

European Master's Degree in Human Rights and Democratisation

Education Politicised.

Present Situation and Future Prospects in Bosnia and Herzegovina

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Abstract

The War in Bosnia and Herzegovina of 1992-1995 generated many human rights violations, some of which the Dayton Peace Agreement (DPA) has not been able to end. One of these is the politicisation of the educational system. This thesis presents an overview of the situation since the DPA: the problems, the reform plans, the obstacles. The educational situation is analysed according to the human rights to education, non-discrimination, freedom of religion, and human rights education. All problems boil down to the division of the country into three constituent peoples - Bosniacs, Bosnian Croats, and Bosnian Serbs - which is reflected in different curricula, textbooks, and even schools for the different peoples. Politics seems to be the most important obstacle to change and reconciliation. Even though the international community, and more specifically the Office of the High Representative, has the power to impose certain legislation where the elected representatives fail, for real change to occur a more cunning approach is needed. After the analysis of problems, reform plans and obstacles, an attempt is made at future prospects for ending these human rights violations in education, taking into account the opinions of persons involved in education in BiH that were interviewed for this purpose.

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ABBREVIATIONS

BiH	Bosnia and Herzegovina
Bosniac	Bosnian Muslim
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
DPA	Dayton Peace Agreement
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms, a.k.a. European Convention of Human Rights
EC-TAER	European Commission Technical Assistance to the Education Reform
EISSG	Education Issue Set Steering Group
EU	European Union
EWG	Education Working Group
FBiH	Federation of Bosnia and Herzegovina
FRY	Federal Republic of Yugoslavia (now called Serbia and Montenegro)
IBHI	International Bureau for Humanitarian Issues
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICTY	International Criminal Tribunal for the former Yugoslavia
IDP	Internally displaced person
IGO	International Governmental Organisation
IMF	International Monetary Fund
KM	Convertible Mark (Currency in BiH)
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OECD	Organisation for Economic Co-operation and Development
OHR	Office of the High Representative
OSCE	Organisation for Security and Co-operation in Europe
Others	other peoples than the three constituent peoples of BiH, Bosniacs, Bosnian Croats and Bosnian Serbs
PIC	Peace Implementation Council
RS	Republika Srpska
SDP	Democratic Socialist Party
SFY	Socialist Federation of Yugoslavia
SMS	Shared Modernisation Strategy
UDHR	Universal Declaration of Human Rights

UN
UNESCO

UNHCHR

UNHCR
WW I
WW II

United Nations
United Nations Educational, Scientific and
Cultural Organisation
United Nations High Commissioner for Human
Rights
United Nations High Commissioner for Refugees
World War I
World War II

INTRODUCTION

‘War is the continuation of politics by other means,’ political realist Clausewitz once said. In Bosnia and Herzegovina (BiH) the opposite seems true: politics is the continuation of war by other means. The War that struck BiH in 1992 is far from over. It destroyed peoples’ lives and homes, ravaged the country’s infrastructure, and gave the world a new term: ethnic cleansing. The atrocities logically still occupy the minds of the hundreds of thousands of victims that were traumatised, but every visitor, too, can see that the wounds have not yet healed. On a trip to BiH in January 2003, I was struck by how visible the consequences of the War still were. Yet I was totally stunned, when on a visit to General Divjak¹’s Non Governmental Organisation (NGO) Education Builds BiH, I heard about the consequences of the War on BiH’s children who had hardly been born when the War started. Ever since the War the children of the three major ethnic groups - Bosnian Serbs, Bosnian Muslims (Bosniacs) and Bosnian Croats - had ceased going to school together. Sometimes one school building was even divided into two halves so as to accommodate the different groups separately. I was intrigued by this new form of *Apartheid*, and decided to learn more about it. Officially the War in BiH ended in 1995 with the Dayton Peace Agreement (DPA). Yet almost eight years later, the situation in the country is still unstable, and the War does seem to be continued by means of politics, among which the politicisation of education.

This thesis will try to explore to what extent primary and general secondary education in BiH is politicised, whether this results in violations of human rights, and if so, what can be done to change this practice. In order to do this, it is necessary to have an overview of both the recent history and the political situation. This thesis will *not* be an exposé of the problems BiH is facing in general and in politics in particular, neither will it go into depth into the events of the War. It will, however, describe the elements that are crucial for understanding the present situation in education. The analysis of this situation according to human rights will take into account only those human rights that are related to education, namely non-discrimination, freedom of religion, right to education and human rights education. Again, these are only dealt with to the extent that they are connected to education and its politicisation. The focus of the analysis is on primary and general secondary education, thus vocational and higher education will not be discussed. Although I am aware that some of the

¹ General Divjak was a Serb General and Deputy Commander of the Bosnian government army, who defended Sarajevo during the siege of Sarajevo, and has since become a local hero. In the Republika Srpska he is considered a traitor and thus a war criminal, as he says himself.

problems troubling BiH are shared by the whole of South-Eastern Europe, this thesis deals with BiH only, thus no other countries are taken into consideration.

On the issue of the politicisation of education in BiH and the issues involved, recent literature is scarce. International organisations have produced reports dealing with some aspects, but they are mostly policy-oriented, not scientific treatises. To get an idea of the problems I thus had to pick elements from literature that did not specifically deal with education, and delve into the various reports and reform plans. The lack of literature and the time delay between research and publication in general urged towards a personal approach: a combination of literary and field research.

For the analysis, several methodologies were used. For large parts of the thesis, I used a descriptive method, based on a literary review of legal texts - such as the Constitutions of BiH and its Entities, the DPA, human rights treaties and other documents -, as well as of history books, official reports by governmental and non-governmental organisations, and articles related to the subject.

The analysis of human rights violations in education is a combination of a descriptive and analytical methodology. After the presentation of the different human rights and their meaning, I comment on the extent to which BiH complies or violates their provisions.

An important part of my research consisted of field research, taking the form of interviews I conducted in BiH during a two-week stay.² In order to get the latest information on the situation and to try to verify the literature on the subject with the reality on the ground, I decided to return to BiH to interview individuals who are directly involved in education. I managed to get a balanced sample of nineteen interviewees: school directors, pedagogues, professors involved in education, NGOs involved in education and also Assistant Ministers for Education, both from the Federation of Bosnia and Herzegovina (FBiH) and from the Republika Srpska (RS). I had a list of six open-ended questions, of which four were targeted at the exploration of the current situation in education. One question was to check if I had collected all the current developments regarding reforms. And another was meant to qualify the urgency for de-politicisation.

The first chapter will explain the political structure of post-Dayton BiH.

Chapter two will give an overview of the history of education in BiH and its development towards the present situation. The present problems will be presented on the basis of reports and research by various organisations.

² For more information on the field research, such as personal details of the interviewees, exact questions and a reflective journal, see Appendix VIII.

Introduction

The analysis of the situation in education according to human rights will take place in Chapter three.

Chapter four will then show how various reforms have tried to change the situation.

The last chapter will be based on the interviews conducted, and will present future prospects on the basis of the analysis of the whole situation, as dealt with in this thesis.

1. THE POLITICAL ORGANISATION OF BOSNIA AND HERZEGOVINA

Within the Socialist Federation of Yugoslavia (SFY), the Republic of Bosnia and Herzegovina³ had always been considered a microcosmic model of the Federation as a whole. Serbs, Croats and Muslims lived together as citizens of the Republic within a greater Yugoslavia. Yugoslavia's policy was characterised by the integration of different ethnicities and solidarity among all South Slavic people, summarised by the slogan 'Brotherhood and Unity'⁴. After the Fall of Yugoslavia in 1991, the region was plunged into horrific wars between its former republics, which crystallised along ethnic lines. War became a fight between 'us' and the 'others', and due to its composition Bosnia and Herzegovina was bound to be torn apart internally. Ordinary citizens were forced to take sides, actively or passively.

More than ten years after the beginning of the War for Bosnia and Herzegovina, there is still disagreement about the causes of the Yugoslav Wars in general, and the War in Bosnia and Herzegovina in particular. The disagreements on the causes and the events of the War still run deep among its people, not surprisingly along ethnic lines. Was it a civil war or did it start with an act of aggression from outside?⁵ There is also controversy over the sort of society Bosnia and Herzegovina was before the War. Some authors state that the Balkans, and Bosnia and Herzegovina in particular, had always been a powder keg⁶. Others maintain that Bosnia and Herzegovina until the War had been a primary example of friendly co-existence, characterised by high rates of inter-ethnic marriages⁷. Whatever the situation before 1992, the War changed the society, created fear of the 'other', where the 'other' can even be a neighbour for decades or a childhood friend. Attitudes have hardened by traumatic experiences, which need to be dealt with for the thread of daily life and peaceful multiethnic co-existence to be resumed.

The War in BiH ended with the General Framework Agreement, better known as Dayton Peace Agreement (DPA)⁸, brokered by the United States, signed in November 1995 and entered into force a month later. Ever since the beginning of 1996, BiH can be described as an

³ When referring to Bosnia and Herzegovina before its independence in 1992 or in a broader more historical sense, the whole name will be used. When referring only to Bosnia and Herzegovina after its independence in 1992, as a sovereign state, its abbreviation 'BiH' will be used.

⁴ See e.g. L. Silber, A. Little, *The Death of Yugoslavia*, London, Penguin and BBC Books, 1996, pp. 28-29.

⁵ At the moment the War arrived there, Bosnia and Herzegovina (BiH) had just declared its independence.

⁶ See e.g. R.D. Kaplan, *Balkan Ghosts. A Journey through History*, New York, Vintage Departures, 1996.

⁷ See e.g. N. Malcolm, *Bosnia. A Short History*, London, Pan Books, 2000; R.J. Donia, J.V.A. Fine, *Bosnia and Herzegovina: A Tradition Betrayed*, London, Hurst and Company, 1997.

⁸ For the DPA and its Annexes, see Appendix I to this thesis.

internationally sponsored political piece of engineering. International governmental organisations such as the United Nations (UN) and several of its agencies, the Organisation for Security and Co-operation in Europe (OSCE), the European Union (EU), the Council of Europe, NATO, the World Bank, the International Monetary Fund (IMF) and hundreds of international non-governmental organisations poured in to help BiH recover from the War and transform itself into a viable democratic society. The DPA itself is the result of a huge peace-making effort to stop the fighting, in other words it is a compromise between warring parties. This reflects in its provisions and lies at the heart of a renewed debate on its usefulness in providing for a workable future.

One of the prime aims of international involvement in BiH is the reversal of ethnic cleansing, which is condemned by the international community, and explicitly mentioned as a crime against humanity in the Statute to the International Criminal Tribunal for the former Yugoslavia (ICTY)⁹. Yet the results of the War and ethnic cleansing, namely a territory effectively partitioned into three national(ist) statelets, was confirmed by the DPA¹⁰. This is one of the most important and sour contradictions in BiH to date.

1.1. The Structure of the Dayton State

In order to understand the complexity and problems related to education, it is necessary to have a general impression of the political organisation of BiH.

1.1.1. The Sovereign State of Bosnia and Herzegovina (BiH)

The overall framework of BiH is based on equity and parity between Bosniacs, Bosnian Serbs and Bosnian Croats. This appears in every aspect of the organisation of the state. Annex 4 of the DPA comprises the BiH Constitution. The Preamble confirms its sovereignty, territorial integrity, and political independence in accordance with international law, and the status of Bosniacs, Bosnian Serbs and Bosnian Croats as its constituent peoples (along with Others¹¹). BiH is divided into two Entities, the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS) in a 51-49 % division of the country's territory¹². This division

⁹ See Article 4 Amended Statute of the International Criminal Court for the former Yugoslavia, 2002, and Part 2 Article 7(1)(d and h) and Part 2 Article 7(2)(d and g) Rome Statute of the International Criminal Court.

¹⁰ See e.g. N. Chomsky, *The New Military Humanism. Lessons from Kosovo*, London, Pluto Press, 1999, pp. 25 and 30; P. Maass, *Love Thy Neighbour. A Story of War*, London, Papermac, 1996, pp. 271-272.

¹¹ Minority groups such as Roma and Jews.

¹² The percentage is approximate due to fact that the Brcko district, which is an administrative unit under the sovereignty of BiH, is neither part of the RS, nor of the FBiH, but temporarily under international supervision. (*Statute of the Brcko District of Bosnia and Herzegovina*, in «Official Gazette» of Bosnia and Herzegovina, 9/00).

is the first confirmation of ethnic cleansing since the RS population after the War was almost homogeneously Bosnian Serb and the population of the FBiH Bosniac and Bosnian Croat.

To accommodate the different (warring) ethnic groups, BiH became the most decentralised country in Europe, if not the world. This chapter will demonstrate this decentralisation and its far-reaching consequences for policy-making. BiH's constitutional model is based on layered sovereignty and citizenship, which are mirrored in its citizenship provision and state level institutions. The citizenship provision reflects the importance of the division in different ethnic groups. Firstly, there are two citizenships, one of BiH as a whole, and one of each Entity. Secondly, there is the possibility for dual citizenship of another state. Furthermore the Entities have the right to establish parallel relationships with neighbouring states, as long as these respect the sovereignty and territorial integrity of BiH. The FBiH established such a relationship with Croatia in 1998 and the RS made use of this provision in 2001 concluding a Special Parallel Relations Agreement with the Federal Republic of Yugoslavia (FRY, now called Serbia and Montenegro)¹³.

The state level institutions have only a limited number of functions, which are mainly based on the representation of BiH towards other states and the international community. The legislative organ on state level is the Bicameral Parliament, consisting of a House of Peoples and a House of Representatives. The delegates of the House of Peoples are nominated by the respective Entity Parliaments. They are fifteen delegates in total, five Bosnian Croats and five Bosniacs, selected respectively by the Bosnian Croat and Bosniac representatives to the House of the Peoples of the FBiH, and five Bosnian Serbs selected by the National Assembly of the RS. The House of Representatives, on the other hand, is directly elected according to proportional representation. It comprises 42 total members, 28 from the FBiH and 14 from the RS. It must be noted that the equal division of seats among the ethnic groups does not reflect the proportionality of the ethnic groups¹⁴. Each House chooses 3 members for the rotating chair and the two deputy chairs, which must be Bosniac, Bosnian Croat and Bosnian Serb.

In both Houses, decisions are in principle taken by a majority of those present and voting. The problem lies in the 'in principle', since there is an influential and problematic caveat to it. The majority of, as appropriate, the Bosniac, Bosnian Croat or Bosnian Serb Delegates to the House of Peoples hold a veto-power and can declare a decision destructive of a vital interest

¹³ S. Bose, *Bosnia after Dayton. Nationalist Partition and International Intervention*, London, Hurst & Company, 2002, p. 61.

¹⁴ According to the CIA World Factbook 2002 on BiH, the national breakup of the population in 2000 was 48 % Bosniac, 37.1 % Serb, 14.3 % Croat and 0.5 % other.

<http://www.cia.gov/cia/publications/factbook/geos/bk.html>, download 06/06/2003.

of the Bosniac, Bosnian Croat, or Bosnian Serb people. The decision will then be considered by a three-member commission for a period of five days, and if the deadlock persists, will continue to the Constitutional Court of BiH for a binding opinion. In general one can say that constitutionally the Parliamentary Assembly does not have many responsibilities, but some are quite important, such as enacting legislation to implement decisions by the BiH state presidency, approving the state budget and deciding on the ratification of international treaties.

The same system of equity and parity is reflected in the organisation of the State Presidency, the Council of Ministers and the Constitutional Court. The three state-presidents, directly elected by the people of respectively the FBiH and the RS, form a collective state presidency, consisting of one president and two co-presidents, who rotate every eight months. The presidents select one of themselves as Chair of the Presidency. Here again, each president holds a veto-power, which needs to be confirmed by the RS National Assembly or FBiH House of Peoples respectively to remain valid. The Council of Ministers cannot consist of more than two-thirds from the FBiH, and every minister has a deputy minister of an ethnic group other than her/his own. The positions in the Constitutional Court are also equally divided among the three nationalities, with 4 judges from FBiH and 2 from the RS. Yet the fact that 3 extra judges are added from the European Court of Human Rights, and that decisions are taken by simple majority voting, helps to avoid a political deadlock in this institution, with wide-ranging jurisdiction.

1.1.2. The Federation of Bosnia and Herzegovina (FBiH)

The FBiH is even further decentralised. The division of BiH into two instead of three Entities was possible through the existence of the Washington Agreement of 1994, when Croats and Bosniacs stopped fighting each other and joined forces in a strategic alliance against the Serbs. The Agreement was brokered by the United States, and created the Bosniac-Croat Federation¹⁵. A condition for this situation to continue after Dayton, and for a separate Entity for the Bosnian Serbs to be accepted by all sides, was the acknowledgement of a kind of autonomy for Bosnian Croats and Bosniacs within the Federation. This resulted in a subdivision of the FBiH into ‘cantons’, i.e. federal units with equal rights and duties. In total there are ten, each with its own government and parliament. Five cantons are Bosniac-dominated, three are Croat-dominated and the remaining two are so-called ‘mixed cantons’,

¹⁵ M. Glenny, *The Fall of Yugoslavia*, London, Penguin Books, 1996, p. 247; S. Bose, *Bosnia after Dayton...*, cit., p. 75.

with no clear ethnic majority of either Bosniacs or Bosnian Croats¹⁶. Tensions are especially high in the latter cantons, and would only be increased by decisions on cantonal governmental level, where a working majority is hardly possible and the slight minority would most likely not be taken into account as it should in a viable democracy. This problem is apparently solved through the delegation of cantonal powers to the municipalities¹⁷, which are often dominated by one group.

1.1.2.1. Federation level

There is a limited list of powers that belong solely to the Federation level. Then there are some areas of shared responsibility, which result mainly in regular consultations and are in practice dealt with on cantonal level. Finally, there are the powers that rest solely with the cantonal governments and institutions, among which education¹⁸. Since the amendment of the FBiH Constitution¹⁹ the constituent peoples of the FBiH include all three constituent peoples of BiH as a whole, and not only the Bosnian Croats and Bosniacs.

The Federation's structure can partly be compared to the state structure. There is a House of Representatives with 98 members, directly elected in Federation-wide elections. Of the 98 members there must be at least four representatives of each constituent people. Then there is a House of Peoples of 58 delegates, with a parity representation of 17 members of each constituent people and seven Others. The Delegates are elected from the members of the cantonal legislatures. It is a very complicated construction, taking into account the size of the population in the canton and the percentages of the different nations in the cantonal legislatures, and is meant to institutionalise the cantonal representation at the federal centre. Here again, there are a chair and two deputies who cannot be from the same ethnic group. Normally both Houses vote by single majority, with the caveat again of a veto power when a vital interest of one of the groups is considered being threatened. The list of vital national

¹⁶ For an overview of the cantons see Appendix II.

¹⁷ See FBiH Constitution at 07/10/2002. At the time of writing the most recent OHR Decision amending the FBiH Constitution was taken on 07/10/2002. The state of the Constitution at this date is the reference for this thesis.

¹⁸ See FBiH Constitution at 07/10/2002; S. Bose, *Bosnia after Dayton...*, cit., p. 78.

¹⁹ On 01/07/2000 The Constitutional Court pronounced its Constituent Peoples' Decision, in which it declared among other things that all three constituent peoples of BiH are also the constituent peoples of each Entity and ruled therefore that the respective Constitutions of the FBiH and the RS had to be adapted accordingly, so as to have proportionality in all public institutions. Considering that the decisions were not implemented in time, the OHR issued Decisions on Constitutional Amendments in the Federation and the Republika Srpska, amending the respective Constitutions on 19/04/2002. Office of the High Representative, *Decision on Constitutional Amendments in Republika Srpska*, 19/04/2002, http://www.ohr.int/dwnld/dwnld.html?content_id=7474, download 23/05/2003; *Decision on Constitutional Amendments in the Federation*, 19/04/2002, http://www.ohr.int/dwnld/dwnld.html?content_id=7475, download 23/05/2003.

interests is non-exhaustive, but includes at least the identity of a constituent people, the equal rights of the constituent people in decision making, and *education*, religion and language²⁰.

The Federation has its own president and vice-presidents, obviously from different nations. This holds also true for the Prime Minister and Deputy Prime Ministers. In the Federation government, the composition of the Cabinet is subject to a parity provision²¹.

There are three Courts on the Federation level: the Constitutional Court, the Supreme Court and the Human Rights Court. The Constitutional Court has a Panel for the protection of vital interests, and in general equity is safeguarded in all main public functions.

1.1.2.2. Canton level

The canton is also organised as a state in a state. It has its own constitution, parliament and government. It has sole competence in far-reaching issues, that concern the people directly, such as education. The Parliament is unicameral and is directly elected in canton-wide elections. Before the Constitutional Amendments of April 2002 the Parliament decided by a two-third majority, and there were no caveats on this level, except in the two ‘mixed cantons’, where a ‘vital interest’ could be invoked. These ‘mixed cantons’ also had a vice-president and some other provisions to safeguard parity and equity. Since the amendments, *all* constituent peoples and Others have to be proportionally represented and are protected by a vital interest protection mechanism in all - and thus not only in the ‘mixed’ - cantons. One of the most important provisions in the FBiH Constitution is the obligation to devolve certain cantonal powers to the municipal level, if the ethnic majority of the municipality is other than that of the canton as a whole. One of these powers is education, which has an important impact on the educational system of the Federation as a whole, as will be discussed later.

1.1.2. The Republika Srpska (RS)

In total contrast with the FBiH, the RS is a centralised Entity, and before the 19 April 2002 Amendment its Constitution left no doubt that it considered itself a sovereign state. Whereas the FBiH Constitution already explicitly mentioned that the FBiH is a constitutive part of the sovereign state of BiH and guided by the DPA, the Preamble of the RS Constitution emphasised the ‘right of the Serb people to self-determination’²². It completely ignored the state of BiH and the DPA in its Preamble, instead it underlined ‘the natural and democratic

²⁰ See OHR, *Amendment XXXVII Definition of vital interests*, in «Decision on Constitutional Amendments in the Federation», OHR, 19/04/2002.

²¹ See OHR, *Amendment XLIV Minimum representation in the Government of the Federation of Bosnia and Herzegovina in a transitional period until Annex 7 is fully implemented*, 19/04/2002.

²² See Preamble RS Constitution at 26/09/2001.

right, will and determination of the Serb people from Republika Srpska to link its State completely and tightly with other States of the Serb people', a feature that is still reflected in its education policy, as will be shown later. However, since the constitutional amendments, the Preamble and some articles have been changed. Now the RS Constitution expresses from the outset that the RS will fully respect and implement the DPA. To underline its autonomy in some ways, it does not fail to add explicitly that the DPA unambiguously accepts, confirms and guarantees the constitutional and legal position of the RS as one of the Entities within BiH.

Before the last change in its Constitution, the RS was officially a state of the Serb and other citizens. With the change, though, for the RS now too, all three official constituent peoples of BiH are the constituent peoples of the RS. This resulted in a 'vital interest'-caveat for the RS and in a parity provision for some important functions²³, where they previously did not exist, since the RS can still be considered technically homogeneously Serb²⁴.

The separation of powers results in a National Assembly with constitutional and legislative powers. It consists of 83 directly elected members, of which at least four from each constituent people. Decisions are generally taken by simple majority. Since the last amendment a Council of Peoples guards the vital interests of the constituent people, which are equally represented: eight members from each constituent people and four from the rank of Others. The Government holds the executive power. It consists of a Cabinet of ministers led by a Prime Minister and two Deputy Prime Ministers (from different national groups). The Cabinet is also subject to a parity provision. The judicial power is in the hands of the courts, and overseen by the Supreme Court and the Constitutional Court. The Constitutional Court has a Panel for the protection of vital interests, and in general equity is safeguarded in all main functions. The unity of the RS is represented by the President of the Republic (and her/his Vice-Presidents from different national groups), who has mainly a symbolic function. Moreover, there is a Senate of 55 members with an advisory function. It is clear that parity and equality officially have found their way also to the RS.

Its territorial organisation consists only of a division in municipalities, which do not have any legislative powers. This does not mean that they do not play an important role, however. They are responsible for the implementation and administration of laws and regulations, and are to take care of meeting specific needs of citizens in the areas such as culture, health, social

²³ Article 69 RS Constitution at 07/10/2002. At the time of writing the most recent OHR Decision amending the RS Constitution was taken on 07/10/2002. The state of the Constitution at this date is the reference for this thesis.

²⁴ This was not the case before the War, see Appendix II.

welfare - and education. They also play an important role in the handling of minority returns and are appropriately represented at the national level. In accordance with equity, the municipal authority bodies must ensure a proportional representation of the ethnic composition of the population.

It is necessary to have some insight in the political organisation of BiH to understand the complexity and problems relating to educational policies. All governmental functions and powers not expressly assigned in the BiH Constitution to the central authorities are those of the Entities, including education²⁵. To have an idea how the educational system in BiH is organised, we thus need to return to the Constitutions of the FBiH and of the RS. Since the latter is centrally organised, it is the Republic's Ministry of Education which is responsible for education²⁶, helped only by the municipalities to see to the specific needs of individual citizens²⁷. The FBiH on the other hand is subdivided into 10 cantons²⁸. According to its Constitution, the cantons shall have, in particular, responsibility for 'making education policy, including decisions concerning the regulation and provision of education'²⁹. At the same time, 'each canton may confer its responsibilities to a municipality or city in its territory, or to the federal authority' or 'delegate functions concerning education ... to a municipality or city in its territory, and is obliged to do so if the majority of population in the municipality or city is other [than] that of the [c]anton as a whole'.³⁰

Although the education policy is officially developed on cantonal or municipal level, and the federal ministry is only responsible for facilitating co-ordination and co-operation between the cantons, a possibility for change lies in the fact that there is a lack of operational and administrative resources at the lower authorities. A more centralised policy would financially make more sense. This also holds true for education. Due to decentralisation there are theoretically twelve educational systems³¹, in a country with only some four million inhabitants.

