

Comments by Brcko Supervisor, Henry L. Clarke On the Brcko District Assembly's Consideration of the Law on Primary and Secondary Education on June 9, 2001

Unfortunately, the Brcko District Assembly did not pass the Law on Education, despite its importance to the upcoming school year. There was, however, a debate on possible amendments. The Assembly decided to consider the law again at its next session. By that time (A) the Brcko Government will have prepared a general plan for implementation of the law, and (B) Counselors of the Assembly will have more opportunity to negotiate on a proposed amendment to Article 9 on languages. The latter is a serious threat to the development of an integrated, non-discriminatory school system.

During the Assembly Session on June 9, SDS Counselors said that they could not agree to the law without the adoption of their amendment to Article 9. Their amendment provides that parents shall determine the language used in teaching, and if required the teacher must explain linguistic differences to children in the other two languages. This position was not acceptable to Bosniac Counselors. Counselors are, of course, entitled and expected to propose or reject laws and amendments to laws.

The Annex to the Final Arbitral Award of 18 August 1999 says, in part: "...the Supervisor will integrate the District's educational system, harmonize curricula within the District, and ensure removal of teaching material which the Supervisor

considers inconsistent with the objective of creating a democratic multi-ethnic society within the District... Every resident of the District shall be given equal access to adequate education without discrimination, and teaching staffs will be employed on a non-discriminatory basis. The Supervisor will have final decision-making authority with respect to such matters throughout the period of supervision....”

The SDS-proposed amendment fails to meet these requirements.

1. Teaching in only one language, when there are children present from more than one language background, is not equal access to education. Such discrimination is also inconsistent with the District Statute and other provisions of the proposed Law on Education, and must not be given support by Article 9 of this law. Teachers must be free to teach every child in the best way he or she believes appropriate, using more than one language if necessary. The SDS argument, that other ethnic groups would have the same opportunity to discriminate against minorities in other schools, is totally without merit, because every recouse every resident must be given equal access to education.

2. The harmonized curriculum already permits study of the three languages in separate classes. The SDS-proposed amendment restricts the use of language in general subjects, even though the working groups on harmonization of the curriculum have already concluded that, given the closeness of the three languages, there is no practical obstacle to the different groups studying together – as was done before the recent war.

3. By giving parents the power to determine the language used in classrooms (or perhaps whole schools), those parents who are also extreme nationalists would have the power to harass teachers and disrupt teaching in integrated classrooms. In secondary school, this power might easily prevent the formation of any integrated classes.

4. Parents of primary school children, who wish to have their children learn in their own language, would feel obliged to live in school districts where they are the majority. This would disrupt the returns process, possibly leading to a reluctance to exercise property rights.

After listening to explanations of this amendment for several hours, it is clear to me that it is simply an attempt by the SDS to maintain mono-ethnic and mono-linguistic schools, and perhaps even force students who find themselves in the minority in the minority in their classroom, out of those primary schools that already have some integration. Failing that, the SDS threatens to block the law altogether. I believe it is important for the Brcko District public to understand that I am legally and morally committed to overturn this and any other legal or administrative device which might deny equal access to education to any resident of the District, or which interferes with the process of integration in District schools.