

# How Important is Language Policy as a Conflict-Resolution Tool?

The Cases of India and Serbia

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## 1. Normative Grounding of Language Politics as a Conflict-Resolution Tool

Let us proceed with the possible categorization of conflicts that should be mitigated by state and legal instruments. Offe distinguishes between three forms of such conflicts. Traditional ones are *ideology*-based and *interest*-based conflicts over rights and resources, and the means for coping with them are various constitutionally guaranteed political and social rights. However, besides these conflicts, the contemporary state has also to manage far more intractable *identity*-based conflicts over group recognition and respect (Offe, 1998: 121). Offe says that “the antidote that constitutional democracies have available in order to cope with this type of conflict is group rights” (Offe, 1998: 123).

It is a well-established normative claim of classical liberalism that public and private spheres should be separated as strictly as possible, and that only in the former sphere may the state legitimately act, while leaving the latter one to be regulated by individuals themselves. According to this proposition, one’s own cultural

identity ‘markers’—including the linguistic one—fall into the private sphere and as such do not constitute legitimate objectives of a liberal state’s policies. On the traditional account, then, the state is not there to mitigate potential conflicts based on identity ‘markers.’ This stance is best exemplified in the United States’ policy of not recognizing an official language at the level of the federal state. In other cases, such as that of France, where the official language is regulated by the Constitution, it is still held that the state complies with the liberal principle of neutrality as long as particular linguistic preferences of individuals and groups are treated in a *difference-blind* fashion, that is, as their private affairs.

The problem with the first strategy, which is “akin to what many liberals think of as the best response to religious pluralism—namely, disestablishment or public disengagement”, is that it cannot be the best response of public institutions to different linguistic preferences and identities “because disengagement from language is impossible.” Simply enough, “[p]ublic services must be offered, and public business transacted, in some language(s) or other.” Therefore, even when no particular language is proclaimed as “official”, as in the United States, “decisions still need to be made about the *de facto* language(s) of public communication” (Patten, 2001: 693).

The problem with the second strategy lies in the fact that once the language of the majority of the state is defined as the official one, it is barely possible to speak of the “neutrality” of that state. This still might be possible under the assumption that the most convenient tool for the daily efficient functioning of the state institutions and public services happens to be the designated language of majority. The underlying logic of this argument goes as follows: “Since people’s interest in language is simply that it enables one to communicate with others, people will only value any particular language insofar as it improves their communicative reach” (Kymlicka and Grin, 2003: 9). However, this assumption is hardly sustainable, because “languages are not merely innocent means of communication. They stand for or symbolize peoples, i.e. ethno-cultures” (Fishman, 1994: 51).

Consequently, every decision on the official language of state, be it in the form of the formal or *de facto* rule, significantly affects

not only the overall status of individual members of the society not belonging to the majority linguistic group, but also the nature of the nation-building process in that state. In that respect, it is primarily political theorists of multiculturalism that should be credited for exposing this “myth of ethnocultural neutrality” of the liberal state (Kymlicka, 1995). They have successfully redefined the terms of public debate, inasmuch as it is now widely accepted that, contrary to the classical liberal wisdom, difference-blind rules and institutions can cause disadvantages for particular groups. Furthermore, it “no longer falls solely on defenders of multiculturalism to show that their proposed reforms would not create injustices”. Instead, defenders of supposedly difference-blind institutions have to prove on their part “that the status quo does not create injustices for minority groups” (Kymlicka, 1999: 113). It seems, in this regard, that the old policy of promoting the dominant majority language at the expense of all minority ones in the complex setting of a multilingual society can neither be normatively defended, nor grounded even in the recognized traditional liberal and democratic values of freedom and equality (Kymlicka and Grin, 2003: 9). Moreover, this old policy has in contemporary societies every potential of generating language conflicts; and these “are inextricably related to nationalist conflicts, and so addressing issues of linguistic diversity is central to the larger political project of ‘containing nationalism’” (Patten and Kymlicka, 2003: 6).