²⁵ Article II(3)(a) Annex 4 DPA.

²⁶ Article 68(12) RS Constitution at 07/10/2002.

²⁷ Article 102(5) RS Constitution at 07/10/2002.

²⁸ See S. Bose, *Bosnia after Dayton...*, cit., pp. 23-34; OECD, Centre for Co-operation with non-members, Directorate for education, employment, labour and social affairs education committee, Stability Pact for South Eastern Europe, *Thematic Review of National Policies for Education – Bosnia and Herzegovina*, 27/09/2001, p. 13; V. Lenhart, A. Kesidou, S. Stockmann, *The curricula of the 'national subjects' in Bosnia and Herzegovina. A Report to UNESCO*, Heidelberg, August 1999.

²⁹ Chapter III Article 4 FBiH Constitution at 07/10/2002.

³⁰ Chapter V Article 2(1 and 2) FBiH Constitution at 07/10/2002.

³¹ Or thirteen if including the Brcko-district.

1.2. The Party System in BiH

The structure of the Dayton State of BiH costs large sums of money and a significant amount of time, yet does not promote harmonisation of policies. As such, though, decentralisation and striving for equity and parity between the national groups might not be that problematic, were it not for the fact that the party system reflects the division in ethnic groups. This is to say that there are hardly any parties – at least none of significance – which draw support from more than one ethnic group.

Yet a multiparty system is the foundation of a working democracy. A multiparty system is the mechanism par excellence for the representation of citizens and the expression of conflicts in society. On the other hand, it is the mechanism for the mediation of these conflicts and the differences between citizens. A democracy is stable if there is a certain interplay between the most divisive dimensions of a society, such as there are class, religion, urban/ rural influences, and ethnic-cultural cleavages. In most democratic societies there is just such an interplay. Every party represents some interest in all of these issues, even in multiethnic democracies, where there may be parties that stress some ethnic-cultural cleavage, but where there still are enough alternative parties a citizen can choose between.

However, in BiH there is no party with a cross-ethnic base.³² During the War the only feeling of security was provided by people's own ethnic group. Nationalist parties had successfully divided the country along ethnic lines, and they have continued playing on the feelings of distrust of the 'other' after the War. Furthermore, nationalist parties continue to have important influence in various areas of society. Of all political parties³³ of influence, only the Democratic Socialist Party (SDP) can claim a multiethnic orientation, i.e. it is aiming at individual citizens, not at national groups. Its electorate, however, consists mainly of Bosniacs, and the general perception among other national groups is that it is a Bosniac party, and thus a party for which they will not vote. Its capacity to reach across ethnic lines and act as an integrative force in the country is therefore very limited. Moreover, in the RS its presence is almost negligible, which further limits its potential.

After the November 2000 elections the international community 'sponsored' a coalition between several parties in the FBiH – of which the SDP was one - to keep the extremely nationalist parties out of government. This coalition was dubbed 'Alliance for Change'. Yet, its majority was narrow and very divided, so the changes promised could not be delivered. This and some political scandals led to their loss in the October 2002 elections, when the

³² See S. Bose, *Bosnia after Dayton...*, cit., pp. 206-208.

³³ See Appendix III for an overview of the main parties in BiH and their last general election results.

nationalist parties made a strong come-back. In the RS nationalists have remained influential all along.³⁴

Decentralisation is often seen as an exceedingly democratic tool. This is only the case, however, if the majority takes the minority into account. By allowing decentralisation in a way that confirms division between people that politically are each other's adversaries, the disadvantaged position of minorities is affirmed. Moreover, the veto-power each ethnic group holds, implies that policy-making is only possible if all groups are ready to compromise, especially in controversial issues. Since most issues in BiH are politicised, they are mostly controversial. Yet the nationalist parties in BiH are often not willing to compromise³⁵. The consequences for the educational system are not to be underestimated.

Furthermore, the division just continues to emphasise the one difference between people, their ethnicity, effectively ignoring any other defining identity aspects of the individual and negating the choice to 'abstain' from one's ethnicity. Further, it forms a problem for the category of Others, which are lumped together in one group with one representation in a way that does seem very artificial and impractical. This is similar to the Wartime situation where one was labelled, and belonged to an ethnic group, whether one liked it or not. The question is why the interests of one ethnic group would be more important than for instance the interests of the unemployed as a group, especially knowing that all citizens of BiH suffer from the bad economy, corruption, high unemployment rate and crime, regardless of their ethnicity. Hence the importance for multi-identity, non-nationalist, cross-cutting parties.

1.3. The Office of the High Representative (OHR)

The sponsoring of the 'Alliance for Change' was not the only time the international community intervened in the politics of the country. BiH sometimes seems to be effectively run by the international community. With the DPA the Office of the High Representative was created to oversee the implementation of the civilian aspects of the Agreement³⁶ as well as to co-ordinate the efforts of the international community in BiH. The OHR is supported and guided in its decisions by the Peace Implementation Council (PIC), which is a group of 55 countries and international organisations that accompany the peace implementation

³⁴ See J. De la Haye, *Peace and Conflict Impact Assessment: Voter and Civic Education Project. International Foundation for Election Systems (IFES) in Central Bosnia-Herzegovina 1996-2001*, Mission Report 5-19 January 2002; S. Bose, *Bosnia after Dayton...*, cit., pp. 274-275; International Crisis Group, *Bosnia's Alliance for (Smallish) Change*, <http://www.crisisweb.org/projects/showreport.cfm?reportit=725>, download 23/05/2003.

³⁵ See e.g. Dr. M. Tadic in *To Create Nucleus of modern education. Reform of education should annul existing divisions in Mostar and Herzegovina Canton*, in «Dnevni List», 14 November 2002.

³⁶ See Annex 10 DPA.

process. The main area of concern has always been the economic reconstruction of the country in all its aspects. Yet over the years the PIC has expanded the OHR's mandate, especially concerning its political involvement. Now, the OHR is involved in the return of refugees and internally displaced persons (IDPs), human rights issues and the rule of law.

One of the main problems for reform and progress in BiH is the political deadlock. Because of this, the OHR has seen itself forced to enforce certain decisions. At the PIC Conference in Bonn in December 1997³⁷, the OHR was welcomed to take actions against persons holding public office or officials who are found to be in violation of legal commitments made under the DPA, and if necessary make binding decisions to ensure implementation of the DPA. Some of these decisions have been received well, at least among the population, such as there is the enforcement of uniform licence plates in the whole of BiH, encouraging the freedom of movement in the country³⁸. One of latest priorities is the media reform and the preparation of BiH for its integration into Europe.³⁹

OHR decisions that influence education are the Decisions on Constitutional Amendments in Republika Srpska and the Federation of Bosnia and Herzegovina of 19 April 2002. They enforce the Decisions of the Constitutional Courts which were not implemented by the respective parliaments. All constituent peoples now are constituent peoples of both Entities, with the consequential protection of parity, including the three languages Serbian, Croatian and Bosnian as the official languages, and both Cyrillic and Latin as the official alphabets in both Entities⁴⁰.

³⁷ PIC Bonn Conclusions, *Bosnia and Herzegovina 1998: Self-sustaining Structures*, 10/12/1997, Chapter XI High Representative, http://www.ohr.int/pic/default.asp?content_id=5182, download 01/07/2003.

³⁸ See *Uniform license plates in BiH*, OHR Press release, 31/01/1998, http://www.ohr.int/dwnld/dwnld.html?content_id=4582, download 23/05/2003.

³⁹ See OHR, *Key Events since Dayton*, <http://www.ohr.int/ohr-dept/legal/const>, download, 21/05/2003.

⁴⁰ See OHR, *Decision on Constitutional Amendments in Republika Srpska*, 19/04/2002; *Decision on Constitutional Amendments in the Federation*, 19/04/2002.

2. EDUCATION IN BOSNIA AND HERZEGOVINA: PRESENT SITUATION

To understand the problems in education today and the obstacles to its reform, it is important to understand the context, politically - as discussed in the previous chapter -, but also historically. The present situation in BiH is partly a result of its communist past and partly a result of the War between 1992 and 1995. After having an idea of the developments related to education before the War, the current problems as raised in different reports by national and international organisations can be better understood.

2.1. Education before the War: a Tool for Integration

The educational system in Bosnia and Herzegovina before the War was part of the educational system of the SFY. It was characterised by public education, the origins of which can be traced back to the Austro-Hungarian rule in the nineteenth century. Partly to reduce the estimated 97 % illiteracy rate, partly to reduce the influence of religious schools in the political arena, the provincial government set up open regular public education. Before, the only education available was provided by private schools, which were in the hands of the religious communities. Between the end of WW I - when the Austro-Hungarian Empire was dissolved and the Kingdom of the Serbs, Croats and Slovenes⁴¹ established - and the beginning of WW II, the system of public elementary education was continued.⁴²

In 1941 Yugoslavia was invaded and partitioned by the Axis forces. The collaboration of parts of the population with the invaders during WW II⁴³ had a considerable impact on the rivalries between Yugoslavia's constituent nations and later between ethnic groups within its (former) republics. The rivalrous aspects of Yugoslavia's past had been actively ignored under Marshal Josip Broz Tito, the partisan leader who became Yugoslavia's ruler after WW II⁴⁴. Tito wanted to create a Communist Yugoslavia where each nationality would have full national rights, but which at the same time would be kept together by an omnipresent

⁴¹ Which changed its name into Yugoslavia in 1929.

⁴² C.J. Russo, *Religion and Education in Bosnia: Integration Not Segregation*, in «Brigham Young University Law Review», 2000, pp. 950-951.

⁴³ In Croatia for example a fascist regime was established called Ustaša.

⁴⁴ See e.g. S.L. Woodward, *Balkan Tragedy. Chaos and Dissolution after the Cold War*, Washington D.C., The Brookings Institution, 1995, p. 71.

Communist Party⁴⁵. His policy was characterised by suppression of nationalism and a strong centralist reign⁴⁶.

WW II had caused a serious depletion of Yugoslavia's human and financial resources and had dramatically interrupted the educational process. Tito considered education to be one of the most important activities for the reconstruction and development of the country, thus he identified it as a key priority in the post-war period. Schools were open to all children regardless of their religious, ethnic, or social background.⁴⁷ The nation-wide system of free compulsory education was meant to create a multiethnic, Socialist (communist) Yugoslav Federation.

In the first decades after WW II the emphasis in Yugoslavia lay on primary education.⁴⁸ From the 1970s onwards students who had completed their primary education were encouraged to continue their schooling at the next level. Rather than pursue a general secondary education, these students were stimulated to pursue vocational education.⁴⁹ Following the drawing up of the Constitution in 1974, - which decentralised the country to an unprecedented extent⁵⁰ - a re-examination of the nationalities' policy was necessary. In education, which continued to be considered one of the most important means to overcome disintegration still even closer attention was now to be paid to the ideology of an integrated society. There were attempts to implement a common national curriculum throughout the federation 'to promote the idea of a unified Yugoslav socialist consciousness as well as a feeling of solidarity, fraternity and unity'^{51 52}. This, however, succeeded only in such courses as Mathematics, Science and technical subjects. Disciplines such as History or Literature differed from region to region.⁵³

In a system where federal and local governments shared responsibilities, the federal government set guidelines for the republics on taxation, health care, social security – and

⁴⁵ See OECD, *Thematic Review of National Policies...*, cit., p. 6.

⁴⁶ At the fall of Yugoslavia, nationalists would use the suppressed history – with distortions to their advantage – and the suppressed feelings of national pride to stir up hatred between the different groups. See e.g. L. Silber, A. Little, *The Death of Yugoslavia...*, cit.; N. Malcolm, *Bosnia...*, cit..

⁴⁷ C.J. Russo, *Religion and Education...*, cit., p. 951.

⁴⁸ *Ibidem*.

⁴⁹ N. Arnhold, J. Bekker, N. Kersh, E. McLeish, D. Phillips, *Education for Reconstruction. The regeneration of educational capacity following national upheaval*, Wallingford, Symposium Books, 1998, p. 37.

⁵⁰ OECD, *Thematic Review of National Policies...*, cit., p. 6.

⁵¹ N. Arnhold et al., *Education for Reconstruction...*, cit., p. 38.

⁵² Even saying a typical Croatian word in a Bosnian school would lead to the stigma of 'nationalist', which was considered an enemy of the 'Brotherhood and Unity' ideal. These experiences today lead to the fear among each constituent group (especially among Bosnian Croats in 'mixed cantons') to lose their identity, and thus to oppose joint, multiethnic education. See Chapter 5.

⁵³ N. Arnhold et al., *Education for Reconstruction...*, cit., p. 38.

education, which the local governments then translated into laws and implemented⁵⁴. For education that meant that a framework policy was defined at federal level, but that the republics' Ministries of Education, districts and even different educational institutions were then quite free to interpret the standards, as long as the general socialist principles were abided by.⁵⁵ Because of a far-reaching economic decentralisation, however, and the differences in economic productivity and thus tax income, the budget defined for education varied from republic to republic.⁵⁶ Bosnia and Herzegovina was one of the poorer regions and thus the quality of its education lagged behind other republics.⁵⁷

By the 1980s, almost all children were enrolled in primary school, and the majority continued on to secondary education.⁵⁸ Despite the ideology of an integrated society, the Constitution protected the freedom of cultural expression. Each nationality was allowed to use its own language in public, to have its own media, to form cultural associations and, where they were locally concentrated, to be educated in their own language⁵⁹. It was the republics' task to provide for the education of ethnic minorities⁶⁰. Yet since WW II there had been a migration from the countryside to the towns and cities, mainly for secondary and higher education purposes. Despite the strong political commitment to multiethnic coexistence⁶¹, most people followed the paths of migration along ethno-cultural lines. Thus, Croats would be more likely to go to Zagreb University and Serbs to Belgrade University⁶².

The 1980s brought Tito's death, international economic crises, and national political instability. The gap between richer and poorer republics, widened through the decentralisation process, became ever more evident. By the beginning of the 1990s the economic and political crisis had reached rock bottom.⁶³ To solve the economic crisis, the federal government tried to pull back some of the powers it had given away with decentralisation. However, this only led to a sharpening of the political conflict between the republics' rights and the policy wishes of

⁵⁴ S.L. Woodward, *Balkan Tragedy...*, cit., p. 42.

⁵⁵ N. Arnhold et al., *Education for Reconstruction...*, cit., p. 38.

⁵⁶ S.L. Woodward, *Balkan Tragedy...* cit., p. 42.

⁵⁷ C.J. Russo, *Religion and Education...*, cit., p. 951.

⁵⁸ N. Arnhold et al., *Education for Reconstruction...*, cit., p. 37; C.J. Russo, *Religion and Education...*, cit., p. 952.

⁵⁹ S.L. Woodward, *Balkan Tragedy...*, cit., p. 37.

⁶⁰ N. Arnhold et al., *Education for Reconstruction...*, cit., p. 38.

⁶¹ The Constitution prohibited 'propagating or practicing [sic] national inequality and any incitement of national, racial, or religious hatred and intolerance' and the cultural expression of one's nationhood was allowed and even subsidised, but any political expression of nationalism was considered a threat to the socialist unity and therefore prosecuted. See S.L. Woodward, *Balkan Tragedy...*, cit., p. 37.

⁶² S.L. Woodward, *Balkan Tragedy...*, cit., pp. 43-44.

⁶³ N. Arnhold et al., *Education for Reconstruction...*, cit., pp. 38-39.

the federal government, and then between the republics themselves, which in turn resulted in their fighting each other, initially with words, but soon with arms⁶⁴.

Because of the economic and political crises, the educational system had not been upgraded according to new educational and pedagogical insights and developments, and was therefore desperately in need of reforms.⁶⁵ In the 1990s, the government of BiH started with plans to bring its educational system in conformity with Western European standards, i.e. away from a centralised system and with changes in its curricula. The development and implementation of the changes were, however, stalled by the outbreak of the War. Soon after the beginning of hostilities, the educational system was changed unrecognisably, but not according to the government's initial reform plans. The influence of the nationalist warring parties was strong. They forced separation in all sectors of life. Schools were now divided along ethnic lines; curricula and textbooks changed to those of the respective 'motherland'⁶⁶. If the standard language - and thus the language of instruction - before the War had been Serbo-Croat, now it was forcibly split into a Serbian, Croatian, and Bosnian language. Schools, as in Tito's era, were viewed as the perfect instrument for indoctrination and were further politicised, this time along ethnic lines. Segregation became a fact.⁶⁷

Since they had played such an essential role in integrating Yugoslavia's (and Bosnia and Herzegovina's) different ethnic groups, Bosnian schools were particularly targeted during the War, politically as well as militarily.⁶⁸ Even now, almost eight years after the War, schools are still being held hostage by the nationalist fight. Here is not the place to go into the events and atrocities of the War⁶⁹. It is, however, important to keep in mind that unimaginable atrocities did happen, and maybe most importantly that they happened between people that used to live together. These personal experiences make for easy victims of the propaganda put forward by nationalistic politicians⁷⁰.

⁶⁴ S.L. Woodward, *Balkan Tragedy...*, cit., p. 39.

⁶⁵ C.J. Russo, *Religion and Education...*, cit., p. 952.

⁶⁶ Croatia for the Bosnian Croats, Serbia and Montenegro for the Bosnian Serbs, only the Bosniacs stayed with the Bosnian curricula, but there as well, changes in teaching were made.

⁶⁷ K. Batarilo, V. Lenhart, *Bosnien-Herzegowina*, in H. Döbert, W. Hörner, B. von Kopp, W. Mitter (Eds.), *Die Schulsysteme Europas*, in «Grundlagen der Schulpädagogik», vol. 46, 2002, Schneider Verlag Hohengehren GmbH, p. 50.

⁶⁸ C.J. Russo, *Religion and Education...*, cit., p. 949.

⁶⁹ There are many books on the history and War in Yugoslavia and Bosnia, detailing the atrocities. Among them: S.L. Woodward, *Balkan Tragedy...*, cit.; L. Silber, A. Little, *The Death of Yugoslavia...*, cit.; N. Malcolm, *Bosnia...*, cit.

⁷⁰ K. Lisengard, *Bosnia and Herzegovina 1998 – The View of the Next Door Neighbour*, in P.D. Xochellis, F.L. Toloudi (Eds.), *The Image of the 'Other'/ Neighbour in the School Textbooks of the Balkan Countries*, Proceedings of the International Conference Thessaloniki, 16-18 October 1998, Athens, Typothito – George Dardanos, 2001.

2.2. Education since the War: a Tool for Segregation

As mentioned above schools were particularly targeted during the War. The lack of school buildings due to destruction became a huge problem after the War. The international community, be it through intergovernmental organisations (IGOs) or NGOs, has put enormous effort and money into the physical reconstruction of schools. Surviving school buildings can often still not be used as such, because they function as accommodation for refugees and IDPs, victims of internal (forced) migration. Not only have the buildings suffered damage and vandalism during the War, but the country's whole infrastructure has been destroyed. Consequently, there is a general lack of heating, water and electricity in most public and private buildings. Additionally the pre-War shortage of basic school supplies, learning and teaching materials increased, whilst the number and quality of teachers dramatically decreased. Many intellectuals have migrated, either during the War as refugees or IDPs, or after the War, taking up more lucrative jobs for the international community in BiH or looking for a 'better' future abroad. A problem predating the War is the existence of an outdated and overloaded curricula, with teaching methods that are ex cathedra and do not actively involve pupils^{71, 72}.

The international community can address these problems in a variety of ways to try and improve the situation. It can build schools, fund learning materials, and provide funding for better teaching salaries to stop the so-called 'brain drain'. It can even encourage training that enables teachers to cope with children who have suffered psychological damage due to the War. A bigger challenge lies in the reversal of the segregation in education. Since the War the educational system has fallen apart in three systems, each with its own schools, curricula and textbooks. Yet this reversal is of crucial importance as this segregation amounts to discrimination of refugee and displaced children, and is an obstacle to their possible return, which remains an important aim of the DPA⁷³. Moreover, measures to combat segregation would aid reconciliation between the nations in the long-term⁷⁴. Reforming the system is, however, not an easy task, because it goes against the grain of the religious and nationalist agenda, which is still followed by many politicians⁷⁵.

⁷¹ P. Stabback, *Curriculum and Curriculum Policy Reform in Bosnia and Herzegovina. Research Study*, 27/02/2003, p. 2.

⁷² N. Arnhold et al., *Education for Reconstruction...* cit., pp. 39 and 42.

⁷³ See Annex 7 DPA.

⁷⁴ See also OSCE, *Inter Agency Guidelines to the Field Monitoring and Intervening in Education-Related Issues*. Drafted by the OSCE Mission to Bosnia and Herzegovina. Endorsed by Members of the Education Issues Set Steering Group. Final Draft, December 2002, p. 39.

⁷⁵ C.J. Russo, *Religion and Education...*, cit., p. 963; *RS does not want common curriculum*, in «ONASA», 17/02/1998.

Segregation does not only mean physical separation, i.e. complete separation of two or more different groups. Examples of physical separation in BiH⁷⁶ include the so-called ‘two-schools-under-one-roof’⁷⁷, two separate, ethnically different schools in close proximity⁷⁸, and a school mostly attended by one group, whilst the children from the other group travel to another school farther away.⁷⁹ But physical separation can also lead to or continue another type of segregation: mental separation. First of all, because segregation can cultivate feelings of distance, leading to misunderstanding, intolerance and even hate⁸⁰. Secondly – and maybe even more so - mental separation can result from the teaching of different realities in three different curricula, especially in the so-called ‘national group of subjects’, consisting of Language and Literature, History, Geography, Nature and Society, and Religion. These subjects in particular contain partly unacceptable politically socialising intentions^{81 82}.

In 1998, in the light of the promotion of minority returns, UNESCO, OHR, local experts and schoolteachers conducted a detailed analysis of textbooks in the canton of Sarajevo. It concluded that the textbooks analysed contained nationalistic elements: for example, historical facts were distorted or incomplete, the atrocities of the War bluntly explained and even kept alive in grammar exercises for primary school pupils, thus perpetuating the justification of the hatred between ‘us’ and the ‘others’.⁸³ The education authorities concerned agreed to remove the prejudiced and racist material from the textbooks. This was subsequently done by blackening out the passages concerned.⁸⁴

⁷⁶ See OSCE, *Inter Agency Guidelines to the Field Monitoring and Intervening in Education-Related Issues*, p. 39.

⁷⁷ Where a school building is either divided into two halves (bottom and upper floor, or left and right side with a fence in between and two separate entrances), or in two shifts, with children of the one group attending the school in the morning and the children of the other groups in the afternoon or evening.

⁷⁸ Not all cases of ‘separate’ returnee schools have to be considered intentional, though. Especially in quite homogenous areas, which were homogenous even before the War, they are just the result of the demography and the location of the schools more than anything else. See UNHCR, *Returnee Monitoring Survey. Education for Returnee Children in Bosnia and Herzegovina*, Sarajevo, March 2003, p. 8.

⁷⁹ They are often transported by buses or have to walk long distances to a neighbouring area where their constituent group form the majority.

⁸⁰ See OSCE, *Inter Agency Guidelines...*, cit., p. 39.

⁸¹ The politically socialising intentions of education are helping students gain political knowledge and develop political attitudes for them to become responsible citizens in a politically defined society. See V. Lenhart et al., *The curricula...*, cit., p. 13. Furthermore, the importance of political socialisation is stressed in many human rights treaties and documents when dealing with education, see Chapter 3.

⁸² See for example V. Lenhart et al., *The curricula...*, cit.; K. Batarilo, V. Lenhart, *Bosnien-Herzegowina...*, cit., pp. 57-59; OECD, *Thematic Review of National Policies...*, cit.; OSCE, *Education Reform. A Message to the People of Bosnia and Herzegovina*, 21/11/2002; N. Arnhold et al., *Education for Reconstruction...* cit., pp. 42-43; C. Bender, *Searching for a Strategy...: Multiethnicity, Tolerance, and National Stereotypes in the Educational Systems of Bosnia and Herzegovina*, in U. Brunnbauer et al. (Eds.), «Southeast European Educational Initiatives and Co-operation for Peace, Mutual Understanding, Tolerance, and Democracy», Graz 1998.

⁸³ K. Lisengard, *Bosnia and Herzegovina 1998...*, cit., p. 128.

⁸⁴ K. Batarilo, V. Lenhart, *Bosnien-Herzegowina...*, cit., p.57.

Later that year, UNESCO commissioned a report on ‘The curricula of the “national subjects”’ in the whole of BiH⁸⁵. Its aim was to analyse the politically socialising intentions and design features of national subjects, and make recommendations for improving the curricula in a way that would contribute to the promotion of peace and interethnic understanding. The outcome sadly enough was a confirmation of what had already been found in the analysis of the textbooks in the canton of Sarajevo.

