

Conflict prevention and the issue of higher education in the mother tongue: The case of the republic of Macedonia

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**Conflict Prevention
and
the Issue of Higher Education
in the Mother Tongue:
The Case of the Republic of Macedonia**

MARCIN PIOTR CZAPLIŃSKI



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**Conflict Prevention and the Issue of Higher Education
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ABBREVIATIONS

ACFC	Advisory Committee on the Framework Convention
ANA	Albanian National Army (Armata Kombëtare Shqiptare - AKSh in Albanian)
ASEAN	Association of South-East Asian Nations
AU	African Union
CFSP	Common Foreign and Security Policy (of the EU)
CoE	Council of Europe
CSCE	Conference for Security and Co-operation in Europe (today OSCE)
DPA	Democratic Party of Albanians
DUI	Democratic Union for Integration (Albanian party)
EAPC	Euro-Atlantic Partnership Council
EBRD	European Bank for Reconstruction and Development
EC	European Communities (today EU)
EChR	European Court of Human Rights
ECHR	European Convention on Human Rights and Fundamental Freedoms
EU	European Union
EUA	European University Association
EUMM	European Union Monitoring Mission
EUROSTAT	Statistical Office of the European Union
EUSR	EU Special Representative
FCPNM	Framework Convention for the Protection of National Minorities
FRY	Federal Republic of Yugoslavia

FYROM	Former Yugoslav Republic of Macedonia
HCNM	High Commissioner on National Minorities (of the OSCE)
HRC	UN Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICFY	International Conference on Former Yugoslavia
ICTY	International Criminal Tribunal for the former Yugoslavia
IMF	International Monetary Fund
KFOR	(NATO-led) Kosovo Force
KLA	Kosovo Liberation Army (Ushtria Çlirimtare e Kosovës - UÇK in Albanian)
LDP	Liberal Democratic Party
LP	Liberal Party
MANU	Macedonian Academy of Science and Arts
MOC	Macedonian Orthodox Church
MoE	Ministry of Education
NATO	North Atlantic Treaty Organisation
NDP	National Democratic Party (Albanian party)
NGO	Non-Governmental Organisation
NLA	National Liberation Army (Ushtria Çlirimtare Kombëtare – UÇK in Albanian)
OAS	Organisation of American States

OAU	Organisation of African Unity
ODIHR	Office of Democratic Institutions and Human Rights (of the OSCE)
OECD	Organisation for Economic Co-operation and Development
OFA	Ohrid Framework Agreement
OSCE	Organization for Security and Co-operation in Europe
PDP	Party for Democratic Prosperity (Albanian party)
PDPA	Party for Democratic Prosperity of Albanians
PISG	Provisional Institutions of Self-Government (Kosovo Government)
SAA	Stabilisation and Association Agreement
SC	(UN) Security Council
SDSM	Social Democratic Alliance of Macedonia
SEEU	South-East European University
SFRY	Socialist Federal Republic of Yugoslavia
SOC	Serbian Orthodox Church
SUT	State University in Tetovo (UT successor)
TYP	Transition Year Program
UDBA	State Security Directorate (Uprava Državne Bezbednosti in Serbian), secret police at the time of the SFRY
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCRC	UN Convention on the Rights of the Child
UNESCO	United Nations Educational, Scientific and Cultural Organisation

UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Mission in Kosovo
UNPREDEP	United Nations Preventive Deployment Force
UNPROFOR	United Nations Protection Force
UP	Priština University
US	United States
USAID	United States Agency for International Development
UT	Tetovo University
VMRO DPMNE	Internal Macedonian Revolutionary Organisation - Democratic Party for the Macedonian National Unity
WGM	UN Working Group on Minorities
WTO	World Trade Organisation

CHRONOLOGY OF EVENTS

8 September 1991

referendum on independence of the Republic of Macedonia from the Socialist Federal Republic of Yugoslavia (boycotted by the Albanian and Serbian minorities)

17 September 1991

proclamation of declaration of independence

17 November 1991

adoption of the Macedonian Constitution; Albanian members of the Parliament abstain from vote objecting to its “mono-ethnic character”

11 January 1992

Albanian political parties organise a referendum on the territorial autonomy of Albanian-majority territories of Macedonia (the so-called Ilirida)

18 September 1992

establishment of the OSCE Spillover Monitor Mission

1 October 1992

introduction of quota system for minority candidates at the state Universities in Macedonia (10% for all minorities with the exception of the faculties providing teacher training where the quota was 20%)

6 November 1992

inter-ethnic riots at the open market in Skopje resulting in death of three Albanians and one Macedonian

23 November 1992

Macedonia requests the UN preventive deployment of troops

11 December 1992

establishment of UNPROFOR (Mission in Macedonia)

7 August 1993

Macedonia becomes a member of the UN (under a provisional name: the former Yugoslav Republic of Macedonia)

4 June 1994

a special Assembly of Albanian intellectuals launches the idea of the creation of an Albanian language University in Macedonia

17 December 1994

representatives of political, religious and cultural organisations of Albanians in Macedonia sign an Act founding the Tetovo University (UT)

15 February 1995

the official opening of the UT

17 February 1995

Albanian demonstration in support of the UT resulting in clashes with police and the killing of one Albanian

31 March 1995

establishment of the UNPREDEP (transfer from the UNPROFOR)

28 April 1995

the HCNM launches the idea of a multilingual (English, Macedonian and Albanian) private “Higher Education Center” for Public Administration and Business

13 September 1995

signing of the Interim Accord regulating bilateral relations with Greece which unblocked international recognition and the country’s membership in international organisations

12 October 1995

Macedonia joins the OSCE as a (full) participating State

9 November 1995

Macedonia becomes a member of the Council of Europe

1 October 1996

the revised quota system (based on the numerical strength of each of the minorities) enters into force

30 January 1997

adoption of a special Law on the Languages on which the lecturing is performed at the Pedagogical Faculty “Sv Kliment Ohridski” in Skopje

15 April 1997

the Council of Europe issues its first opinion on a draft law on higher education

7 May 1997

the verdict of the Constitutional Court on the Law on the Languages on which the lecturing is performed at the Pedagogical Faculty “Sv Kliment Ohridski” in Skopje

9 July 1997

riots in Gostivar over the display of the Albanian national flag resulting in the killing of two ethnic Albanians and one policeman

1 September 1997

the beginning of the Transition Year Program

5 December 1997

the Council of Europe issues its second opinion on a draft law on higher education

6 November 1998

the HCNM issues a statement on a number of inter-ethnic issues in Macedonia, *inter alia* suggesting the creation of the Albanian Language State University College for Teacher Training and of a trilingual (Albanian, Macedonian and English) Private Higher Education Centre for Public Administration and Business

28 February 1999

expiration of the UNPREDEP's mandate

24 March 1999

beginning of the Kosovo conflict; NATO bombing of the FRY; refugee crisis in Macedonia

9 June 1999

signing of the Kumanovo Agreement between NATO and the Yugoslav army ending the Kosovo conflict

18 April 2000

the HCNM suggests the creation of a new private Institute of Higher Education providing teaching in three languages in the field of teachers training, business management and public administration.

25 July 2000

adoption of the new Law on Higher Education allowing teaching in the Albanian language in private institutions of higher education

23 November 2000

the HCNM presents a Business Plan for the creation of the South-East European University (SEEU)

29 November 2000

launching of the SEE University; the Board of the SEEU Foundation held its constitutive meeting in Zurich

11 February 2001

beginning of the construction of the SEEU

16 February 2001

incident in the village of Tanuševci; beginning of the conflict in Macedonia between Albanian rebels and state security forces

14 March 2001

demonstration by the UT supporters; the conflict spreads to the Tetovo region

- 9 April 2001*
signing of the EU Stabilisation and Association Agreement
- 13 May 2001*
creation of the Government of National Unity
- 22 May 2001*
signing of the Prizren Declaration between Albanian political leaders
- 30 May 2001*
release of the proposal of the Macedonian Academy of Sciences and Arts envisaging voluntary exchange of territories and populations between Macedonia and Albania
- 25 June 2001*
Aračinovo crisis; NATO arranges evacuation of rebels out of the village; anti-Albanian riots in Skopje
- 7 July 2001*
EU and US Envoys Francois Leotard and James Pardew present a “framework document” representing the beginning of internationally-sponsored negotiations
- 28 July 2001*
the beginning of talks in Ohrid between leaders of political parties representing ethnic Macedonians and Albanians
- 13 August 2001*
signing (in Skopje) of the Ohrid Framework Agreement
- 26 August 2001*
establishment of NATO operation “Essential Harvest” with the mandate to collect arms from rebels
- 26 September 2001*
NATO operation “Amber Fox” replaces “Essential Harvest” and is tasked to provide additional security to international monitors from the OSCE and the EU in the crisis areas
- 27 September 2001*
NLA officially disbands itself
- 16 November 2001*
Macedonian Parliament adopts (Ohrid-related) Constitutional amendments providing for greater rights for ethnic Albanians

- 20 November 2001*
official inauguration of the SEE University
- 7 March 2002*
adoption of the Amnesty Law for Albanian rebels
- 15 December 2002*
NATO operation “Amber Fox” is replaced by another NATO operation “Allied Harmony”
- 17 March 2003*
creation of an (informal) DUI Initiative Committee for the legalization of the UT
- 1 April 2003*
conclusion of operation “Allied Harmony”; NATO hands over responsibility to the EU-operation “Concordia” - with the task to give a further contribution to the stabilisation of the situation in Macedonia, in particular the implementation of the OFA
- 17 July 2003*
adoption of amendments to the Law on Higher Education (in preparation for the establishment of a state University providing teaching in Albanian language)
- 15 December 2003*
“Concordia” is replaced by the EU police mission "Proxima" with the mandate to monitor, guide and advise the local police in creating and developing an efficient multi-ethnic and democratic police service
- 20 January 2004*
Parliament adopts the law on the establishment of the new State University in Tetovo (SUT)
- 22 April 2004*
Macedonia submits its application for membership of the EU
- 1 October 2004*
opening of the SUT
- 7 November 2004*
“anti-Ohrid” referendum (formally the referendum to prevent the entry into force of the Law on the Municipal Boundaries)
- 1 July 2005*
the package of laws on decentralisation (key element of the OFA) enters into force