What might be, then, a normative grounding for linguistic politics in a multilingual setting? One might argue, on a very general level, that various strands of normative multiculturalism are essentially embedded in “the politics of recognition”, in Taylor’s famous postulate that “[j]ust as all must have equal civil rights, and equal voting rights, regardless of race or culture, so all should enjoy the presumption that their traditional culture has value” (Taylor, 1994: 68). In multilingual settings, this normative precept would amount if not to the establishment of the full *ethnolinguistic equality*, which is at times hardly reachable ideal,<sup>1</sup> than to some form of *ethnolinguistic democracy*, that is, to the substantial recogni-

<sup>1</sup>The illustrative case in point is obviously the European Union with its 23 officially recognized languages (Nic Shuibhne, 2002).

tion of linguistic diversity. Therefore, the real question is not “whether deviations from official monolingualism are justified”, but rather “under what terms linguistic minorities would voluntarily consent to the constitution of the larger society” (Kymlicka and Grin, 2003: 14).

An answer to this question is completely dependent on context, and therefore not suitable for any further generalization. However, what is still generalizable at this level of discussion about linguistic politics in multilingual settings concerns the distinction between certain *domains* in which language is used according to the rules adopted by public institutions. Depending on the procedure of their creation and their content, these rules can both generate and subdue linguistic conflicts in a multilingual society. They regulate the following domains: public services (in their internal functioning, as well as in the external communication with citizens and third parties), courts and legislatures, as well as educational facilities. To a certain extent, these rules can also be applied in the sphere of the private language usage (e.g. on public sites, in private corporations and businesses).

In addition to the aforementioned domains of the regulation of language usage, it is further possible to organize various language policy/rights options according to four different criteria:

- (a) tolerance versus promotion-oriented rights;
- (b) norm-and-accommodation versus official-languages rights regimes;
- (c) personality versus territoriality rights regimes; and
- (d) individual versus collective rights. (Patten and Kymlicka, 2003: 26)

As for the first distinction, tolerance-oriented language rights concern “rights that permit individuals to speak whatever languages they like—free from government interference—in their homes, in the associations and institutions of civil society, in the work place”. On the other hand, promotion-oriented language rights “involve the use of particular language by public institutions”, like courts, legislatures, public schools, local authorities, etc. (Patten and

Kymlicka, 2003: 26-7). A norm-and-accommodation approach implies the existence of one predominant majority language, which is used in all the aforesaid domains. Special and context-dependent accommodations are made, then, for all those who lack sufficient proficiency in the “main” language. On the opposite pole stands the policy of granting the status of “official” to more than one language, and their simultaneous usage in all the domains, which puts respective communities in a more equal position.<sup>2</sup> Personality language rights regime means, “that citizens should enjoy the same set of (official) language rights no matter where they are in the country”, whereas the territoriality regime implies “that language rights should vary from region to region according to local conditions” (Patten and Kymlicka, 2003: 29). Finally, the issue of language rights might be treated from the perspective of the right-holder, namely whether they are held by individuals, or by certain designated linguistic groups. Even though the individual-rights approach still dominates the existing legal discourse, most minority language rights can be more plausibly framed as collective, insofar as they protect the vital collective interest in maintaining language as a good that is fundamental for the preservation of the distinctive collective identity of the said minority (Jovanoviæ, 2005: 627-51).

## 2. Language Politics in India

In India under the British Rule, the government of India asked George Grierson to come up with some answers on languages but his survey simply raised more questions than it answered. Disentangling a language from a dialect, finding clear-cut dialect and language boundaries to correspond with political boundaries, etc., has been a problem in India ever since.

Since India is a developing multinational state or a state containing number of dualized nationalities without a dominant nationality, the central leadership seeks to accommodate political demands of diverse languages, religious, and cultural groups to

<sup>2</sup>This latter policy is applied, for instance, in Switzerland, Belgium, South Africa, and Canada (Patten and Kymlicka, 2003: 28).

maintain unity. Initially, the approach of the government of India had been one of reluctance in accepting demands for linguistic reorganization. Gradually, regional demands came to be recognized, which meant not only that Hindi was not to be imposed in non-Hindi areas, but also that the regional languages were to be recognized. There have been four informal rules to deal with regional demands:

- Since 1963 the rule has been that regional demands should fall short of secession (the Indian state was ready to grant statehood to Nagaland, but did not encourage secession).
- Demands based on language and culture will be accommodated, but demands based on explicit religious differences will not be accepted (as in the case of Punjab).
- Regional demands will not be conceded capriciously. Broad popular support has to be there behind the movement (in 1954, for instance, 97 members out of 100 members of western districts of Uttar Pradesh and some parts of Punjab and Haryana demanded a separate state couched in terms of linguistic and cultural affinities, historical precedent and administrative convenience. However, since it did not have popular support, the demand was not conceded).
- The division of multilingual states must have some support from different linguistic groups. This rule actually operates in such a way as to promote regional identifications. For instance, the division of the old Bombay state into Marathi-speaking and Gujarati-speaking states was first demanded by the Marathi-speaking population of the state, which considered this move necessary in order to ensure adequate accommodation of linguistic minorities. Finally, Article 350B of the Indian Constitution established a “special officer for linguistic minorities” but was opposed by Gujarati businessmen who had a stake in an undivided Bombay and therefore the States Reorganization Commission rejected the demand for the division of Bombay state on the grounds that the Gujarati-speaking population was content with composite state of Bombay.

Studies on the language problem have tended to concentrate their attention on non-Hindi speaking states. Since a large percentage of the population stays in this belt, it is important to look at this area. Politics in the states of Bihar, Madhya Pradesh, Rajasthan, Uttar Pradesh (BIMARU) region in India have largely revolved around the issue of Hindi and other dialects, and Hindi and Urdu.

Language policies in India have evolved through a series of resolutions, memoranda and statements published by the government of India, or by meetings of central or state ministers. But the biggest source of guidance has been provided by the Constitution of India itself. Article 345 of the Constitution gives the states the power to adopt whatever language or languages they choose for the internal official purposes. The Constitution guarantees certain rights to minorities, which the states are obliged to provide. Article 20 guarantees the right of citizens in any part of India to preserve their “distinct language, script or culture”. Article 30 guarantees minorities “whether based on religion or language . . . the right to establish and administer educational institutions of their choice” and to receive state aid for such institutions without discrimination. Article 350 gives every citizen of India the right to submit representations for the address of grievances to any central or state authority in any language “used in the Union or in the state”. Article 350A obliges every state and local authority “to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups”. Article 350A also empowers the President of India to issue such directions to any minorities to be appointed by the President and to report to him all matters relating to safeguards provided for linguistic minorities under the Constitution. These reports have to be placed before the Parliament and sent to state governments.

In various meetings of state and central ministers the enforcement of policies for linguistic minorities has to be laid down to ensure enforcement of the constitutional rights of minorities. The Commissioner for Linguistic Minorities maintains a careful compilation of both constitutional safeguards and all-India policy guidelines, which he uses in his annual reports to assess the progress of their implementation in each state of the Union. The Commissioner

for Linguistic Minorities is the key to the whole system of safeguards. He not only reports but also receives complaints regarding non-implementation of policies.

In opposition to Hindi being declared as the official language, a compromise formula known as the “three-language formula” was worked out by chief ministers. According to this proposal, three languages would be taught at the secondary school level: English, the local language, and Hindi; in Hindi areas, another Indian or European language would be taught.

### *2.1 Case Study of Hindi and Maithili*

The demand for recognition of Maithili presents a very slow and steady success in terms of accommodation by the Indian state, which was ultimately achieved in the eighth schedule in 2003. However, the history goes back to 1954 when a memorandum was presented to the States Reorganization Commission with the demand for Mithila state, which was rejected. Mithila state was of greater theoretical than practical significance. There were three rationales behind these demands:

1. the artificiality of the existing administrative boundaries of the state of Bihar;
2. the distinctive characteristics which distinguish Mithila from the rest of Bihar and the rest of India; and
3. the charge of discriminatory allocation of political power and economic resources among regions of Bihar.

