
SEMINAR ON THE TOPIC:

FULFILLMENT OF MUNICIPAL OBLIGATIONS

**THE SECOND WORKSHOP WITH REPRESENTATIVES OF THE MUNICIPALITIES OF NOVOBERDE,
RANILLUG, AND KASTRIOT ON THE USE OF LANGUAGES AT MUNICIPAL LEVEL:**

LAWS AND REGULATIONS ON THE USE OF LANGUAGES

THE ADDRESSED SUBJECT:

**‘THE IMPROVEMENT OF THE SITUATION RELATED TO THE USE AND IMPLEMENTATION OF THE LAW ON
OFFICIAL LANGUAGES’**

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27 - 29 May, 2011

Durrës, Republic of Albania

The nature of this document consists of providing: the summary and recommendations drawn from the workshop

Content:

- Executive Summary
- Context
- Field Situation
- Reflections and Recommendations

Executive Summary:

This document is a result of continuous work in support of municipalities – Prizren, Peje, Kastriot, Ranillug, Novoberde – in the field of improving the implementation of the law on official languages in Kosovo as an important precondition that leads to good municipal governance. This initiative was undertaken based on the judgment that the free and daily use of languages by members of the communities living in Kosovo influences the growth of tolerance, integration, as well as democratic consolidation in the country.

The findings derived from this initiative are based on articulated provision in this document of: the experience of the experts of the field, the experience of municipal and central officials, as well as on conversations and comparative analysis between municipalities. As such, this executive summary underlines some important aspects related to the ascertainment of the actual situation and the need for improvement. Regarding the overall context, Kosovo is, through its current legislation, clearly determined to embrace and apply a high international and regional standard in the field of official recognition of languages.

Despite this, field circumstances let us understand that the implementation of this standard is a challenge in and of itself in Kosovo. More specifically, implementing the legislation on official languages efficiently is a challenging objective to achieve in a country with limited financial, professional, and technological resources. In this context, there is a general consensus that the reflections and recommendations provided in this document need to be accepted in good faith and positively by municipalities as well as by the Government of the Republic of Kosovo.

Context:

It is widely known in the current circumstances that through the Constitution, the Law on the Use of Official Languages and through municipal Statutes and Regulations, Kosovo is addressing the need for using languages with perseverance. In this regard, it can be said that the process of building a proper legal infrastructure which will enable the creation of preconditions for the adequate use of official languages at central and municipal level is on the right track. In this context, it is important to emphasize the fact that this has occurred continuously, even though the Republic of Kosovo is not yet a member of all international organizations that standardize human rights.

However, it is necessary for a country that aims at demonstrating steady progress in the implementation of legislation in general, and in this respect also the law on the use of official languages, to show full commitment in the process of implementation. More specifically, the institutions of Kosovo should secure sufficient financial resources that are necessary for the implementation of legislation. Moreover, a good and appropriate law should reflect not only the commitment in embracing high international democratic standards, but the law or laws should be adapted to real possibilities as well as to administrative and professional capacities.

Therefore, even though different aspects of an ambitious legislation can be discussed, the acceptance of practices under which laws may not be implemented because of the lack of resources or which could be implemented only partially would not be serious. In fact, the approval of a law implies the principle according to which the law should be implemented as a whole, or otherwise it should be amended in order to adapt to circumstances.

Oftentimes, regulating of the use of languages at municipal level is not treated as a priority because more urgent topics are dealt with, related to basic needs that involve wellbeing and providing services to citizens. It is currently evident that the pressure to implement the law on the use of official languages is on municipalities, even though they are unable to meet all the obligations related to local governance. Consequently, although the standards are translated on paper, there are no necessary preconditions to push the implementation as envisaged on the Constitution and the legal framework.

Field Situation:

Currently, the situation related to the implementation of the law on languages in Kosovo is at the same time promising and a delicate challenge to the central and especially the municipal level. It is well known that as far as the legal infrastructure is concerned, Kosovo has regulated the use of official languages at an appropriate level. According to the legislation in force, Kosovo has two official languages at national level – respectively Albanian language and Serbian language – but the legislation also envisages the use of the languages of other non majority communities at municipal level.