15 December 2005

EUPAT – EU police advisory team is launched to replace Proxima with the mandate to further support the development of an efficient and professional police service

17 December 2005

Macedonia receives EU candidate status

18 April 2006

the Parliament endorses the National Strategy for the Development of Education for the period 2005-2015

14 June 2006

EU police operation (EUPAT) comes to an end

Part I

INTRODUCTION

Chapter 1: Overview and Purpose of the Study

1.1. Background of the Research

After being largely neglected in the XX century, today conflict prevention occupies an increasingly important role on the agenda of policy makers. As Tony Judt said: “War-making is the exception in modern international affairs. The real challenge is preventing war, making peace and keeping it.”¹ At the same time, minorities have a significant impact on political stability and security in the world. The Minority Rights Group estimates that minorities comprise 30-40% of the world’s population.² In addition, at present most of the conflicts have an inter-ethnic character.³ The classical clashes and tensions between States appear to have been replaced by conflicts generated by tensions between ethnically defined groups and often between a national majority and a national minority. Among various aspects of minority rights the right to education in the mother tongue has led to many disputes. This is mostly due to the fact that education in the language of the minority determines to a large degree the position of a minority language in the state and the degree of participation of persons belonging to minorities in public services. Against this background, the role of education as a source of conflict in inter-ethnic relations, but also as one of tools to prevent them, especially in the long term, deserves special attention.

Having in mind the above-mentioned link between conflict prevention and the issue of the right to education in the mother tongue, the Republic of Macedonia could be described as an unique case.⁴ When it gained independence in 1991 without violence, many observers saw it as a symbol of hope that the resolution of ethnic tensions could

¹ Judt, Tony, Europe vs. America, New York Review, 12 January 2005.

² Minority Rights Group International, Press Release: "UN approves new watchdog on minorities", 21 April 2005 (<http://www.minorityrights.org>).

³ In 2003 there were 19 major armed conflicts in 18 locations worldwide, only two of the 19 conflicts were fought between states: the conflict between Iraq and the multinational coalition and the long-standing conflict between India and Pakistan over Kashmir. All the others were internal conflicts, most of them inter-ethnic conflicts (SIPRI Yearbook 2004: Armaments, Disarmament and International Security, Oxford University Press, 2004).

⁴ Macedonia has been recognised by many countries and admitted to international organisations under provisional name “the former Yugoslav Republic of Macedonia” (“fYROM”). However, the author in this study will use its constitutional name “the Republic of Macedonia”. The reference to the “fYROM” will only be made when used in official documents.

be accommodated through peaceful and democratic processes. For a long time the view prevailed that, in contrast to Kosovo or Bosnia and Herzegovina, no major inter-ethnic tensions would develop in this country despite the fact that minorities represent approximately one third of its population.⁵ It seemed to be a guarantee for stability that the biggest minority - the ethnic Albanians - were represented in every cabinet that had been formed since independence, and that Albanians were well represented in the Parliament. In reality, however, there were far more inter-ethnic tensions than was often assumed. There was an alarming shortage of contacts, lack of trust and separation between both communities. Many Macedonians feared that the real goal behind Albanian demands, including the founding of an Albanian language university, was to create parallel structures as a first step, following the Kosovo example, in the direction of separation. Albanians, on their part, often felt that they were treated as second class citizens because they faced problems in using their language in public life, did not have sufficient constitutional guarantees for their position and were heavily under-represented in public services and education, in particular at higher level.⁶ They perceived the lack of an Albanian language university as another confirmation of discriminatory treatment, especially since there were only very limited opportunities to study in the Albanian language at the state universities in Skopje and Bitola and, as a consequence, the participation of the Albanian minority in higher education was disproportionately low. This situation has *inter alia* led to under-representation of Albanians in the public service and in the leading positions in society in general, resulting in increasing frustration of the community. In this respect, higher education played a fundamental role in the position of the Albanian minority as it clearly mirrored shortcomings in the system of minority protection. It was also a symbol around which the Albanian community could be easily politically mobilised by its leaders and this in turn could lead to emotional reactions on the part of ethnic Macedonians. Therefore, it became evident that the solution to this problem would

⁵ Data according to the census conducted in November 2002: 64,2% of Macedonians, 25,2% of Albanians and 10,6% of Turks, Roma, Serbs, Vlachs and others. On more details see Chapter 3.

⁶ For the purpose of this study the internationally recognised definition of higher education has been used describing it as programmes of study, training or training for research at the post-secondary level provided by universities or other educational establishments that are approved as institutions of higher education by the competent state authorities, and/or through recognised accreditation systems.

significantly contribute to the strengthening of the country's stability as it would have a two-fold positive impact. Firstly, it would remove one of the most serious issues dividing the two communities. Secondly, it would have a beneficial influence also on other aspects of inter-ethnic relations between the Macedonian majority and Albanian minority. A well-functioning system of higher education, including that in minority languages, could be one of the best possible instruments of building a tolerant and integrated society.

All the above-mentioned factors have been taken into consideration when selecting the Republic of Macedonia as the case study. There is hardly any other country which combines so many different aspects of conflict prevention and the problem of access of minorities to higher education in their mother tongue. Since the Republic of Macedonia gained independence in 1991, it has gone through a period when its territorial integrity and sovereignty was challenged by neighbours, experienced instability connected with inter-ethnic relations, and was faced with the Kosovo conflict and its repercussions, including refugee crisis and the internal conflict of 2001 and the signing of the Ohrid Framework Agreement (OFA). In addition, it has been the subject of conflict prevention efforts by many actors, in many cases of a pioneering character. In this respect education, in particular the issue of access of minorities to higher education and its impact on stability of the country, played a prominent role. Developments in higher education including the establishment of an "illegal" University in Tetovo (UT), the founding of the internationally sponsored South-East European University (SEEU) and the creation of a new State University in Tetovo (SUT) deserve special attention as well.

1.2. The Objectives of the Study

The link between conflict prevention and minority problems has now been widely recognised. However, the role of education in prevention should still be acknowledged. This study will analyse to what extent minority language education, especially that at the University level, could be the source of tensions and a possible

conflict. It will also study the relations between providing minorities with the right to higher education, including in their mother tongue, and conflict prevention efforts.

In Europe in recent years some tensions have evolved over the demand by minorities to study in their own language. Macedonia and the creation of the Tetovo University represent an interesting case but certainly the Babes-Bolyai University in Cluj-Napoca (Romania) and the idea of the establishment of Hungarian language Universities in Slovakia and Vojvodina (Serbia) could be recalled as well. The case of the Priština University in Kosovo demonstrates that the unresolved question of adequate education in minority languages could not only be a source of tensions; it could also provide a fertile ground for the growth of nationalism and even separatism. Therefore, this study will endeavour to assess whether various inter-ethnic tensions in Macedonia, which culminated in the 2001 conflict, related to educational issues, especially the issue of access of Albanians to higher education in their mother tongue. In this respect one should bear in mind that as already mentioned Albanians are not the only minority group in the country. However, from the point of view of this study the issue of Albanian language higher education is special as it represented a direct threat to the stability of the country requiring extraordinary efforts that had to be taken.

At the same time the study intends to deal with the phenomenon of education in general, and higher education in particular, not only as a source of conflict, but also as a potential instrument to prevent it. Conflict prevention theory identifies "soft and hard" measures of action - from diplomacy to stronger forms of enforcement. Education no doubt belongs to "soft" measures of conflict prevention. The study will analyse what potential role education could play in order to contribute to conflict prevention through *inter alia* addressing root causes of conflict, helping to break down stereotypes and improving knowledge of other cultures, as well as promoting understanding, tolerance and friendship among different ethnic groups. This would require the establishment of appropriate mechanisms and it could *inter alia* be achieved through learning about other cultures, studying and living together as is often

the case at university campuses. The study will endeavour to assess what steps have been taken in this regard in the Republic of Macedonia and whether they have led to successful results. In this regard the case of Macedonia provides a very good opportunity as not only the Ohrid Framework Agreement but also the establishment of the SEE University are often being referred to as possible precedents in minority-related situations in other countries. This should not be done without due attention to the general context and particularities of the situation.

The study will not only examine the different aspects of higher education in the Albanian language in the Republic of Macedonia, but also measures proposed and steps taken by the Government, the Albanian community and the representatives of the international community to address this issue. It therefore aims at analysing whether conflict prevention efforts conducted in Macedonia led to a successful outcome especially since in some respects the country served as a “laboratory” for the preventive efforts. There are obviously mistakes that were made and lessons learned which should be explored. Last but not least, it is also worth looking at what else remains to be done in addressing the problem of the higher education of persons belonging to national minorities in Macedonia.

