

# Language rights and Linguistic Minorities in Central and Western Balkans

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## Abstract

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The article will analyze the present state of the language rights and linguistic minorities in Albania in comparison to the neighboring countries, Montenegro, FYROM, Kosovo, Greece, particularly after the fourth report submitted by Albania to the Council of Europe in 2016 on the protection of national minorities within the Framework Convention. The aspects taken into consideration will not be only the use of the languages/dialects/varieties spoken by the national minorities freely, both orally and in writing, in private life and individual relations, but also in community life i.e. within the framework of institutions, social activities and economic life. Based on the *European Charter for Regional or Minority Languages*, particularly Part III, but also on official documents, internal laws, international agreements signed and ratified by these countries, our analysis will assess the language rights of the national minorities in these particular countries.

**Key words:** regional or minority languages, language rights, national minorities, European Charter for Regional or Minority Languages

## 1. Introduction

The present demographic situation, as well as the unequal status of the ethnic and linguistic communities in Albania, FYROM, Kosovo, Montenegro and Greece are, to a large extent, the consequences of the historical and political processes which took place in this particular geographical area of Europe. The Central and Western Balkans were the last part of Southeast Europe to be divided by state borders. This division, often considered controversial and artificial, took place in the early 20th century, after the final collapse of the Ottoman Empire. One of its direct consequences was that the members of various ethnic, religious and linguistic communities of the region became citizens of the newly forged nation-states. More than that, the nation states, most of them based on the ideology one state-one language, perceived minorities as a threat to their integrity. Furthermore, a relatively recent political event having direct impact on the situation of these communities living in this area was the breakup of the Socialist Federal Republic of Yugoslavia. The new geo-political context, particularly the E.U. integration, which Albania, FYROM, Kosovo, Montenegro are aspiring to, implies among others, granting more rights to the regional or minority languages spoken in these countries. As we shall see in our presentation below, even on this point there are discrepancies and inequalities in the way these countries are dealing with this sensitive issue.

## 2. Albania

Albania's historical and political heritage, which also includes its communist past, is discernible even today. After the fall of the communism in 1991, until recently, the official status of linguistic and ethnic minorities in Albania has had its roots in the policies adopted in the Socialist Albania. The Albanian communist regime, characterised by paranoia and isolation in connection to the neighbouring countries, recognized the existence of two types of minorities within the country: national minorities - Greeks, and (Slavic) Macedonians, having an official status and being granted the right to receive some education in their mother tongue (usually in primary and sometimes secondary schools but only in the so-called "minority zones" - areas inhabited by a large percentage of the minority community) and ethnolinguistic minorities - Romas and Aromanians, who did not enjoy the same status, that of

national minorities, because, according to the Albanian state, they lacked "a motherland", or, to use another term, "a kin-state". Officially, this confusing and unequal division has come to an end with the entering into force of Law 96/2017, where 9 national minorities are recognized today in Albania: Greek, Macedonian, Aromanian, Roma, Egyptian, Montenegrin, Bosnian, Serb and Bulgarian. Considering the legislation and the policies adopted by the Albanian state until november 2017, the only minority languages that received some rights (sometimes contested by the minorities themselves since they seemed to exist more on paper rather than in reality) and a certain degree of protection were the Greek and the (Slavic) Macedonian.

The (Slavic) Macedonians of Albania traditionally live in settlements around the Prespa Lakes and the city of Korça, including other areas bordering the Former Yugoslavian Republic of Macedonia. During the socialist era, minority rights were granted only to the agrarian communities in and around the village of Pustec, on the shore of Lake Prespa, where the local population received part of their primary education in (Slavic) Macedonian.

In Southern Albania, bordering Greece, lives a Greek population, which represents, even today, the largest national minority in Albania. Most of this minority lives in the districts of Saranda, Delvina and Gjirokastra. According to *Albania's First Report Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities* (2001), the Greek national minority was the first reconized by the Albanian state. After World War One, the new Albanian state undertook to recognize the standards determined by the League of Nations with regard to the protection of national minorities. With this commitment, the Greek national minority in Southern Albania was recognized the right to open schools in the Greek language, which functioned as private schools, financed by the Greek government. After the fall of the communist system, many members of the Greek minority have emigrated to Greece (it is estimated between 50% and 70%).