The main conclusion of the UNESCO-report was that the different views on recent history and the search for a political identity separate from the other national groups, are reflected in the school curricula of the three educational systems, especially in the ‘national group of subjects’. Considered ‘not acceptable’ in relation to the other ethnic groups were objectives and content that were openly or latently aggressive, offensive or discriminating against members of the other ethnic groups. This included cases where the other groups were consistently ignored or only marginally mentioned.⁸⁶

Concerning Language and Literature the main problem lies in the split of Serbo-Croatian into three different languages. Like religion and ethnicity, language is a marker of national identity. Since the break-up of the SFY, language issues have become both a reflection of inter-ethnic tensions, as well as a catalyst for deepening them. In 1991 the Serbo-Croatian language disintegrated into (at least) three successor languages, which are still trying to define their separate identities. Consequently, Croatian linguists look for neologisms in obscure 19th-century dictionaries, whereas Serb nationalists endeavour to establish their language in a way that keeps the Serbs and Montenegrins together. For BiH this means that Bosnian Serbs now officially speak Serbian and Bosnian Croats speak Croatian. This leaves the Bosniacs with the ‘newly created’ Bosnian language, which is ‘islamicised’ by the inclusion of Turkish and Arabic words and the emphasis on a different pronunciation.

The competition between the three successor languages is particularly cruel for BiH, where it has direct implications for ethnic relations and the future of the country’s educational system.⁸⁷ Each ethnic group follows its own curricula, and for Language and Literature it implies different curricula for Bosnian Language and Literature, Croatian Language and Literature, and Serbian Language and Literature. Since politically and thus officially the languages are recognised as being three different ones, the different curricula themselves

⁸⁵ V. Lenhart et al., *The curricula...*, cit.

⁸⁶ *Ibidem*, pp. 13-14.

⁸⁷ R.D. Greenberg, *The Politics of Language Reform in The Yugoslav Successor States*, in «EES NEWS», The Woodrow Wilson International Center for Scholars, Sept-Oct 1998, pp. 4, 8; R.D. Greenberg, *Language, Nationalism and Serbian Politics*, in «EES NEWS», The Woodrow Wilson International Center for Scholars, Sept-Oct 1999, p. 5.

would be quite acceptable, were it not for the fact that within each curriculum the two other ethnic groups of BiH and their languages and culture are systematically ignored^{88 89}.

Religion as a subject may create a problem since Bosnian Croats are generally of Catholic denomination, Bosnian Serbs of Serb Orthodox religion and Bosniacs are Muslims. Every constituent people is thus closely linked to one religion, and if in their respective curricula religion is a subject, only their own religion is being presented. As long as this subject is taught in a homogenous class, it does not present a problem. However, as soon as the class is ethnically and religiously diverse, a single religion course is discriminatory, especially if it is mandatory. The UNESCO report mentions Religion only in the Bosnian Serb curriculum, and there it only deals with the Serb Orthodox religion⁹⁰.

With regard to the subjects of Society, History and Geography, the major problem is the clear orientation in the Bosnian Croat curriculum towards Croatia and in the Bosnian Serb curriculum towards the FRY. The textbooks themselves often originate from the respective neighbouring states. It holds for all three curricula that they give a partial view on BiH's society. In History courses, for instance, the stress in the Bosniac curriculum is on victimisation and genocide, whereas the Bosnian Croat curriculum is clearly based on the curriculum of the Republic of Croatia, neglecting the history of BiH as a sovereign state. The same is more or less the case for the Bosnian Serb curriculum.

History teaching is a very precarious matter. The Bosniacs consider the devastating War a war of aggression against BiH, which has been an internationally recognised sovereign state since 1992. The Bosnian Croats see it as a homeland war in defence of their home territory, whereas the Bosnian Serbs hold that it was a civil war against oppression⁹¹. These views, if talked about⁹², can still lead to vehement discussions between the citizens of BiH. If these differing viewpoints on the events so crucial to the current state of this region continue to be emphasised, the chances of reconciliation are minimised. '*Vergangenheitsbewältigung*', i.e. dealing with a violent past, is generally considered essential for reconciliation since WW II.

Distrust and animosities are not only roused in History classes but also in other academic courses. In the Bosniac Geography course, for example, 'within regional geography special

⁸⁸ V. Lenhart et al., *The curricula...*, cit., pp. 15, 27, and 39.

⁸⁹ The three languages are so similar that speakers can perfectly understand each other. This is understandable since it used to be considered one language with regional varieties. It is very influential for the reconciliation process though, since especially for innocent children the distinction seems incomprehensible. See also Chapter 5.

⁹⁰ V. Lenhart et al., *The curricula...*, cit., pp. 60-62.

⁹¹ *Ibidem*, pp. 4 and 15-62.

⁹² According to interviews conducted between 05/05/2003 and 15/05/2003, it became clear that the recent past is not a daily matter of discussion. It is rather a suppressed subject, as not to cause more damage.

interest should be developed in students for regions of the world and individual countries which have during brutal aggression shown themselves as close and friendly'. In the Bosnian Serb classes, the references to the FRY lead to questionable descriptions, such as 'to develop love towards homeland, Serbia and Yugoslavia and also the readiness to look after and defend our country'; 'the role that it has in [the] contemporary world as a middle-developed country which fights for peace, against sanctions, embargo and isolation'; and 'territory of Serbian countries'. The Bosnian Croat curriculum for Geography, again, is an almost exact copy of the Croatian Republic's curriculum.⁹³

The UNESCO report was discussed at a symposium in Sarajevo in February 2000, hosted by UNESCO and the OHR. The aim of the symposium was to find an inter-entity and inter-cantonal solution to the serious situation concerning the segregation of pupils in schools on ethnic grounds. All invited speakers seemed to agree on the fact that the division of curricula along ethnic lines hindered genuine progress towards a consolidated democracy, as well as the entrance into Europe and the world. The general conclusions of the symposium were that parallel curricula would be the basic pattern of the organisation of the educational programme; that a co-ordination board would be set up, consisting of ministries and pedagogical institutes, and supported by the OHR, UNESCO, Council of Europe, EU, OECD and World Bank; and that core elements for the curricula would be developed⁹⁴. Volker Lenhart, general rapporteur of the symposium, also referred to a further issue, namely the recognition of certificates across the country. Criteria should be established in order to facilitate cross-entity and cross-cantonal mobility, which is particularly important for the return of refugees and IDPs.⁹⁵ Whereas at the symposium there seemed to be a consensus on these conclusions, they were shelved soon afterwards⁹⁶.

Nonetheless, the symposium was important for it marked the beginning of widespread concern about the quality of the educational system. Before the UNESCO report the main focus had been on the physical reconstruction of schools, but after the report's alarming conclusions, the necessity to look deeper into the question of quality education came to the

⁹³ V. Lenhart et al., *The curricula...*, cit., pp. 4 and 15-62.

⁹⁴ For a non-exhaustive overview of international organisations dealing with education issues see Appendix VI.

⁹⁵ See S. Lessmann (Ed.), *Report on the Symposium on the Curricula of the 'National' Subjects in Bosnia and Herzegovina*, Sarajevo, 7 and 8 February 2000. Among the speakers were K. Savolainen, Director of the UNESCO Department of Education for a Culture of Peace; H. Rondon Fuentes, Representative for UNESCO in BiH; J. Harston, Deputy Special Representative of the Secretary General of the UN; D. Crossier of the Council of Europe; Ambassador Matei Hoffmann, Senior Deputy High Representative of the OHR.

⁹⁶ Interview with Colin Kaiser (UNESCO representative in BiH and Head of Office, on 07/05/2003 in Sarajevo) and Jo-Anne Bishop (Advisor for Non-Discrimination and Access in the Education Department of OSCE Mission to BiH, on 08/05/2003 in Sarajevo).

forefront. More reports by different organisations followed, such as by the Ombudsman Institution of the FBiH, the UNHCR and the OSCE.

The main conclusions of the reports on the human rights situation in the FBiH of the Ombudsman Institution of the FBiH for 1999, 2000 and 2001 address mostly the same problems, indicating that generally the situation is not changing very much. There seem to be no signs of growing trust between political parties, which in turn leads to a lack of consensus on important issues such as reconciliation and minority return. Education is of poor quality and due to ethnic contents counterproductive to sustainable peace and reconciliation. These reports also mention calculated discrimination through ethnically coloured curricula and textbooks, with false presentation of data and events in the 'national group of subjects' in accordance with daily politics instead of scientific thinking. Furthermore, the separation of children in schools according to their ethnicity is considered a problem. This way – they recognise - ethnic and religious hatred and intolerance are promoted.⁹⁷

In May and July 2002 the UNHCR conducted a survey of 20 sample municipalities over the whole of BiH on the education of returnee children. In March 2003 it presented the results in a paper⁹⁸ together with an analysis of returnee children's access to education and trends as to where these children go to school. On the basis of its survey and the knowledge among the UNHCR gathered through its fieldwork, it concluded that direct denial of access on discriminatory grounds is no longer a problem, as long as parents accept the schooling and curriculum offered at the school, which as demonstrated before may be offensive to the other groups to which the child may belong. The main problem lies in the perceived insecurity, resulting from failing to trust teachers from the other group and from the three different curricula. The problems of three different curricula, offensive textbooks and separate schools have not been solved. Hence, parents are still reluctant to send their children to a school where their preferred curriculum is not taught and resort to having their children transported to a nearby Entity, canton or municipality where their constituent peoples' curriculum is taught, or they simply do not return and remain in their area of refuge. Despite the fact that

⁹⁷ See The Ombudsman Institution of the Federation of Bosnia and Herzegovina, *Report on Human Rights Situation in the Federation of Bosnia and Herzegovina for 1999*, *Report on Human Rights Situation in the Federation of Bosnia and Herzegovina for 2000*, *Report on Human Rights Situation in the Federation of Bosnia and Herzegovina for 2001*. www.bihfedomb.org/eng/reports/1999/rpt99conclusion.htm, www.bihfedomb.org/eng/reports/1999/rpt99childrights.htm, www.bihfedomb.org/eng/reports/2000/rpt2000childrights.htm, www.bihfedomb.org/eng/reports/2001/rpt2001childrights.htm, all download 19/04/2003.

⁹⁸ UNHCR, *Returnee Monitoring Survey. Education for Returnee Children in Bosnia and Herzegovina*, Sarajevo, March 2003.

reforms to provide for separate classes for national subjects are being promoted, these are hardly ever provided for courses other than Religion⁹⁹.

Since the symposium in 2000 several attempts have been made to resolve the problem of the curricula, textbooks and segregation in general. There have been three main agreements which have mostly turned out to be loose talk and broken promises¹⁰⁰. At the time of writing a law on primary and secondary education is in the process of being adopted on the various decision-making levels, raising hope for actual improvement.

In May 2003 the OSCE published an 'Overview of Education Access and Non-Discrimination in Bosnia and Herzegovina'¹⁰¹, which gives examples¹⁰² of some recent developments, such as increasing numbers of returnee children, teaching of the 'national group of subjects' according to a different curriculum, and increased employment of returnee teachers. The overview shows quite a few positive examples, however, these are still exceptions to the rule. Especially segregation in the form of bussing children to mono-ethnic schools, and 'two-schools-under-one-roof' seem to be persistent.

Overall, the main problems in BiH's education remain outdated and segregated schooling. The overloaded curricula and old-fashioned teaching methods are a legacy of the pre-War period. Segregated education, on the contrary, is a result of the War and the way the society as a whole was subsequently politicised. The politicisation of education manifests itself in segregated schools, separate curricula and textbooks, containing offensive elements towards the other ethnic groups.

⁹⁹ Resulting from a lack of knowledge of the *Interim Agreement on the Accommodation of Specific Needs and Rights of Returnee Children* of March 2002, see Chapter 4.

¹⁰⁰ See Chapter 4 for details on the reforms.

¹⁰¹ OSCE, *Overview of Education Access and Non-Discrimination in Bosnia and Herzegovina*, May 2003.

¹⁰² These are examples of the implementation of the *Interim Agreement on Accommodation of the Specific Needs and Rights of Returnee Children*, see Chapter 4.

3. HUMAN RIGHTS AND EDUCATION IN BOSNIA AND HERZEGOVINA

Now that the situation in education has been explained, it is time to discover whether the politicisation of education defies human rights. Legally speaking, it is important to know what the legal status of human rights is in BiH. In order to understand the content of the rights and be able to analyse the situation in BiH, it is not only necessary to sift through treaties' provisions dealing with the right to education, freedom of religion and non-discrimination. Equally important are their interpretations in the General Comments of treaty monitoring bodies and in the judgements of the European Court of Human Rights. Human rights education and other ideas relevant to the segregation issue are looked at to get a better view on the consequences of segregated and non-segregated education.

3.1. Legal Status of Human Rights in Bosnia and Herzegovina after Dayton

3.1.1. Human Rights and the Dayton Peace Agreement

Human Rights have been accorded a substantial role in the reconstruction of BiH. The DPA establishes the BiH Constitution¹⁰³, which the Parties promise to respect and promote¹⁰⁴. The commitments made therein encompass many human rights, but human rights need safeguards to be of any value to their beneficiaries. Thus the DPA additionally established several human rights monitoring and implementation bodies, such as an arbitration tribunal, a Commission on Human Rights, and a Commission on Refugees and Displaced Persons.¹⁰⁵ The observance of human rights and the protection of refugees and IDPs are vital in achieving a lasting peace.¹⁰⁶ The Parties therefore agree to comply fully with the human rights and refugee provisions¹⁰⁷. The OHR, as mentioned before, is responsible for the civilian (non-military) implementation of the DPA.¹⁰⁸

The way the DPA accords such a central role to human rights, together with the elaborate framework for their implementation, is quite unique. In the Agreement on Human Rights¹⁰⁹,

¹⁰³ Annex 4 DPA

¹⁰⁴ Article V DPA.

¹⁰⁵ Article VI DPA

¹⁰⁶ Article VII DPA

¹⁰⁷ As elaborated in Annex 6 and Annex 7 DPA.

¹⁰⁸ Article VIII and Annex 10 DPA, see also Chapter 1.

¹⁰⁹ Annex 6 DPA.

the Parties agree to ‘secure to all persons within their jurisdiction the highest level of internationally recogni[s]ed human rights and fundamental freedoms’¹¹⁰. The agreement lists the most important Human Rights agreements internationally, of which for the purpose of this thesis, the following are the most important: the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the Protocols thereto; the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the 1966 International Covenant on Civil and Political Rights (ICCPR) and the 1966 and 1989 Optional Protocols thereto; the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR); the 1989 Convention on the Rights of the Child (CRC).

In light of this thesis it is important to note that the freedom of thought, conscience and religion and the right to education are explicitly mentioned. It also states that ‘the enjoyment of the rights and freedoms provided for in this article or in the international agreements listed in the Annex to this Constitution [shall be] secured without discrimination on any ground such as sex, race, colo[u]r, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status’.¹¹¹

Responsible for the monitoring is the Commission on Human Rights, consisting of a Human Rights Ombudsman and a Human Rights Chamber which can look into alleged or apparent violations of human rights and into alleged or apparent discrimination on any grounds, arising in the enjoyment of these human rights.¹¹²

The Parties agreed to promote and encourage the activities of NGOs and IGOs for the protection and promotion of human rights, as well as invite the UN Commission on Human Rights, the OSCE, the United Nations High Commissioner for Human Rights (UNHCHR), and other intergovernmental or regional human rights missions or organisations to monitor closely the human rights situation in BiH.¹¹³ These organisations play a crucial role in rebuilding the country, in a material, but also in a more spiritual sense: for a democracy to be working and worth its name not only governmental institutions need to be reconstructed but also civil society.

The return of refugees and IDPs has been given a priority role in the DPA and this return will be a fundamental test for the new human rights protection regime.¹¹⁴ All refugees and IDPs have the right freely to return to their homes of origin, and the early return of refugees and IDPs is recognised as an important goal in the resolution of the conflict. For the actual

¹¹⁰ Annex 6 Chapter One, Article I DPA.

¹¹¹ *Ibidem*.

¹¹² Annex 6 DPA.

¹¹³ Annex 6 Article XIII DPA.

¹¹⁴ Annex 7 DPA is completely dedicated to refugees and displaced persons.

return to occur the states have to break down hindering obstacles and take confidence-building measures. They have committed themselves to repeal discriminatory legislation and administrative practices, and to prevent and suppress any form of incitement to ethnic or religious hatred. Political, economic, and social conditions leading to the voluntary return, and harmonious reintegration of refugees and IDPs are needed, obviously without preference for any particular group. For an effective implementation of the right to return, respect for property rights is a primary condition. This is being handled by the Commission for Real Property Claims of Displaced Persons and Refugees¹¹⁵. However, for effective return to take place refugees have to be confident that they will be able to lead a normal life, in which their human rights are respected. The refugees' human rights include not only their civil and political rights, but also, and maybe fundamentally their economic, social and cultural rights - such as education - because those rights shape their everyday life. The refugees' right to return is one of the pressing arguments for rapid change in the educational system.

3.1.2. Human Rights and the Constitutions

As mentioned before, Annex 4 comprises the Constitution of BiH. The Preamble already shows the importance attached to human rights and democracy, and is very promising as it is 'based on respect for human dignity, liberty, and equality', 'dedicated to peace, justice, tolerance, and reconciliation', 'convinced that democratic governmental institutions and fair procedures best produce peaceful relations within a pluralist society' and 'inspired by the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as other human rights instruments'.¹¹⁶

The dedication to Human Rights and Fundamental Freedoms does not stop at the bare mentioning of applicable treaties¹¹⁷. Some rights are separately enumerated, and it is interesting to note how all rights listed are civil and political rights, except for the right to education which belongs to the group of economic, social and cultural rights. This may imply that education is given special importance in the light of the ideals that are stated in the Preamble, such as respect for equality and dedication to peace, tolerance and reconciliation,

¹¹⁵ Previously called the Commission for Displaced Persons and Refugees.

¹¹⁶ See Preamble to Annex 4 DPA.

¹¹⁷ Remarkable is the special status of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). At the time of the DPA, BiH had not been a member of the Council of Europe, and had not signed the ECHR. This only occurred on 24 March 2002, respectively 12 July 2002. Yet according to the Constitution, the ECHR already applied directly in BiH and had priority over all other laws.

and even more if seen together with the other important provision: the non-discrimination clause. The right of all refugees and IDPs to return to their homes of origin and to have restored to them their property or given compensation is once again confirmed.

The Constitution of BiH applies to the whole of BiH, including its decentralised agencies and institutions. The Entities may have their own constitutions, they are nevertheless first of all bound by the DPA, including its human rights provisions.

3.1.3. Human Rights Treaties relating to Education

Human rights thus hold an important position in BiH's domestic law. The international Human Rights Treaties that BiH is a party to, and that are of relevance to this thesis, are the following¹¹⁸:

Treaty	Entered into force for BiH	Protocols
International Covenant on Economic Social and Cultural Rights (ICESCR)	01-09-1993 (by succession)	No
International Covenant on Civil and Political Rights (ICCPR)	01-09-1993 (by succession)	Optional Protocol ratified: 01-03-1995
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	16-07-1993 (by succession)	No
Convention on the Rights of the Child (CRC)	01-09-1993 (by succession)	No
European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)	12-07-2002 (by ratification)	Protocol No. 1 ratified 12-07-2002

It is important to stress that a treaty, once ratified and entered into force, is binding, and that national law must be in compliance with the provisions of the treaty. For the treaties mentioned above, there are reporting procedures and official interpretations (in the case of UN-treaties)¹¹⁹ or even judgements of a court (as is the case for the ECHR), which provide for an elaborate explanation of the meaning of the provisions. Therefore the General Comments and European Court of Human Rights judgements relevant to the right to education will be explored too.

¹¹⁸ See http://www.right-to-education.org/content/rights_and_remedies/bosnia.html (download 12/04/2003).

¹¹⁹ In General Comments by committees which monitor the implementation of the human rights treaties, the so-called treaty monitoring bodies (such as the Human Rights Committee (for the ICCPR), the Committee on Economic, Social and Cultural Rights (for the ICESCR), the Committee on the Elimination of All Forms of Racial Discrimination (for the CERD), the Committee on the Rights of the Child (for the CRC)), in which these bodies clarify the meaning of different provisions.

3.2. The Right to Education

The right to education is officially part of the economic, social and cultural rights. Yet this right is one of the best examples of the indivisibility of all human rights, as declared in the Vienna Declaration and Programme of Action¹²⁰. Without good education, how can a person make proper use of her/his civil and political rights, which are considered the foundation of a democratic and pluralist society? The importance of education comes also to the fore, when looking at the struggle for peace and tolerance, which is also reflected in various international documents, and recently emphasised by the establishment of the United Nations Decade for Human Rights Education¹²¹. The right to education and the right to human rights education are closely related, and essential in the light of non-discrimination as a right we have, and as a state of society we wish to strive for. The importance of education in promoting respect for human rights was already recognised in the mother of all human rights treaties, the Universal Declaration of Human Rights (UDHR)¹²². Its Preamble states ‘that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive *by teaching and education* to promote respect for these rights and freedoms’[emphasis added].

3.2.1. Non-discrimination

The non-discrimination clause can be found in almost every human rights treaty and it reads approximately the same in all of them: everyone has the right to ... without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status¹²³. Only the CRC adds ethnic origin¹²⁴ and disability, and the ECHR association with a national minority.

The CERD of 1965 elaborates the meaning of discrimination. Even though it was drawn up in times of decolonisation and apartheid, it remains relevant, especially in the case of BiH today. Its Preamble refers to the practices of segregation and discrimination, and how the United Nations have condemned these in the context of colonialism. It reaffirms that discrimination is an obstacle to friendly and peaceful relations between nations, but also that it can destroy the ‘harmony of *persons living side by side even within one and the same State*’ [emphasis added]. Therefore governmental policies of apartheid, segregation and separation are condemned. The definition of racial discrimination according to CERD is ‘any distinction,

¹²⁰ *Vienna Declaration and Programme of Action*, adopted at 25/06/1993; Ref. A/CONF.157/23 12 July 1993.

¹²¹ On 23 December 1994, the United Nations General Assembly proclaimed the *United Nations Decade for Human Rights Education* (from 1 January 1995 to 31 December 2004).

¹²² Universal Declaration of Human Rights (UDHR), 1948.

¹²³ See e.g. Article 2 UDHR; Article 2(2) ICECSR; Article 2(1) ICCPR; Article 2 CRC; Article 14 ECHR.

¹²⁴ The BiH Constitution surprisingly does not mention ethnic origin.

exclusion, restriction or preference based on race, colour, *descent*, or *national* or *ethnic* origin which has the *purpose* or *effect* of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, *economic, social, cultural* or any other field of public life' [emphases added]¹²⁵.

States Parties are obliged to take without delay all appropriate (policy) measures to eliminate racial discrimination and promote understanding. They should start with themselves, ensuring that *all* (national and local) public authorities and public institutions act in conformity with this obligation, and that governmental, national and local policies, laws and regulations contrary to this obligation will be reviewed. They should also encourage integrationist multiracial organisations, and other means of eliminating barriers between races, while at the same time discourage anything which strengthens racial division¹²⁶. The right to education without distinction as to race, colour, or national or ethnic origin is also proclaimed by CERD¹²⁷. This combination could be interpreted as an obligation to encourage multiethnic schools, especially when seen in connection with the condemnation in the same convention of racial segregation and the call for the prevention, prohibition and eradication of *all* practices of a segregated nature.

BiH mostly complies with this human right as far as direct access to education is concerned, except maybe the 'two-schools-under-one-roof'. The separate curricula and textbooks, in which ethnic nationalism is conferred onto children, is an example of indirect discrimination in access, and of direct discrimination as offensiveness to other groups is concerned. Thus it seems that BiH is violating the right not to be discriminated against.

3.2.2. Freedom of Religion

Freedom of religion is part of the provision of freedom of thought, conscience and religion, and basically means the freedom to adopt or change one's religion or belief, to manifest one's religion or belief in teaching, practice, worship and observance, alone or in community, in private or public¹²⁸. The ICCPR adds some provisions, which are important for this analysis, namely the freedom from coercion and indirectly proselytism¹²⁹, as well as respect for the

¹²⁵ Article 1(1) CERD.

¹²⁶ See Article 2(1) CERD.

¹²⁷ See Article 5 CERD.

¹²⁸ Article 18 UDHR; see also Article 18(1) ICCPR, Article 9 ECHR.

¹²⁹ This rationalises why religious education cannot be obligatory in public schools.

liberty of parents to choose the religious and moral education of their children in conformity with their own convictions¹³⁰.

Moreover the ICCPR confirms the right of persons belonging to ethnic, religious or linguistic minorities to enjoy their culture, to profess and practise their own religion, or to use their own language, in community with other members of their group¹³¹. This is of influence also on education, in that parents have the right to send their children to private religious schools and that minorities have the right to be taught about their culture, including religion.

The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief of 1981 forbids 'any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis' by any State, institution, group of persons, or person¹³². States agree to eliminate this discrimination. It also confirms the right of every child 'to have access to education in the matter of religion or belief in accordance with the wishes of his parents ... and not be compelled to receive teaching on religion or belief against the wishes of his parents ..., the best interests of the child being the guiding principle'.

These provisions show first of all that everyone has a right to her/his own religion. This has an impact on the right to education, in that Religion classes that only deal with one religion cannot be obligatory, especially not in public schools. Consequently the establishment of private religious schools must be accepted. Secondly, they reaffirm the non-discrimination clauses in the realm of religion.

In many schools in BiH the subject of religion is still mandatory, or if children would like to be exempted, they encounter discrimination, bullying from their teachers or peers¹³³. The display of religious symbols in some *public* schools is also a violation of this freedom.

3.2.3. The Right to Education

As a collection of civil, political, economic, social and cultural rights, the UDHR also comprises the human right to education. Whereas in the UDHR free and compulsory primary education is emphasised, the education provision of the ICESCR¹³⁴ starts with the *aim* of education, being the full development of the human personality, awareness of its dignity, and

¹³⁰ See Articles 18(2) and 18(3) ICCPR and Human Rights Committee, *General Comment No. 22 The right to freedom of thought, conscience and religion*, CCPR 30/07/93 paragraph 5.