In today’s Europe one of the main dilemmas that policy makers are facing is the integration of minorities, regardless of whether they are “traditional” or so-called “new” minorities. Progress in this regard could be achieved *inter alia* through the creation of better living conditions and perspectives for the future. Any contribution to stability in the world is a step towards conflict prevention. Against this background, when discussing conflict prevention efforts one should not forget about the integration of minorities into society and using education as the main vehicle in this regard. In this context the key problem is to analyse the advantages and disadvantages of minority versus exclusively state language education. With regard to higher education in the mother tongue the question arises how to reconcile two, and at first glance conflicting, goals:

- on the one hand, to avoid segregated higher education and to promote the studying of minorities in an environment where they can integrate with society by improving the knowledge of the state language thus facilitating their participation in the organs of the state; and
- on the other hand, to receive higher education in the minority language as one of the basic preconditions for the maintenance and promotion of minority culture, language and identity.

As the point of departure for the above-mentioned analyses the study will describe and evaluate the existing international standards regarding access of minorities to higher education in their mother tongue and the process of bringing Macedonia's domestic legislation into conformity with the country's international obligations. The study places various aspects of Albanian language higher education in a historical context - the period Macedonia belonged to Yugoslavia and the time after Macedonia gained independence, in particular developments immediately before, during and after the 2001 armed conflict which eventually led to the signing of the Ohrid Framework Agreement and its ongoing implementation.

1.3. Research Approach and Methods

In the approach to problem definition the author faced several problems. First of all, the literature addressing the question of minority language higher education in the context of conflict prevention is very limited. Against this background, a significant part of the research has to be based on source material, first of all documents of various international and domestic institutions as well as on personal contacts and interviews conducted by the author during more than fifty visits to Macedonia and the region. In addition, the political sensitivity of the problem made some interlocutors reluctant to speak openly on the issue and therefore they often hesitated to disclose their names. Secondly, the author faced the similar problem encountered by most of the researchers in the field of conflict prevention - how one measures the success of conflict prevention activities and how to prove that the absence of violence can be attributed to these activities. No doubt, this would be extremely difficult as it would

require basing the assessment on something that has not happened or, in other words, it is like trying to prove a negative. One could also keep in mind the sustainability of conflict prevention efforts - how to ensure that conflict potentials have been removed and would never re-emerge. Finally, the author was confronted with the time aspect and the fact that the link between conflict prevention and the integrated system of higher education, including in minority languages, could only be properly assessed in the long term as efforts undertaken in the field of education require time and patience to bear fruit.

The methodology of the study consists of several steps. It is based on different types of information gathering. First of all, it draws from the available bibliography:

- academic literature;
- documents of the OSCE, UN, EU, CoE, OECD and other international organisations;
- available country background reports and analysis of NGOs;
- government publications and statistics;
- internal documents of various institutions of higher education in Macedonia;
- international and domestic legislation and jurisprudence where available;
- local newspapers and journals in both Macedonian and Albanian languages.

In addition, a significant part of the information is based on personal experience obtained while working in different professional capacities as well as from interviews conducted in Macedonia and in the region with different stakeholders, both local and international: academics, teachers, parents, students, representatives of minorities, government, international organisations and NGOs. Last but not least, the author acquired inside experience from the time he contributed to preparation of a feasibility study on higher education in the Albanian language in Macedonia and drafting of a business plan on the establishment of a new institution of higher education, as well as

different stages of process which eventually led to the setting up of the South-East European University.⁷

The research is based on data gathered until 1 January 2007.

⁷ This study is contributed on a personal basis. The views presented by the author are his own and therein do not necessarily reflect the views of the organizations he worked for.

Chapter 2: Conflict Prevention in Contemporary International Affairs

2.1. Definition

The idea of preventing conflicts is obviously not completely new. However, in the past, especially since the beginning of the XIX century, the concept was rather based on limiting potential fatal consequences of wars and on establishing balance of powers than on real prevention of violent conflicts. The term “preventive diplomacy” came into official use only in the late fifties of the XX century thanks to efforts of the UN Secretary-General Dag Hammarskjöld. At that time it was mostly associated with the personal diplomacy of the UN SG and was directed at preventing a confrontation between the two superpowers during the Cold War. Against this background, involvement in such crises as in Lebanon, Suez or Laos was seen in the context of a conflict between two political blocs with a view of avoiding World War III. The real breakthrough in approach to conflict prevention took place only after the end of the Cold War when the world saw an unprecedented growth of interest in conflict prevention especially since, instead of a more peaceful environment being created, a number of violent conflicts began to erupt in such places as the former Yugoslavia, Georgia, Nagorno-Karabakh, Moldova, Haiti, Algeria, Somalia, Rwanda, Burundi etc. These conflicts only underlined the importance of prevention and constituted an additional element in efforts to develop the concept of conflict prevention and instruments that should be used. It was slowly realised that, so far, considerably more had been spent on conflict management and reconstruction efforts than on prevention. The amounts of money that went into conflict prevention were tiny especially when compared to the human and material costs of war. The renewed interest in conflict prevention coincided with the unprecedented expansion of UN peacekeeping activities aimed at the prevention of resumption of armed conflicts. Between 1988 and 1994 the number of UN missions grew from five to seventeen, the number of military personnel engaged increased from approximately 9,500 to almost 75,000 and the annual cost of peacekeeping borne by the UN reached almost 3,6 billion USD.⁸

⁸ Sokalski, Henryk J., *An Ounce of Prevention, Macedonia and the UN Experience in Preventive Diplomacy*, United States Institute of Peace Press, Washington D.C, 2003, p. 8.

The institutionalised breakthrough of the concept of conflict prevention came soon after the end of Cold War. Through the Declaration adopted on 31 January 1992 the Security Council requested the UN Secretary-General to suggest ways of strengthening the Organisation's capacity for preventive diplomacy and peacekeeping.⁹ As a result, in June 1992 the UN Secretary General Boutros-Boutros Ghali presented his report "An Agenda for Peace."¹⁰ It reconceptualised the measures available to the UN in maintaining international peace and security into four categories: preventive diplomacy, peacekeeping, peacemaking and post-conflict peace building. It was rightly described by Ostrowski as a sea change in conflict resolution, in particular due to the emphasis on preventive action and the recognition of the critical need for the UN to adapt its methods to the changing face of conflicts.¹¹ The development of the theory of conflict prevention coincided with the changes in the world and therefore the approaches of various international actors had to be revised and adapted accordingly. They should, first of all, have to take into consideration the fact that in the post-Cold War period most conflicts were of an intra-state rather than of an inter-state character. Unfortunately, most international organisations, first of all the UN, tried to apply old, well-developed practices to the new situation instead of developing new mechanisms. In addition, despite declarations to the contrary, the main focus continued to be on crisis management rather than on conflict prevention.

Today, the terms conflict prevention and preventive diplomacy are widely used, but often out of context. No doubt considerable confusion exists in describing what conflict prevention means especially as "preventive diplomacy", "preventive action", "conflict prevention" or "crisis prevention" etc. are used interchangeably and are often confused with peacekeeping or conflict resolution. Indeed, there is no consensus on how conflict prevention differs from crisis management or peace building. As rightly

Ostrowski, Stephen T., Preventive Deployment of Troops as Preventive Measures: Macedonia and Beyond, *New York University Journal of International Law and Politics*, Vol. 30, 1998, p. 799.

⁹ UN Documents, S/23500, 31 January 1992.

¹⁰ An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peacekeeping, Report of the UN Secretary General, A/47/277, 17 June 1992.

¹¹ Ostrowski, 1998, p. 795.

observed this tends to blur the clarity of the concept and provides ammunition for critics seeking to downgrade its relevance.¹²

As a matter of fact there is no internationally recognised definition of what constitutes “conflict prevention”. As observed by Ackermann, there is still conceptual confusion over the scope of conflict prevention which is linked to two questions:

- should conflict prevention be limited to only the early phase or should it also include the escalation of tensions and post conflict stages?
- should conflict prevention address only the immediate causes of conflict or also its underlying roots?¹³

Boutros Ghali in “An Agenda for Peace” described preventive diplomacy as 1) action to prevent disputes from arising between parties, 2) to prevent existing disputes from escalating into conflicts and 3) to limit the spread of the latter when they occur.¹⁴ However, in the literature there seems to be an emerging consensus to limit conflict prevention only to the early stage. For instance, Lund argued that Boutros Ghali’s definition is too broad and too inclusive and blurs crucial operational distinctions between various thresholds of trouble. Instead he suggested focusing on the second part of the UN SG definition - preventing peaceful disputes from rising to tense confrontation or use of armed force.¹⁵ He offered a definition of his own describing preventive diplomacy as “actions or institutions that are used to keep the political disputes that arise between or within nations from escalating into armed conflict.”¹⁶

¹² Ginifer, Jeremy & Eide, Barth Espen & Rønnfeldt, Carsten (eds.), *Preventive Action in Theory and Practice*, Norwegian Institute of International Affairs, Oslo, 1999, p. 12.

¹³ Ackermann, Alice, *The Idea and Practice of Conflict Prevention*, *Journal of Peace Research*, Volume 40, Number 3, May 2003, p. 341.

¹⁴ *An Agenda for Peace*, 1992, para 20.

¹⁵ Lund, Michael S., *The Meaning and Components of Preventive Diplomacy* in Ginifer, Jeremy & Eide, Barth Espen & Rønnfeldt, Carsten (eds.), 1999, pp. 136-139.

¹⁶ Lund, Michael S., *Underrating Preventive Diplomacy*, *Foreign Affairs*, July/August 1995. Another definition offered by him describes preventive diplomacy as action taken in vulnerable places and times to avoid the threat or use of armed force and related forms of coercion by states or groups to settle the political disputes that can arise from destabilising effects of economic, social, political, and international change (Lund, Michael S., *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy*, United States Institute of Peace Press, Washington D.C, 1996, p. 37).