Both the Slavic Macedonian and Greek minority demographically appear as relatively compact communities, which is not the case of the Aromanians of Albania, who, mainly due to their former traditional nomad lifestyle, appear to live in communities spread like small islands on the map of Albania. Nevertheless, they are mostly concentrated in the rural areas of Myzeqe, of Fier and Vlora, in Frasher of Permet, in Moker of Pogradec, in Kolonja, as well as in some cities such as in Korça, Berat, Tirana, Elbasan and Durrës. According to the above-mentioned report, "... until 1950, this population retained its nomad livestock character and its settling down is linked with the so-called "completion of the socialist cooperation of agriculture" under the communist dictatorship in Albania". In other words, they were forced to give up their nomad traditional lifestyle, their livestock, and settle down within the borders of the Albanian national state. Interestingly enough, in the report they are described as culturally assimilated, since they have adopted the lifestyle of the Albanian majority population. The Aromanians of Albania belong to the Fersherot group (Nevaci 2011:17), speaking a dialect of the Romanian language, known as the Aromanian dialect, which, together with the Meglenoromanian and Istroromanian, form the historical dialects of the Romanian language to the South of Danube. Even though during the communist system there were no schools or classes in the Aromanian dialect, the Aromanians, especially the ones living in rural areas, managed to preserve their traditions, culture and mother tongue, most of them becoming bilingual. After the fall of the communism, following a tradition existing before the instauration of this regime in Albania, Romania has offered financial support for the opening of two private primary schools, one in Korce and one in Divjaka, which function as private schools and offer classes in Aromanian. In addition, every year, the Romanian state offers scholarships to the Albanian youths of Aromanian origin to study in Romanian high schools and universities.

The Roma minority in Albania, which appears concentrated mainly in Central and Southern Albania, as well as in the capital city of Tirana, seems to be the most discriminated, as well as the most exposed to phenomena such as child-trafficking and school dropout. The same kind of discriminatory treatment faces the Egyptian minority, a community which considers itself distinct from the Roma, and defining themselves as descendants of persons from Egypt. Another significant characteristic they have is the loss of their minority language over time, speaking only Albanian and being better-integrated in the Albanian society, unlike Romas, who are less integrated, but they have preserved their mother tongue. In the *Third Opinion Report on Albania* (November 23, 2011) issued by the Advisory Committee, it is assessed that "Specific efforts have been taken to support pre-school education facilities in neighbourhoods inhabited by substantial numbers of the Roma. There has been an increase in the number of Roma children attending classes, and special scholarships earmarked for Roma children..." Nevertheless, the instruction of Roma children in schools is done only in Albanian, never in their mother tongue, and this is also the case of the Aromanians, Montenegrins, Serbians, Bulgarians and Bosnians. The *Third Opinion Report on Albania* comes to the same conclusion, when assessing the level of the instruction in the minority languages recognized officially at that time:

"The possibilities for learning minorities languages and receiving instruction in these languages remain insufficient. Whereas a small number of primary schools and high schools, with Greek and Macedonian as languages of instruction continue to operate in the minority zones inhabited by a significant number of persons belonging to these minorities, numerous requests for tuition to be organised in these and other minority languages have not been favourably received by the authorities. No classes with Serbian, Montenegrin, Aromanian and Romani as languages of instruction have been organized."<sup>1</sup>

As a response to this assessment, the *Fourth Report submitted by Albania to the Council of Europe in 2016 on the protection of national minorities within the Framework Convention* appears to explain these very accurate facts by the lack of qualified teachers and the absence of new, updated curricula, where the learning of the minority languages should be integrated, together with that of the Albanian language.

After having passed the Law on the national minorities, which entered in force in November 2017, Albania is faced now with a crucial moment for the preservation of its minority languages as part of its cultural heritage - the adherence to the European Charter of Regional and Minority Languages.

### **3. Montenegro**

As compared to Albania, Montenegro appears to be significantly ahead in recognizing the rights of minority languages, since it signed the European Charter in 2005 which entered into force one year later. The fourth Committee of Experts' Assessment Report on the application of the *European Charter for Regional or Minority Languages* in Montenegro (September 27, 2017) places special importance on the measures taken to protect and promote the four minority languages: Albanian, Bosnian, Croatian and Romani. The report notes that, so far, the proper implementation of the Charter in Montenegro has been hampered by the vague definition of the territories to which it applied. Out of the four minority languages, Albanian is in a favorable position in education, with judicial and administrative authorities, in media and especially in cultural life where the situation regarding the use of the language is commendable. It has become possible to obtain identity cards in Albanian, and parties regularly make use of this right.

