

Legislation dealing with the use of languages

Constitutions of the Federation of Bosnia and Herzegovina and Republika Srpska (1995)

Background notes

Independence from Yugoslavia on April of 1992

The Bosnian conflict began in the spring of 1992 when the government of Bosnia and Herzegovina held a referendum on independence. The Bosnian Serbs, supported by neighboring Serbia, responded with armed resistance aimed at partitioning the republic along ethnic lines and joining Serb-held areas to form a "greater Serbia".

In March 1994, Bosnia's Muslims and Croats reduced the number of warring factions from three to two by signing an agreement in Washington creating their joint Muslim/Croat Federation of Bosnia and Herzegovina. The Federation, formed by the Muslims and Croats in March 1994, is one of two entities (the other being the Bosnian Serb-led Republika Srpska) that now comprise Bosnia and Herzegovina.

On November 21, 1995 in Dayton, Ohio, the former Yugoslavia's three warring parties signed a peace agreement that brought to a halt over three years of interethnic civil strife in Bosnia and Herzegovina (the final agreement was signed in Paris on December 14, 1995 and includes a new Constitution, which is now in force.).

The Dayton Agreement, signed by then Bosnian President Izetbegovic, Croatian President Tudjman, and Serbian President Milosevic, divided Bosnia and Herzegovina into roughly equal parts between the Muslim/Croat Federation and the Republika Srpska while maintaining Bosnia's currently recognized borders.

In 1995-96, a NATO-led international peacekeeping force (IFOR) of 60,000 troops served in Bosnia to implement and monitor the military aspects of the agreement. IFOR was succeeded by a smaller, NATO-led Stabilization Force (SFOR) whose mission is to deter renewed hostilities.

While SFOR remains in place, a Higher Representative appointed by the UN Security Council is responsible for civilian administration of the accord. This includes monitoring implementation, facilitating any difficulties arising in connection with civilian implementation and coordinating activities of the civilian organizations and agencies within Bosnia.

Although a clear goal of the Dayton agreement was to reestablish a multi-ethnic, united Bosnia and Herzegovina, little progress has been made toward that end. Due largely to obstruction by local authorities, the overwhelming majority of whom are members of the nationalist parties, few

people were able to return to their prewar homes during 1997. Of the more than two million Bosnians who were displaced by the war, only approximately 250,000 had returned to the country by November that year; and very few to their pre-war homes in areas that are now controlled by another ethnic group. What is more, during the two years since Dayton, another 80,000 individuals have been displaced due to transfer of territory between the two entities.

SECTION B

Where does one observe language to be a problem in the country?

The existence of three languages is itself a subject of discussion and not yet resolved.

There is little (5-10%) difference between the Croatian, Bosnian and Serbian languages, but over the past decade the basic function of language as a means of communication has been pushed aside in favor of its symbolic function. However, every speaker in Bosnia Herzegovina is polyglot or multilingual, meaning each speaks three languages.

In these troublesome times, the fear of not being sufficiently Croat, Bosniak or Serbian has opened the door to a norm that is decided not by linguists but by politicians. As an illustration, Professor Josip Baotic, a linguist working at the Language Department of the University of Sarajevo, mentions the case of the Serb language in Bosnia-Herzegovina. The Serbs in Bosnia-Herzegovina have rejected the very feature that unites all Serbs: their Ijekavski speech. Ijekavski is common to all the Serbs of Bosnia-Herzegovina (though not to all Croats or all Bosniaks, since the latter two peoples speak both Ijekavski and Ekavski), yet they have given it up in favor of Ekavski in order to be Serbs.

Professor Baotic also tells a story of a village in northern Bosnia, where the locals are discussing writers. They argue about whether the Latin or the Cyrillic script is better. These seven men spend some time in hot dispute and in the end, unable to resolve the issue, they start to fight. When they are taken before a magistrate, it turns out that five of the seven are so far from literate that they cannot even sign their own names. That is the language problem in this country: the 90% who argue about its languages know nothing of the subject, but merely fear the names associated with them.