The case of Maithili is unique in the sense that there have been no conflict situations with regard to the movement for demand for recognition of the Maithili language. The reason attributed to this was the relative absence of subjective regional consciousness:

- Symbols of all-Indian national identification were given priority by elites over symbols of regional identity;
- Failure on part of elites to extend cultural symbols of Maithili and Mithila to non-Brahmin castes of the region;



- Differential social mobilization has been evident in Bihar, where south Bihar was rapidly mobilized over the last century; and
- The political elites were integrated effectively in Bihar-wide movements and state governments on the basis of nationalist, ideological, and caste symbols, rather than on regional linguistic and cultural symbols.

However, the issue of the Maithili language, in particular, is much more complex. In 1880 and 1881, A.E.R. Hoernle and G.A. Grierson published grammars which established the grammatical distinctness of Maithili from other dialects of both Hindi and Bengali. Rarely before that moment had Maithili been considered anything other than a form of either Hindi or Bengali. Grierson found sufficient similarity between three major mother tongues (Maithili, Magahi, Bhojpuri), but he found also sufficient difference between these three mother tongues, which he collectively called Bihari and Hindi and Bengali. However in 1881, J.H. Budden argued against the view that Maithili or any other dialect of the northern India should be treated as anything other than provincial forms of Hindi. Kellogg, who published an influential Hindi grammar study in 1875, classified Maithili as a “colloquial dialect” of the eastern branch of Hindi. It should be stressed that Grierson’s distinctions were grammatical ones and that he did not raise the sociolinguistic question of how far the grammatical differences between Maithili constituted barriers to effective communication among the people of Bihar.

While there has been an arbitrary and open dispute about the linguistic definition of Maithili and the Maithili-speaking region, there were reasonably clear and objective characteristics of Maithili which can be pointed to and which have influenced the demand for its recognition. There was consensus among linguistic scholars of India that Maithili is a grammatically distinct dialect, with a distinct literature.

Bihar was the most linguistically diverse state of India, with constant demands for the official recognition of Urdu and Maithili. But for decades the Bihar government failed to address the language issue seriously. The policy was based on simplification, misinfor-

mation on the extent of linguistic diversity and a symbolic adherence to all-India policies for the protection of linguistic minorities combined with the actual non-implementation of policies. The basic simplification upon which the policy of Bihar Government is based is that it represents overwhelmingly a Hindi-speaking state. As per the Census of 1961, only 44.3 per cent of the population declared their mother tongue as Hindi. However, until the 1970s, the Bihar government relied on the Census of 1951, which showed that 81 per cent of the population was Hindi-speaking.

The real reason for adopting Hindi as a mother tongue was because Magahi and Bhojpuri mother tongues owe their origin to both Maithili and Hindi. But the standardization and spread of Hindi influenced the educated and socially mobilized Magahi and Bhojpuri population, who accepted the view that their mother tongues were dialects of Hindi. The Maithili movement did not exercise the same level of influence, leading to the acceptance of Hindi as a dominant language. Amongst minority languages, only tribal languages and languages recognized by the Eighth Schedule are given official status, with Maithili being gradually recognized.

There are two areas of government policy-making with respect to the use of minority languages in an Indian state, namely, the primary and secondary education system, and the state administration. In both areas, the Bihar government maintained that Hindi is the predominant language of Bihar and Maithili is a minority mother tongue with a small and indeterminate number of speakers. The government has theoretically granted full rights to Maithili-speakers at the primary stage, resisted demands at secondary stage, and refused to grant the official recognition to Maithili for the purposes of administration.

Equally important was the attitude of the Maithili-speaking population, which had been lukewarm and slow, and therefore the struggle to get Maithili recognized was a prolonged one. The Government of India finally recognized Maithili as an official language to be included in the Eighth Schedule of the Indian Constitution only in 2003. Inclusion in the list enables the linguistic group to take all-India examinations in its own language. Similarly, the recognition as an official language of a state enables a people to compete for positions in the state services without having to take

examinations in another language. The official recognition, linguistic minorities argue, reduces the pressure for linguistic assimilation and enables the group to strengthen its identity and solidarity (Weiner, 1997).