More specifically, there is an existing law and an administrative instruction on the use of official languages in municipalities. However, there are difficulties that are mainly related to the lack of institutional as well as professional capacities – or human resources.

An element that should be mentioned among others and that hinders the efficient and comprehensive implementation of the law on official languages is the lack of relevant knowledge on the legislation in force, as well as the lack of knowledge on good practices. There is a dominant impression regarding the implementation of the law on languages that Kosovo has undertaken an extremely difficult commitment to achieve. Another dimension that needs to be addressed is the lack of staff, which consequently causes some officials to be overloaded with work, who in turn feel powerless to process the whole volume of documentation and at the same time respond to requests that are related to good governance in the field of information and providing language service to citizens regardless of ethnic belonging.

There is sufficient political will in municipalities and especially from the part of the executive to address the field of using official languages and particularly languages of non majority communities urgently. However, the non adequate treatment is not a consequence of the lack of political will or of post–conflict causes, but is a consequence of three main problems:

- **Misunderstanding or lack of knowledge on the law and the obligations derived from it;**
 - Often uninformed officials use the wrong assumption that the law can be applied partially;
 - In specific cases, the determination to translate a material and the omission of the remaining material is done in a completely arbitrary way, by not responding to and not covering the needs on the field;
 - The implementation of the law is not regarded as a factor that leads to good governance and integration, but as an institutional routine.

➤ **The lack of capacities, resources;**

- In this context, what can be mentioned is the lack of staff numerically as well as lack of staff with proper professional preparation
- The lack of budget planning as an institutional source that would enable flexibility in certain cases, ex. when institutions are faced with large volumes of documentation, or when there is a need for specialized translation, etc.;

➤ **The lack of serious supervision and non initiation of topics because of the lack of civil pressure and the treatment of this topic in an inadequate manner by the central institutions;**

- The lack of qualitative and quantitative supervision by the Ministry of Local Government Administration;
- The lack of monitoring and reporting by the civil society, including critical voices in cases of failures;
- The lack of treatment of this topic in a more structured and consistent manner by the central and local institutions;
- The lack of mentoring and advising by the central institutions to municipalities;
- The lack of a more advanced treatment of translation offices and officials.

In conclusion, it should be emphasized that there are non explored opportunities, such as inter-municipal collaboration, or opportunities related to benefiting from donations in the field of promoting lingual and cultural identity, but also building professional institutional capacities.

➤ **Challenging/ Problematic points related to the implementation of the law on languages**

- The implementation of obligations deriving from the legal framework (the law on the use of languages, the law on local self government, municipal regulations and statutes).
- The lack of capacities in the offices of translation (staff, tools, resources, and finances)
- Low awareness of the officials about their obligations and institutional responsibilities
- Citizens rarely complain about this topic, they do not have information about the requests that they can address
- The lack of capacity building programs for municipalities and respective offices
- Consistent monitoring, not ad - hock

Recommendations:

These recommendations aim at serving as starting points on the basis of which a more detailed action plan would be built at central and municipal level, while not excluding other influential actors (**ose stakeholders**) on institutional and social developments. Based on all the gathered and analyzed evidence in these two workshops, as well as preparatory workshops, the Kosovo Local Government Institute recommends the following:

- The creation of a professional framework for translation through initiatives and inter – municipal collaboration which would enable higher efficiency and quality. Moreover, this collaboration enables synergy both in resources as well as in a mutual commitment;
- Raising awareness through campaigns both for officials, in order for them to know their duties, as well as for citizens, in order for them to be aware of the opportunities and rights they have;
- Employment of translators with bi–lingual skills;
- Dedication of additional resources for the implementation of this law – empowerment of the offices of translation;
- Specific trainings for the responsible staff in municipalities regarding translation practices;
- Line ministries should engage in implementing obligations and providing services in official languages and languages in official use in Kosovo;
- Professional institutes (think-tanks) which address issues related to these topics and which offer concrete suggestions towards improving the situation;
- The Ministry of Local Government Administration should do consistent monitoring of the implementation of the law. If the law is inapplicable, it should be reported, otherwise recommendations should be given for legal modification.