On the second question, it seems that this dispute concerns more mechanisms that should be used and whether the focus should be on “operational” or “structural” concepts of prevention. In this distinction operational prevention is directed to imminent crises and includes such instruments as fact-finding and monitoring missions, negotiations, mediations, Confidence Building Measures (CBMs), preventive deployment etc. Structural prevention has a more long-term character and usually addresses root causes of conflicts including measures aimed at building democratic society, ensuring adherence to human rights, contributing to political, economic and social stability etc.¹⁷ Today, it could be argued that both concepts have been widely recognised and accepted as equally important depending on how imminent the conflict is. They could obviously be implemented in parallel, mutually reinforcing each other.

The author, although he agrees with Lund on the need to focus on the second element of Boutros Ghali’s definition, would anyway prefer to use the term conflict prevention rather than preventive diplomacy as the latter could lead to confusion and limit the scope of preventive action, especially since some authors equate preventive diplomacy almost exclusively with using diplomatic assistance and such instruments like mediation, negotiation, arbitration, or the so-called “good offices.”¹⁸ However, a new wider approach is needed, which won’t limit conflict prevention to diplomatic efforts but would *inter alia* take into consideration long-term perspective and the need to address root causes of tensions. It has to be recognised that conflict prevention has a much wider meaning and should also include any structural tools or measures which could be used to prevent escalation of disputes into open violence, including a policy aimed at eliminating conditions or problems that could lead to the outbreak of violence. For instance, in this respect, the role of education in conflict prevention has often been overlooked in the past. Against this background, conflict prevention could

¹⁷ On mechanisms and instruments to be used in conflict prevention see further on in this Chapter.

¹⁸ See *inter alia* in: Japan Forum on International Relations, Preventive Diplomacy and Japan’s Role: An Action Menu, Tokyo, February 1998; Zartman, William I., The Strategy of Preventive Diplomacy in Third World Countries in George, Alexander L., Managing US - Soviet Rivalry: Problems of Crisis Prevention, Boulder, Colo: Westview, 1983 quoted after Ackermann, Alice, Making Peace Prevail: Preventing Violent Conflict in Macedonia, Syracuse University Press, New York, 2000, p. 19.

be described as various policies and actions that are used when existing instruments and means are insufficient in addressing destabilising effects of political, economic, social or inter-ethnic tensions in order to prevent existing disputes from developing into violence and open conflict.

2.2. Instruments and Mechanisms

As for the definition of conflict prevention, there is also no agreement regarding which instruments or mechanisms should be used and how they could be best utilised in order to prevent conflicts. Boutros-Ghali in “An Agenda for Peace” listed specific measures of preventive diplomacy:

- confidence building measures including systematic exchange of military missions;
- fact-finding missions by UN officials or members of international organisations or NGOs;
- the strengthening of early warning networks to include political indicators;
- preventive deployment; and
- the creation of demilitarised zones.¹⁹

The list, although it represents an interesting attempt at suggesting preventive tools, is by far not exhaustive. In addition, as already mentioned, the concept of conflict prevention is much wider than preventive diplomacy. Therefore, a much wider functional range of preventive instruments should be applicable - whether they actually can work depends on the characteristics of the specific conflict. Those mechanisms could be grouped in the four following categories: diplomatic, political, economic and military.

The concept of conflict prevention is usually immediately associated with diplomatic negotiations, dialogue conducted bilaterally or with the assistance of a third party etc. Indeed such diplomatic instruments like mediation, negotiations, good offices, arbitration, and round-tables might be useful tools which should always be explored.

¹⁹ An Agenda for Peace, 1992, para 23-33.

One could also think of the dispatch of special envoys to tense areas, fact finding and monitoring missions etc. No doubt diplomacy is one of the most effective preventive instrument available to the international community, but by far not the only one. In addition, quite often diplomatic tools are simply not enough to contain a conflict situation and to prevent tensions.

Political tools are usually oriented towards removing root causes of the conflict and creating institutions that might be used in dispute settlement and building effecting channels of communication between various groups. This includes institution and capacity building, support for the development of civil society, training and education, assistance in developing good governance, development of legislation, promotion of human rights etc.

Unfortunately, so far the economic dimension has been largely neglected as a potential instrument of conflict prevention. Economic development is an important factor in the underlying causes of violence. Poverty is promoting an intense struggle for resources and positions of power in which some groups, in particular national minorities, are often poorly positioned to compete.²⁰ Therefore, in order to address this problem, humanitarian and economic instruments might have to be involved which could include targeted or conditional assistance, implementation of specific projects to address grass roots problems including round tables, trainings etc. In addition, as far as the topic of this study is concerned, it has to be concluded that there is certainly a link between the position of persons in economic life, their access to the job market and their level of education. People with a good level of education have increased chances to find attractive employment and to integrate into society. In addition, in poor countries, with high unemployment and a lack of perspective for a better future, people might find themselves easy victims to radicals promoting their ideas. There is a clear need to challenge those ideas and education could play a

²⁰ Research has shown that even 5% decrease of the GDP leads to considerable increase of the risk of civil war (Kuzmich, Maciej, Fotel dla Drapieżnika, Gazeta Wyborcza, 26-28 March 2005, p. 19).

leading role in countering the ideologies of extremism as a lot could be achieved through the promotion of mutual understanding and tolerance.

The above-mentioned methods might be considered as soft tools. Hard tools of prevention certainly include military measures including preventive deployment of troops, demilitarised zones, military observers, arms embargos, CBMs and, last but not least, military intervention. The last, however, leads to the question of whether the use of force (as e.g. in the case of Kosovo) could be considered as an instrument of conflict prevention. There is no doubt that the application of military tools should always be supplemented by other elements, first of all political or diplomatic action as well as humanitarian and economic support (also with a view to increasing support among the local population).

Practically all conflicts differ and they have their own dynamic, specific features etc. Therefore, the choice of the above-mentioned tools should be guided by a thorough analysis of conflict sources and their application should be tailored to the specific situation. Obviously not all of them should and could be used at the same time. In most cases their combination could apply depending on the conflict potentials, how remote or close the threat of violence is, the degree of hostility between parties etc. With this in mind tools might be used progressively: early intervention should focus on addressing root causes of conflicts and using non-military instruments (including political); late prevention might require more vigorous action, including the application of diplomatic and military measures. In this regard some argue in favour of “gradation” of instruments with softer measures being applied at first and more severe, intrusive ones only in case of escalation. Therefore, they could be divided into early preventive tools (e.g. quiet diplomacy, capacity building, confidence building measures, good offices, humanitarian and economic assistance) seeking to resolve disputes before they dissolve into crises and late preventive tools (mediation, preventive deployment, peace enforcement, sanctions, embargos etc.) seeking to contain crises just before they erupt into armed conflict.

2.3. Prerequisites for Effective Conflict Prevention

Conflicts are not unavoidable - on the contrary they can be prevented. However, the necessary efforts have to be made. First of all, potential sources of conflict have to be identified. Obviously, more attention should be given to root causes of conflicts, especially for a clear understanding of a specific conflict situation and application of appropriate mechanisms.²¹ In addition, even if the prevention might be successful at first, there is never a guarantee that this success will hold. Therefore, addressing root causes of conflicts is also necessary in order to ensure conflict prevention in the long term and to establish lasting peace.

The next step should be to identify appropriate mechanisms and instruments that should be used in a particular situation. In order to properly respond to evolving crises, it obviously requires knowledge based on information and their proper assessment. Today, the lack of information is hardly a problem. Decision makers are often swamped with information having at their disposal various sources of information, including media, intelligence, diplomatic cables and reports of various international organisations, NGOs and think-tanks. Their selection and analysis is crucial in order not to cause too many false alarms. The real challenge is to analyse early signs of developing tensions and to apply a proper response.

In addition, for prevention to be successful it must be timely, multilateral, coordinated and multifaceted in terms of the various instruments to be used and the resources to be committed. History knows hundreds of failures in timely conflict prevention, which as a result led to costly conflicts. The key to prevention is to respond to the warning signs before a conflict escalates. Therefore, the timing is essential - the challenge is to prevent rather than manage a dangerous situation. The chances of successful conflict prevention are considerably higher during the early stages of a developing conflict

²¹ The importance of this factor has been *inter alia* recognised by the UN Secretary-General who rightly noted that strategies must address the root causes of conflict not only their violent symptoms. In addition, the SG stressed that policy-makers must have clear understanding of these causes and every step taken toward reducing poverty and achieving economic growth also marks a step toward conflict prevention (Report from the UN Secretary General, *We the Peoples: the Role of the United Nations in the Twenty First Century*, UN Doc. A/54/2000, 27 March 2000, para 198-203).

when the parties still show some flexibility. On the other hand, one should act only when serious disagreements between parties seem to be inevitable. When the chances of parties reaching agreement on their own seem to be promising, interventions from outside could even complicate matters. Unfortunately, so far the experience shows that the international community is far less inclined to try to help to solve a conflict when it is still only in its initial stages, either neglecting the signs of conflict or hoping that parties will find a mutually acceptable solution themselves. The "CNN syndrome" meaning that the policy makers only react when the tensions hit the headlines, leads to the paradoxical situation that the international community only comes into action when the chances of containing a conflict have been considerably reduced.

The general lack of commitment to conflict prevention is also related to reluctance to commit resources, both human and material. One of the reasons why the international community is so slow in engaging in conflict prevention has been the reluctance of policy makers to get involved in conflict prevention activities when the conflict still seems to be too hypothetical. Jonathan Eyal rightly observed that "the notion of conflict prevention is simply not compatible with the nature of most democracies ... no politician has won votes by claiming to have prevented a conflict which, by definition, never existed because it was prevented."²² Many Governments are reluctant to invest in conflict prevention before the first serious signs of troubles appear. In addition, what is also important is reluctance to directly intervene in the internal affairs of a sovereign country - a long established principle of international law. Various international actors have often waited to be invited to provide assistance as they did not want to be seen as interfering in a country's internal affairs, while at the same time those requests have not been coming or were coming very late as countries concerned are quite often not ready to recognise existing problems or perceive such requests as a sign of weakness and are reluctant to seek external assistance.