## *2.2 Case Study of Urdu and Hindi*

The issue of Urdu speakers in India is more complicated than any other language issue because it lies at the intersection of language, geography and religion. Independent India inherited the bloody legacy of partition on religious grounds. In this context, it is important to note that the demand for recognition of Urdu is most cogent only in northern India. In post-independent India the nature of Muslim demands underwent a profound change. The condition of Muslims changed radically in both politics and political leadership and in their objective circumstances as a minority community. The leadership amongst Muslims of the northern India had migrated to Pakistan leading to a vacuum within the Muslim League in India. Congress was quick to fill its place and pledged secularism and protection of minority rights. But gradually, along with the loss of economic influence and the decline in their political opportunities, their language and culture were in danger of being absorbed by the dominant Hindi and Hindu culture of the north. Recurring riots in the cities and towns of the northern India threatened the lives and property of the urban Muslim middle and lower classes. The Muslim minority became a minority nearly in every state except Jammu and Kashmir. They could have made linguistic demands, but the informal rules prohibited the linkage between religion and language. Thus, in post-independent India the Muslim demand changed from a political one to a cultural one, i.e. to the demand for the protection and preservation of Urdu.

W.C. Smith in 1956 observed that “the Muslim community is in danger of being deprived of its language. Nine years of gradual adjustment in other fields have brought no improvement”. Smith’s observation echoes the fears of Muslim leaders in the northern India, who have charged that Urdu, once the dominant language of the northern India, is being displaced and eliminated in Uttar Pradesh and Bihar as a language of education and administration.

The issue of Urdu and Hindi is complicated in a sense vis-à-vis any other language, like Punjabi, fighting for distinction because while at the spoken level, and in terms of the grammatical structure, both are similar, they diverge at the literary, vocabulary and script levels. Though there is some ambivalence among leaders of the Urdu movement about the approach to preserve and develop the Urdu language, it is important to stress its uniqueness. At its extreme, it is argued that Urdu is the predominant language of northern India.

The similarity between Hindi and Urdu has been overshadowed by the attachment of Hindus to Hindi and Muslims to Urdu. Thus, politics surrounding the two languages is essentially the politics of a Hindu majority and a Muslim minority. In the eyes of those who support Hindi as the official language of India, and particularly the northern states, the attachment of Muslims to Urdu and its “foreign” script seems to them a case of uncertain loyalty. Urdu supporters, on the other hand, deny this charge and defend its indigenous origins. Moreover, they argue that Urdu is not only the language of Muslims, but of Hindus as well.

The official position of state governments falls between these two views. During 1950s and 1960s, the official view of Congress was that Urdu was not a foreign language and that associating Urdu with Muslims was self-defeating. It is important to understand that while Urdu is spoken by millions of non-Muslims, it is a special heritage of the Indian Muslims. In other words, it is not Hindu-Muslim unity which is threatened by the decline of Urdu, but cultural vitality and a sense of Muslim identity which Muslims of northern India wish to preserve.

As in the case of Maithili, the leaders of the Urdu movement charge that the census figures do not accurately reflect the number of Urdu speakers. The problem of maintaining an appropriate status for Urdu is fundamentally different from Maithili, which struggled against complete absorption by Hindi. Urdu had been the dominant language of the north and the lingua franca of the subcontinent, until it was challenged by the Hindi movement. In the early twentieth century, it was Hindi which challenged the domination of Urdu not the other way around. The struggle for the protection of Urdu was meant to prevent the downfall of Urdu

and to preserve the rights provided for all the major modern Indian languages.

Difficulties in implementing all-India policies on language have been particularly evident in the case of Urdu. Deputations of Urdu supporters have from time to time in the past asked the government to invoke Article 347 of the Constitution to protect the rights of Urdu speakers, especially in Uttar Pradesh and Bihar, where serious charges of discrimination have been confirmed by reports of the Commissioner of Linguistic Minorities. In 1958, the Government of India itself acknowledged that there was justification for complaints that the government policies on linguistic minorities had not been fully implemented, especially in the case of Urdu. The central government had consistently refused to invoke Article 347 and to provide facilities listed in the Constitution for Urdu speakers. Along with this five points were emphasized:

1. Facilities for instruction and examination in the Urdu language at the primary stage should be provided to all children whose mother tongue is Urdu;
2. Arrangements should be made for the training of Urdu teachers and the supply of textbooks in Urdu;
3. Facilities for instruction at the secondary stage of education should be provided;
4. Documents in Urdu should be accepted by all courts and offices without the need for translation into other language. Petitions and representations should also be accepted in Urdu; and
5. Important laws, rules, regulations and notifications should be issued in the Urdu language.