Ivo KomĐic has described how, when he visited Croat refugees in Munich, the first thing he was asked was what language their children would be educated in if they returned to Bosnia. His answer to such queries had to be (as appropriate): "In the Croat language... in Serb... in Bosnian". The truth is that these people have no idea what language is. They have simply been frightened with the notion that their children will be taught in, say, a

weird Bosnian language that they believe to be imported from Turkey - so they are afraid that their child will become a Muslim, or a Serb, or a Croat.

A current issue in the field of education is of the possibilities and obstacles leading up to a common education system for Bosnia and Herzegovina.

There is a problem with the return of refugees and displaced persons. Some Bosnian, Serb, and Croat political leaders still discourage displaced persons of their own ethnicity from returning to areas where they would be in the minority. During the three years since signing of the Dayton Peace Agreement, many more minorities have fled Sarajevo than returned.

What does it cost in terms of money, time and government resources to police the country's language restrictions?

A good example of how things work in practice is the fact that the Official Gazette of Bosnia Herzegovina is published simultaneously in three languages and two scripts and the Official Gazette of the Federation of Bosnia-Herzegovina in two languages. All texts of official documents such as laws, decrees and regulations, after being adopted by the respective Parliaments, need to be translated (better to say put in accord) before publication.

Did the country ratify any international treaty dealing with the protection of minorities?

The Framework Convention for the Protection of National Minorities was ratified on February 24, 2000 and enacted on June 1, 2000.

What else can be found about languages and minorities?

As stated in the Yugoslavian Federal Constitution of 1974, five languages had official and equal status in the Former Socialistic Republic of Yugoslavia: Serbo-Croatian, Slovenian, Albanian, Hungarian, and Macedonian. Serbo-Croatian was spoken as a first language by three quarters of the population and as a second language by most of the rest of the population.

The director of the Language Institute in Sarajevo, Mr Cedric explains the history of the creation of the standard Bosnian language in Bosnia-Herzegovina:

“After the World War II, the first standard for language and the basis of the first common dictionary were composed in Novi Sad, in 1967. Serbo-Croatian language was defined and attempts to resolve differences in vocabulary, pronunciation, orthography and the name of the language were made. Serbo-Croatian or Croato-Serbian language functioned as a common standard until 1990.

Four national groups used this language: Croats, Bosniaks, Serbs and Montenegrins. The use of one language under the different socio-cultural, political, literary-linguistic and civilization circumstances caused the language to gain specific characteristics e.g. two different terms for one word existed (bread: hljeb-kruh) or phonetic variations (Europe: Europa-Evropa), synonyms etc.

Four different variants of one standard language were gradually created: Bosno-Herzegovian, Croatian, Serbian and Montenegrin. Afterwards they were identified by different names known as the Bosnian, Croatian and Serbian languages. Only Montenegrins did not name their variation of the language and they continued to use the name Serbian language.

The Bosnian-Herzegovian variant was considered as a language idiom used in Bosnia and Herzegovina from 1972-1992. Meanwhile the two nationalities living within Bosnia Herzegovina named their languages as Croatian and Serbian. In 1991 Bosniaks restored their national name of their mother tongue as the Bosnian language.”

APPENDIX A

MAP OF BOSNIA-HERZEGOVINA



APPENDIX B

THE CONSTITUTION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

(Adopted in 1995)

(Document Status in 1998)

Article 6

1. The official languages of the Federation shall be the Bosniac language and the Croatian language. The official script will be the Latin alphabet.
2. Other languages may' be used as means of communication and instruction.
3. Additional languages may be designated as official by a majority vote of each House of the legislature, including in the House of Peoples a majority of the Bosniacs Delegates and a majority of the Croat Delegates.

THE CONSTITUTION OF THE REPUBLIKA SRPSKA

(Document Status in 1998)

Article 7

The Serbian language of Ijekavian and Ekavian dialect and the Cyrillic alphabet shall be in official use in the republic, while the Latin alphabet shall be used as specified by the law.

Article 34

Citizens shall be guaranteed freedom of profession of national affiliation and culture and the right to use their language and alphabet.

No one shall be obliged to declare national affiliation.

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