Conflict prevention is never static in the sense that actors involved in prevention have to be flexible and prepared at all stages to adjust the application of specific

²² Eyal, Jonathan, Conflict of Interests, The Guardian, 12 August 1996.

instruments and mechanisms to the evolving situation. The logic suggests the already mentioned “gradation” of instruments with soft tools being applied at first and hard measures at a later stage. However, this might not always be possible and therefore the knowledge of the particular situation, its dynamic, underlying causes etc. is crucial in order to choose the right approach.

Finally, cooperation and commitment of all actors involved - both international and local is crucial. No doubt conflict prevention is a long-term process and in most cases depends on mutually supportive roles and action by various stakeholders. There is nothing worse than the duplication of efforts and the sending of contradictory statements. This often requires proper co-operation and co-ordination of efforts which might lead to a need to identify one leading actor who would take primary responsibility for coordinating activities or applying specific conflict prevention measures in a particular field. Domestic support is also crucial and it concerns both political and community leaders as well as civil society and NGOs etc.

2.4. Role of Various Actors

Today, while discussing conceptual differences regarding conflict prevention, the idea of preventing disputes from escalating into violence has been broadly accepted by many international actors and some of them have even undertaken practical steps in this regard.

The idea of conflict prevention is no doubt a central element of the Charter of the United Nations. Already Article 1, para 1 says:

“The Purposes of the United Nations are:

- to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”.

In general, the UN Charter authorises the Secretary General and all UN institutions to take appropriate action in order to prevent the outbreak of violence.

Despite its mandate, in practical terms the UN has done rather little in the field of conflict prevention. As a matter of fact, the conflict prevention mandate of the UN has been mostly conducted through Special Representatives of the UN Secretary-General operating in various “hot spots”. So far the Organisation has reacted mostly retroactively - taking action through *inter alia* deployment of force only after the outbreak of violence. Therefore, peacekeeping operations developed after the end of a conflict became a characteristic feature of the UN intervention. This is due to many factors including such as fear of intrusiveness and associated costs as well as the lack of the capacity, including sufficient institutions and personnel, to deal with problems before they escalate. In addition, the strategic management of conflicts was tailored by the Organisation to inter-state conflicts, while recently most of the conflicts have been taking place within states.

Nevertheless, as already mentioned, the term preventive diplomacy was developed very much within the framework of the UN. An Agenda for Peace was a clear sign that the UN had finally realised the importance of efforts in the field of early warning and preventive diplomacy. The rationale was obvious - the preventive action, even including relatively costly preventive deployment of troops, would be much cheaper than human and material losses incurred in any eventual conflict which might follow. Besides An Agenda for Peace, another development in the UN’s approach to conflict prevention that should be mentioned is the UN Secretary-General’s Report entitled “Prevention of Armed Conflict: Views of Organs, Organizations and Bodies of the United Nations System” issued on 5 November 2002.²³ Prepared very much in response to the terrorist attack in New York in September 2001, it recorded the responses of all relevant UN organs, organizations and bodies to the issue of the prevention of armed conflicts. The SG emphasised the need for international cooperation in the move towards a culture of conflict prevention. The Report noted that a general consensus is gradually emerging among Member States that comprehensive and coherent conflict prevention strategies offer the greatest potential for promoting lasting peace and creating an enabling environment for sustainable

²³ A/57/588-S/2002/1269, 5 November 2002, prepared pursuant to GA resolution 55/281 of 1 August 2001.

development and urged Member States to enhance their national capacity for prevention. It is hoped that those rhetorical commitments will be turned into effective action of the Organisation. At least as far as the UN's practical approach to conflict prevention is concerned, Macedonia could serve as an interesting case study. The first and so far the only UN mission aimed at prevention of a conflict - UNPREDEP - was established in this country in 1992.²⁴

Schneckener rightly noted that as far as debate on conflict prevention is concerned, the EU has to be considered a latecomer.²⁵ Indeed, the EU only recently discovered the importance of conflict prevention. Certainly it could be argued that the economic assistance to third countries serves the purpose of conflict prevention in the long term. In addition, the prospect of eventual integration with Europe has brought a sense of clear perspective for the candidate countries and has become a significant source of stability. However, development of EU conflict prevention mechanisms and structures is still very much in progress and this is an issue to which the EU has still to devote more attention. Fortunately, the EU has finally started to realise its own shortcomings in this field and decided to reform its structures and build capacities for conflict prevention activities, first of all in the framework of the Common Foreign and Security Policy (CFSP).²⁶ The key figure in this regard has therefore become the High Representative for CFSP, who also acts as the Secretary General of the Council. In June 2001 the European Council meeting in Göteborg endorsed a promising EU-programme for the prevention of violent conflicts and set clear political priorities for preventive actions, including: improving the EU's early warning functions, action and policy coherence, enhancing its instruments for long and short-term prevention, and building effective partnerships for prevention. It was also decided that the EU will

²⁴ On details see Chapter 7.

²⁵ Schneckener, Ulrich, *Theory and Practice of European Crisis Management: Test Case Macedonia*, European Yearbook on Minority Issues, Vol. 1, 2001/2002, Kluwer International, 2003, p. 131.

²⁶ Civilian crisis management is relatively new instrument for the EU. The first operation under the European Security and Defence Policy (ESDP) was the European Union Police Mission (EUPM) in Bosnia and Herzegovina, which started in 2003. By the end of 2006 the number of operations increased to twelve. However, the EU still lacks an adequate framework to confront challenges it is facing so the member states still have to develop further those mechanisms. In 2008, the EU might take-over from the UN the responsibility over the rule of law sector in Kosovo. This operation would be of a different size and complexity compared to past ESDP missions and would probably represent the real test of the EU capacity.

intensify the exchange of information and practical cooperation with various international organisations. However, many questions still remain unanswered - how the EU is going to implement this programme, whether sufficient financial resources have been allocated and how the EU is going to intensify its dialogue with other organisations already involved in conflict prevention. Nevertheless, the EU has finally tried to set up a mechanism to be used in conflict related situations before they escalate.

As in the case of the UN, Macedonia constituted an important "training ground" for testing the effectiveness of the EU's engagement in the field of conflict prevention. Although until 2001 the EU did not give Macedonia priority attention, it played a vital role during negotiations in Ohrid aimed at bringing an end to the inter-ethnic violence which had started in parts of Macedonia and later on was actively engaged in the implementation of the Ohrid Framework Agreement.

There are a number of regional organisations capable of contributing to conflict prevention. The Organization for Security and Co-operation in Europe (OSCE) is at the moment the world's largest regional security organization, which, in addition, is also the most advanced as far as the creation of institutions with preventive capacity are concerned. The OSCE is based on the concept of a comprehensive and co-operative approach to security and offers a forum for political negotiations and decision-making in the fields of early warning, conflict prevention, crisis management and post-conflict rehabilitation. Over the years the OSCE, initially established as the Conference for Security and Co-operation in Europe (CSCE)²⁷ and primarily as a forum for dialogue, was transformed into an international organization which, through the establishment of permanent organs and institutions, has equipped itself with more institutionalised instruments for early warning, conflict prevention and crisis management. As a matter of fact, the OSCE's uniqueness lies in its engagement not

²⁷ The decision on renaming the CSCE into OSCE was taken at the December 1994 Budapest Summit of the Organization. It became effective on 1 January 1995. In this paper all reference to the OSCE Missions, Institutions and structures until that date will, as a matter of fact, concern the CSCE, and after 1 January 1995 - the OSCE .

only in peace-building efforts, but above all in conflict prevention. Important instruments of this mandate are the field operations, whose activities are coordinated by the Conflict Prevention Center in Vienna and the OSCE High Commissioner on National Minorities. In addition, the OSCE has proved that in many aspects the experience of the organisation is of a pioneering character, and its engagement in Macedonia might serve as an interesting example in this regard.

The Helsinki Summit of 1992 in many respects represented a real breakthrough as far as the approach of the OSCE to conflict prevention is concerned. The document adopted in Helsinki: “Early Warning, Conflict Prevention and Crisis Management (including Fact-finding and Rapporteur Missions and CSCE Peacekeeping) Peaceful Settlements of Disputes” *inter alia* envisaged that the participating States will strengthen the structure of their political consultations and increase their frequency, and to provide for more flexible and active dialogue and better early warning and dispute settlement. It also envisaged that participating States will enhance their capability to identify the root causes of tensions through a more rigorous review of implementation to be conducted both through the Office of Democratic Institutions and Human Rights (ODIHR) and the Conflict Prevention Center (CPC).