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<sup>1</sup> *Third Opinion Report on Albania*, see point 20 Education.

Given the common linguistic background of the Montenegrin, Serbian, Bosnian and Croatian languages, there are almost no practical problems related to the implementation of the Charter for Bosnian and Croatian. However, there is a need for a better promotion of the Bosnian and Croatian cultural identities.

On the other hand, Romani has not been granted official status and is still in an unfavorable situation. There has been no progress in the standardization of the language. The lack of qualified teachers and teaching materials prevents the introduction of Romani into education. The report says progress in cultural life and media has been made, but the fulfillment of this undertaking also requires the authorities to support different activities in the fields of translation, dubbing, post-synchronization and subtitling, with a sustainable funding scheme in place.

#### **4. FYROM**

In the Former Republic of Macedonia (FYROM), the ethnic majority position is held by the Eastern Orthodox, Slavic speaking Macedonians. Unlike Albania, which has never signed the European Charter, FYROM signed in on 25.07.1996 but never ratified it. Nevertheless, several minorities are recognised by the constitution (Albanians, Aromanians/Vlachs, Bulgarians, Croats, Greeks, Serbs and Turks), granting them certain language rights, but in various degrees. The last census, conducted in 2002, established that one fourth of the population was Albanian who are predominantly Muslim (Korhonen et al, 2016: 32- 33). The constitutional status of the Macedonian minorities was reached only after the tensions between the Slavic Macedonian majority and the Albanian minority had culminated into an armed conflict in the North-Western part of the country in 2001. The conflict ended by the signing of the Ohrid Agreement, whose implementation included significant changes to the legislation regarding the status of minorities and their language rights. In spite of that, the smaller ethnic minorities (Roma, Turks and Vlachs/Aromanians) are often neglected.

The use of the languages of "non-majority" communities in Macedonian local context was effectively implemented after 2001. The scope of the use of "non-majority languages" could only be implemented in relation to the Constitutional Amendment V<sup>2</sup>. This means that on the whole territory of the Macedonian state, official language is Macedonian and its Cyrillic alphabet, and in the areas where 20% of the population speaks the non-majority language, official language, in conjunction with the majority Macedonian, is the language spoken by this language community. In other words, in the units of local self-government where the majority of the inhabitants belong to a minority, in addition to the Macedonian language and Cyrillic alphabet, their language and alphabet are also in official use. The inscriptions and the titles may be in the minority language, as well as the names of schools, cultural and other institutions related to the cultural heritage of a nationality. The toponyms in the areas inhabited by substantial numbers of persons belonging to minority groups are in Slavic Macedonian language and in the language of that nationality. Their right to instruction in their language in primary and secondary schools is also guaranteed. In accordance with this law, education in the minority language is fully enabled on primary and secondary educational levels, and in some parts on a higher level. Members of Albanian and Turkish nationality are receiving instructions in their languages on elementary and secondary level of education. When the number of children is enough, Roma and Serb children are receiving instruction in their languages too. In addition to this, the Albanians as a biggest minority group, have the

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<sup>2</sup> *Amendment of the Constitution of Republic of Macedonia- V*, Official Gazette 91/2001.

right to instruction in their mother tongue at the university level. When enrolling at the university, there is a positive discrimination quotas established for the groups of the minorities. The quotas makes 10% of the total number of students for each university programme.

Just like in Albania, Romas appear to be the most discriminated and exposed national minority. In 2014 the government drafted a new National Strategy for the Roma under its commitment to the Decade of Roma Inclusion initiative (now partially reconstituted as the Roma Integration 2020 initiative) that would assist Roma with education, housing, employment, and infrastructure development. With the exception of education, funds were not sufficient to produce significant results, especially in health care. The government continued to fund information centers that directed Roma to educational, health care, and social welfare resources. Increased NGO and government funding to eliminate barriers to education, including making conditional cash transfers to Romani students, resulted in steady school attendance rates, especially in secondary schools.