According to the Gujral Commission (1975), despite several half-hearted attempts to increase the use of Urdu in school, existing state policies have made such an adoption impossible. While censuses are rigged to register Hindi as a mother tongue, schemes such as the three-language policy allocate Urdu a place where it is unlikely to be selected by students. There are also hardly any Urdu

medium schools in Uttar Pradesh or even in Andhra Pradesh, and in Bihar, Urdu is prevalent only within *madrasas* (Islamic schools).

### 3. Language Politics in Serbia

Even as a federal unit of the former Socialist Federal Republic of Yugoslavia (SFRY), the Republic of Serbia, with its two autonomous provinces—Vojvodina and Kosovo and Metohija, represented linguistically the most heterogeneous part of the country. As a member of the socialist block of countries, the SFRY led an ideologically motivated politics of nurturing minority identities, which also included the regulation of linguistic minority rights. For instance, Várady refers to the respected status of linguistic minorities in pre-1990 Vojvodina. The 1974 provincial Constitution guaranteed preschool education, as well as ten years of basic education, in the languages of four established minorities: Hungarian, Slovak, Romanian, and Ruthenian. Furthermore, prior to the end of the 1980s, all federal and Serbian laws were not only published in the majority language, Serbo-Croatian,<sup>3</sup> but in Albanian and Hungarian as well. According to the *Special Act on the Ways of Securing the Equality of Languages and Alphabets of Nations and Nationalities within Given Authorities, Organizations and Communities*, enacted in 1973 and amended in 1977, the Hungarian language was given equal status to that of Serbo-Croatian in 34 out of 44 municipalities in Vojvodina, while the Slovak language was given equal status in

<sup>3</sup> Before the break-up of the SFRY, Serbian and Croatian were considered, according to the linguistic criteria, as one single language. Depending on the place of its use, two versions of the language title were equally valid. In Croatia, it was called Croato-Serbian and in Serbia, vice versa, Serbo-Croatian. However, after the split, the newly independent states adopted the constitutional policy of “pure” and separate national languages. At the linguistic-communicational level and from the point of view of the internal structure, it is still possible to speak about one language, with its different dialects and standards. However, when one employs the sociolinguistic dimension and the level of political symbolism, it becomes obvious that “new”, distinct languages go hand in hand with the newly born independent states (Bugarski, 1997: 67-73).

15, Romanian in 10, and Ruthenian in 6. Respective authorities were under an obligation to provide for the equal standing of one or more minority languages in official proceedings, oral and written communication, publishing of their acts and other official records, and preparing materials for meetings of provincial or local assemblies (Várady, 1997: 25-8).

The subsequent democratic transition and consolidation was, and still is, a troubling process in all countries of the former socialist block, and that particularly applies to the new states founded on the ruins of the SFRY. In that respect, linguistic minority rights politics was often one of the victims of this process. A familiar joke in the region says that under communist rule, you could talk in whatever language so long as you praised the party and the regime, while under the new regime, you can express any political opinion you like so long as it is expressed in the majority language.

At first glance, this joke would not seem to be completely applicable to the Serbian case, since the 1990 Constitution provided in Article 8(2), that “[i]n the regions of the Republic of Serbia inhabited by national minorities, their own languages and alphabets shall be officially used as well (along the majority language and alphabet, M.J.), in the manner established by law”. However, the subsequent 1991 *Law on the Official Usage of Languages and Alphabets* does not go too far in determining criteria according to which minority languages could acquire the status of official ones. In fact, quite to the contrary, Article 11 leaves this decision to be arbitrarily taken by multilingual municipalities themselves and regulated by local statutes. Consequently, a general constitutional guarantee of multilingualism is in effect reduced to a subject of by-law regulation.