¹³¹ See Article 27 ICCPR.

¹³² Article 2 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Beliefs.

¹³³ C.J. Russo, *Religion and Education...*, cit., p. 945.

¹³⁴ Article 13 ICESCR.

respect for human rights and fundamental freedoms. Education should ‘enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, *ethnic* or religious groups, and further the activities of the United Nations for the maintenance of peace’ [emphasis added]¹³⁵. It thus lays the foundation for human rights education, and it simultaneously provides for the link between education and civil and political rights. In order to achieve these aims of education, primary education needs to be compulsory, available, and free to all, secondary and higher education needs to be made generally available and gradually free, and thus a system of schools at all levels has to be actively pursued.¹³⁶

Deriving from the freedom of religion, conscience and thought, parents are free to send their children to schools that are established by others than the public authorities, as long as these schools conform to certain standards.¹³⁷ The paradox that seems to surface between the non-discrimination and non-segregation clauses on the one hand, and the freedom to establish separate schools according to different beliefs on the other, is being dealt with in the UNESCO Convention against Discrimination in Education¹³⁸. This Convention brought the above-mentioned clauses together in one treaty, at a time when most of the other human rights treaties did not yet exist. The contradiction becomes evident when considering the first two articles¹³⁹. According to Article 1, discrimination includes the establishment or maintenance of separate educational systems or institutions, subject to the provisions of Article 2. The latter states that ‘the establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil’s parents’ does not constitute discrimination as long as participation is optional and as long as the education provided conforms to certain standards. Establishing or running private educational institutions is also not considered discriminatory, unless the objective is the exclusion of any group. It is obvious that the Convention calls for the elimination of all forms of discrimination in education, be it legislative, administrative or other. Public authorities are not allowed to prefer or restrict any educational institutions, solely on the ground that pupils belong to a particular group¹⁴⁰.

¹³⁵ Article 13(1) ICESCR, see also Article 26(2) UDHR; Article 29(1)(b and d) CRC, Article 5(1)(a) Convention against Discrimination in Education.

¹³⁶ See Article 26(1) UDHR; Article 13(2) ICESCR; Article 28 CRC.

¹³⁷ Article 13(4) ICESCR; see also Article 29(2) CRC.

¹³⁸ This Convention is an authoritative document on the subject, as confirmed by the General Comment No. 13 of the Committee on Economic, Social and Cultural Rights, which falls back on it in its interpretation of Article 13 ICESCR. BiH became a States Party in 1993.

¹³⁹ Article 1(1)(c) and Article 2(b and c) UNESCO Convention against Discrimination in Education, 1962.

¹⁴⁰ Article 3(d) Convention against Discrimination in Education.

Minorities also have the right to establish and maintain their own schools. This may seem obvious from the previously mentioned provisions, yet since many problems continue to surround this right in practice, it is crucial to be mentioned separately. In the Convention against Discrimination in Education this right comes with one specific conditional clause, different from the usual ones, and important in our case, which is the condition that education cannot occur in a way that prevents the pupils from understanding the culture and the language of the community as a whole or prejudices national sovereignty¹⁴¹.

For BiH this means that public schools which comprise approximately 95 % of all schools in BiH, are to be open to all children. Bosnian Serbs, Bosnian Croats and Bosniacs may establish their own schools, but the teaching has to adhere to public standards and cannot be discriminatory. The minority provision elucidates that national sovereignty cannot be prejudiced. This provision, however, is violated in the case of textbooks that refer to Serbia or Croatia as the ‘motherland’.

3.2.4. Interpretation of these Rights

3.2.4.1. CESCR General Comment No. 13 on the Right to Education

The Committee on Economic, Social and Cultural Rights issued a General Comment on the right to education¹⁴², in which it states that the right to receive an education has four main features, which apply to all levels of education: availability, accessibility, acceptability and adaptability. Availability means a sufficient quantity as well as a sufficient quality of educational institutions. For education to take place, one needs infrastructure such as buildings, sanitation facilities and safe drinking water, but also teaching facilities, including libraries, computers, and trained teachers who receive domestically competitive salaries. Accessibility has three dimensions: non-discrimination (especially to the most vulnerable groups), physical accessibility and economic accessibility. Acceptability concerns the form and substance of education, meaning that curricula and teaching methods, among other things, have to be relevant, culturally appropriate and of good quality. The minimum standards for these are provided by Article 13 ICESCR and prescribed by state laws. Adaptability refers to the flexibility towards the needs of changing societies and communities, as well as towards the needs of students within their diverse social and cultural settings.

¹⁴¹ Article 5(1)(c) Convention against Discrimination in Education.

¹⁴² Committee on Economic, Social and Cultural Rights, *General Comment No. 13. The right to education*, UN Doc. E/C.12/1999/10, 08/12/1999.

Moreover - like all human rights - the right to education does not only imply a negative obligation for the state, i.e. the obligation to respect or not to interfere, but also positive obligations. The latter consist of the obligation to protect and to fulfil. The obligations of a state to achieve full enjoyment of the right to education include the obligation not to take measures that prevent the enjoyment of this right (obligation to respect) and to ensure that third parties do not interfere with this right (obligation to protect). The State should also take positive measures that enable and assist individuals and communities to enjoy their rights, and to provide for education – when individuals or groups are unable to realise the right themselves (obligation to fulfil). Article 13 is very clear in that respect, it lays the main responsibility for education with the State and allows others to provide for their own education, if they so wish. A State has no obligation, though, to fund institutions established on private initiative. However, if it chooses to subsidise private educational institutions, the principle of non-discrimination obliges the State to do so without discrimination on any of the prohibited grounds.

As to availability in BiH many school buildings have been reconstructed as a first priority after the War. However, teaching facilities, such as libraries, computers and well-trained teachers are relatively scarce. Concerning accessibility, non-discriminatory access is no longer a problem, but as mentioned before, indirect discrimination still is. Physical and economic accessibility are not problematic. Primary and secondary education are free, and textbooks are reasonably priced¹⁴³. As may be inferred from the problems in education, acceptability is violated since curricula and teaching methods are often not acceptable content-wise and in general overloaded and outdated. As will be shown later, new reforms are on their way, and single schools have upgraded the teaching at their own initiative. The same holds true for adaptability. The obligation of the state to change all this and set up school inspections is clear. As demonstrated in the first chapter, the political structure of BiH delegates the power to reform this to twelve levels, thus obstructing the decision-making process.

The freedom of parents to ensure the religious and moral education of their children in conformity with their own convictions, has two consequences: one for public schools and one for private schools. For public schools it means that its curricula can consist of such subjects as the general History of Religions and Ethics, but only if taught in a neutral way. The Committee expressly notes that instruction in a particular religion or belief would constitute a violation of Article 13 ICESCR, unless there is the possibility for non-discriminatory

¹⁴³ Interview with Jo-Anne Bishop (Sarajevo, 08/05/2003).

exemptions or alternatives that would accommodate the wishes of parents¹⁴⁴. For private schools it means that their establishment is allowed, provided they are in conformity with certain minimum educational standards, such as admission, curricula, recognition of certificates, and of course human rights. The General Comment also deals with the paradox that these freedoms in the name of pluralism could lead to effective discrimination. It is part of the State's positive obligations to ensure that no extreme disparities of educational opportunity for some groups in society will occur, as a result of a public-private school divide. This would constitute a violation of the principles of non-discrimination and equal opportunity, and would hinder effective participation in society for all.¹⁴⁵

Most economic, social and cultural rights are subject to progressive realisation and the availability of resources of a State, but there are some so-called 'minimum core obligations', which are effectively justiciable¹⁴⁶. The right not to be discriminated against is one of these immediate rights. For its interpretation of non-discrimination, the Committee falls back on the Conventions which have been dealt with earlier¹⁴⁷. Worthwhile to be mentioned here is the confirmation of the legal possibility of separate educational systems or institutions. Since this list seems to include every possible reason for separation, it is hard to imagine on what grounds and under which circumstances separate educational systems *would* constitute a violation of the non-discrimination clause. The answer seems to be only when minimum standards and national laws are not respected, or when certain policies, programmes, spending patterns or other practices, such as exclusion of a certain group, lead to de facto discrimination. Here segregation per se is not a violation of human rights, but since the legal grounds could be used for actual discrimination, states must closely monitor education and disaggregate the data by the prohibited grounds of discrimination.

What does constitute a violation of Article 13 according to CESCR General Comment No. 13 is among other things: 'the introduction or failure to repeal legislation which discriminates against individuals or groups, on any of the prohibited grounds, in the field of education; the failure to take measures which address de facto educational discrimination; the use of curricula inconsistent with the educational objectives set out in

¹⁴⁴ See also Human Rights Committee, *General Comment No. 22. The right to freedom of thought, conscience and religion*, 30/07/93, paragraph 6.

¹⁴⁵ It is interesting to note that in most countries' private schools are set up to guarantee the special education of a specific group. In BiH, instead, there are few private schools and the most prominent ones, belonging to the Catholic School Centre, are set up to end segregation with a philosophy of genuine inclusion. (Interview with Vera Katz, headmistress of the Gymnasium of the Catholic School Centre on 06/05/2003 in Sarajevo).

¹⁴⁶ I.e. enforceable in a court of law, see CESCR, *General Comment No. 3. The Nature of States Parties Obligations*, 14/12/90.

¹⁴⁷ See among others: UNESCO Convention against Discrimination in Education, CERD, CRC.

Article 13(1); the failure to maintain a transparent and effective system to monitor conformity with Article 13(1); ...; [and] the failure to ensure private educational institutions conform to the ‘minimum educational standards’ required by Article 13(3) and (4)’.

BiH is a special case, since segregation here takes place in public schools and not through the establishment of private schools. It seems questionable - to say the least - that official segregation of different ethnic groups into separate ethnically clean public schools would *not* constitute a violation of human rights.

3.2.4.2. Judgements of the European Court of Human Rights

General Comments are a reaction to the periodic state reports that States Parties are obliged to present to the various UN Committees. They clarify the meanings of the rights and thus the states’ obligations. CESCR General Comment No. 13 gives a very thorough explanation of how the right to education ought to be interpreted. Another way of finding out the meaning of the right to education is to look at judgements of the ECHR for these are binding. In our case we should look at Article 2 of Protocol No. 1 to the ECHR (right to education) in combination with Article 14 ECHR (non-discrimination). Protocol No. 1 Article 2 says: ‘No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions’.

There are three cases, which are of particular interest to this subject, since they deal directly with the freedom of religion, conscience and thought, non-discrimination and educational standards, all issues which have been very much alive in BiH since the War. As of yet there are no cases involving BiH directly.

The European Court of Human Rights in the Belgian Linguistic Case¹⁴⁸ finds that Protocol No. 1 Article 2 implies three things. Firstly, the right to equal, non-discriminatory access to *existing* schools. There is thus no obligation for the state to establish or finance schools. Secondly, the right to be educated in a national language. The Court says that Protocol No. 1 Article 2 does not guarantee the right to be educated in the language of her/his choice, as long as there is the possibility to be educated in one of the national languages. For BiH this seems to imply that no one can be expected to be taught every course in her/his own language. Thirdly, it implies the right to official recognition of the school certificate. This formed a problem before in BiH, especially for returnee children, but has since been solved.

¹⁴⁸ Case ‘Relating to certain aspects of the laws on the use of languages in education in education in Belgium’ v. Belgium (Judgment, Merits), Application numbers: 00001474/62; 00001677/62; 00001691/62; 00001769/63; 00001994/63; 00002126/64; 23/07/1968.

In the case of *Kjeldsen, Busk Madsen and Pedersen v. Denmark*¹⁴⁹ the main focus lay on the right of parents to have their children exempted from classes which they deem contrary to their religious or philosophical convictions. States Parties are obliged to safeguard the respect for the religious and other beliefs of parents, in public as well as in private schools. This does not mean that parents can pick and choose the subjects for their children to attend. It does imply the possible exemption from religious classes, and from some other classes. Because, however, the setting and planning of the curriculum fall within the competence of the state, which secures that the information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner, these are exceptions.

BiH does not ensure objectivity and pluralism in education, and is thus in violation of this provision.

In the *Ingrid Jordebo Foundation of Christian Schools and Ingrid Jordebo v. Sweden*¹⁵⁰ the Court reaffirmed the right to start and run a private school. It stressed, however, that this right must be subject to regulation by the State in order to ensure a proper educational system as a whole.

Although there are not many private schools in BiH, this case can be interpreted as a confirmation of the importance of proper regulation by the State.

Many aspects of the right to education are violated. Some, like availability of schools and lack of teachers are partly resolved, and the progressive obligation is fulfilled. Yet others, such as indirect discrimination and disrespect for the freedom of religion, are not adequately addressed. BiH in a human right to education perspective is in dire need of reform.

3.3. Human Rights Education

Many human rights are intertwined, such as the freedom of religion, non-discrimination and the right to education. The human rights treaties mentioned bind their States Parties directly, but not the States Parties' individuals and groups. Yet States Parties have the obligation to educate their citizens in human rights to ensure that human rights are respected by them as well. The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and

¹⁴⁹ Case of *Kjeldsen, Busk Madsen and Pedersen v. Denmark* (Judgment, merits), Application numbers: 00005095/71; 00005920/72; 00005926/72; 07/12/1976.

¹⁵⁰ Case *Ingrid Jordebo Foundation of Christian Schools and Ingrid Jordebo v. Sweden* (Decision); Application number: 00011533/85; 06/03/1987.

Fundamental Freedoms¹⁵¹ takes this obligation even one step further. It acknowledges that the main responsibility for human rights education lies with the state and its agencies. It recognises at the same time, however, that individuals and groups also have the right *and* the responsibility to foster knowledge on these issues. This is where the responsibility of schools, teachers and individual parents comes in.

The interest for human rights education is relatively recent. The term was coined to denote a specialised branch of education, which became ‘fashionable’ with the declaration of the UN Decade for Human Rights Education in 1995¹⁵². The concept is far from new, however; it is rather an elaboration of the aims of education as mentioned in several human rights treaties and declarations. In the Plan of Action for the United Nations Decade for Human Rights Education (1995-2004) the aims of (human rights) education are divided into five¹⁵³:

- a. The strengthening of respect for human rights and fundamental freedoms;
- b. The full development of the human personality and the sense of its dignity;
- c. The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
- d. The enabling of all persons to participate effectively in a free society;
- e. The furtherance of the activities of the United Nations for the maintenance of peace.

Formal education is not the only way through which human rights education should be pursued. For the purpose of this thesis, however, only the ways, means and purposes of human rights education with regard to formal education will be considered. There are several ways in which human rights education can be integrated into schooling. The most obvious is a special course on human rights. For children to internalise the principles, however, a subtler way is recommended. Human rights elements should be integrated in the whole curricula; textbooks should be screened on human rights violations and subsequently adapted; and the school should take care to create the right environment in which human rights are respected.

3.3.1. Textbooks and Curricula

UNESCO plays an important, if not the prime, role in furthering human rights education, co-operating with the United Nations High Commissioner for Human Rights (UNHCHR). UNESCO’s reason of existence is the striving for peace through education, science and

¹⁵¹ See Preamble and Articles 15 and 16. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms of 08/03/1999 General Assembly resolution 53/144.

¹⁵² Resolution Adopted by the General Assembly, 49/184, 6 March 1995.

¹⁵³ See also Article 26(2) UDHR; Article 13(1) ICESCR; Article 5(1)(a) Convention against Discrimination in Education; Article 7 CERD; Article 29(1)(b,c,d,e) CRC; CESCR, *General Comment No. 13...*, cit., Chapter I, paragraph 4.

culture. In its Constitution it states that '[s]ince wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed'. Ignorance has led to suspicion and mistrust -the common causes of war - and that is why combating ignorance through full and equal opportunities for education for all, the unrestricted pursuit of the objective truth, and the free exchange of ideas and knowledge is UNESCO's aim¹⁵⁴.

To achieve this, UNESCO adopted in 1974 the Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms. This was the beginning of the concept of 'international education', which encompasses international understanding, co-operation and peace, based on friendly relations between different and differing peoples. Respect for and direct contact with the 'other' are deemed crucial and individuals should be aware of their personal responsibility for the problems in their communities. All ideologies that breed national and racial hatred are to be banned. This requires a critical look at the historical and contemporary factors that led to tensions, which in BiH is not done in a structured way¹⁵⁵. In this context the states should ensure that textbooks and other educational aids are free from elements that could give rise to misunderstanding, mistrust, racism, contempt or hatred of the 'other'. An appropriate way of achieving this, could be the exchange of textbooks, especially of History and Geography textbooks, to be scrutinised and revised if necessary. As mentioned before, the distorted facts in textbooks are a big problem in BiH. Revision is already on its way, though¹⁵⁶. In addition to textbook reviews, pupils should be brought up to be critical citizens and sceptical persons¹⁵⁷, since thus the effects of manipulated education can be combated.

Twenty years after the Recommendation, in 1994, changing circumstances led UNESCO to adopt a Declaration¹⁵⁸ which one year later resulted in the Integrated Framework of Action on Education for Peace, Human Rights and Democracy¹⁵⁹. In the Declaration states strive to take steps to make schools ideal places for practising tolerance. Freedom from myths, demystification of threats, disobedience as a virtue, respect for cultural identity, a world of pluralism, diversity and tolerance¹⁶⁰ are calls for action that apply directly to BiH. Though not

¹⁵⁴ See Preamble to the UNESCO Constitution, 1945.

¹⁵⁵ Interview with Dženana Trbić, Programme Co-ordinator for Education for the Open Society Fund BiH, on 06/05/2003 in Sarajevo.

¹⁵⁶ See Chapter 4.

¹⁵⁷ See *Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms*, UNESCO 1974.

¹⁵⁸ See *Declaration of the 44th Session of the International Conference on Education (ICE) on Education for Peace, Human Rights and Democracy*, Geneva, 3-8 October 1994.

¹⁵⁹ See *Integrated Framework of Action on Education for Peace, Human Rights and Democracy*, UNESCO, 1995.

¹⁶⁰ See V. Fisas, *Defense Alternatives and Culture of Peace*, UNESCO Centre of Catalunya.

explicitly mentioned, the Wars in Yugoslavia and BiH in particular were one of the triggers to this Framework. To combat the elements which led to such horrors as committed in BiH, special and anticipatory educational strategies are needed. Education should help form citizens who accept that their interpretation of situations is based in their personal lives, in the history of their society and in their cultural traditions, and that consequently no individual or group holds the one truthful answer.

The Framework gives some guidelines for curriculum and textbook reform: they should include human rights and the history of the struggle to achieve them internationally and nationally, as well as information on the culture of 'others'. The removal of negative stereotypes and distorted views of the 'other' from existing textbooks is absolutely necessary, and new textbooks should consider changes in society.

The revision and development of curricula and teaching materials, the promotion of multilingualism and the importance of the application of all human rights principles in practice is also stressed in the Plan of Action for the UN Decade for Human Rights Education¹⁶¹ and the Report of the Secretary-General on the International Decade for a Culture of Peace and Non-Violence for the Children of the World¹⁶².

The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities¹⁶³ deals more specifically with respect for cultural identity and diversity. States are called upon to take measures in the field of education to encourage knowledge of the history, traditions, language and culture of its minorities to all, and conversely knowledge of the society as a whole to the minorities. In the case of BiH, none of the three so-called constituent ethnic or religious groups is a minority. Nonetheless, these provisions – apart from being very important for the rights of other groups like the Roma and the Jewish community – are crucial for them still, because every ethnic group is a minority somewhere in this country.

Naturally, formal education should not aim at homogenisation of society, since that would mean implicit intolerance of differences. However, it should aim at breeding a feeling of common belonging, of citizenship. This challenge of education evolves around the balancing act between 'integration' and 'differentiation'¹⁶⁴. The different curricula and textbooks in

¹⁶¹ Resolution Adopted by the General Assembly, 49/184, 6 March 1995.

¹⁶² *International Decade for a Culture of Peace and Non-Violence for the Children of the World*, Report of the Secretary General, 12/09/2000, United Nations General Assembly, fifty-fifth session.

¹⁶³ See Article 4(4) Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, General Assembly resolution 47/135, 1992.

¹⁶⁴ An example of this is language teaching. It is clear that minority languages have to be respected, however, using a common language can help unify different groups. Respect is the keyword here, research has shown that insensitivity to the cultural and linguistic needs of ethnic minorities can lead to an escalation of latent ethnic conflicts. See K.D. Bush, D. Saltarelli, *The Two Faces of Education...*, cit., p. 18.

BiH, especially those which refer to other countries as if the children were citizens of these, endanger the prospects of a feeling of common citizenship, which is a first requirement for people to be willing to tackle problems that are common to the country as a whole.

3.3.2. Teaching Methods and School Environment

Katarina Tomaševski, the UN Special Rapporteur on the Right to Education, also deals with human rights education in her so-called Right to Education Primers in which she tries to translate the most important aspects of the right to education into clearer language. In the Primer entirely dedicated to human rights education she refers to UNESCO's Guidelines for Curriculum and Textbooks Development in International Education which stresses the importance of '[c]onsistency between the methods used in international education and its message.' However, '[t]he institutional environment of schools and the processes of teaching and learning must [also] be consistent with the objectives of peace, co-operation, justice [and] human rights'.¹⁶⁵

All these tips for education prove that since education can be used for the worse significant attention should be paid to the quality of education.¹⁶⁶ The rub is that laws and plans can easily be checked on their compliance with human rights, but the evaluation of the implementation in actual teaching is more problematic. One of the primary purposes of human rights education is to provide safeguards against student brainwashing and indoctrination. Some subjects that are considered factual, such as History and Geography, are on a closer look less than objective. The state is therefore obliged and urged to take care of objective inspections. It also shows the necessity of integrating human rights education in the curriculum and educational process as a whole.¹⁶⁷

Many conventions and declarations deal indirectly with human rights education, when they clarify the aims of education. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities¹⁶⁸ is one example. The CRC is another, and the Committee on the Rights of the Child elaborates the relevant provision in CRC General Comment No. 1. It acknowledges that different values can seemingly be in conflict with each other, such as the promotion of understanding among all peoples and the respect for the

¹⁶⁵ K. Tomaševski, *Human Rights in Education as Prerequisite for Human Rights Education*, in «Right to education primers», no. 4, Novum Grafiska AB, Gothenburg, 2001. <http://www.right-to-education.org>, download 12/04/2003.

¹⁶⁶ See K.D. Bush, D. Saltarelli, *The Two Faces of Education in Ethnic Conflict. Towards a Peacebuilding Education for Children*, Florence, UNICEF, Innocenti Research Centre, 2000, p. 34.

¹⁶⁷ K. Tomaševski, *Human Rights in Education...*, cit., p. 27.

¹⁶⁸ *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities*, General Assembly resolution 47/135, 1992.

child's own cultural or national identity. Yet the contradiction is not a real one. It only means that the right balance needs to be found in reconciling the diverse values. This is possible through dialogue and respect for differences. In zones of conflict or post-conflict - such as BiH - this is a very challenging enterprise, but crucial for reconciliation¹⁶⁹, since children are said to be capable of helping to bridge the gap that history might have created between them.¹⁷⁰

For this gap to be bridged, curricula, textbooks, and other teaching materials need to be reviewed on a regular basis¹⁷¹. Yet human rights education does not only depend on the content of the curricula. The totality of teaching methods and school environment are of equal importance¹⁷²: 'Emphasis must ... be placed upon the importance of teaching about racism as it has been practised historically, and particularly as it manifests or has manifested itself within particular communities', and '[I]t is therefore important to focus on the child's own community when teaching human and children's rights and the principle of non-discrimination'¹⁷³. It is crucial that the importance of the child's own community is emphasised¹⁷⁴, which these days in almost every country is multicultural. Considering the importance of environment, the inclusion of different groups in one school seems to be a vital part of creating tolerant children. When it says that children should learn about human rights by seeing human rights implemented in practice, such as in schools¹⁷⁵, joint (non-segregated) education appears a logical next step in achieving tolerance. Especially in BiH, where the child's community is multiethnic or will be again after refugees and IDPs return. Yet in general official documents on education this proposal is never mentioned as something to strive for.

UNESCO's Framework of Action does not directly refer to segregated and non-segregated schools either. However, it does emphasise that in order to internalise the essence of human rights, children have to live them in their daily practices at school. Together with the importance UNESCO attaches to the promotion of direct contacts and regular exchanges between different people, this could be considered an implicit call for non-segregated education.

¹⁶⁹ Committee on the Rights of the Child (CRC), *General Comment No. 1. The Aims of Education*, UN Doc. CRC/GC/2001/1, paragraph 16.

¹⁷⁰ *Ibidem*, paragraph 4.

¹⁷¹ *Ibidem*, paragraph 18.

¹⁷² *Ibidem*, paragraph 8.

¹⁷³ *Ibidem*, paragraph 11.

¹⁷⁴ *Ibidem*, paragraphs 11 and 13.

¹⁷⁵ *Ibidem*, paragraphs 15 and 19.

3.4. The Contact Hypothesis: A Call for Non-Segregated Education?

In 1958 G. Allport developed his Contact Theory, which describes various methods to bring different groups to live together peacefully. His theory has been rediscovered in recent years and elaborated upon further, for example by T.F. Pettigrew, who is an expert on the issues of racism and prejudice¹⁷⁶. Allport delineated some crucial conditions for inter-group connections to be successful, the main precondition being a level playing field and the possibility for groups to work together frequently toward common goals, stimulated and supported by institutions. Pettigrew in his work, stresses the importance of the duration of the contact. To achieve a long-term change in attitudes, groups have to meet up regularly, otherwise there is no time to build up comfort, trust or even friendship. To combat prejudice and to achieve a spill-over to the rest of the group from the persons having direct contact with the ‘others’, there must be sufficient time for friendship to develop, as well as empathy and intimacy¹⁷⁷.