The OSCE field operations are considered one of the main assets of the organization. They are deployed at the invitation of participating States providing assistance to the host state and its communities in defusing tensions on the ground. This could be done through legislative assistance, creating modalities and institutions for dialogue, practical projects, organisation of seminars and round-tables, providing information, being an important source of early warning activities and mediation efforts. By the end of 2006 the OSCE operated eighteen field operations in the Balkans, Eastern Europe, Caucasus and Central Asia.²⁸ The OSCE Missions are often keeping a low

²⁸ The first field operation - the OSCE Mission of Long Duration in Kosovo, Sandjak and Vojvodina was established on 14 August 1992. It was terminated on 28 June 1993 since the Yugoslav authorities blocked the further extension of its mandate, quoting Yugoslavia’s suspension from the CSCE as the main reason. It has to be noted that although Macedonia was not admitted to the organization until October 1995, the country was the second to host an OSCE field presence. The OSCE Spill-over Monitor

profile, operating at grass-roots level while targeting very much root causes of conflicts. However, they are seldom involved in high level political negotiations as the Organization could hardly offer any sticks and carrots which might be necessary in such negotiations and which other actors have at their disposal. The work of the OSCE Missions is coordinated by the Conflict Prevention Center located in Vienna. Its role is to provide regular policy advice, analytical and operational support to the Secretary General, the Chairman-in-Office and participating States on matters related to early warning, conflict prevention, crisis management and post-conflict rehabilitation. In addition, the CPC is in charge of regular consultations with international organizations and partners on operational issues.

The post of the High Commissioner on National Minorities (HCNM) was established by the OSCE also in Helsinki in 1992 as an instrument of conflict prevention who has to provide "early warning" and, as appropriate, "early action" at the earliest possible stage with regard to tensions involving national minority issues that have the potential to develop into a conflict within the OSCE area, affecting peace, stability, or relations between participating States.²⁹ The mandate requires the HCNM to work in confidence and independently of all parties directly involved in the tensions. The High Commissioner was often described as a mediator or negotiator. However, this does not fully reflect his mandate since instead of mediating in conflicts the HCNM is rather trying to prevent them. Therefore, he often acts as facilitator or intermediary in efforts to establish dialogue between parties with a view of avoiding conflict.

Other regional organisations playing a role in conflict prevention that should be mentioned include the Organisation of African Unity (OAU) and its successor - the African Union (AU), the Organisation of American States (OAS) and the Association of South-East Asian Nations (ASEAN).

²⁹ Mission to Skopje (such the name was chosen to avoid the use of controversial name "Macedonia"), originally established in September 1992, is the longest-serving OSCE field operation. CSCE Helsinki Document 1992, the Challenges of Change, Helsinki, 10 July 1992. Helsinki Decision I - Strengthening CSCE Institutions and Structures, para 23; Helsinki Decision II - CSCE High Commissioner on National Minorities.

The Organisation of African Unity (OAU), established in 1963, has made significant efforts to establish itself as important actor in conflict prevention. In 1993 the OAU launched the Mechanism for Conflict Prevention, Management and Resolution of Crises with a Secretariat in Addis Ababa. It has authorised the OAU Secretary-General to undertake mediation, to appoint special envoys or to deploy fact-finding missions. The Organisation has mediated several border and internal disputes, undertaking action in Rwanda, Gabon, Congo and Liberia. The biggest problem the Organisation has been facing is lack of sufficient financial and human resources. In addition, it has been almost exclusively focusing on military peacekeeping interventions.³⁰ The OAU was succeeded in 2002 by the African Union (AU). On 25 May 2004 it established the Peace and Security Council - similar in intent and operation to the United Nations Security Council - in order to work toward prevention, management and resolution of conflicts. The Council has *inter alia* decided on deploying military missions to Burundi, Sudan and Somalia.

The Organisation of American States (OAS), the oldest regional international organisation in the world, was created in 1890 to strengthen peace and security in the western hemisphere. One of its goals is to ensure the peaceful settlement of disputes among members. The OAS Secretariat for Political Affairs is *inter alia* tasked to undertake activities in order to prevent crises. In the past the Organisation has on a number of occasions contributed to solution of many border disputes (e.g. Peru and Ecuador, Colombia and Venezuela) which had a potential of developing into conflicts. It was also involved in election monitoring (e.g. in Nicaragua).³¹

The Association of South-East Asian Nations (ASEAN) was established in 1967 and currently gathers 10 countries. Besides contributing to economic growth, social progress and cultural development in the region, it has among its goals the promotion

³⁰ On more information see in Shadrack, B.O. Gutto, *The OAU's New Mechanism for Conflict Prevention, Management and Resolution and the Controversial Concept of Humanitarian Intervention in International Law*, Johannesburg, 1995.

³¹ See also in Spehar, Elizabeth, *The Role of the Organization of American States in Conflict Prevention in International Journal on Minority and Group Rights*, Volume 8, Number 1, 2001; Kreimer, Osvaldo, *Conflict Prevention in the Americas: the Organization of American States (OAS)*, UNU Press, 2003.

of regional peace and stability. However, the ASEAN Secretariat has a very limited number of professional staff and there is virtually no scope for being involved in preventive action. As a consequence, its capacity for prevention resides almost entirely at the diplomatic level in the relations developed among its members, and between ASEAN members and those states in the wider region. To this end, the Organisation has *inter alia* established the ASEAN Regional Forum (ARF), which enjoys wider membership than the Organisation itself.³² It is aiming at the promotion of confidence building, the development of preventive diplomacy and the elaboration of approaches to conflicts. However, conflicts within states were not covered by the ARF endorsed ASEAN's Treaty of Amity and Cooperation in Southeast Asia. As a matter of fact a number of non-interference clauses were the cornerstone of the Treaty which significantly limits the Organisation's potential role in conflict prevention. Nevertheless, the Organisation has been for instance involved in negotiations contributing to the settlement of the Cambodia conflict.

One should not forget about the potential conflict prevention role of such organisations like the World Bank, the IMF or the OECD, despite the fact that they have not sufficiently realised their own existing potentials or have been reluctant to play such a role, especially to explore it in the context of development policy. The World Bank (the International Bank for Reconstruction and Development - IBRD) was established in 1944. As time has passed, it has increasingly become a development agency. Since the early nineties crisis prevention and conflict management became an important aspect of development policy. However, World Bank representatives have repeatedly pointed out that they do not, and may not, take political or diplomatic action since it is not covered by their mandates which emphasises mainly the allocation of long-term loans for development purposes. This is unfortunate since, as observed by some experts, due to its considerable financial resources, technical assets, and global presence, the World Bank has the capacity to

³² It involves seven dialogue partners (Australia, Canada, the European Union, Japan, New Zealand, South Korea, and the United States) and two consultative partners - China and Russia.

assist in maintaining or recreating an environment of peace and stability.³³ No doubt development co-operation is political and always includes incentives which, if properly used in conflict situation, might help to prevent further escalation. Unfortunately, the World Bank has focused almost exclusively on post-conflict countries and at the same time avoided any involvement in situations before the likely outbreak of violence. The OECD might also have considerable potential for preventing crises and managing conflicts with development resources. Unfortunately, this potential is not properly realised. Notwithstanding the expertise of many members of its staff of more than 2,000 persons, the OECD is clearly reluctant to be active in the field of conflict prevention.³⁴

Although preventive diplomacy is often associated with international organisations, the role of domestic actors in prevention is crucial and should not be ignored. First of all, it concerns the role played by local politicians - representatives of the government and the opposition and of course, whenever relevant, leaders of various communities and NGOs. As rightly observed conflict prevention is more likely to be effective when it relies upon not a single but rather a multi-track approach, in which interventions of international and local actors complement one another.³⁵ The potential contribution of community and political leaders is obvious. Their engagement and ability to reach compromise is crucial for prevention. However, in countries with well established civil societies, NGOs can effectively contribute to building a stable and democratic environment. The traditional role of NGOs, including the monitoring of human rights or providing humanitarian assistance, has in many countries been expanded to include conflict management and conflict prevention. NGOs are often better equipped to obtain the trust of local communities and to address grassroots problems and therefore

³³ Ball, Nicole & Friedman, Jordana D. & Rossiter, Caleb S., *The Role of International Financial Institutions in Preventing and Resolving Conflict*, 1997, p. 244.

³⁴ On a potential role of the OECD and the World Bank in conflict prevention see also in: Klingebiel, Stephan, *The OECD, World Bank and International Monetary Fund: Development Activities in the Crisis Prevention and Conflict Management Sphere*, German Development Institute - GDI, Bonn, January 2001.

³⁵ Miall, Hugh & Ramsbotham, Oliver & Woodhuse, Tom, *Contemporary Conflict Resolution - the Prevention, Management and Transformation of Deadly Conflicts*, Polity Press, Cambridge, 1999, p. 119.

some call the possible input by NGOs “track two diplomacy.”³⁶ They can build local capacities through education and training or provide early warning on deterioration of the situation alerting local leaders and the international community to conflict potentials. On the other hand, one could observe that work of some NGOs, especially human rights NGOs, might be counterproductive in prevention as they could antagonise parties through direct condemnation of human rights abuses.³⁷ In addition, NGOs are usually relatively powerless and have limited ability to influence parties to conflict as there is strong reluctance to allow NGOs to have any role in matters which are perceived to be strongly related to state security.

³⁶ Lund, Michael S., 1999, p. 134.

³⁷ Aall, Pamela R., Non-Governmental Organizations and Conflict Prevention: Roles, Capabilities, Limitations in Carment, David & Schnabel, Albrecht (eds.), Conflict Prevention from Rhetoric to Reality, Volume 2: Opportunities and Innovations, Lexington Books, Oxford, 2004, p. 183.

Chapter 3: A Brief Overview of the Political, Economic, Social and Ethnic Situation in Macedonia

3.1. Basic Data

It is virtually impossible to analyse the linkage between conflict prevention and the issue of higher education in the mother tongue in the Republic of Macedonia without taking into account its general political, economic, social and, last but not least, ethnic context.