In the post-SFRY period of the common state of Serbia and Montenegro,<sup>4</sup> the most important piece of legislation—the 2002 *Law on the Protection of Rights and Freedoms of National Minorities*—

<sup>4</sup> At first, this polity was organized as the Federal Republic of Yugoslavia (FRY) (1992-2003), and afterwards as the loose State Union of Serbia and Montenegro (SCG) (2003-6). On 21 May 2006, Montenegro held a successful referendum on independence. The State Union effectively came to an end after

was issued at the federal level. Though it was drafted as a necessary precondition of the full membership of the then FRY in the Council of Europe, its solutions go far beyond the soft-law standards of the aforementioned *Framework Convention*. As for the respective provisions of linguistic rights of national minorities, Article 9, for instance, regulates the choice and use of personal names, according to linguistic standards of the minority native language, while Article 10 provides for the freedom to use one's native language in public and in private. Article 11 extensively regulates the official use of minority languages and alphabets. The referential territories for this policy are "the units of local self-government", that is, municipalities. They are obliged to provide official status for a minority language or alphabet "if the percentage of that national minority in the total population on their territory reaches 15 per cent according to the latest census". Irrespective of this, "[i]n the unit of local self-government where the language of a national minority is in official use at the moment of the enactment of this Law, it shall remain in official use." Paragraph 4 clarifies that the official use shall in particular cover: "the use of the minority language in administrative and court procedure; conducting administrative and court procedure in the language of the national minority; the use of the language of national minority in the communication of the authorities with citizens; issuance of public documents, and keeping official registers and registers of personal data also in the language of national minorities, and the acceptance of those public documents as legally valid; the use of the language of national minorities on ballot papers and electoral materials; the use of the language of the national minority in the work of representative bodies." The next paragraph states that in the respective municipalities "names of public authorities, names of units of local self-government, of settlements, squares and streets and other toponyms shall also be displayed in the language of the respective national minority according to respective orthography and grammar rules and tradition."

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Montenegro's formal declaration of independence on 3 June 2006 and Serbia's formal declaration of independence on 5 June.



Finally, Articles 13-15 regulate the education in native languages, by providing a general right of minorities “to instruction in their own language in pre-school, elementary school and secondary school education” (Article 13(1)). Where no such instruction exists, “the state is obliged to create conditions for the organization of instruction in the native language of the national minority, and until then to guarantee the bilingual instruction or the instruction of the minority language with the elements of national history and culture for the persons belonging to the respective national minority” (Article 13(2)). For the effective exercise of the right to education in a minority language, “the law may prescribe a specific minimum number of pupils necessary for the realization of these rights”, but this number can be smaller than the general minimum that is required for organizing classes and education (Article 13(3)). This Article also stipulates that instruction in the language of national minorities does not exclude the obligatory learning of the Serbian language, but it also states the “the curricula in educational institutions and schools in the Serbian language, in order to foster tolerance with regard to national minorities, have to include a subject containing knowledge of the history, culture and position of national minorities, and other contents fostering mutual tolerance and co-habitation.” Moreover, in municipalities “where the language of the national minority is in official use, the curricula in educational institutions and schools with instruction in Serbian language should also contain the possibility of learning the language of the national minorities” (Article 13 (7)). Article 14 establishes the duty of the state to organize university education in the minority language so as to enable the teaching personnel—from kindergarten nurses to university teachers—to instruct in the native language. Article 15 guarantees the right of persons belonging to national minorities to establish private schools and universities with instruction in the minority language, while Article 17 provides for the same right in the sphere of the media. In addition, the state has to allocate a certain number of public television and radio hours for programmes in the minority language.<sup>5</sup>

<sup>5</sup> A similar set of provisions was afterwards enacted at the federal constitutional level, thus becoming a part of the short-lived *Charter of the Human*

The last 2002 census demonstrates the multilingual nature of Serbia,<sup>6</sup> especially in its province of Vojvodina, where the largest linguistic minorities are Hungarian (14.28 per cent at the provincial level), Slovakian (2.79 per cent), Croatian (2.78 per cent), Romanian (1.5 per cent) and Roma (1.43 per cent).<sup>7</sup> No wonder, then, that here the provincial government and local municipalities foster more robust policies of multilingualism, which resulted in the fact that in the workings of the provincial organs, Hungarian, Slovakian, Romanian, and Ruthenian are in official use, while in 38 out of 45 municipalities, and in the city of Novi Sad, at least one of the minority languages is in official use along with Serbian.