Research has shown that ethnic attitudes are formed early in life.¹⁷⁸ What is more, prejudices, whether positive or negative, tend to follow the path of self-fulfilling prophecy, which will only increase with time. Early socialisation experiences such as at school are critical for the development of ethnic identities and attitudes towards the other groups. This effect is amplified because school and society influence each other: children bring identities and attitudes from society to school but also vice versa. Here is where formal education should seize the opportunity to change society, where human rights education could be of crucial influence, and integrated schooling even more so. In integrated school settings, the exposure to the other groups may make children aware of their differences in a positive way and could lead to inter-cultural accommodation. The permeability of the border between school and society opens possibilities for pupils to carry their non-confrontational and tolerant attitudes into the broader community.¹⁷⁹ This seems a plea for integrated education.

The preference for integrated education can be induced from other documents too. Apart from the explicit condemnation and prohibition in international human rights treaties and

¹⁷⁶ Examples of Pettigrew’s books are *A profile of a Negro American* (1964), *Racially Separated or Together* (1971), *School Desegregation: The Continuing Challenge* (1976), *Sociology of Race Relations* (1980), *Prejudice* (1990).

¹⁷⁷ L. Hansell, *Putting Contact Theory Into Practice: Using The PARTNERS Program to Develop Intercultural Competence*, University of Pennsylvania, [http://www.eastern.edu/publications/emme/2000fall/hansell.html#Allport’s Contact Theory](http://www.eastern.edu/publications/emme/2000fall/hansell.html#Allport's%20Contact%20Theory), download: 11/04/2003; E. Cairns, *The Role of the Contact Hypothesis in Peacemaking in Northern Ireland: From Theory to Reality*, Psychology Department, University of Ulster, <http://construct.haifa.ac.il/~cerpe/papers/cairns.html>, download: 11/04/2003.

¹⁷⁸ K.D. Bush, D. Saltarelli, *The Two Faces of Education...*, cit., pp. 2-4.

¹⁷⁹ *Ibidem*, pp. 2-4.

declarations of discrimination, (racial) segregation is separately denounced. The CERD¹⁸⁰ establishes that integrationist multiracial organisations and movements should be encouraged and that anything that tends to strengthen racial division should be discouraged. In 1995 a General Comment¹⁸¹ was issued to confirm the actuality of Article 3 CERD which condemns racial segregation and apartheid. It clarifies that the reference to apartheid may have been directed to South Africa at the time, but that the article as adopted nonetheless forbids any form of racial segregation and this in *all* States Parties. The States have the obligation to eradicate all practices of this nature including the consequences of such practices, regardless of their origins. It even invites States to monitor all trends which can give rise to racial segregation. The educational system in BiH is a perfect example of segregation, and fulfils all conditions mentioned. It thus is in clear violation of CERD.

The importance of education in the socialisation of children and the preference of inclusive education to segregated education is also confirmed by Tomaševski¹⁸². Inclusiveness in official documents, however, means the inclusion of children with disabilities or learning difficulties. It is remarkable how in different documents this kind of inclusiveness is stressed, with the argumentation that the way in which children perceive their environment and the world in general is influenced by the presence and absence of particular people and phenomena within the educational system¹⁸³. This reasoning also holds true for the integration of other groups, whether they be ethnic, religious or other. Yet the same reasoning never results in a clear statement in favour of non-segregated education, let alone in a clear condemnation of forms of segregated education as currently practised in BiH.¹⁸⁴

This is not to say that the balancing of various human rights is an easy task, far from it. In education, for instance, there are two facets of discrimination which seem almost irreconcilable. Eliminating racial or ethnic discrimination through joint education brings with it the problem of how to protect the rights of the minority, such as the right to be educated in one's mother-tongue. Also, even if the right to non-discrimination is respected in the access to education, and joint education does occur, the minority might still be discriminated against at school, possibly leading to a higher number of drop-outs among minority pupils, and thus to *de facto* inequality. On the other hand, separate education almost always leads to unequal

¹⁸⁰ Articles 2(1) and 3 CERD.

¹⁸¹ Committee on the Elimination of All Forms of Racial Discrimination, *General Recommendation No. 19. (General Comments). Racial segregation and apartheid*, 18/08/95.

¹⁸² K. Tomaševski, *Human rights obligations: making education available: accessible, acceptable and adaptable*, in «Right to Education Primers», no. 3, Gothenburg, 2001, p. 21.

¹⁸³ *Ibidem*, p. 28.

¹⁸⁴ This holds true for official general human rights documents. In documents relating to the situation in BiH the different forms of segregation *are* being condemned, see Chapter 4.

education, since there will be differences between schools, such as in funding.¹⁸⁵ Dominant ethnic groups may control the structure and funding of school systems politically. Thus the majority can promote those schools attended by their own children¹⁸⁶. This danger is particularly great in BiH.

Yet children still learn through observation rather than exhortation¹⁸⁷, hence the importance of putting into practice human rights in the school environment for change to occur. Living together and studying together at school seems to create the opportunities for friendship, knowledge and intimacy that Allport and Pettigrew stress in their Contact Hypothesis. The International Commission on Education for the Twenty-first Century seems to imply this theory in its report *Learning: the Treasure Within*, also known as the Delors-report, from 1995, which among other things explicitly addresses the issue of segregated education in general. The report reaffirms the delicacy of the balancing act between integrating successfully and not losing your identity. Any education policy must be able to meet this legitimate challenge, if social cohesion is to be achieved. The establishment of a form of intercultural education is paramount to achieving a culture of peace, and to everyone finding her/his place in the community. Education is not the panacea for all problems in society, but it can be expected to break the ground for the desire to live peacefully together, which is the basic component of social cohesion and national identity. Schools should make their own contribution to the integration of minority groups, or in the words of the Delors Report: to teach children to learn to live together¹⁸⁸.

The report seems to apply Allport's conditions. According to the Commission experience shows that in order to reduce the climate of historical rivalries between groups, organising contact and communication between members of different groups will not be enough without a general equality in the environment they share. On the contrary, when the groups are in competition shared education can even inflame latent tensions and degenerate into conflict. However, if contact takes place in an egalitarian context, common objectives and a shared purpose can reduce prejudices and hostility and can even lead to co-operation and friendship between the groups. The task of education is to lead to the gradual discovery of 'others' and to experience shared purposes, highlighting what is common instead of what is different¹⁸⁹. Applied to BiH this calls for a holistic approach. Reform in education alone will not change

¹⁸⁵ See K. Tomaševski, *Human Rights in Education...*, cit., p. 32.

¹⁸⁶ K.D. Bush, D. Saltarelli, *The Two Faces of Education...*, cit., p. 9.

¹⁸⁷ See K. Tomaševski, *Human Rights in Education...*, cit., p. 44.

¹⁸⁸ J. Delors, *Learning: the Treasure Within. Report to UNESCO of the International Commission on Education for the Twenty-First Century*, Paris, UNESCO Publishing, 1996, p. 91.

¹⁸⁹ *Ibidem*, p. 92.

the situation. The Constituent People's Decision of the Constitutional Court¹⁹⁰ is a crucial step in levelling the playing field, but much remains to be done.

Legally the analysis shows that BiH violates several human rights provisions. But also when we look at the situation in a more pragmatic way - through the lenses of human rights education and the wish for tolerance and eventually reconciliation - BiH has taken the wrong lane. The mental segregation in education manifesting itself through different and offensive curricula and textbooks has to be ended as soon as possible. Physical segregation such as ethnically clean schools and 'two-schools-under-one-roof' is a more complicated matter. In principle it seems, all arguments are in favour of the promotion of non-segregated education: direct contact breaks down walls of ignorance and intolerance. Practically it seems more complex, since a level playing field in the whole society is a condition for fruitful contact. For BiH, all reforms are hampered by the political structure of the country, which makes change towards the goal of non-segregated education a long, arduous process.

¹⁹⁰ See footnote 19.

4. REFORM PLANS IN EDUCATION

Summing up, the most critical problems facing education in BiH today are a lack of a comprehensive legal framework that facilitates modernisation; a lack of standards and integration; the fragmentation and politicisation of the educational system; widespread intimidation of local stakeholders through party and government structures; a lack of standard curriculum and assessment criteria and institutions to develop these; and also segregation and continued teaching of ethnic or nationalist propaganda with a profound negative impact on minority return^{191, 192}.

All these problems lead to human rights violations. As discussed before, the attention to these problems is relatively recent, triggered more or less by the worrisome report by UNESCO in 1999 and the following symposium in 2000. Ever since there have been attempts to reform the educational system, as to put an end to these wrongs. Until the most recent attempt, the Implementation Plan for the Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children¹⁹³, most agreements on reform seemed to be signed half-heartedly mostly under pressure from the international community, which subsequently did not push for implementation. This inertia resulted in a succession of agreements more or less covering the same areas because the problems remained unsolved.

The problem of non-implementation was partly due to lack of political will among all players, nationally as well as internationally, and can partly be attributed to the political structure, since all of these agreements are inter-entity agreements, by which the federation cantons do not feel bound. What follows are the most important agreements which are mostly still waiting to be implemented.

4.1. 10 May 2000 Agreement

On 10 May 2000, the Entity Ministers of Education signed the so-called 10th of May Agreement¹⁹⁴. The aims were harmonisation of the segregated, parallel educational systems, completion of the textbook review and removal of all objectionable material by 31 December 2000. A Curriculum Harmonisation Board was to co-ordinate curricula and

¹⁹¹ See UNHCR, *Returnee Monitoring Survey. Education for Returnee Children in Bosnia and Herzegovina*, Sarajevo, March 2003, pp. 17 and 19.

¹⁹² OSCE, *Inter Agency Guidelines...*, cit., p. 30.

¹⁹³ *Implementation Plan for the Interim agreement on accommodation of specific needs and rights of returnee children*, 13/11/2002.

¹⁹⁴ See Appendix V for the Agreements.

reduce its overload. Each constituent people was to develop curricular modules regarding Culture and Language and Literature to be integrated in the curricula of the other two constituent peoples. Both the Cyrillic and Latin alphabets should be taught throughout the country, as well as the shared linguistic, literary, cultural and religious heritage of the three communities. Shared core elements for a common identity and citizenship of BiH were to be introduced, as well as a new course in Human Rights and Civic Education. The integration of teachers from other ethnic groups was to be encouraged, and certificates and other qualifications were to be recognised throughout BiH. National subjects textbooks that do not refer to BiH should be phased out before June 2002. Unless otherwise mentioned, all this was to be implemented from the beginning of the school year 2000-2001.¹⁹⁵

Subsequently an agreement was reached for a 70 % - 30 % allocation of the curriculum. The 70 % would consist of a core curriculum common to all pupils and students all over BiH, and the remaining 30 % could be chosen from compulsory subjects with differing contents. This formulation was so unclear, however, that no one really knew how to put it in practice.¹⁹⁶ Progress was made in the purging of textbooks, but no common position could be reached on either the alphabet question or the subjects of Language, Literature, Culture and Religion. These modules, however, are of paramount importance to build confidence, mutual understanding and knowledge about each other, which in turn is crucial for creating a safe environment for refugees and IDPs to return.¹⁹⁷ Implementation of the agreement appeared to be very slow, partly because it was not quite understood what the different percentages exactly meant, but mainly due to significant opposition, almost amounting to sabotage, from the nationalist parties^{198 199}. Not much has been implemented of the 10th of May Agreement. Instead of a Curriculum Harmonisation Board, a Common Core Curriculum Commission is now going through all curricula, and the only provisions which seem really to be implemented are the introduction of Cyrillic and Latin alphabets after the Decision of the OHR²⁰⁰ and the course in Human Rights and Civic Education.²⁰¹ The recognition of certificates is not a problem anymore.²⁰²

¹⁹⁵ See *Meeting of the Conference of Ministers of Education of Bosnia and Herzegovina. Agreement, 10 May 2000, Sarajevo*, the HR/RoL department of the OHR, 10/05/2000, http://www.ohr.int/print/?content_id=382, download 05/07/2003.

¹⁹⁶ OECD, *Thematic Review of National Policies...*, cit., pp. 10-12.

¹⁹⁷ S. Bose, *Bosnia after Dayton...*, cit., pp. 134-135.

¹⁹⁸ See OECD, *Thematic Review of National Policies...*, cit., pp. 10-12 and 22.

¹⁹⁹ See Chapter 1.

²⁰⁰ OHR, *Decision on Constitutional Amendments in Republika Srpska, 19/04/2002; Decision on Constitutional Amendments in the Federation, 19/04/2002.*

²⁰¹ OSCE, *Inter Agency Guidelines...*, cit., pp. 26-27.

²⁰² Interview with Jo-Anne Bishop (Sarajevo, 08/05/2003).

4.2. Jahorina Agreement

Apart from curricula, textbooks and segregation, another problem - which is not so much related to the War as it is a legacy of the outdated communist educational system - is the existence of an overloaded, knowledge-based curriculum with teaching methods that are ex cathedra and do not actively involve pupils.²⁰³ Although this was addressed in the 1992 reform plans, it was put aside at the outbreak of the War.

In June 2001 the Entity Ministers of Education agreed to make a fresh attempt on a strategy to bring general education in BiH in conformity with European standards. The Agreement on the Elaboration and Implementation of a Shared Strategy for the Modernisation of Primary and General Secondary Education in BiH (also known as the Jahorina Agreement) builds on the 10th of May 2000 Agreement and includes proposals from the European Commission-Technical Assistance to the Education Reform (EC-TAER) in BiH, of which the creation of a Modernisation Strategy Supervisory Board and a more concerted action from the international community in support of the BiH education sector are the most conspicuous.²⁰⁴

By June 2002 progress according to the Jahorina Agreement was made towards the elaboration of proposals for a modern and flexible educational system, but the international community failed to co-operate in a constructive way, consisting of too many different actors without co-ordination.²⁰⁵ One of the Working Groups set up with the Shared Modernisation Strategy (SMS) is addressing the Curriculum framework for primary and general secondary education. It suggests a transition to nine years of compulsory education instead of the current eight. It also emphasises the need for a unified curriculum framework to be applied throughout the country (core curriculum), focussing more on the learning outcomes than on the content.²⁰⁶ Some important students' learning outcomes should be knowledge of human rights and respect of social values. Education should promote critical opinion and abstract thinking, as well as communication skills, computer literacy, knowledge of foreign languages and of general and national histories. After 13 years of education there is one goal that is of special interest here: students should have become nationally and culturally aware personalities who will respect the culture and identity of 'others', and in that way contribute

²⁰³ P. Stabback, *Curriculum and Curriculum Policy...*, cit., p. 2.

²⁰⁴ OECD, *Thematic Review of National Policies for Education – Bosnia and Herzegovina*, p. 24; P. Roeders, *Towards a Sector Development Programme in BiH General Education. Proposal for the elaboration of a 'Shared Strategy' for a Modernisation of Primary and General Secondary Education in Bosnia-Herzegovina*, Concept paper, final version, Sarajevo, 31/05/2001, p. 2.

²⁰⁵ See P. Roeders, P. Stabback (Eds.), *First Report to the Ministers of Education in BiH for presentation on June 27, 2002*, part of the *Shared Modernisation Strategy for Primary and General Secondary Education in Bosnia and Herzegovina*, English Version, p. 9.

²⁰⁶ *Ibidem*, pp. 12-22.

to the development of democracy and pluralism in BiH, achieving the goals of human rights education.²⁰⁷

The Working Group on the Elaboration of Programmes and Materials for Integration of Returnee Children into the Regular School underlines the importance of involving the local community and parents in the integration of returnee children. It states that schools should be required by law to ensure that all students are integrated and receive quality instruction in all subjects, including the 'national group of subjects'. The employment of returnee teachers should also be encouraged, as well as extra-curricular activities that bring all children together. This process would hereby implicitly recognise the validity of the Contact Hypothesis. The Working Group on the Elaboration of a Framework for a General (primary and secondary) Education Law stresses that education should be a social priority and a common responsibility at all levels of decision-making. The starting point for concrete legislation is the affirmation of respect for human rights, such as the prohibition of discrimination, the priority of children's rights, the child's right to education, the right to select the type of education, equal access to, and equal opportunities for education, respect for diversity, equal respect for all three recognised languages and scripts of the constituent peoples.²⁰⁸ Other important issues raised were the importance of clear general goals of education, guaranteed school autonomy and commonly accepted and internationally comparable standards, with regard to educational materials, curricula, teaching and learning methods.²⁰⁹ The Project Managers draw attention to the necessity of the process being a non-political process with a bottom-up approach, as well as to the importance of selecting some 'pioneer schools' in BiH to apply and analyse the recommendations of the Working Groups.^{210 211}

The Jahorina Agreement thus tried to solve all human rights violations that surfaced during the previous chapter and explicitly highlighted the problem of the politicisation of education and pointed at the obstacle of politics hampering change. It is exactly this obstacle which prevented also this agreement from being pursued in the speed and manner it required.

²⁰⁷ See P. Roeders, P. Stabback (Eds.), *Supplement to First Report to the Ministers of Education in BiH for presentation on June 27, 2002*, part of the *Shared Modernisation Strategy for Primary and General Secondary Education in Bosnia and Herzegovina*, English Version, pp. 5-9.

²⁰⁸ *Ibidem*, pp. 46-47.

²⁰⁹ See P. Roeders, P. Stabback (Eds.), *First Report...*, cit., pp. 12-22.

²¹⁰ *Ibidem*, pp. 22-23.

²¹¹ See also Chapter 5.

4.3. Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children and its Implementation Plan

4.3.1. Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children

The problems still not being solved, the Entity Ministers of Education of BiH signed another wide-reaching agreement on 5 March 2002: the Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children. It acknowledges that the lack of adequate education is one of the main obstacles to minority return. According to this interim agreement all children shall be taught all general subjects according to the local curricula, but for the ‘national group of subjects’ parents have the possibility of opting for the curriculum of their choice, and for these subjects, returnee teachers are prioritised. It is clearly an *interim* agreement because education reform of a more permanent and drastic kind would have taken too much time as experience had shown, thus hampering a quick return. The two Entity Ministries of Education agreed, however, to start looking for more permanent solutions, which would involve the adoption of new education legislation, the production of new curricula and textbooks without any objectionable material, general respect of everyone’s human rights, and re-employment of teachers in their pre-war schools. The international community was to be actively and explicitly involved in monitoring the agreement and the progress of its implementation.²¹²

The lack of co-ordination among the international community was starting to be felt, thus in July 2002 the High Representative, Paddy Ashdown, addressed the OSCE Permanent Council in Vienna and asked it to take the lead in education reform. He argued that ‘[t]he current state of education in Bosnia and Herzegovina represent[ed] a serious obstacle to stability, security, reconciliation, institution-building, sustainable refugee returns and economic recovery’, and he stressed that education was widely used as an ideological and political tool to reinforce ethnic bias, intolerance, segregation and discrimination.²¹³ All of these are issues which education is supposed to guard against, as the human rights treaties and interpretations clearly show. Subsequently, the OSCE took on the responsibility for co-ordinating the educational reforms.

²¹² See *Interim Agreement on accommodation of specific needs and rights of returnee children*, Office of the High Representative, Sarajevo, 5 March 2002 p. 7. in: «Implementation Plan for the Interim agreement on accommodation of specific needs and rights of returnee children», 13/11/2002.

²¹³ OHR, *Bosnia High Representative urges OSCE to take lead on education*, Press release, 04/07/2002. <http://www.oscebih.org/pressreleases/july2002/04-07-02-eng.htm>, download 09/04/2003.

4.3.2. The Co-ordinating Role of the OSCE in the Area of Education

As mentioned above, in the beginning physical reconstruction of the country was the main concern of the international community. Consequently concerning education emphasis was put on the reconstruction of school buildings. Little to nothing was done to improve the quality of education as such. And if there was it consisted of single, unco-ordinated initiatives. In July 2002 the OSCE took on the responsibility for the co-ordination and facilitation of the work of the international community in the education sector in BiH. In order to fulfil its task, the Mission in BiH created an Education Department. The OSCE focuses on access to education, equity in the provision of educational opportunities, and improvement in the quality of education. It monitors the implementation of Inter-Entity Agreements, and will liaise with Entity and canton Ministries, as well as other international organisations in the field of education. Helping in the education reform is the Education Issue Set Steering Group (EISSG), six Education Working Groups (EWGs), and an Education Forum, all consisting of international, national and local stakeholders.^{214 215}

4.3.3. Implementation Plan for the Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children

Pursuant to the Interim agreement the Ministry of Education of the RS, the FBiH and - for the first time - the cantonal Ministries of Education, Science, Culture and Sports brought forward an Implementation Plan for the Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children, which was brokered by the OSCE and signed in Mostar on 13 November 2002. It was presented to the PIC²¹⁶ in Brussels in November 2002. The Implementation Plan clearly enlarges the purpose and intent of the Interim Agreement to all children and teachers in a given area, not only returnee children. In practice all parents and children should be able to benefit from the options offered by the Interim Agreement. The Implementation Plan emphasises the importance of encouraging future returns, multicultural integrated schools, and prevention of the establishment of mono-ethnic schools. School boards must for instance reflect the composition of the school's population. Although there is a minimum of students required for the teaching of the 'national group of subjects' and the building of new schools in remote areas to be mandatory, local administrations are urged to be flexible in this regard. They should help minorities as much as possible, even when the

²¹⁴ OSCE, *Inter Agency Guidelines...*, cit., pp. 32-35.

²¹⁵ See Appendix VII for more information on the EISSG and EWGs.

²¹⁶ For PIC see Chapter 1.

required minimum number of students is not reached. To follow up the progress in the implementation a Co-ordinating Board will be established, as well as a database which will record relevant data. Since knowledge about schools and the Agreement are crucial for a well-thought out decision by parents, regular contact between the school and the (future) students and parents must be established. The school board must reflect the composition of the school populations.

The identification of solutions of a more permanent kind include the initiation of a procedure to harmonise and amend educational legislation to ensure the exercise and protection of the rights and needs of all returnee children, constituent peoples and national minorities. The use of textbooks and other literature used in classrooms should be monitored, especially on offensive content, and possibly offensive symbols, objects and school names should be removed. Concerning the co-operation with the international community, the Co-ordinating Board will mainly provide updates to the OSCE.²¹⁷

The Co-ordination Board, responsible for the implementation of the Interim Agreement, held its first meeting on 22 January 2003²¹⁸ when it discussed the re-establishment of the Textbook Commission. On 5 March 2003 the Entity and cantonal Ministers signed a Memorandum of Understanding²¹⁹ for the re-establishment of this Commission, which will facilitate the removal of inappropriate content from school textbooks, such as political, religious, cultural bias and discrimination, by the beginning of the school year 2003-2004.

An important conclusion of the previously mentioned UNHCR report²²⁰, is the acknowledgement that - though the step towards integration the Interim Agreement may be important - a more comprehensive and long term solution to this issue is desperately needed, to ensure that education will not become a divisive tool for nationalism. The draft BiH framework law is a step in the right direction. What might be even more important though is a change of attitudes, in schools as well as at home. This is of course a more daunting objective. The curricula and textbooks may be neutral, but if the teachers continue discriminatory teaching, all official reforms will be ineffective.

²¹⁷ See *Implementation Plan for the Interim agreement on accommodation of specific needs and rights of returnee children*, 13/11/2002.

²¹⁸ OSCE, *Important step towards implementing Agreement on education or returnee children*, Press Release, 22/01/2003, <http://www.oscebih.org/pressreleases/2003/22-01-03-eng.htm>, download 09/04/2003.

²¹⁹ OSCE, *Ministers Sign MoU Re-establishing Textbook Review Commission*, Press Release, 05/03/2003, <http://www.oscebih.org/pressreleases/2003/05-03-03-eng.htm>, download 09/04/2003.

²²⁰ See Chapter 2, UNHCR, *Returnee Monitoring Survey...*, cit..

4.4. Draft Framework Law on Primary and Secondary Education in BiH

Many initiatives for reform were accelerated because of pressure from the Council of Europe, to which BiH wanted to accede. BiH did become a Council of Europe member on 24 March 2002. Nonetheless, it is still subject to post-accession requirements, of which the requirement to adopt laws on primary and secondary education is important.²²¹ At the time of this writing, the draft Framework Law on Primary and Secondary Education in BiH is being discussed in the Entity Parliaments²²².

This draft framework law explicitly states the purpose and general objectives of education. Education should help create a society based on the rule of law with respect for human rights, together with an economy that will secure the best living standard for all citizens. The general objectives are undoubtedly inspired by the objectives of human rights education²²³, such as personal development and the promotion of human rights and fundamental freedoms, but also learning about ‘others’ and cultivating mutual understanding and solidarity among all people, ethnic groups and communities.

The principles of education are based on the right to education, namely the right of access and equal possibility without discrimination on *whatever* grounds. The importance of children’s rights is stressed, as well as respect for human rights in general, with a reference to the Constitution of BiH and the international human rights documents BiH is bound by.

The human rights’ problems in education that are specific to BiH are also addressed. On the language issue, it regulates that in school everyone has the right to ask and answer in Bosnian, Croatian or Serbian and that everyone shall learn both the Cyrillic and Latin scripts²²⁴. Moreover, the language and culture of any significant minority in BiH will also be respected.