The term Macedonia is used not only in its political, but also in its geographical sense.³⁸ In the middle Ages, geographic Macedonia formed successively a part of the Bulgarian and Serbian empires. From the XIV century until 1913 Macedonia was a part of the Ottoman Empire. After the Balkan Wars of 1912 - 1913 the historical territory of Macedonia was divided between Greece, Bulgaria and Serbia by the 10 August 1913 Treaty of Bucharest.³⁹ A “Serbian part”, the so-called Vardar Macedonia with a few border adjustments later on became a part, first of the Kingdom of Serbs, Croats and Slovenes, later on of the Kingdom of Yugoslavia, in 1945 a constituent republic of the Socialist Federal Republic of Yugoslavia (SFRY) and finally in 1991 the independent Republic of Macedonia. Other parts of geographic Macedonia include Aegean Macedonia (today Greece) and Pirin Macedonia (on the territory of Bulgaria).

Macedonia is the only Republic of the former Yugoslavia to have acquired its independence in a peaceful way, without any involvement in ethnic conflicts and without a civil war.⁴⁰ With its size of 25,713 sq. km Macedonia belongs to the smallest countries in Europe. The total number of inhabitants is 2,022,547 of which

³⁸ Historically Macedonia refers to the geographic region defined by Mount Olympus, the Pindus range, Mount Sar, Mount Rila, the Western Rhodopes, and the river Mesta.

³⁹ According to following proportions: Greek Macedonia 34,603 sq. km (51,57%), Serbian Macedonia 25,714 sq. km (38,32%), Bulgarian Macedonia 6,789 sq. km (10,11%) (Bastias, John & Christopoulos, George, Macedonia, History and Politics, Athens, 1991, p. 17).

⁴⁰ A nation-wide referendum was held on 8 September 1991 (95% in favour of independence), independence was proclaimed on 17 September 1991, the Constitution was adopted on 17 November 1991 and became effective on 20 November 1991.

467.257 (23,1%) live in the capital - Skopje.⁴¹ The Republic of Macedonia is a parliamentary democracy and has a President who is elected by popular vote. There is a single-chamber Assembly comprised of 120 seats to which the members are elected for a four-year term in a free, equal and secret ballot.

3.2. Leading Political Parties

In Macedonia the political system revolves around ethnicity - practically all the main political parties are organised along ethnic lines. The same applies to a large extent to media, civil society, the economy and education.

The situation on the ethnic Macedonian side of political life, which has not significantly changed since 1991, is stable in the sense that two political parties: the Social Democratic Alliance of Macedonia - SDSM (created by the leaders of the former communist party) and the Internal Macedonian Revolutionary Organisation – Democratic Party for the Macedonian National Unity - VMRO-DPMNE (conservative with nationalistic tendencies) occupy a dominant position.⁴² However, none of these two parties have had a chance to form the Government alone and a bigger coalition has always been needed. The polarisation of the political scene is very high.

The situation on the ethnic Albanian side is more dynamic. Practically all existing Albanian parties have to a certain extent their roots in the Party for Democratic Prosperity (PDP), the first party of Macedonia's Albanians established on 15 April 1990, which over the years has produced several off-springs. The party dominated the political scene as a member of coalition Governments until 1998. However, by now the support for the PDP has almost completely eroded and the party is only symbolically represented in the Parliament. The most significant PDP split in 1994

⁴¹ State Statistical Office of the Republic of Macedonia, The Results of the National Census of the Population and Household Conducted between 1-15 November 2002, Skopje, December 2003.

⁴² The other parties of the "Macedonian bloc", which are usually represented in the Parliament, include the Liberal Democratic Party (LDP), the Liberal Party (LP), the New Social-Democratic Party (NSDP) and the VMRO-People's Party. Their political role is limited and they have to rely on alliances with two the biggest parties.

resulted in the creation of the Democratic Party of Albanians (DPA).⁴³ Another major development was the 2001 conflict and the emergence of the National Liberation Army (NLA). Its leaders on 5 June 2002 created the Democratic Union for Integration (DUI). All these groups are basically Albanian rights parties as the main points of their programmes advocate special treatment for Albanians as being not a minority but a "*constitutive nation*" in Macedonia. The other points include extension of the linguistic rights (to the extent of the recognition of Albanian as a second official language in the country), proportional representation in all public sectors, development of greater autonomy on the local level and education in the mother tongue on all levels, including higher education.

From the first days of Macedonia's independence at least one of these Albanian parties has been represented in the ruling coalitions, which was considered as an encouraging factor for building inter-ethnic harmony. In addition, in a highly polarised environment it was virtually impossible to create a parliamentary majority without Albanian MPs. What characterised the programmes of ethnic Albanian parties was the fact that when in opposition they took hard-line positions very often coming with maximum demands regarding the position of Albanians, up to the federalisation of the country. Their positions usually changed and became more moderate when as a part of the Government coalitions they had to co-operate with their ethnic Macedonian partners.

3.3. International Position of Macedonia

The country's top priorities in foreign policy are integration into the European Union and NATO membership. All opinion polls show massive support of public opinion for a European perspective of the country, especially EU membership. As a matter of fact the idea of European integration is one of the few cohesive factors in a divided Macedonia. The situation is a little bit more complex as far as NATO membership is concerned. Macedonia's Albanians trust the Alliance more than their ethnic

⁴³ In April 1994 Arben Xhaferi and some other "radical" leaders of the PDP created an offspring of the PDP - the Party for Democratic Prosperity of Albanians (PDPA). The DPA was created in 1997 after the merger of the PDPA with a small radical party - the National Democratic Party (NDP).

Macedonian compatriots. NATO is largely credited for the role it played in the region as most Albanians see NATO as Kosovo liberators. Ethnic Macedonians are more reluctant, being critical of NATO's role in Kosovo and in Macedonia, as the Alliance and the US are perceived as being pro-Albanian.

In the first years of independence, the country struggled with consolidation of its international position. The recognition of Macedonia by many countries, including by the European Community (the EC, today the EU), had been delayed for a long time by a Greek veto because of a dispute over the country's name and flag, considered by Greece to belong to the Hellenic heritage, as well as some provisions of the Macedonian Constitution, which, in Greek opinion, implied territorial claims to other territories of historic Macedonia.⁴⁴ In order to force the country into making concessions, Greece also economically blockaded Macedonia, which together with international sanctions against the Federal Republic of Yugoslavia (FRY), severely affected the economic situation of the country, especially in the first years of independence. Only on 13 September 1995 did Macedonia and Greece sign an Interim Accord envisaging a solution to most of their bilateral problems.⁴⁵ Macedonia, *inter alia*, agreed to change its state flag and some provisions of its Constitution. Since then bilateral relations, especially in the economic field, have considerably improved and the only open question remains the issue of the official name of the country.

In addition to the already mentioned difficulties with Greece, the relationship of the Republic of Macedonia with each of its other neighbours - Albania, Serbia and Bulgaria was complicated by various problems. The relationship with Albania was affected by the status of the Albanian minority in Macedonia and what was perceived by Skopje as interference in the internal affairs of Macedonia when Tirana more or

⁴⁴ In Greek opinion by choosing the use of the word "Macedonia" in the official name of the state, the founders of the new republic not only usurped an exclusive Greek birthright (to which Alexander the Great belong) but also, in effect, were staking a future claim to Greek territory and its province - Macedonia. It has to be admitted that Greek position was much to the anger of the world public opinion. It might be summarised by the New York Times editorial saying: "the tiny new state has the right to call itself whatever it wants. And it is absurd to think of this defenceless nation of 2 million Slavs, Albanians and Turks as a threat to Greece", The New York Times, 15 May 2002.

⁴⁵ Although the Interim Accord is a bilateral treaty, it was concluded under the auspices of the UN in New York.

less openly backed radical factions of Albanian political parties in Macedonia and their demands regarding a “constitutional status of Albanians”. Some Macedonians feared that the true motives behind Albania’s policy, especially in the context of demands for cantonisation and federalisation of the country, were attempts to form a Greater Albania at the expense of the north-west of Macedonia. As a counter-balance Macedonia sometime played the card of the small Slavic (Macedonian) minority living near Lake Prespa in Albania.

In contrast to Croatia or Bosnia and Herzegovina, in Macedonia there is no historically significant Serbian irredentist movement or population that would wage a civil war with Serbian support. The Serbian minority makes up only 2% of the population and seems to be well integrated into society and, despite some attempts by Serbian nationalists and the boycott of the 1991 referendum on independence, it refused to respond to attempts to copy Croatia or Bosnia and Herzegovina scenarios. However, the Federal Republic of Yugoslavia for a long time refused to recognise the Republic of Macedonia. Diplomatic relations were only established on 8 April 1996. The stumbling block was, *inter alia*, the delimitation of the border between two countries. In addition, Serbian nationalists, denouncing the idea of a Macedonian nationality, often referred to Macedonia as “southern Serbia”. As a matter of fact, some in Serbia hoped to “reintegrate” Macedonia into the federation, as it was believed that the country would not be able to survive, not only because of its difficult position in the region and complex inter-ethnic relations, but also economically.⁴⁶ The relationship has also been affected by the status of the Macedonian Orthodox Church (MOC) and its relation with the Serbian Orthodox Church (SOC).⁴⁷ In addition, the

⁴⁶ Especially in the first years of independence the threat of FRY aggression loomed constantly and the fear of a spill-over was one of reasons behind the establishment of the United Nations Preventive Deployment Force (UNPREDEP). Some sources even suggested that the FRY had plans for invasion on its southern neighbour but was not in position to execute them, *inter alia* because of being directly engaged in other conflicts in former Yugoslavia. The Financial Times claimed that in 1991 Slobodan Milosevic offered Greece to split the territory of Macedonia. Apparently, then Greek Prime Minister Konstantinos Mitsotakis asked the defence ministry to make a plan for moving troops across the Greek border into southern Macedonia, but the plan was vetoed by Costas Karamanlis, then Greek president (Financial Times, 14 January 2004).

