National Minorities in Public Life, General Principles, para. 1, available at http://www.osce.org/documents/hcnm/1999/09/2698_en.pdf.

¹³ Ibid., para. 15 (c).

support of the Georgian Government, and envisages, *inter alia*, Georgian-language training for civil servants in the area in order to help integrate the local public administration into the institutional structure of the state as a whole. At the same time, the High Commissioner has worked closely and discretely with the Georgian authorities on the issue of the Draft State Language Law (2001 and 2002), identifying several provisions of the Draft Law which were not in compliance with international law and best practice. He not only found that the Draft Law would be contrary to international law but its implementation had the potential to cause many difficulties, if not tensions. Furthermore, the High Commissioner and his advisers were involved in providing advice with regard to the Draft Amendments to the Constitution of Georgia. In all his dealings with the Georgian authorities, the High Commissioner repeatedly underlined the necessity of ratification by Georgia of the FCNM. This was finally achieved in 2005.

The High Commissioner has repeatedly stressed the importance of education as a core element of successful policies of integration – not least because of the opportunities it brings in terms of participation in public life generally and access to employment, in particular.¹⁴

It is therefore worth recalling, for example, that in Kyrgyzstan the High Commissioner supported the establishment and subsequent activities of the Working Group on Integration through Education (WG). The WG comprised local officials, educational representatives and representatives of national minorities, and one of its principal recommendations is that more opportunities for multilingual and mother-tongue education, notably at the primary level, should be made available in the country. In the High Commissioner's view, the teaching not just of but also in different languages, both for minorities and for majorities, can help to overturn the widespread idea that the existence of different languages establishes barriers between communities.

Following the launch of the WG's recommendations, the High Commissioner took the initiative to send an education expert to Kyrgyzstan. The expert's role is to support the efforts of the Kyrgyz Ministry of Education in the development and design of specific project proposals aimed at promoting inter-ethnic integration through the medium of education and improving standards of minority education.

While access to minority-language education at all levels – primary, secondary and tertiary, and even at the pre-school stage – can be crucial for persons belonging to national minorities in its implications for cultural continuity (as well as in terms of easing the educational experience for the child), access to State language education is also important when it comes to preparing individuals in taking advantage of employment and other opportunities within society as a whole. Indeed, it is the experience of the High Commissioner that as a result of the introduction of multilingual and mother-tongue education, language can become a medium for communication rather than a basis for exclusion.¹⁵

The Hague Recommendations recall in Paragraph 11 that “[T]he first years of education are of pivotal importance in a child's development. Educational research suggests that the medium of teaching at pre-school and kindergarten levels should ideally be the child's language. Wherever possible, States should create conditions enabling parents to avail themselves of this option.” They further recommend that the State language be taught as a subject in minority schools throughout primary and secondary education, and envisage the use of bilingual education as well as the gradual increase of the number of subjects taught in the State language at secondary school level.

¹⁴ Ekéus, R. (High Commissioner on National Minorities) (2003), ‘Education as a Means of Integration in Multi-Ethnic Societies’, address to the OSCE HCNM/Ministry of Education and Assembly of the People of Kyrgyzstan Conference *Building Understanding and Tolerance in Multi-Ethnic Societies: Promoting Integration and the Role of the International Community*, Bishkek, Kyrgyzstan, 3 November 2003

¹⁵ Ekéus, R. (High Commissioner on National Minorities) (2005), “Speaking the Language of Integration: The Role of the OSCE High Commissioner on National Minorities”, address to the University of Ottawa Conference *Debating Language Policies in Canada and Europe*, Ottawa, Canada, 31 March 2005.

The Explanatory Note to the Hague Recommendations clearly states that the attainment of multilingualism by the national minorities of OSCE States can be seen as a most effective way of meeting the objectives of the international instruments relating to the protection of national minorities as well as furthering their integration.

The High Commissioner considers that the introduction of educational reforms in order that national minorities attain bilingual/multilingual skills should be undertaken with careful consideration of the impact that reform can have on children and their communities. That is why the High Commissioner has been following the introduction of the State language as a means of education in Russian-speaking secondary schools in Latvia and Estonia so closely.¹⁶ In Latvia, for example, while he supported the government policy to promote national integration, he underlined that the state must respect and protect the rights of persons belonging to national minorities to maintain and develop their cultural heritage and receive adequate opportunities for instruction of and in their mother tongue.

In Uzbekistan too, the High Commissioner recently organized a conference, together with the Uzbek Minister of Education, on the subject of the role that educational reform and modernization can play in promoting integration within the multi-ethnic societies of Central Asia.