On Religion, the draft framework law states that schools shall promote and protect religious freedom, tolerance and dialogue in BiH and that pupils cannot be forced to attend religious classes if these do not match their beliefs or the beliefs of their parents. Moreover, in an attempt to phase out religious classes from public education, assessment of religious classes shall not be calculated in the official success average of a pupil. An even clearer reference to BiH’s situation is the article on educational material used or exposed in schools.

²²¹ OSCE, *Inter Agency Guidelines...*, cit., p. 31.

²²² OSCE, *Council of Ministers Adopts State Law on Primary and General Secondary Education*, Press Release 16/04/2003, <http://www.oscebih.org/pressreleases/2003/16-04-03-eng.htm>, download 02/06/2003; For reasons of discretion - since the reforms proposed in the draft framework law are sensitive and controversial in BiH politics, it cannot be attached as an Appendix to this thesis.

²²³ See Chapter 3.

²²⁴ This is the Brcko-model, so-called because in the Brcko district, which is under international supervision, this system is already in place.

Any offence to the language, culture and/or religion of students that belong to any ethnic, national or religious group is forbidden, and there will be bodies and authorities on each administrative level to supervise this.

To ensure freedom of movement, residence and employment to students, parents and teachers, all public primary schools have a so-called 'catchment area': all students of compulsory school age living in this delineated area have the right and duty to enrol and attend this school, with exceptional exemptions possible. This will simultaneously promote integrated education. Concerning secondary education students have the right to apply to any school in any part of BiH. These schools have to ensure all rights of parents and students, paying special attention to returnees. Certificates, diplomas and qualifications will also have equal status in the whole country.

The right of parents to choose the type of education for their children is guaranteed but explicitly limited in that parents cannot exercise their right in a way that promotes prejudice on racial, sexual, ethnic, linguistic, religious or any other basis. They can send their children to private schools, but these are also subject to monitoring by educational authorities, and cannot be established with the purpose or result of promoting racial, ethnic, religious, sexual or other prejudice.

The role and obligations of the schools are to respect the individuality of every student and of her/his cultural and national identity, language and religion, as well as to ensure an environment which is safe and free from any form of intimidation and abuse, physical punishment, insults and humiliation. The school cannot discriminate in children's access to education on any basis. What is more, the school should promote equal opportunities and the right to be different, so as to support and promote the different cultures, languages and religions of its students and staff. In dealing with several issues, the schools should involve parents and the local community.

There is a separate chapter on school autonomy, wherein activities of political parties and their progenies are forbidden in school, and wherein teachers are given a certain amount of freedom in their teaching methods.

A very important chapter is the one on educational standards, which deals with curricula. It regulates that there shall be a common core curriculum for all public and private schools in BiH, which should be ready to be implemented by the beginning of school year 2003-2004. The common core curriculum will consist of the curricula and syllabi of all subjects of primary and general secondary education of BiH that have as broad an agreed common core as possible, and shall be developed by a special ad hoc temporary body. Standards and norms

of the common core curriculum on issues like textbooks and other didactic materials, the educational process, professional competencies of teaching staff, and the evaluation of students should be consistent in all schools in BiH.

The Framework law also provides for authorities responsible for establishing these educational standards, such as a Standards and Assessment Agency, and a Curriculum Agency. It also comes back to the previous reform plans which stated that the school board must reflect the national structure of students and parents, school staff and local community. The director will be appointed by the school board according to the proceedings by law.

All State, Entity and cantonal laws, as well as other relevant regulations in the field of education have to be harmonised with the provisions of the Framework Law within six months after the date of this Law's entering into force. This can of course still take a long time. It is, however, a more secure initiative for reform than any of the previous attempts. It addresses all violations of the right to education due to the politicisation of education and is a big step forward. Once the framework law is adopted by all parliaments at all levels, it has to be converted into comprehensive cantonal laws. It is a long process, but once it will be in place, there is hope for the beginning of the de-politicisation of education and the end of the violations of the right to education.

5. A VIEW FROM THE GROUND:

INTERVIEW RESULTS AND FUTURE PROSPECTS

For an evaluation of a contemporary and controversial issue such as politicised education it is not enough to rely on written material only. There is always a time gap between events, research and their publication. For this reason field research was unavoidable. After the examination of the written material available - books and articles, conventions and reports, as well as information on the Internet, it was possible to develop a methodology for the field research. In order to get the most recent information and verify the validity and accuracy of the data previously collected and processed, interviews seemed the most appropriate method. Moreover, individuals working in education on the ground might have a different perspective on the situation than the more scientifically and theoretically inspired documents and reports on the issue.

It was impossible to conduct a representative survey, due to lack of time and funds. Yet it was crucial to cover a wide spectrum of opinions. Thus nineteen interviewees were decided upon, ranging from pedagogues to politicians, from NGO to IGO representatives. Taking into account the politically difficult situation and the actual division of the country, a balance needed to be struck between the FBiH and the RS. Hence almost all functions find their counterpart in the other Entity: Selma Džemidžić, pedagogue in the FBiH, Tatjana Mihajlović pedagogue in the RS; Nesad Bulić, school director in a public school in the FBiH, Predrag Damjanović, school director in a public school in the RS, Vera Katz, headmistress in a private school in the FBiH; Ranko Pejić, Assistant Minister of Higher Education in the RS, Severin Montina, Assistant Minister for Education in the FBiH, Edina Smajkić, official at the Ministry of Education of the Canton of Sarajevo; Dino Mujkić, Dženana Trbić, Svetlana Broz and Jasmina Opardija working for NGOs, Colin Kaiser, UNESCO representative in BiH, Jo-Anne Bishop, OSCE Sarajevo, Matthew Newton, OSCE Mostar and Valerija Tisma, OSCE Banja Luka working for IGOs; Adila Pašalić-Kreso, Professor in the FBiH, Miodrag Živanović, Professor in the RS; Jasminka Drino-Kirlić, Youth Centre co-ordinator and teacher in the FBiH. The towns in which the interviews were conducted are Sarajevo, Mostar, Novi Travnik, Gornji Vakuf-Uskopje in the FBiH and Banja Luka in the RS.

The questionnaire consisted of six main open-ended questions that were formulated in a neutral way, so as not to influence the interviewees. Each main question had one or more sub-

questions that served either as a clarification, in case the interviewee diverted from the main question, or as a way of verifying previously gathered information, whether in literature or in previously conducted interviews. The interviews were all conducted between 6 and 15 May 2003.

The six main questions²²⁵ were:

1. What are the main problems in the field of education today?
2. What would, according to you personally/in your capacity as... be the preferred situation in education for the future?
3. What are the obstacles to achieve this preferred situation?
4. What is momentarily being done to improve the situation? Is there an agreement on a common strategy for the whole of BiH? What is the agreed aim? What is the time-frame?
5. What changes do you consider feasible in the near future?
6. How do you see the future in terms of reconciliation?

Question four was intended to check if there were any new initiatives that had not been published yet. Question six was meant to qualify the urgency of de-politicising education, if considered a problem. The four remaining questions were targeted at exploring the current situation in education and its future developments.

This chapter is a general evaluation of the outcomes of all interviews. All interviews were recorded, but for reasons of time and space, could not be transcribed, neither could all answers to all questions be mentioned. The elements that were raised the most were extracted and summarised by giving examples from the interviews that seemed to be representative.

5.1. What are the Main Problems in the Field of Education Today?

5.1.1. Superseded Pedagogy: Overloaded Curriculum and Old-fashioned Teaching Methods

The problems in the field of education are described as twofold: the politicisation of education and the superseded pedagogy. The latter seems to be a relic of the communist past. Firstly, the curriculum is overloaded and mostly based on theoretical knowledge. The focus is on general subjects, and their contents are prescribed in an extremely detailed manner, leaving little room for initiatives by the school or teacher. Since the curriculum is so overloaded, its goals are never realised at the end of the school year.

²²⁵ For sub-questions, details of interviewees and reflective journal see Appendix VIII.

Secondly, the way in which these contents are transmitted to the students is mainly *ex cathedra*, i.e. the teacher teaches and the children listen and take notes. There is neither interaction nor discussion in the classroom, and the students are expected not to think critically, but to learn by rote.

The concern for this problem was mainly voiced by experts directly involved with students, such as school directors, teachers and pedagogues working at schools. The pedagogue from the Džemaludin Čaušević primary school in Sarajevo, Selma Džemidžić, was one of them. This school has been focussing on modern teaching methods since the end of 1994. They have appointed some of their teaching staff as teacher's teachers, who participate in national and international seminars to get updated on the newest insights in pedagogic methods and standards. On their return they then pass on their newly acquired knowledge and skills to their colleagues at their school. Lately thus, they have adopted a more child-centred interactive approach, where children work interactively in groups and learn to be creative themselves. The O.Š. Borisav Stanković elementary school in Banja Luka has also started to reform their way of teaching for all students in all grades. Their school forms part of an experiment which may - when proven successful - be transmitted to all schools in the RS. Here again passive *ex cathedra* teaching is being supplanted by a more interactive way of teaching, with more flexibility for the teacher to adapt his methods if he considers it necessary. According to director Nead Bulić from the Technical High School in Novi Travnik, a very destructive consequence of the theoretical teaching is the decline in opportunities in the already very tight job market. One of the main problems he mentions is the difficulty these days in motivating students to continue their studies. Since the subjects taught are so theoretical and ill adapted to the current job market, looming unemployment discourages students. This was also mentioned as one of the main problems by Jasmina Opardija from the Youth Focal Point of the International Bureau for Humanitarian Issues (IBHI) in Sarajevo, who stressed the importance of subjects being more specific, to give students a chance to specialise. Adila Pašalić-Kreso from the Department of Education within the Faculty of Philosophy of the University of Sarajevo and author of the educational part of the Human Development Report of 1998²²⁶, agreed that the old-fashioned organisation of the school system prevented children from getting a good education, in turn preventing them from getting a future and promoting the brain drain. For Ranko Pejić, the Assistant Minister for Higher Education in the RS and Professor of History and Methodology of History at the University of Banja Luka, the outdated teaching methods are the most important problem,

²²⁶ United Nations Development Programme, Human Development Report 1998 on Bosnia and Herzegovina.

next to the poor financial situation of the country and the educational sector as a whole. Low teaching salaries lead to a flight of teachers into other professions, consequently creating a lack of teachers, especially in Foreign Languages and Information Technology. When students travel abroad they are confronted with the fact that their knowledge consists only of some theory and little practice. They might know the details of English grammar, but are still unable to communicate.

It is interesting to notice how this problem of overburdened curricula and outdated teaching methods was mainly stressed by school directors and pedagogues working at schools, and not so much as the primary concern of the international community representatives I interviewed, with the notable exception of Colin Kaiser, UNESCO representative to BiH and Head of Office. To Kaiser a systemic reform was the main priority in getting the educational system of BiH back on track. All other reforms would be fruitless, if the system was not first modernised and adapted to current needs. He was very critical of the international community, which seems to be pursuing mainly its own interests and practically ignores the voices of the people, who are getting confused by the different reform processes that have been going on and that sometimes have even contradicted each other. Although my interviews are quantity-wise far from representative, their outcomes do seem to support his experience.

5.1.2. Politicisation of Education

The international community stressed as the main problem the politicisation of the educational system in all its forms. The politicisation of education consists mainly of the division of the educational system into three different systems, according to ethnic affiliation. The problem can be subdivided, however, into several components, which are closely related. Firstly, politicisation in curricula. Secondly, politicisation in textbooks. And thirdly, politicisation in schools.

Most local people described the politicisation as an evil but logical consequence of the War. Vera Katz, History teacher and Headmistress of the Private Gymnasium of the Catholic School Centre, said that it was normal that the national communities wanted their autonomy after the atrocities and experiences of the War. At the same time though she emphasised that this autonomy did the country no good.

5.1.2.1. Politicisation in Curricula

The first form of politicisation manifests itself in the occurrence of three different curricula, according to ethnic belonging. During the War, the respective armies introduced a Croat curriculum, a Serb curriculum, and an adapted Bosniac curriculum in the areas they controlled²²⁷. These curricula were maintained after the War since the War had not stopped because the warring parties had realised the fighting was senseless, but because of foreign intervention²²⁸. Because of their reasonably objective nature, the scientific subjects of the curricula, such as Mathematics, Physics, Chemistry, do not constitute much of a problem, although even there examples in textbooks can be used to the detriment of other people. The real problems of division lie in the humanistic subjects, or what has become to be known as the 'national group of subjects', consisting of History, Religion, Geography, Language and Literature, and Nature and Society. As the 1999 UNESCO report²²⁹ already showed these subjects contain unacceptable politically socialising elements. For the subjects of Geography and Nature and Society the problem is that in the Bosnian Croat curriculum the reference point is often Croatia instead of BiH, and in the Bosnian Serb curriculum Serbia. School director Bulić mentioned an example of his cousins, who go to a school where the Bosnian Croat curriculum is being taught. They learn that the capital of their country is Zagreb and are being taught the Croatian national anthem. For Religion the first question that all interviewees agreed upon was whether this subject should be taught at a public school at all. The general idea was that it should not, if it implied the teaching of one religion only. If the latter could not be avoided, it should at least be an optional subject. Preferably though, a mandatory Culture of Religion course should be instituted where attention would be paid to all major world religions.

Overall one can say that History and Language and Literature form the greatest obstacles. A significant part of the History course is the same in all three curricula, but the recent history is often being taught differently and in an offensive way to the other constituent people. Even the less recent history of WW II is being rewritten in a manner detrimental to some of the different ethnic groups. The fear of most interviewees was that this rewriting would hamper reconciliation. To avoid this the international community has urged taking recent history off the curriculum. Yet this step could prove very dangerous since it gives more room for

²²⁷ Adila Pašalić-Kreso, Department of Education, Faculty of Philosophy, University of Sarajevo, on 08/05/2003 in Sarajevo.

²²⁸ Jasmina Oparđija, Youth Focal Point, International Bureau for Humanitarian Issues, on 15/05/2003 in Sarajevo.

²²⁹ V. Lenhart et al., *The curricula...*, cit..

distortion and puts reconciliation at risk. In general one can say that in BiH there is little or no 'Vergangenheitsbewältigung' because there is no agreement on what happened and people prefer not talking about it²³⁰. According to Opardija from IBHI's Youth Focal Point finding a consensus about the recent history within BiH will be hard, since for the people of BiH the War and its consequences belong more to the present than to the past. She thinks the international community and the ICTY might have a role to play in the development of an appropriate course²³¹.

The case of Language and Literature is also complicated. As mentioned before, the differences between the languages are minimal and so the risk of 'contamination' even greater. Language and identity are very closely related and thus a very sensitive issue. Svetlana Broz, Director of Gardens of the Righteous World-Wide and involved in the NGO Education Builds BiH a.o., illustrated the artificiality of the division very succinctly by quoting young children who asked her: 'Why do we speak different languages, if we understand each other completely?'

5.1.2.2. Politicisation in Textbooks

During the War not only the curricula, but also the corresponding textbooks were imported from the respective neighbouring countries. This leads to the second form of politicisation in education: politicised textbooks. Broz summarised the problem again in a very concise way, saying that it is common knowledge that 'victors write history' but that in the BiH War there were no victors, only losers. These losers²³², the politicians from nationalist parties responsible for the War, were the ones who signed the DPA, and were left in power by the international community. So after the War they continued their policy of ethnic cleansing through politics, and especially through education, to keep the territory conquered and cleansed during the War ethnically clean. These politicians commissioned the writing of new textbooks, with the 'facts' as they wanted them to be taught, and with explicitly offensive wordings and contents. There have been quite a few attempts to eliminate the latter, but most attempts are ridiculed by the interviewees. The most ridiculed²³³ was the attempt by the OHR, who sent representatives to the schools, had the children take out their books and told them which paragraphs, pages or parts to cross or blacken out. Obviously this censorship only

²³⁰ Jasmina Opardija (Sarajevo, 15/05/2003); Dženana Trbić (Sarajevo, 06/05/2003).

²³¹ The Council of Europe is already involved in history projects in South-Eastern Europe, as are some other organisations such as the Centre for Democratisation and Reconciliation in South-Eastern Europe.

²³² Apart from the population which were the real losers, in the sense of victims.

²³³ As reported by Colin Kaiser (Sarajevo, 07/05/2003) and Jo-Anne Bishop (Sarajevo, 08/05/2003) et al., and mentioned by Ranko Pejić (Banja Luka, 12/05/2003) as a good example of the failure of the international community.

heightened the natural curiosity of the school children, causing them to focus even more on these parts. There are even stories of children who crossed out the other parts and left the 'forbidden' parts visible. The same holds true for textbooks which were totally banned by the OHR. These subsequently were read at home with even more interest. It may be clear that these attempts had the opposite effect on the students than what was aimed for. At the moment, an umpteenth Textbook Review Commission is in the process of neutralising the textbooks to be revised and printed for the school year 2003-2004.

5.1.2.3. Politicisation in Schools

All interviewees seemed to agree that access to schools by pupils of a different ethnic group is no longer a problem, yet discrimination as such still is. The discriminatory factor of the three different curricula and various textbooks lies in the fact that currently the majority group in a canton - or Entity, when talking about the RS - decides which curriculum is to be taught in its schools. It thus happens for instance that in a school where the majority is Bosnian Croat, the curriculum that is being taught is Bosnian Serb. But even when the other ethnic group is a minority, this situation is unacceptable and defies human rights. Hence the reform plans in the Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children²³⁴ and its Implementation Plan.

All these forms of politicisation can be called segregation, since they all aim at dividing and segregating the population from an early age. A very harsh form of segregation is physical segregation, i.e. different schools for different ethnic groups. Physical segregation is mostly a problem in the two 'mixed cantons'. Three interviews were held in these cantons. The Technical High School in Novi Travnik is an example of this, much to the regret of its director Bulić, who explained how this segregation had come about. Before the War Novi Travnik had only one technical high school, now it has two ethnically clean ones: one with a Bosniac curriculum, the other with a Bosnian Croat curriculum. Before the War Bulić' school used to be the technical high school and the other was an elementary school, now his school building is used as both Bosniac elementary school and Bosniac technical high school. In the town of Gornji Vakuf-Uskopje the physical segregation in the local high school takes the shape of a 'two-schools-under-one-roof', with a division by floors. Even the teaching and cleaning staff are separate and do not come into contact with each other. Research conducted by IBHI's Youth Focal Point at the Youth Centre in Gornji Vakuf-Uskopje showed the madness of the situation. At the Youth Centre children from all nationalities are welcome.

²³⁴ See Chapter 4.

When children first came together they were very suspicious of each other, but as soon as they started talking and realised that they were from the same school, only on different floors, many started crying, because they understood they were the same, but did not know each other even though they lived in such a small community. Jasminka Drino-Kirlić, the co-ordinator of this Youth Centre and teacher at the local high school, shared with me her experience with the local children: they cannot wait to leave their town, for they feel that they are losing out on many things, due to the segregation. Further they realise that what this leads to is a new form of cultural and educational violence.

In larger city of Mostar the situation is comparable. Matthew Newton, regional education co-ordinator for the OSCE in Mostar described the particularities. Similar to the other towns in the ‘mixed cantons’, Mostar is divided into two parts, a Bosnian Croat and a Bosniac. Before the War all secondary schools, but two were in the Croat area²³⁵. In pre-War Mostar this had not been a problem since all schools were multiethnic. Today, however, it is problematic since segregation means that approximately 2,500 Bosniac children are ‘temporarily’ accommodated in primary schools, where ‘temporarily’ means ever since 1995-1996 with no end in sight. In Mostar all the above-mentioned issues come together and here the complexity of politicisation and the difficulties for change come to the fore. Due to the War-experiences and even pre-War memories of being labelled a nationalist when using a typically Croatian variant of a word, the fear of losing one’s (Croatian) identity is so prominent, that the language-issue overshadows all problems concerning segregation and reconciliation. As mentioned several times before, the differences between the three official languages in BiH are minimal, and hence the risk of contamination maximal. That is why the Bosnian Croat politicians and representatives want ‘their’ children to be taught in the Croatian language and, what is more, in *all* subjects. They do not have any problems with joint education on ethnic grounds, as long as the other ethnic group agrees to be taught in Croatian, and speaks Croatian. There is no room for negotiation here. The influence of the hard-line politicians is such that they control the media and can therefore create an irrational fear of integration. The population is being falsely informed on what integration means. A good example of this undue influence is the ‘information campaign’ in response to the constitutional changes which made the teaching of BiH’s two alphabets mandatory across the whole of BiH. In this campaign politicians claimed that from that time onwards, all children were supposed to learn first the Cyrillic and then the Latin script - even if their mother tongue was written in Latin letters - for this was what the international community wanted. When it

²³⁵ Both schools in the Bosniac area were destroyed during the War.

comes to believing your own people or strangers, especially in a region full of irrational fear and bad experiences with the international community, the choice is easily made.

Another demonstration of the influence of politics in schools is to be found in some names or symbols used in and around schools, which can be offensive to other ethnic groups. Examples of these could include: memorial monuments to soldiers killed in the recent war placed in school halls or in front of the school; insignia, paintings and religious objects; Croatian coat of arms or flags; schools named after 'war heroes' from one ethnic group; schools named after the 'day of resistance against the oppressor' - the Serbs being the oppressors; commemoration of this kind of events; Arabic inscriptions from the Koran; used uniforms of soldiers²³⁶.

All interviewees, local and international, considered the politicisation of the educational system a problem, except for RS Assistant Minister Pejić. In his opinion the existence of three different curricula is to be valued positively since difference means richness of culture. He is aware of the fact that the OSCE is striving for a unified curriculum for the whole of BiH, but he hopes it will not succeed. He referred to other countries where 70 % of the curriculum is mostly general, and 30 % can be filled in according to local wishes. Should the core curriculum be translated into law, his only hope lay in the teachers of the RS, who would make sure the reality and the national perspectives - which would be officially banned from the books and the curricula - would still be taught. Instead of seeing a unified curriculum as an opportunity for reconciliation, he considered it a certain road to hate and resistance from the three communities. In his opinion textbooks did not constitute a problem either. He had personally been part of a textbook review commission in 1997 and ever since he could assure that all textbooks in the RS were free from offensive passages. Apart from the problem of the overburdened curricula, he mentioned the problem of a lack of academic freedom of university professors and textbook authors, such as himself. When writing a book for lectures, it had to be given a green light by a Bosnian Croat and Bosniac review. This was definitely a curbing of academic freedom. Moreover, he emphasised that the DPA had given the Entities the power to decide on education, and he wished this autonomy to be respected, also and maybe especially by the international community, about which he did not have a good word to say. The OHR for instance was all but democratic: it looked at BiH from Bosniac-dominated Sarajevo and imposed all kinds of measures on the Bosnian Serbs.

²³⁶ These are existing examples, the source of which cannot be revealed, due to its sensitive nature and the fact that at the time of writing a Commission is trying to establish criteria to judge the offensiveness of these kind of displays and names.

5.2. What would be the Preferred Situation in Education for the Future?

The answer to this question could mostly be deduced from the perspectives of the problems in education. They seem to match quite well. Public non-segregated schools with a modern unified curriculum and up-to-date teaching methods according to European standards topped the list. There were some variations as to the curriculum, where many supported some freedom within a national framework curriculum for the schools, on the condition, however, that this freedom not be abused for political or segregationist purposes.

5.3. What are the Main Obstacles to Achieve this Situation?

The main obstacle to educational reform was politics, which is divisible into three groups: the structure of post-Dayton BiH, the influence of nationalist parties, and the international community.

5.3.1. Structure of Post-Dayton BiH

As set forth in the first chapter, the DPA froze the situation of ethnic cleansing, and decentralised the country to an extreme level. As a consequence there are at least twelve ministries of education, each with their own powers and parliaments. There is not a state level Minister of Education, so consequently there are twelve different policies on education. Since most political areas are dominated by one ethnic group, this group can impose its curricula on its schools, leading to the problems raised above. It must be noted that decentralisation is not only hampering reform in education, but in almost all areas²³⁷.

The DPA obstacle is hard to remove. First of all, no one wants to touch Dayton. The international community does not since it would mean acknowledging that it was flawed. The local politicians do not since it would mean a reduction of their power. But also the ‘ordinary people’ do not, since ‘Dayton brought peace to the country’ so ‘Don’t question Dayton’²³⁸. Yet the call for a change of the DPA is beginning to be heard. According to Miodrag Živanović, Professor of Ontology and Logic at the Faculty of Philosophy of the University of Banja Luka, the DPA is an example of the institutionalisation of racism and discrimination, which then forms an inherent obstacle for reform. Any reform plans have to be agreed upon by all twelve ministers and their parliaments to be translated into law. In combination with the nationalist party politics, this is a near impossible task. This is one of the reasons why the

²³⁷ See Chapter 1.

²³⁸ These are explanations often heard as Dženana Trbić of the Open Society Fund and Edina Smajkić of the Pedagogical Institute of the Ministry of Education of the Canton of Sarajevo explained, interviews in Sarajevo on 6 and 8 May 2003 respectively.

previous reform attempts by the 10th of May Agreement, the Jahorina Agreement, and even the Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children encounter difficulties in their implementation. All of them being inter-entity agreements, the cantons are entitled to refuse adherence, since they have their autonomy in educational issues and are not bound by them. The lack of coherence is the reason why the Draft Framework Law on Primary and Secondary Education was initiated under the state Ministry of Human Rights and Refugee Issues²³⁹. This was possible, since it was a condition of the Council of Europe and can thus be put under international issues - a state level responsibility. It furthermore deals with many human rights issues concerning education. The decentralisation is at the same time, however, the cause for the long time that will pass before the Draft Framework Law will be turned into comprehensive laws: it has to be translated by twelve ministries and adopted by the same amount of parliaments.