The aforementioned facts should be kept in mind when interpreting provisions of the new 2006 Constitution of the Republic of Serbia. In Article 10, it states that the “Serbian language and Cyrillic script shall be in official use in the Republic of Serbia”, while “[o]fficial use of other languages and scripts shall be regulated by the law based on the Constitution”. However, probably the most important constitutional provision for minorities, including the linguistic ones, concerns Article 20(2) which stipulates that an “[a]ttained level of human and minority rights may not be lowered”. Furthermore, Article 18(1) states that “[h]uman and minority rights guaranteed by the Constitution shall be implemented directly.” All this implies that the already acquired level of multicultural measures in the language politics of Serbia shall be maintained, if not further expanded.

#### 4. Conclusion

The case of language policies in India needs to be discussed in the context of developing countries where there is slow and tardy

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*and Minority Rights and Civil Liberties* (see, Art. 47-57), which was integral part of the constitutional law of the State Union of Serbia and Montenegro. The English version is available at [http://www.mfa.gov.yu/Facts/charter\\_min.pdf](http://www.mfa.gov.yu/Facts/charter_min.pdf)

<sup>6</sup>The census was not conducted on the territory of Kosovo and Metohija, which is according to the UN SC Resolution 1244 under the UN administration.

<sup>7</sup>English version available at [www.statserb.sr.gov.yu/zip/esn31.pdf](http://www.statserb.sr.gov.yu/zip/esn31.pdf)

implementation of constitutional provisions. This problem gets further aggravated in a multilingual country as huge as India. The three-language formula in India needs to be evaluated carefully. As the case study of Urdu indicated, there is a serious lack of schools, teachers and even typists in court so as to successfully accommodate multilingualism in the states of Uttar Pradesh and Bihar, which recognize Urdu as an official language. Thus, simply laying down a policy may not be sufficient. Furthermore, the Indian government's policy on educational and vocational use of language needs to be revised, keeping in mind the impact of globalization in which English seems to be the most dominant language for communication.

As for Serbia, the evidence indicates an emphasis on normative ideals of promotion-oriented minority language rights and a status of official multilingualism at the territorial level of province and municipality. More needs to be done, however. First of all, various dispersed provisions on minority language rights in Serbian law have to be made into a logically consistent and non-contradicting normative order. Second, guaranteed ethnolinguistic democracy requires, above all, a developed infrastructure for its full implementation. The state's insufficient financial support for its proclaimed policies and the lack of competent and skilled personnel in the administration and judiciary were, so far, the most frequent reasons for the partial implementation of these policies. In addition, when discussing language policy in Serbia, one should keep in mind that for the Serbs the preservation of language and the Cyrillic script were vital for the nation-building process, especially in the periods under Ottoman and Austro-Hungarian rule (Jovanoviæ, 2005: 319-39). Hence, even today, all measures regarding minority language protection have to be counterweighted with the legitimate policies for the promotion of the majority language and alphabet.<sup>8</sup> Thus, the stated goal of "tolerance and intercultural dialogue", stipulated in Article 81 of the Constitution, can only be met if,

<sup>8</sup> If one takes into account what Patten and Kymlicka call "threatened language vs. world language' dynamic", this is particularly true for the Cyrillic alphabet, which is endangered by the overall dominance of the Latin alphabet in all public spheres (Jovanoviæ, 2006: 1-11).

beyond the implementation of the policies themselves, they are fully accepted by people in their everyday lives.

A final remark should be made. Though very different in nature, these two cases, we believe, carry one important and common message. In the aforementioned domains of linguistic policies, the accommodation of linguistic identities and the quest for the recognition of separate minority languages imply an *enduring effort* of multilingual states to successfully manage this form of diversity. Consequently, it seems more realistic to discuss language politics as a *conflict-management* tool rather than as a *conflict-resolution* tool.

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