The High Commissioner has frequently been confronted with the difficulties persons belonging to minorities face when trying to attain equal access to higher education, due to a lack of proficiency in the State language. In the South Kazakhstan region, for example, the High Commissioner has been supporting a project promoting multilingual education. The project is intended to raise the State and/or official language skills of final-year pupils at Uzbek-language secondary schools in order to enhance their performance in the State entrance examinations for admission to institutions of higher education in Kazakhstan. After two years of project implementation in two Uzbek-language schools, the rate of successful university applications and the results achieved in the State entrance examinations have improved considerably.

In a similar vein, the High Commissioner earlier introduced the Transition Year Programme in the former Yugoslav Republic of Macedonia (FYROM) with the aim to boost ethnic Albanians' chances of admission to the State universities in Skopje and Bitola. A similar approach was also used by the High Commissioner in South Serbia, where he has been working with Albanian-speaking students in order to help them to acquire skills in the Serbian language and encourage them to continue their university studies in Belgrade (rather than moving to Kosovo in order to attend the Prishtina University), thus furthering their integration in Serbia.

On the other hand, the High Commissioner addressed the Serbian Minister for Education in 2004 with regard to the amendments to the Serbian Law on the Foundation of the Educational System and their impact on the educational rights of persons belonging to national minorities.¹⁷

The creation of separate minority universities has been one of the most difficult issues addressed by the High Commissioner.

It should be noted that, while minority standards clearly articulate the rights of persons belonging to national minorities to establish and maintain their own (private) educational and training institutions (and to seek funding for their support),¹⁸ States must be wary of the establishment of separate 'parallel' institutions, which it is feared will lead to 'ghettoisation' rather than integration.

It is worth recalling that according to paragraph 17 of the Hague Recommendations, "[M]inority language tertiary education can legitimately be made available for national minorities by establishing

¹⁶ *Ibid.*

¹⁷ Statement by Rolf Ekéus to the 518th Plenary Meeting of the Permanent Council.

¹⁸ OSCE Copenhagen Document, para. 32.2 and Framework Convention, Article 13.

the required facilitates within existing educational structures provided these can adequately serve the needs of the national minority in question."

In this respect, the High Commissioner's approach has been to encourage all parties to explore different options available for promoting minority-language education other than monocultural or monolingual institutions. In the FYROM, for example, where the issue of access to (and funding of) Albanian-language education has long been a source of concern for ethnic Albanians and a source of division within Macedonian society, the then High Commissioner, Max van der Stoep, was instrumental in setting up the autonomous South East Europe (SEE) University in Tetovo in 2001, which provides a curriculum not only in Albanian but also in Macedonian, English and other European languages. The University has proved to be a model of inter-ethnic co-operation, attracting large numbers of students from the Albanian as well as other communities, and will shortly produce its first graduates.

Recently, at the invitation of the FYROM Minister of Education, an expert engaged by the High Commissioner sat on the founding commission for the establishment of a new, state-run university in Tetovo. The reasons for the High Commissioner's involvement were, in particular, to ensure a multi-ethnic and multilingual approach to the teaching process at the new university and to foster future relations and complementarity with SEE University.

It should be acknowledged that some minorities (and some majorities) are strongly attached to separate education. Sometimes, an attempt to introduce integrated education can lead to tensions between groups. Recently while assessing a draft law, the High Commissioner emphasized that it can be advantageous, where schooling remains separated, for whatever reason, for States to make a positive effort to promote contact between majority and minority students. This can take the form of joint extra-curricular activities such as arts, cultural, theatrical or sports events, debating clubs, peer-group conflict resolution activities, confidence building for parents through seminars and round tables, and student exchanges or vacation activities such as summer camp. Another way to promote joint activities is to develop combined classes, perhaps for the teaching of languages. Such measures, the High Commissioner emphasizes, facilitate integration of minorities while respecting their diversity and serve to preserve long-term stability and prosperity in the state. They also reflect Article 6(2) of the FCNM.¹⁹

It goes without saying that each country is a specific case and there is no simple or universal model in finding a proper balance between the right of persons belonging to national minorities to learn and use their mother tongue freely, and their integration into the wider national society through the acquisition of a proper knowledge and the use of the State language.

Nevertheless it should be recalled that States can never be completely neutral in this regard, the aim of good governance is to find a suitable balance between competing interests and desires. The examples quoted above demonstrate that there are many ways to accommodate the use of various languages within the same State, even in public administration. They also all reflect the common approach of creating the conditions whereby individuals living in multilingual environments have the opportunity to become skilled in a variety of languages, supported by the High Commissioner. In this way, it is believed that language can serve as a means of integration.

¹⁹Article 6(2) of the FCNM provides that the Parties "shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media".