A problem related to the structure is allocation of money. BiH is a poor country as it is, but the extreme decentralisation absorbs a lot of money. For education this means that much money that is pumped into education in general disappears in bureaucracies and administration, instead of reaching the children in the schools. Professor Pašalić-Kreso claimed that the average elementary school pupil receives only KM 500 (approximately € 250) per annum, whereas in Hungary - also a transitional economy²⁴⁰ - € 1800 per student is spent.

5.3.2. The Influence of Nationalist Parties

The direct influence that nationalist parties exert on the population has been illustrated above. The deadlock created by the combination of decentralisation and lack of parties with a multiethnic base and orientation, was explained in the first chapter. What the country needs now is a new generation of politicians. Džemidžić, pedagogue, clarified what many hinted at: the current political leaders are all part of the War generation. What the country really needs is young, more flexible leaders, who are willing to compromise, and interested in the real problems of BiH, affecting the whole of society, such as the devastating economic situation, the high level of unemployment and the brain drain.

²³⁹ Jo-Anne Bishop (Sarajevo, 08/05/2003).

²⁴⁰ The fact that BiH is also a transitional country is often forgotten. It is important, however, to keep this in mind and not to blame all problems on the War only. All transitional countries fall behind economically and developmentally; the War in BiH has thrown the country several years back in time. The country suffers from a combination of problems and needs its own approach.

5.3.3. The International Community

The relationship between BiH and the international community is a controversial one. On the one hand, Bosnians admit that BiH is not self-sustainable, financially insolvent and politically unstable. There are still voices that believe that the country will slide back into War should the international community leave too soon²⁴¹. On the other hand, citizens are critical towards the international community's presence in their country.

First of all, it is true that quality education and the segregation issue had long been neglected by the international community. Secondly, when it did get interested, the people were swamped by different initiatives and reforms that often even contradicted each other. An example being the 'two-schools-under-one-roof' that were created by the OHR and which the international community now wants to see abolished. As UNESCO's Kaiser pointed out, many people from the international community involved in the reform of the educational system are not education specialists at all. Perhaps most importantly, according to Kaiser, they do not listen to the needs of the people, but 'impose' their own ideas on policies for BiH. It seems that like the nationalist parties the internationally community members have political agendas too. Notwithstanding the many initiatives of the international community there are people who doubt that the international community is genuinely interested in real change in BiH²⁴², that in reality it wants quick results, or it will lose interest. Reform needs time, however, especially in sensitive issues like the politicisation of education, yet time is what the international community is lacking²⁴³. Lack of staying power within the international community combined with a lack of political will to change within the nationalist parties may result in slow and steady wins the race.

The fact that the nationalist parties still win elections is also ascribed by many to international community failures. Broz, involved in several NGOs dealing with education, compared the handling of the situation by the international community in BiH with the situation in Germany after WW II: much time past before elections were held in Germany, whilst in BiH there have been five in first seven years. It seems obvious why the political landscape does not change. Voters are afraid: the War was based on fear, and the same people remained in power, and pull the strings still. Broz gives several examples. In election campaigns parties explicitly say 'Vote for us or you will be wiped out, exterminated'. Another example of the lack of will or incompetence of the international community is one attempt by

²⁴¹ E.g. Svetlana Broz (Hadzici, 06/05/2003), Jasmina Opardija (Sarajevo, 15/05/2003), Dženana Trbić (Sarajevo, 06/05/2003).

²⁴² E.g. Svetlana Broz (Hadzici, 06/05/2003), Nesad Bulić (Novi Travnik, 13/05/2003).

²⁴³ E.g. Matthew Newton (Mostar, 09/05/2003), Miodrag Živanović (Banja Luka, 12/05/2003).

the OHR²⁴⁴ - three days before the actual elections - to cover the blue letters spelling out intolerable slogans on election billboards with white paint. Afterwards it just took a greater effort to read what the message was, which is even more perfidious than before the censorship attempt.

The OHR knows with whom it is dealing even before the elections but they seem to wait until after the democratic choice of the people to dismiss ‘unruly’, corrupt or nationalist politicians. It would be so much easier, more democratic and less frustrating if the OHR prevented them from standing as candidates in the first place. The OHR has this power, so it should use it to the benefit of the country and democracy. It does not, however, and so the low voter turn-out at elections should not be surprising, since the electorate feels that their choice is not respected. Moreover, children are being taught about democracy, but see a different reality. How can the international community expect BiH to become a viable democracy with active critical citizens this way, when it gives an undemocratic example itself?

A last but not least important obstacle is the contradiction between several human rights, or rather the abuse of human rights for political aims, and their condoning by the international community. In order to appease the warring parties many minority rights, such as language rights, were given to the three constituent groups, without fully considering its possible consequences. Now the nationalist politicians are blamed for wanting to see these rights enforced. Segregation was in general not considered to be at the request of the ‘ordinary people’. If anything, their reluctance was the result of indoctrination and wrong information by politicians facilitated by their fear of losing their identity.

5.4. Future Prospects

The problems concerning education that are related to segregation, discrimination and the various aspects of the right to education all find their origins in its politicisation. Untangling politics and education is a challenging task. The obstacles are serious ones, which cannot easily be removed. The reforms that are underway will have to go through the political process, and even though currently they seem to encounter co-operation from all sides, the process can be derailed at any time. No interviewee expected for example that the reform deadline²⁴⁵ of the Implementation Plan for the Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children would be met.

²⁴⁴ When Wolfgang Petritsch was the High Representative.

²⁴⁵ The beginning of the school year 2003-2004.

One of the main obstacles, the political construction of the state of BiH, is next to impossible to change since it would mean breaking up the Peace Agreement that put the War to an end, with serious repercussions. For a new generation of politicians and parties to be created and established in society, more time is needed. Hence, de-politicising education through the political system, especially in the short term, does not seem too much of an option. For reconciliation purposes and the promotion of minority returns, however, as well as for the segregated systems and biased teaching not to do any more harm - either through textbooks or through teachers -, action must be taken quickly.

Up till now the two main problems in education have been dealt with separately. That is to say different reform plans have been developed for de-politicisation and for modernisation. Furthermore, both problems are being addressed by different organisations. Yet a solution to the politicisation of education may lie in the solution to the other problem. All players seem to agree that the overloaded curricula and outdated teaching methods form a severe obstacle to progress, even those who deny politicisation or do not consider it a problem. Modernisation of education can offer a solution to politicisation in two ways.

Firstly, by creating a modernised system with a reasonable curriculum quantity-wise and room for interaction and discussion, critical citizens will be produced. Children will not learn by rote everything they are presented with, but will learn to process information in a critical way. The areas which need special attention in the modernisation reform are Foreign Languages and Computer Literacy. These subjects also help to open a new world to students, one in which they will be confronted with different opinions. By using new information technology such as the Internet students can look up information themselves and compare it with what they are being taught at school. Obviously this is not the goal of the nationalist politicians when they agree on modernising the educational system, but it would be a positive 'side-effect' in the struggle against the effects of politicised education.

Secondly, experience has shown that parents want the best education for their children. If parents have a choice between a high-quality mixed school and a lower quality ethnically clean school, they will most likely set aside their fears and decide in favour of the high-quality school. The Catholic School Centres are a perfect example of this. These schools are established by the Catholic Church but open to children from all backgrounds. Its Gymnasium in Sarajevo for example consists of 60 % Bosnian Croats, and among the rest are Bosnian Serbs, Bosniacs, and Jews. Religion is not mandatory, and in general the emphasis of its teaching is on instilling respect in the children for their neighbours, their parents and BiH as one country for all. Children are also taught multi-perspectivity in these schools.

UNESCO's Kaiser and OCSE's Newton are among the most fervent supporters of this strategy. Newton is confronted daily with the hard-liners' manipulation of especially the Bosnian Croat population in the mixed canton of Herzegovina-Neretva, and the consequent fear among the population for losing its identity. The politicians who at the time of writing still co-operate in the reform process towards a common core curriculum, consider integration non-negotiable. Although in many documents the common core curriculum is presented as a first step towards integration of children of different ethnicities in one classroom, the latter seems to be ignored by these politicians. They claim that parents are against integration. The only way to prove the hard-liners wrong is to provide for tangible examples of successful integration. Parents must be reassured that their language is fully respected. In these pilot schools the policy would be that everyone can speak her/his own language, while respecting the mother tongue of the 'other'. The 'national group of subjects' would still be taught in the mother tongue and for the common core curriculum subjects, around 50 % of the teachers would speak their language, so that the risk of contamination is minimal. Textbooks, exams and diplomas would all be provided in the three languages and two scripts.

To create these examples, the international community has to invest in some carefully selected schools across the country, to make sure the teaching is of high quality, and that parents from all ethnic groups can see the results and be reassured. It should stop treating de-politicisation and modernisation as two different strategies, and its various organisations should work hand in glove with each other towards a more comprehensive approach. These kind of projects can be carried out much faster than the education reform in general. In the meantime, the advocates of non-segregated education should not sit still, however. There are many supportive initiatives that can help reach the goal of persuasion, such as extra-curricular sports activities, local history projects, joint ecological projects, literary contests and debate clubs.

All in all it seems that a holistic approach is needed. It seems futile to focus on only one reform at a time. The situation in BiH is too complex for that. Slowly but surely reforms of the overall political structure *are* needed, including the creation of a more varied party system. The overall problems of the country, such as the bad economy, unemployment, and a high crime rate must also be addressed to give citizens, and especially the young ones, better future prospects. Paramount in this is the modernisation of the educational system and making educational reforms concerning the politicisation. Thanks to the overall agreement on the importance of the reform of the system, it may not be held hostage by politics and be realised relatively quickly, thus giving students the opportunity to defy segregationist and nationalist

tendencies through critical thinking. Through this reform a new generation of aware, critical and rational citizens may develop, who will take their future in their own hands and focus on the general problems of the whole population instead of dealing with petty nationalist political games. This new generation may then accelerate the overall political reforms that are needed.

CONCLUSION

BiH is a former socialist country that before it had a chance to head towards democracy and a market economy, was plunged into a devastating War, throwing the country back several years. The War ended through foreign intervention and a peace deal that in order to succeed had to appease the warring parties in a way that turned out to be quite detrimental to progress. The DPA produced a political construction that was bound to result in political deadlock and a waste of money. The nationalist warriors-turned-politicians kept the population in their grasp with the help of the media and a policy of outright fear.

Education is a perfect tool for the manipulation of a population, and in BiH politicians used this tool right from the beginning of the War. The result for the present is the politicisation of education, manifesting itself through segregation on three levels: schools, curricula and textbooks. Firstly, many schools are still ethnically clean, and if they are not, the minority has to follow the curricula and textbooks of the majority, which often still consist of offensive teaching towards the other ethnic groups. In the so-called ‘mixed cantons’ the situation is particularly dire in the ‘two-schools-under-one-roof’ where children are separated within the same school building, either by separate entrances, different floors or by different shifts.

Secondly, there is the problem of three separate curricula - one for each ethnic group - especially for the ‘national group of subjects’. The problem with these is that they often are offensive towards the other ethnic groups. The first reference point for the Bosnian Croats is With Croatia as the ‘region of reference’ for the Bosnian Croats and Serbia for the Bosnian Serbs, a feeling of common Bosnian citizenship is impeded.

Thirdly, the textbooks form an obstacle, since they were imported from either Croatia or Serbia, or written by Bosnian Croat, Bosnian Serb or Bosniac nationalists, and thus contain offensive material towards the other ethnic groups. Similar to the curricula they are often detrimental to the creation of a common Bosnian feeling of belonging.

The politicisation of education clearly leads to violations of human rights provisions. The right to education is violated through its combination with non-discrimination and freedom of religion. The right not to be discriminated against is violated by the offensiveness of curricula and textbooks. Access is often not directly denied on grounds of ethnicity, but the fact that the other group’s children would be taught offensive elements towards themselves constitutes indirect discrimination. Freedom of religion is not respected, since Religion classes are often still mandatory. Moreover some public schools still display religious symbols where they

Conclusion

should be neutral. The right to human rights education seems also to be violated through segregation, since this goes against the principle of creating tolerance, understanding and peace. Children should be taught to be critical and open-minded. The separation of children at a young age ethnically, physically or mentally, violates this principle.

These issues all form part of the quality of education, which had long been ignored by the international community. Since 1999, however, this has changed and ever since many attempts have been made to reform the situation. Yet, until now little has effectively been changed. This is mainly due to the lack of political will amongst the nationalist politicians, who still control the country, aided and abetted by the political structure created with the DPA. The de-politicisation of education does not seem likely to occur soon.

Consequently a different road needs to be taken. A solution may lie in the modernisation of the educational system, which is also a pressing need. This is a legacy of the communist past rather than a consequence of the War. All parties seem to agree that curricula are overloaded and teaching methods outmoded, so this reform might actually be passed relatively quickly. The advantage for the de-politicisation process would be twofold. On the one hand, modernised teaching would create critically thinking, independent students who could see through the manipulation within education and defy it. On the other hand, parents want the highest quality education for their children. If the international community invested in high quality schools of a non-segregated nature, most parents would surely choose that school to send their children to over a segregated lower quality school. This in turn would edge off the arguments of the nationalists' parties.

Overall, though, the conclusion must be that the problem cannot be solved by one reform only. A comprehensive approach is needed to be able to change the situation in a more than cosmetic way. An improved economy would lead to a higher employment rate, which in turn would increase students' motivation to study. Combined with a modern educational system, which adapts to the needs of the job market, critical young citizens may be produced, who will take up the challenges facing BiH as a whole, such as the economy and unemployment. A new generation of politicians may stand up, willing to take up the challenge of political reform, and capable to de-politicise education once and for all.

BIBLIOGRAPHY - BOOKS AND ARTICLES

- Arnhold, N., Bekker, J., Kersh, N., McLeish, E., Phillips, D., *Education for Reconstruction. The regeneration of educational capacity following national upheaval*, Wallingford, Symposium Books, 1998.
- Batarilo, K., Lenhart, V., *Bosnien-Herzegowina*, in H. Döbert, W. Hörner, B. von Kopp, W. Mitter (Eds.), *Die Schulsysteme Europas*, in «Grundlagen der Schulpädagogik», vol. 46, 2002, Schneider Verlag Hohengehren GmbH.
- Bender, C., *Searching for a Strategy...: Multiethnicity, Tolerance, and National Stereotypes in the Educational Systems of Bosnia and Herzegovina*, in U. Brunnbauer et al. (Eds.), «Southeast European Educational Initiatives and Co-operation for Peace, Mutual Understanding, Tolerance, and Democracy», Graz 1998.
- Bose, S., *Bosnia after Dayton. Nationalist Partition and International Intervention*, London, Hurst & Company, 2002.
- Bush, K.D., Saltarelli, D., *The Two Faces of Education in Ethnic Conflict. Towards a Peacebuilding Education for Children*, Florence, UNICEF, Innocenti Research Centre, 2000.
- Cairns, E., *The Role of the Contact Hypothesis in Peacemaking in Northern Ireland: From Theory to Reality*, Psychology Department, University of Ulster, <http://construct.haifa.ac.il/~cerpe/papers/cairns.html>, download: 11/04/2003.
- Chomsky, N., *The New Military Humanism. Lessons from Kosovo*, London, Pluto Press, 1999.
- Donia, R.J., Fine, J.V.A., *Bosnia and Hercegovina: A Tradition Betrayed*, London, Hurst and Company, 1997.
- Glenny, M., *The Fall of Yugoslavia*, London, Penguin Books, 1996.
- Greenberg, R.D., *Language, Nationalism and Serbian Politics*, in «EES NEWS», The Woodrow Wilson International Center for Scholars, Sept-Oct 1999.
- Greenberg, R.D., *The Politics of Language Reform in The Yugoslav Successor States*, in «EES NEWS», The Woodrow Wilson International Center for Scholars, Sept-Oct 1998.
- Hansell, L., *Putting Contact Theory Into Practice: Using The PARTNERS Program to Develop Intercultural Competence*, University of Pennsylvania, [http://www.eastern.edu/publications/emme/2000fall/hansell.html#Allport's Contact Theory](http://www.eastern.edu/publications/emme/2000fall/hansell.html#Allport's%20Contact%20Theory), download: 11/04/2003.
- Kaplan, R.D., *Balkan Ghosts. A Journey through History*, New York, Vintage Departures, 1996.
- Lisengard, K., *Bosnia and Herzegovina 1998 – The View of the Next Door Neighbour*, in P.D. Xochellis, F.L. Toloudi (Eds), *The Image of the 'Other'/ Neighbour in the School Textbooks of the Balkan Countries*, Proceedings of the International Conference Thessaloniki, 16-18 October 1998, Athens, Typothito – George Dardanos, 2001.
- Maass, P., *Love Thy Neighbour. A Story of War*, London, Papermac, 1996.
- Malcolm, N., *Bosnia. A Short History*, London, Pan Books, 2000.

Bibliography - Books and Articles

- Russo, C.J., *Religion and Education in Bosnia: Integration Not Segregation*, in «Brigham Young University Law Review», 2000.
- Silber, L., Little, A., *The Death of Yugoslavia*, London, Penguin and BBC Books, 1996.
- Tomaševski, K., *Human rights obligations: making education available: accessible, acceptable and adaptable*, in «Right to Education Primers», no. 3, Gothenburg, 2001.
- Tomaševski, K., *Human Rights in Education as Prerequisite for Human Rights Education*, in «Right to education primers», no. 4, Novum Grafiska AB, Gothenburg, 2001. On the website <http://www.right-to-education.org> (download 12/04/2003).
- Woodward, S.L., *Balkan Tragedy. Chaos and Dissolution after the Cold War*, Washington D.C., The Brookings Institution, 1995.

BIBLIOGRAPHY - OFFICIAL REPORTS

- De la Haye, J., *Peace and Conflict Impact Assessment: Voter and Civic Education Project. International Foundation for Election Systems (IFES) in Central Bosnia-Herzegovina 1996-2001*, Mission Report 5-19 January 2002; International Crisis Group, *Bosnia's Alliance for (Smallish) Change*, <http://www.crisisweb.org/projects/showreport.cfm?reportit=725>, download 23/05/2003.
- Delors, J., *Learning: the Treasure Within. Report to UNESCO of the International Commission on Education for the Twenty-First Century*, Paris, UNESCO Publishing, 1996.
- Fisas, V., *Defense Alternatives and Culture of Peace*, UNESCO Centre of Catalunya.
- Lenhart, V., Kesidou, A., Stockmann, S., *The curricula of the 'national subjects' in Bosnia and Herzegovina. A Report to UNESCO*, Heidelberg, August 1999.
- Lessmann, S. (Ed.), *Report on the Symposium on the Curricula of the 'National' Subjects in Bosnia and Herzegovina*, Sarajevo, 7&8 February 2000.
- OECD, Centre for Co-operation with non-members, Directorate for education, employment, labour and social affairs education committee, Stability Pact for South Eastern Europe, *Thematic Review of National Policies for Education – Bosnia and Herzegovina*, 27/09/2001.
- Ombudsman Institution of the Federation of Bosnia and Herzegovina, *Report on Human Rights Situation in the Federation of Bosnia and Herzegovina for 1999*, www.bihfedomb.org/eng/reports/1999/rpt99childrights.htm, download 19/04/2003, www.bihfedomb.org/eng/reports/1999/rpt99conclusion.htm, download 19/04/2003.
- Ombudsman Institution of the Federation of Bosnia and Herzegovina, *Report on Human Rights Situation in the Federation of Bosnia and Herzegovina for 2000*, www.bihfedomb.org/eng/reports/2000/rpt2000childrights.htm, download 19/04/2003.
- Ombudsman Institution of the Federation of Bosnia and Herzegovina, *Report on Human Rights Situation in the Federation of Bosnia and Herzegovina for 2001*, www.bihfedomb.org/eng/reports/2001/rpt2001childrights.htm, download 19/04/2003.
- OSCE, *Inter Agency Guidelines to the Field Monitoring and Intervening in Education-Related Issues*. Drafted by the OSCE Mission to Bosnia and Herzegovina. Endorsed by Members of the Education Issues Set Steering Group. Final Draft, December 2002.
- OSCE, *Overview of Education Access and Non-Discrimination in Bosnia and Herzegovina*, compiled by the OSCE Mission to Bosnia and Herzegovina, May 2003.
- Roeders, P., Stabback, P. (Eds.), *First Report to the Ministers of Education in BiH for presentation on June 27, 2002*, part of the *Shared Modernisation Strategy for Primary and General Secondary Education in Bosnia and Herzegovina*, English Version.
- Roeders, P., Stabback, P. (Eds.), *Supplement to First Report to the Ministers of Education in BiH for presentation on June 27, 2002*, part of the *Shared Modernisation Strategy for Primary and General Secondary Education in Bosnia and Herzegovina*, English Version.

Bibliography - Official Reports

Roeders, P., *Towards a Sector Development Programme in BiH General Education. Proposal for the elaboration of a 'Shared Strategy' for a Modernisation of Primary and General Secondary Education in Bosnia-Herzegovina*, Concept paper, final version, Sarajevo, 31/05/2001.

Stabback, P., *Curriculum and Curriculum Policy Reform in Bosnia and Herzegovina. Research Study*, 27/02/2003.

UNHCR, *Returnee Monitoring Survey. Education for Returnee Children in Bosnia and Herzegovina*, Sarajevo, March 2003.

BIBLIOGRAPHY - INTERNET AND THE PRESS

- CIA World Factbook 2002 on BiH,
<http://www.cia.gov/cia/publications/factbook/geos/bk.html>, download 06/06/2003.
- OHR, *Bosnia High Representative urges OSCE to take lead on education*, Press release, 04/07/2002. <http://www.oscebih.org/pressreleases/july2002/04-07-02-eng.htm>, download 09/04/2003.
- OHR, *Key Events since Dayton*, <http://www.oht.int/ohr-dept/legal/const>, download, 21/05/2003.
- OHR, *Uniform license plates in BiH*, OHR Press release, 31/01/1998,
http://www.ohr.int/dwnld/dwnld.html?content_id=4582, download 23/05/2003.
- ONASA, *RS does not want common curriculum*, in «ONASA», 17/02/1998.
- OSCE, *Council of Ministers Adopts State Law on Primary and General Secondary Education*, Press Release 16/04/2003, <http://www.oscebih.org/pressreleases/2003/16-04-03-eng.htm>, download 02/06/2003.
- OSCE, *Important step towards implementing Agreement on education of returnee children*, Press Release, 22/01/2003, <http://www.oscebih.org/pressreleases/2003/22-01-03-eng.htm>, download 09/04/2003.
- OSCE, *Ministers Sign MoU Re-establishing Textbook Review Commission*, Press Release, 05/03/2003, <http://www.oscebih.org/pressreleases/2003/05-03-03-eng.htm>, download 09/04/2003.
- PIC Bonn Conclusions, *Bosnia and Herzegovina 1998: Self-sustaining Structures*, 10/12/1997, http://www.ohr.int/pic/default.asp?content_id=5182, download 01/07/2003.
- Tadic, M. in *To Create Nucleus of modern education. Reform of education should annul existing divisions in Mostar and Herzegovina Canton*, in «Dnevni List», 14 November 2002.

BIBLIOGRAPHY - LEGAL DOCUMENTS

- Amended Statute of the International Criminal Court for the Former Yugoslavia*, 2002.
- BiH Constitutional Court, *Constituent Peoples' Decision*, U 5/98 III of 1 July 2000.
- Committee on the Elimination of All Forms of Racial Discrimination, *General Recommendation No. 19. (General Comments). Racial segregation and apartheid*, 18/08/95.
- Committee on the Rights of the Child, *General Comment No. 1, The Aims of Education*, UN. Doc. CRC/GC/2001/1.
- Constitution of the FBiH at 07/10/2002.
- Constitution of the FBiH at 26/09/2001.
- Constitution RS at 07/10/2002.
- Constitution RS at 26/09/2001.
- Convention of the Rights of the Child*, 1989.
- Decision on Constitutional Amendments in Republika Srpska*, OHR, 19/04/2002, http://www.ohr.int/dwnld/dwnld.html?content_id=7474, download 23/05/2003.
- Decision on Constitutional Amendments in the Federation*, OHR, 19/04/2002, http://www.ohr.int/dwnld/dwnld.html?content_id=7475, download 23/05/2003.
- Declaration of the 44th Session of the International Conference on Education (ICE) on Education for Peace, Human Rights and Democracy*, Geneva, 3-8 October 1994.
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 8 March 1999 General Assembly resolution 53/144.
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities*, 18 Dec 1992 General Assembly resolution 47/135.
- European Convention for the Protection of Human Rights and Fundamental Freedoms*, 1950.
- European Court of Human Rights, Case '*Relating to certain aspects of the laws on the use of languages in education in Belgium*' v. *Belgium* (Judgment, Merits), Application numbers: 00001474/62; 00001677/62; 00001691/62; 00001769/63; 00001994/63; 00002126/64; 23/07/1968.
- European Court of Human Rights, Case *Ingrid Jordebo Foundation of Christian Schools and Ingrid Jordebo v. Sweden* (Decision), Application number: 00011533/85; 06/03/1987.
- European Court of Human Rights, Case *Kjeldsen, Busk Madsen and Pedersen v. Denmark* (Judgment, merits), Application numbers: 00005095/71; 00005920/72; 00005926/72; 07/12/1976.
- General Framework Agreement for Peace in Bosnia and Herzegovina*, 14/12/1995.
- Human Rights Committee, *General Comment No. 22 The right to freedom of thought, conscience and religion*, CCPR 30/07/93.

Implementation Plan for the Interim agreement on accommodation of specific needs and rights of returnee children, 13/11/2002.