The presentation in the media of the persons belonging to national minorities is possible on the both, private electronic and printed media. According the Art. 16, the freedom of speech, public address, public information and the establishment of institutions for public information is guaranteed. Free access to information and the freedom of reception and transmission of information are guaranteed. The right to reply via mass media as well to the right to a correction and the right to protect a source of information in the mass media is also guaranteed. Thus, we may conclude that Macedonia today has attained significant international standards for the protection and promotion of the languages of non-majority/minority communities. Macedonian Constitution of 2001 belongs to the acts that contain standards of citizens - liberal concept, which emphasize the individual language rights and putting the individual at the core of existence in the Constitutional value. This protection includes not only approximation with the provisions from the legally binding instrument- the Framework Convention for Protection of National Minorities, but also provisions envisaged in the local laws and Constitution, are in the spirit of the European *Charter for Regional and Minority Languages*, even though Macedonia has not ratified this instrument yet.

#### **4. Kosovo**

The ethnic and linguistic situation of the population living in the partially recognized state of Kosovo is very complex. According to the 2011 census (excluding North Kosovo) the main minority groups are Bosniaks (1.6 per cent), Serbs (1.5 per cent), Turkish (1.1 per cent), Askhali (0.9 per cent), Egyptian (0.7 per cent), Gorani (0.6 per cent), and Roma (0.5 per cent). However, because North Kosovo was excluded from the census, the true proportion of some minorities – particularly Serbs, who in some areas of the north comprise the majority of the population – may be under-estimated in these figures. It should be noted that in Kosovo minority groups have often been referred to as ‘communities’, defined in the new Kosovo Constitution as ‘inhabitants belonging to the same national or ethnic, linguistic or religious group traditionally present on the territory of Kosovo’<sup>3</sup>. This terminology is used as the term ‘minority’ is avoided, particularly by Serbs, many of whom see Kosovo as part of Serbia and accordingly do not believe they are a minority. Important demographic changes took place during the 1998-1999 war and subsequent ethnic violence. Exercising the right to self-identification is difficult in Kosovo, mainly because people are afraid to openly state their ethnicity for fear of discrimination, but also because others do not necessarily respect people’s

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<sup>3</sup> *Monitoring and Evaluation of Language Rights in Kosovo*. Republic of Kosovo, Office of the Language Commissioner, March 2015, p. 21.

identity, for example international and local actors often grouping Roma, Ashkalia and Egyptians into one. The size of the Serbian population has dropped dramatically since the end of the war in 1999 and notably in the wake of the Kosovo's declaration of independence in February 2008.

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. According to the *Law on the Use of Languages* adopted by the Assembly of Kosovo in 2006, Albanian and Serbian are the official languages in Kosovo. Other languages, i.e. minority languages may be recognized at municipal level as official languages if the linguistic community represents at least 5% of the total population of the municipality. In addition, the *Law on the Use of Languages* gives Turkish the status of an official language in the municipality of Prizren, irrespective of the size of the Turkish community living there. Even though both Albanian and Serbian are official languages, municipal civil servants are only required to speak one of them in the professional environment. Consequently, 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. 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, but it can be attributed to inadequate implementation of this legal framework by the Kosovo government.

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. 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.

## **5. Greece**

The situation regarding ethnic and linguistic minorities in Greece is extremely complicated, going back to radical changes in the ethnic and linguistic composition of Northern Greece during the 20th century. The Slavic speaking, Eastern Orthodox population of Northern Greece was affected first by the population exchange between Greece and Turkey, a series of mass deportations finalised in 1923 and approved by the then international community. The Orthodox Christian refugees and deportees from Asia Minor were settled mostly in Northern Greece, but being linguistically and ethnically a heterogeneous group, massive Hellenisation campaigns were launched by the Greek state. These campaigns were directed at the at the