Integrated Framework of Action on Education for Peace, Human Rights and Democracy, UNESCO, 1995.

Interim Agreement on accommodation of specific needs and rights of returnee children, Office of the High Representative, Sarajevo, 5 March 2002, in «Implementation Plan for the Interim agreement on accommodation of specific needs and rights of returnee children», 13/11/2002.

International Covenant on Civil and Political Rights, 1966.

International Covenant on Economic Social and Cultural Rights, 1966.

International Covenant on the Elimination of All Forms of Racial Discrimination, 1965.

International Decade for a Culture of Peace and Non-Violence for the Children of the World, Report of the Secretary General, 12/09/2000, United Nations General Assembly, fifty-fifth session.

Meeting of the Conference of Ministers of Education of Bosnia and Herzegovina. Agreement, 10 May 2000, Sarajevo, the HR/RoL department of the OHR, 10/05/2000, http://www.ohr.int/print/?content_id=382, download 05/07/2003.

Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms, UNESCO 1974.

Resolution on the United Nations Decade for Human Rights Education, Adopted by the General Assembly, 49/184, 06/03/1995.

Rome Statute of the International Criminal Court, UN Doc. A/CONF.183/9*, 1998.

Statute of the Brcko District of Bosnia and Herzegovina, in «Official Gazette» of Bosnia and Herzegovina, 9/00.

Universal Declaration of Human Rights, 1948.

Vienna Declaration and Programme of Action, adopted at 25/06/1993; Ref. A/CONF.157/23 12 July 1993.

APPENDICES

APPENDIX I: GENERAL FRAMEWORK AGREEMENT FOR PEACE

APPENDIX II: MAP AND TABLE

II.1. Table

Peoples	1991	1997
Serbs	54.30 %	96.79 %
Bosniacs	28.77 %	2.19 %
Croats	9.39 %	1.02 %
Others	7.53 %	0.00 %

Ethnic Breakdown of the Population on Republika Srpska territory according to 1991 Census in comparison with 1997 (Source, IMG, on the basis of the 1991 census and UNHCR estimates for 1997).

Source: Constituent Peoples' Decision of the BiH Constitutional Court, 14/09/2000.

II.2. Map

APPENDIX III: GENERAL ELECTION RESULTS BiH 2002

Party²⁴⁶	% of total votes FBiH 5 October 2002
Party of Democratic Action (SDA)	32.4
Party of Bosnia & Herzegovina (SbiH)	16.2
Croatian Democratic Union of Bosnia and Herzegovina (HDZ-BiH)	15.9
Democratic Socialist Party (SDP)	15.6
Federation of BiH – the BiH Party (BOSS)	2.6
Pensioners' Party of the Federation of Bosnia & Herzegovina	2.4
People's Democratic Union (DNZ)	2.3
Economic Block HDU for Prosperity	2.2
New Croatian Initiative (NHI)	1.9
Others	4.2

Party	% of total votes RS 5 October 2005
Serbian Democratic Party (SDS)	33.7
Party of Independent Social Democrats (SNSD)	23.4
Party of Democratic Progress (PDP)	10.4
Party of Democratic Action (SDA)	7.2
Party of Bosnia & Herzegovina (SbiH)	3.9
Serb Radical Party of the RS (SRS-RS)	4.8
Socialist Party of Republika Srpska (SPRS)	4.3
Others	1.4

Bosnia & Herzegovina 2002 Parliamentary Election Results

Source: IFES Election Guide.org,

http://ifes.org/eguide/reslutsum/BiH_par02.htm, download 26/04/2003.

²⁴⁶ Note: Party names are official translations (See: “A Comparison of November, 2000 Election Results With September 27, 2002 Research Results”, The National Democratic Institute for International Affairs (Bosnian and Hercegovina), September 2002)

APPENDIX IV: ARTICLES CONCERNING EDUCATION

Treaties/Conventions/Covenants

European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)

Article 9

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 14

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Protocol No. 1 Article 2

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Convention against Discrimination in Education (1960)

Article 1

1. For the purpose of this Convention, the term 'discrimination' includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

- (a) Of depriving any person or group of persons of access to education of any type or at any level;
- (b) Of limiting any person or group of persons to education of an inferior standard;
- (c) Subject to the provisions of article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or

Appendices

(d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.

2. For the purposes of this Convention, the term 'education' refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.

Article 2

When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of article 1 of this Convention:

(a) The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study;

(b) The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in particular for education of the same level;

(c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.

Article 3

In order to eliminate and prevent discrimination within the meaning of this Convention, the States Parties thereto undertake:

(a) To abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education;

(b) To ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions;

(c) Not to allow any differences of treatment by the public authorities between nationals, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and necessary permits and facilities for the pursuit of studies in foreign countries;

(d) Not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground that pupils belong to a particular group;

(e) To give foreign nationals resident within their territory the same access to education as that given to their own nationals.

Article 5

1. The States Parties to this Convention agree that:

(a) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious

groups, and shall further the activities of the United Nations for the maintenance of peace;

(b) It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their conviction;

(c) It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however:

(i) That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its - activities, or which prejudices national sovereignty;

(ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and

(iii) That attendance at such schools is optional.

2. The States Parties to this Convention undertake to take all necessary measures to ensure the application of the principles enunciated in paragraph 1 of this article.

Convention on the Elimination of All Forms of Racial Discrimination (1965)

Article 1

1. In this Convention, the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(iii) The right to nationality;

(iv) The right to marriage and choice of spouse;

(v) The right to own property alone as well as in association with others;

- (vi) The right to inherit;
- (vii) The right to freedom of thought, conscience and religion;
- (viii) The right to freedom of opinion and expression;
- (ix) The right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) The right to form and join trade unions;
 - (iii) The right to housing;
 - (iv) The right to public health, medical care, social security and social services;
 - (v) The right to education and training;
 - (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

International Covenant on Civil and Political Rights (1966)

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order,

health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

International Covenant on Economic, Social and Cultural Rights (1966)

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

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(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Convention on the Rights of the Child (1989)

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and

technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Declarations

Universal Declaration of Human Rights (10 December 1948)

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

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2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)

Article 2

1. No one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.

2. For the purposes of the present Declaration, the expression ‘intolerance and discrimination based on religion or belief’ means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

Article 5

1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.

2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.

3. The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle. 5. Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration.

Statutes

Rome Statute of the International Criminal Court (1998)

Article 7

Crimes against Humanity

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1. For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:

(a) ‘Attack directed against any civilian population’ means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

(b) ‘Extermination’ includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;

(c) ‘Enslavement’ means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

(d) ‘Deportation or forcible transfer of population’ means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;

(e) ‘Torture’ means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;

(f) ‘Forced pregnancy’ means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;

(g) ‘Persecution’ means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

(h) ‘The crime of apartheid’ means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

(i) 'Enforced disappearance of persons' means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

3. For the purpose of this Statute, it is understood that the term 'gender' refers to the two sexes, male and female, within the context of society. The term 'gender' does not indicate any meaning different from the above.

Amended Statute of the International Tribunal for the former Yugoslavia (2002)

Article 4

Genocide

1. The International Tribunal shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or of committing any of the other acts enumerated in paragraph 3 of this article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group.

3. The following acts shall be punishable:

- (a) genocide;
- (b) conspiracy to commit genocide;
- (c) direct and public incitement to commit genocide;
- (d) attempt to commit genocide;
- (e) complicity in genocide.

APPENDIX V: AGREEMENTS ON EDUCATION

APPENDIX VI: ORGANISATIONS INVOLVED IN EDUCATION

Various Organisations Involved in Education Projects

Organisation	Project/Initiative
Abraham (NGO), UNESCO, Council of Europe	Development of “Culture of Religions” course
Civitas	Human Rights and Civic Education Course
Council of Europe	Legislative reform, History education reform
EC-Technical Assistance to Education Reform (TAER)	Shared Modernisation Strategy for Primary and Secondary Education
OHR	Political interventions
OSCE	Responsibility for the co-ordination and facilitation of the work of the international community in the education sector in BiH, field-monitoring
UNESCO	Rehabilitation of the education system and the reconstruction of schools
UNHCR	Field monitoring and intervention in issues related to primary and secondary education of refugees, displaced persons and returnees
UNICEF, DUGA (NGO)	Inclusive Education for Children with Special Needs
World Vision	Building confidence through the formation of Parent Teacher Associations and Police Community Initiatives for a more democratic environment and respect of human rights in BiH

Source: OSCE, *Inter Agency Guidelines to the Field Monitoring and Intervening in Education-Related Issues*. Drafted by the OSCE Mission to Bosnia and Herzegovina. Endorsed by Members of the Education Issues Set Steering Group. Final Draft, December 2002.

APPENDIX VII: EISSG AND EWGS

Education Issue Set Steering Group (EISSG)

This Group was set up in the beginning of 2002 and consists of the heads of international organisations involved in education. Of these UNICEF, UNESCO, UNHCR, the Council of Europe, the European Commission, the World Bank, the OSCE and the OHR are the most prominent. The EISSG works closely with the Education Ministries, especially in the EWGs.

Source: OSCE Mission to Bosnia and Herzegovina, *We deserve better education*, www.oscebih.org/education/better.asp

(Regional) Education Working Groups (EWGs)

These Working groups are made up of national (over 80%) and international experts and policy makers, such as representatives of Entity and cantonal Ministries, teachers' unions, rectors and students. Of these EWGs the Education Access and Non-Discrimination Working Group deals with the Inter-Entity Ministerial Agreements on Education for Returnee and Minority Children, textbooks and incidents of discrimination, and unacceptable segregation reported by field officers. Other EWGs are 'Quality and Modernisation of Primary and General Secondary Education', 'Quality and Modernisation of Vocational Education', 'Quality and Modernisation of Higher Education', 'Educational Financing and Management', and 'Reform of Education Legislation'.

The inter-agency Regional Education Working Groups (REWG) have been set up to facilitate co-ordination and co-operation between key education agencies with field presence and local education stakeholders.

OSCE Mission to Bosnia and Herzegovina, *Education Working Groups (EWGs)*, www.oscebih.org/education/eworking.asp

APPENDIX VIII: INTERVIEWS

Questions

The six questions including their sub-questions were the following:

- 1. What are the main problems in the field of education today?**
 - a. how would you describe the current situation in education today (in general, in FBiH, in RS, in your municipality, in your school)
 - b. text-book revision and exchange
 - c. common core curriculum, parallel curricula
 - d. multiethnic (integrated multicultural) schools
 - e. public/private schools
 - f. returnee children
 - g. access and non-discrimination
 - h. draft legislation on Education
 - i. 13 ministries of education
 - j. outcome of the campaign on Education Reform, and the Forum
 - k. working group of the Education Issues Set Steering Group (EISSG, especially the one on access and non-discrimination), and Regional Education Working Groups (REWG), Conference of Ministers
- 2. What would, according to you personally/in your capacity as... be the preferred situation in education for the future?**
 - a. parallel curricula
 - b. integrated multiethnic schools (public vs. private or average vs. exclusive schools)
- 3. What are the obstacles to achieve this preferred situation?**
 - a. politics: the organisation of BiH through DPA, too much decentralisation in education or political deadlock
 - b. lack of political will at political parties/the lack of political parties with a multi-ethnic base
 - c. lack of will amongst the people to send their children to multiethnic schools (why, out of fear/principle, pressure from religious/political leaders, no possibilities)
 - d. lack of money
- 4. What is momentarily being done to improve the situation? Is there an agreement on a common strategy for the whole of BiH? What is the agreed aim? What is the time-frame?**
 - a. textbook revision and exchange
 - b. multiethnic administration of schools
 - c. draft legislation on education
- 5. What changes do you consider feasible in the near future?**
 - a. many documents and press releases stress the implementation of reform for school year 2003-2004
- 6. How do you see the future in terms of reconciliation?**
 - a. do you think the country can easily slide back into ethnic conflict
 - b. what is the position of education in the fight for reconciliation

Details of the Interviewees

Tuesday, 6 May 2003:

- 11.00 hrs Dino Mujkić
Regional Manager BiH Right to Education
World University Service-Austrian Committee (WUS Austria)
Academic Co-operation Centre
Zmaja od Bosne bb
71000 Sarajevo
- 12.30 hrs Vera Katz
Headmaster and History teacher
Katholički Školski Centar (Catholic School Centre)
Mehmed-Paše Sokolovića 11
Sarajevo
- 15.00 hrs Dženana Trbić
Programme Co-ordinator Education
Open Society Fund BiH
M. Tita 19/III
Sarajevo
- 18.00 hrs Svetlana Broz
Director Gardens of the Righteous Worldwide, Branch Office
Sarajevo, a.o.
Tinohovska 27
Hadzici

Wednesday, 7 May 2003

- 16.00 hrs Colin Kaiser
UNESCO Representative in BiH and Head of Office
Aleja Bosne Srebrne bb
UN House
Sarajevo

Thursday, 8 May 2003

- 10.00 hrs Edina Smajkić
Pedagogical Institute of the Ministry of Education of the Canton of
Sarajevo
Titova 54
Sarajevo
- 12.00 hrs Selma Džemidžić
Pedagogue of Primary School “Džemaludin Čaušević”
Prvomajska 24
Sarajevo

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- 15.00 hrs Adila Pašalić-Kreso
Department of Education, Faculty of Philosophy, University of Sarajevo
F. Račkog 1
Sarajevo
- 17.00 hrs Jo-Anne Bishop
Advisor for Non-Discrimination and Access, Education Department
OSCE Sarajevo
Sarajevo

Friday, 9 May 2003

- 14.00 hrs Matthew Newton
Regional Education Co-ordinator
OSCE Mission to BiH
Liska 8
Mostar

Monday, 12 May 2003

- 10.00 hrs Ranko Pejić
Professor of History and Methodology of History Teaching
Assistant Minister for Higher Education of the RS
Philosophy Faculty, University of Banja Luka
Bana Lazarevića 1
Banja Luka
- 12.00 hrs Miodrag Živanović
Professor of Ontology and Logic
Advisor to the OSCE in the RS
Philosophy Faculty, University of Banja Luka
Bana Lazarevića 1
Banja Luka
- 12.45 hrs Valerija Tisma
Regional Education Co-ordinator for RS, Canton 1 and 10 of the OSCE
Mission to BiH
OSCE Regional Centre Banja Luka
Kneza Miloša 19
Banja Luka
- 13.30 hrs Tatjana Mihajlović Predrag Damjanović
Pedagogue Director
Elementary School "O.Š. Borisav Stanković"
Banja Luka

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Tuesday, 13 May 2003

- 10.30 hrs Nesad Bulić
Director of the Technical High School “Tehnička Škola Novi Travnik”
Novi Travnik
- 13.00 hrs Jasminka Drino-Kirlić
Co-ordinator of Youth Centre (and teacher)
Gornji Vakuf-Uskopje

Wednesday, 14 May 2003

- 08.45 hrs Severin Montina
Assistant Minister for Education of the FBiH
Federal Ministry for Education and Science
Obala Maka Dizdara 2
Sarajevo

Thursday, 15 May 2003

- 11.00 hrs Jasmina Opardija
Youth Focal Point of the IBHI
Šaćira Sikirića 12
Sarajevo

Reflective Journal

As mentioned in Chapter 5 due to lack of time and space I cannot give a transcription of all interviews. To have an immediate general impression of each interview, however, I kept a diary. This gives a short overview of the contents of each interview and my interpretation of it with regard to the previous interviews.

Tuesday, 6 May 2003

At 11.00 hrs I had the interview with Dino Mujkić of the WUS. He is involved in projects improving higher education and was in that - professional - sense not the perfect person to talk to. I was interested in his opinion nonetheless, and he was able to give a personal view on some of my questions, which provided me with a sense of the feelings and frustrations in the country, especially with politics and partly with the international community. An example of this frustration was Ambassador Becroft, head of the OSCE Mission to BiH, who in an interview with the newspaper *Oslobodjenje* a few days earlier had said that nothing was happening in the field of education. To Mujkić this meant that all the energy and money his and other organisations and persons had invested in education was considered nothing.

From the WUS I went straight to my appointment with Vera Katz, headmistress of the gymnasium of the Catholic School Centre in Sarajevo. The conversation was very interesting, especially to see how in BiH - in this case the FBiH - public schools were outdated and segregated and private schools tended to be multiethnic with regard to students, teachers and approach to curriculum, using different textbooks, encouraging their students to think for themselves. Their main purpose was to create good people, studying in a school that aims for modern, Western-European education.

After having a look at the school itself, I went to my appointment with Dženana Trbić of the SOROS foundation. She was very open and her answers were very clear. I was able to follow my scheme for the interview and got an interesting picture of the problems, obstacles and feelings of pessimism in the country.

At 18.00 hrs I saw Svetlana Broz in Hadzici, 20 km away from Sarajevo. This interview too, was very insightful, and I could follow my questions and got clear answers and opinions. Her main objection to the current situation was segregation. This day showed me the importance of the DPA and the political system in hindering reform.

Wednesday, 7 May 2003

At 16.00 hrs I had the interview with Colin Kaiser from UNESCO at the so-called 'UN-House' in Sarajevo. He was very frank and opened up some new perspectives. He made clear that content reform is not the (only) answer to the problems in education. The whole way of teaching, the system, should be changed. Moreover, he pointed out some new reasons for the difficulties in education reform, such as differing opinions among the international community. He was very concerned for me to get a good idea of the context without which a clear picture of the problems and obstacles and eventually solutions was not possible.

Thursday, 8 May 2003

At 10.00 hrs I conducted the interview at the Pedagogy Institute of the Canton of Sarajevo with Edina Smajkić for which I needed interpretation. I heard that the problems that afflict BiH in general, had been solved in the Canton of Sarajevo. In

most schools there was one neutral curriculum, trying to satisfy the needs of all groups.

The next appointment was at 12.00 hrs at the Primary School Džemaludin Čaušević. This is one of the exemplary schools which take part in the programme 'All for School, School for All' for inclusive education in BiH. It had recently been visited by Mrs (Kofi) Annan, High Representative Paddy Ashdown and Head of OSCE Mission Robert Beecroft. Apart from accepting children from all nationalities - especially Roma and Sinti children - and using one neutral and multicultural curriculum, it is a prime example of modern teaching, away from frontal and towards child-centred teaching and group work. Its pedagogues and some teachers participate in teacher training, implement 'Step-by-Step' methods, and promote teacher exchange.

Directors and teachers from other schools come and visit this school to see how a different approach can work and even better. Out of their personal experience they are very optimistic about the future. They expect the positive situation in Sarajevo - as the capital and thus the centre of attention in BiH - to spread across the rest of the country. I was taken on a tour around the premises, which were indeed very impressive. It looked a very happy environment, with cheerful colours and nice buildings as well as art and other works made by the students exhibited all over the walls and in showcases.

At 15.00 hrs I met Professor Adila Pašalić-Kreso at the Faculty of Philosophy. She had worked on the Education part of the UNDP Human Development Report of 1998 for BiH, and is currently involved in all-inclusive education. I was glad to hear that she agrees that the arguments for inclusion of children with special needs can be used as arguments for the inclusion of children which are now separated on other grounds, such as religion and ethnicity. She considered lack of money to be the main obstacle for reform. Her solution to segregation was a core curriculum with separate classes for extra wishes, such as Language, Literature and History.

From 17.00-19.20 hrs I was at the OSCE in Sarajevo, interviewing Jo-Anne Bishop. I was very grateful for the detailed update on recent developments in reforms and the documents I was provided with. Bishop was very helpful and also quite optimistic. It seems that the OSCE approach is more fruitful than previous attempts by the OHR to reform education. It struck me as very important that the OSCE has 26 field officers, because a main concern and complaint from locals, especially from outside Sarajevo, is that the international community is too focussed on Sarajevo, and does not know what is really going on in the field. Regular meetings of the field officers with all stakeholders in the region and their briefings build trust.

Friday, 9 May 2003

At 14.00 hrs I had my interview with Matthew Newton in Mostar. He explained the specific situation in Mostar and the problem of the 'two-schools-under-one-roof'. The main problem seemed to lie in the Bosnian Croats' being afraid of losing their identity - a fear originating in socialist times, when using a Croat word could lead to being stigmatised as a Croat nationalist, and thus as an enemy of the 'Brotherhood and Unity' ideal. The Bosnian Croats wanted all subjects to be taught in the Croat language, which posed an obstacle to integrated classrooms. They say they have nothing against joint classes, as long as they are being held in Croatian, which is not an option for other groups. I wondered whether this was not a trick to continue separation, but Newton denied this. He believed it was a genuine fear among people of losing their identity. One other origin of the fear was the false information given by

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(hard-line) Bosnian Croat politicians to parents and school directors. He also denied that the division in cantons formed an obstacle for education reform since the Bosnian Croat Ministers of the different cantons met regularly and discussed their stance. The decentralisation could even be an advantage when dealing with obstinate schools directors, since the OSCE could easily get access to the responsible minister because she/he is cantonal, and thus more approachable.

He also did not consider inter-entity agreements a problem, since all levels kept in contact all the time. Personally, I think this could well be part of a political game: showing good will at a higher level, but knowing that the lower (cantonal) level can still refuse it.

Monday, 12 May 2003

For my first interview of the day with Ranko Pejić, the Assistant Minister for Higher Education of the RS and History Professor, I needed an interpreter. Pejić was very open and the first person to tell me that segregation and especially the three separate curricula was *not* a problem and that unifying them would create serious resistance from all people. Moreover, there had not been problems concerning offensive material in textbooks since 1997. He also made clear that should a unified curriculum be pushed through, teachers would ensure that ‘their’ curricula would be taught anyway. He also was of the opinion that the sooner the international community left BiH, the better.

My second interview was at 12.00 hrs, and could only last half an hour. Professor Miodrag Živanović gave a different view of the situation than Pejić, preferring a future that was more in accordance with what I had been hearing before from other interviewees. He stressed the problem of politicisation as a major obstacle for change in education and in general.

My third interview that day was with Valerija Tisma of the OSCE in Banja Luka, who was also extremely helpful in clarifying the situation in BiH. She confirmed the problems of curricula, textbooks and segregated education, but added the political nomination of school directors. Like Newton she stressed the fact that reform is only possible through small steps and on different levels. Moreover, the DPA had some flaws which were always used to each group’s benefit.

My last appointment for the day was at 13.30 hrs at an elementary school for which I needed an interpreter too. The director and pedagogue pointed at the old-fashioned teaching methods as the main problem in education today. However, they admitted that there was still offensive material to be found in the textbooks of all three groups. But after the commission that was currently revising them had finished its job and new books had been printed, this would be solved. About the draft law on education they were very hopeful. They also confirmed that little steps were the only way forward, and even though politics did pose an obstacle for reform, politics would not be able to stop reform in the long run. Proof was the number of changes that had already occurred in the last ten years, they said.

Tuesday, 13 May 2003

I needed an interpreter for both interviews of the day. My first appointment was in Novi Travnik, a town clearly divided along ethnic lines between Bosnian Croats and Bosniacs. Before the War there had been one elementary school and one secondary school. Since the War both schools host both elementary and secondary education, but Bosnian Croats use the old elementary school building and the old secondary school-

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building is used by Bosniacs. I had an appointment with the director of the Bosniac school, who felt very sorry about the present situation. He welcomed the initiatives of the OSCE and saw the obstacle for reform in the political system of a divided state. He wished the international community to change this system that was created with the DPA. The OHR should and could impose it if it only wanted to. The way the OSCE was now dealing with the problem made him hopeful that slowly but surely the educational system would be changed for the better. Education was crucial for the unification of BiH, the state of the state he preferred.

After this interview, we drove to Gornji Vakuf-Uskopje, another divided town. There I met Jasminka Drino-Kirlić at 13.00 hrs. She is the co-ordinator of a Youth Centre that had a mixed clientele. Both Bosnian Croat and Bosniac children go there and it seems they do not like the way their school and community is segregated. On one floor the Bosnian Croats go to school, on the other the Bosniacs. Even professors and teachers do not have any contact with each other. Jasminka said the children could not wait to get out of town, away from this damaging division. She was very critical of the international community, which did not know what it was doing. For example, first the OHR created 'two-schools-under-one-roof', and now the OSCE wanted to abolish them. Her answers seemed a little contradictory at times. On the one hand, she said that the OSCE came to schools but could not explain the reforms well. On the other hand, they did not inform the teachers and directors at all. She did consider politics a problem, and thought the Constitution ought to but would not be changed due to political deadlock. The OHR was the only one that could provoke change, but at the same time she thought it should not impose anything. Her solution in the end was a slow but steady bottom-up approach with the help of teachers.

Back in Travnik I went to see a 'two-schools-under-one-roof' which is divided by a fence. The Bosnian Croat part of the building is being restored, the Bosniac part not.

Wednesday, 14 May 2003

Mr Severin Montina, Assistant Minister of Education of the FBiH, was very friendly, helpful and concise. The main problems and obstacles that had surfaced in the previous interviews came up again, with the separation in three curricula as the main problem - being currently addressed, however -, and politics as the main obstacle. Yet he was hopeful. Small steps had already been taken: political party obstacles were getting smaller and educational progress faster.

Thursday, 15 May 2003

Today I had only one meeting, at 11.00 hrs with Jasmina Opardija of the Youth Focal Point of the IBHI. She confirmed the conclusions I had drawn during my reading and interviews. Segregation and funding were the main problems, and reform was difficult due to political obstacles. Hope lied with the international community and grass-root initiatives that brought children and youth together, creating a new generation, ready for reconciliation. Reconciliation was an urgent question, since according to Jasmina, only a spark was needed for a conflict to break out again...