local Slavic population as well (Karakasidou 1997: 187). The Greek Civil War between 1946 and 1948 drove a large proportion of the Orthodox Slavic speakers into exile. In 1982, the people exiled during the war were given permission to return, yet those "not Greek by origin", were denied this chance, despite their ancestry in the region dating back to the first millennium (Batsiotis, 2001: 146). The identity of the Orthodox Slavic speakers in Northern Greece has been, often literally, a battlefield, being at stake also during the dispute over the so-called "Question of Macedonia" in the early 20th century between Bulgaria, Greece and Serbia, all laying claims to the Slavic speakers of the region. Bulgarian demands for the region were largely unsuccessful, while Serbia took control of the northern part of the region, also known as Vardar Macedonia, and Greece obtained the Aegean part. This outcome was reflected also in the way the Slavic speakers identified themselves ethnically and linguistically. The ethnonym Bulgarian was used to some extent, crucially still towards the end of the 19th century at a time when gradually such labels, connected to a particular modern nation, started to gain relevance as means of self-identification in the European part of the Ottoman empire. From the early 20th century on also the term Macedonian (*makedonski*) started to appear as an endonym for the language, a half-century before the establishment of the Socialist Republic of Macedonia and the codification of the Macedonian standard language (Friedman, 2008: 387). Yet some Slavic speakers also embraced the dominant, Greek ethnic identity, no doubt, because of the assimilative efforts outlined earlier. The Greek state is still reluctant to acknowledge the fact that there are ethnic and linguistic minorities within its borders, and when it does, the recognition happens along religious lines of division (Korhonen et al., 2016: 30-32). Thus, the only explicitly recognized minority in Greece is the Muslim minority (some being Turkish, some Bulgarian-speaking Pomaks and Muslim Romas).

Aggravated by the naming dispute between the Greek state and the Republic of Macedonia, self-identification as Macedonian or a speaker of the Macedonian language continues to be very problematic in Greece. A significant issue regarding the name of the Orthodox Slavic population is the fact that many with Slavic ancestry or even with command of the local Slavic dialects do not accept the Macedonian label, but either identify themselves as Greeks or *ντόπιοι* (*dopii*) "locals", a term sometimes used to denote the Slavic speakers, often as a subcategory of being Greek. In her thorough account, Jane K. Cowan (2001) explores the question of the identity of the Slavic speakers of Greece, criticising the ambitions of some activists of what she regards as an attempt to impose the Macedonian identity also on those who are not willing to accept it.

Another example of a linguistic minority living in Greece, without being recognized as such are the Aromanians, also known as Vlachs (*βλάχοι*). They have historically been present in the mountainous area of Pind (having their center in Metsovo, in Aromanian called Aminciu), in Thessaly, as well along one of the most important ancient Roman routes, Via Egnatia, which connected the Western part of the Roman Empire with the Eastern part. Like all Christian and Most Muslim minorities in Greece, Aromanians have no language rights in the country, although folklore is occasionally published and publicly performed and linguistic studies have been published. Even though they have been subjected to the same process of Hellenization throughout time, Vlachs have preserved their mother tongue, their culture and traditions, especially in the somewhat isolated villages of the Pind Mountains. The majority of the Vlachs living in Greece belong to the Pindean group; still in Greece there are also groups belonging to the Fersherot or Gramostean groups (named this way after their places of origin, respectively Frasher, in Albania and Mount Gramos found at the border between Albania and

Greece). This division is strictly linguistic, based on the characteristics of their speeches, which are not very different from each other.

## 6. Conclusions

To sum up, language rights, particularly the rights of minority languages, are protected by comprehensive legal frameworks provided by the internal legislations/constitutions in Kosovo and FYROM and by the European Charter in Montenegro. Nevertheless, these legal frameworks in Kosovo and FYROM have been adopted first of all as a part of a larger conflict settlement negotiation process and not primarily as tools for preserving language rights. One of the main shortcomings related to the putting in practice of these legal frameworks is that this is done in an unequal manner, because the minorities in larger number/percentage enjoy more rights in terms of instruction in their mother tongue. The smaller in number minorities appear to be more neglected. Even though Albania does not have such a comprehensive legal framework yet regarding the language rights of its minorities, this tendency has been noticed here too, particularly in the case of the Greek and Slavic Macedonian minorities, having its roots in Albania's historical past. The Aromanians and Romas have not been treated equally based on the criterion that these minorities lacked a kin-state/motherland. Now, once Law 96/2017 has entered into force, and 9 national minorities have been recognized, there are high expectations that Albania is going to improve its legislation framework which, ideally, will culminate with Albania's adherence to the European Charter, as an effective tool to preserve all minority languages and safeguard their existence in the long run. Undoubtedly the choice of the articles and subarticles needs to be made based not only of the legal expertise the Albanian government receives all the time, but also on the linguists' and particularly sociolinguists' expertise and advice as well.

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