⁴⁷ In 1967 the MOC declared its autocephaly, a move that was broadly encouraged by the then communist regime as means of strengthening the republic's identity. However, the SOC, which formerly controlled

fact that in 1999 Macedonia hosted NATO troops at the time of the Alliance's bombing of Yugoslavia was considered as a hostile act. However, there is a special feeling of sympathy, common Slavic roots and religious traditions between Macedonians and Serbs. Despite a difficult history, strong links have always existed between the two nations. The relationship dramatically improved with the departure of the Milosević regime, as well as the Kosovo war and subsequent Albanian infiltration from Kosovo and the 2001 conflict in Macedonia. A common threat linked both nations. In addition, the disputed border was finally delimited (including also the Kosovo part) at the beginning of 2001.

Bulgaria was the first country to officially recognise the Republic of Macedonia (on 16 January 1992). However, Bulgaria has not recognised the existence of “a Macedonian people” claiming that the people living there are, in fact, Bulgarians speaking a Bulgarian dialect and sharing Bulgarian history and culture. There were a number of conflicts regarding the use of language in official communication, which even for a long time blocked the conclusion of bilateral agreements. Finally, in February 1999 both countries decided to solve their language dispute and to sign bilateral agreements in “official languages” of their countries without naming them. In early 2001 Bulgaria even provided a significant part of military supplies to a vulnerable Macedonian army. Bulgaria has also a small population that claims a Macedonian identity which on a number of occasions faced some harassment by the Bulgarian authorities.

3.4. Economic and Social Situation

Economic issues can never be interpreted or understood separately from political and inter-ethnic issues. At the same time, as already mentioned in the previous Chapter, the socio-economic causes of conflicts should not be underestimated. In Macedonia, where the situation has been very fragile since the country gained independence, the state of the economy has become one of the key factors determining the security and

the Macedonian dioceses, resisted the move and the Macedonian autocephaly has never been recognised by Orthodox churches elsewhere. The problem persists until today.

stability of the country. A weak economy with high unemployment and low standards of living has been an additional factor contributing to rise of tensions.⁴⁸

Historically, Macedonia was the poorest of the Yugoslav republics and its economy was closely tied to the other republics, especially Serbia. With the dissolution of Yugoslavia in 1991, the country had lost three quarters of its market and much of its infrastructure. Conflicts in the region, the international sanctions against the FRY and the economic embargo imposed by Greece led to severe economic difficulties.⁴⁹ In addition, the country had to deal with its communist past and the consequences of the centralised economy. The Macedonian economy reached its lowest point in 1995 following several years of recession. Between 1991 and 1995, the GDP declined by approximately 30%. However, downward trends were gradually overcome and recovery began in 1996 following economic reforms and after the lifting of the economic blockade by Greece as well as the suspension of the UN sanctions against the FRY. However, the Kosovo crisis in 1999 resulted in further economic and political problems.⁵⁰ The influx of over 320,000 Kosovo refugees, even though some of them on a temporary basis, was a serious political, but also economic strain on Macedonia. When the country had overcome the negative effects of the crisis and started even to benefit from trade with Kosovo and the increased international presence in the region, the ethnic Albanian armed insurgency erupted in 2001. Military and police operations in the crisis areas, arms procurement and heightened security measures significantly increased Government spending in 2001, while revenue was down due to the economic recession. The GDP, which had been expected to rise by about 6 %, decreased instead by 4.5%. In 2001 a budget deficit of over 6.5% of GDP was recorded (compared with a surplus of 2.5% in 2000). However, recently

⁴⁸ One should also not neglect the more direct impact of economic instability on inter-ethnic relations in the country. In this regard it should be observed that an access to scarce state resources in the form of job opportunities in the public sector became an important factor, and education, especially at University level, was an essential precondition for employment. In addition, the socio-economic situation of minorities is very often also an obstacle to their access to higher education, and vice versa - without higher education the chance to improve their situation is limited.

⁴⁹ In 1995 the Government put the price of the sanctions and blockade by Greece at over 2 billions USD.

⁵⁰ On its effects on the Macedonian economy see in: OSCE Mission in Skopje, Background Report on the Economic Spill-Over Effects from the Crisis in Kosovo, April 1999.

the Macedonian economy is showing some signs of recovery; since 2004 the GDP has increased by 3 - 4% annually.⁵¹

Besides constant crises in the region which significantly affected economic performance of the country, Macedonia is struggling with such problems like organised crime and corruption. Organised crime has been on a rise especially after the 2001 conflict. Some argue that organised crime is the only multiethnic structure in the region; however, in reality the gangs are also organised along ethnic lines. What is additionally dangerous is the linkage between organised crime and ethnic conflict, as many Albanian rebels have been also involved in criminal activities or decided to join the criminal gangs afterwards. Corruption has been described as endemic since it has evolved from passive exploitation to active coercion and acquired the capacity not only to retard economic progress but also to feed organised crime and, in turn, political and communal instability.⁵² In the Transparency International 2006 Corruption Report, Macedonia was ranked 105th among 163 countries covered by the report.⁵³ In addition, the quality of administration and judiciary is low. One of the main reasons is the limited human resources - many statistics show a poor level of education of the Macedonian society.

The paradox of the situation is that Albanians, who perceive themselves as second class citizens, being heavily under-represented in the country's public services, state owned enterprises and education, in general are economically doing better. The exclusion of Albanians from the public sector and the benefits it offered had forced them to seek out economic opportunities elsewhere - in the private sector or abroad, which had left them better equipped to survive the collapse of the communist system.⁵⁴

⁵¹ Data of the National Bank of the Republic of Macedonia (www.nbrm.gov.mk).

⁵² International Crisis Group, Macedonia's Public Secret: How Corruption Drags the Country Down, ICG Report No. 133, Skopje/Brussels, 14 August 2002.

⁵³ At the same time the Council of Europe survey "Public Opinion on Corruption in the Republic of Macedonia" showed that areas which are most affected by corruption are higher education and judiciary (Dnevnik, 12 July 2006).

⁵⁴ The common estimate is that in some regions in north and north-west of the country nearly every household has at least one family member working abroad. It has mainly a positive effect - emigrants are

The average salary in the country in 2005 was 256 USD.⁵⁵ The major problem is unemployment, which is growing and has reached 35,9%.⁵⁶ Unemployment among youth is especially high - 70% of all unemployed are below 25. What is important from the point of view of this study is that unemployment is very high among workers with low education attainments.

3.5. Ethnic Structure

Table 1

Census Data by Year and Percentage According to Declared Ethnic Affiliation in post-World War II Censuses Conducted in the Republic of Macedonia⁵⁷

	1953	1961	1971	1981	1991	1994	2002
Macedonians	66,0%	71,2%	69,3%	67,0%	65,3%	66,6%	64,2%
Albanians	12,4%	13,0%	17,0%	19,8%	21,7%	22,7%	25,2%
Turks	15,6%	9,4%	6,6%	4,5%	3,8%	4,0%	3,6%
Roma	1,6%	1,5%	1,5%	2,3%	2,6%	2,2%	2,7%
Serbs	2,7%	3,0%	2,8%	2,3%	2,1%	2,1%	1,8%
Vlachs	0,6%	0,6%	0,6%	0,3%	0,4%	0,4%	0,5%
Others	1,1%	1,3%	2,2%	3,8%	4,1%	2,0%	2,0%

The affiliation by religion is as follows: Christian Orthodox: 59%, Muslim: 26%, Roman Catholic: 4%, other or none: 11%. Macedonians belong predominantly to the Macedonian Orthodox Church, while ethnic Albanians are overwhelmingly Muslim.

supporting their families living in Macedonia. However, it has also negative effects of brain drain - among around 10,000 people that leave the country each year, approx. 20% completed University education. The biggest number of those who leave are people at the age of 18-35, 60% are ethnic Albanians (Utrinski Vesnik, 3 August 2004). The results of an opinion poll conducted by the Macedonian Economic Institute about the migration intentions of the students from three faculties in Skopje were devastating: 85% of the students were thinking of leaving the country permanently or temporary after they graduate (Dnevnik, 10 July 2003).

⁵⁵ Data of the State Statistical Office of the Republic of Macedonia (www.stat.gov.mk).

⁵⁶ Data of the State Statistical Office of the Republic of Macedonia from March 2006 (ILO definition).

⁵⁷ Sources: Antonovska, Svetlana, Statisticki Godisnik na Republika Makedonija, Zavod za Statistika, Skopje, 1994; Antonovska, Svetlana, Popis '94: Podatoci za Segasnosta i Idninata. Prvi Rezultati. Soopstenie 1, Soopstenie 2., Zavod za Statistika, Skopje, 1994; Antonovska, Svetlana, Broj i Struktura na Naselenieto vo Republika Makedonija po Opstini i Nacionalna Pripadnost: Sostojba 31.03.1991 godina, Skopje, 1991; State Statistical Office of the Republic of Macedonia, 2003.

Despite the above-mentioned official data, practically all minorities challenged them quoting “their own” statistics and giving highly inflated figures of 700,000 - 800,000 Albanians, 300,000 Serbs, 200,000 Turks and Roma each, similar figures of Greeks, Bulgarians, Vlachs, etc. (see in Nova Makedonija, 20 April 1991, MILS News 13 January and 22 February 1993). The point was clearly not one of statistical accuracy but rather claims to political power and hegemony.

Despite this, religious affiliation has never been a major factor in the country, which could be explained by the fact that none of the major religious groups is extreme. It has to be also attributed to a large communist legacy of secularism. Apart from Albanians and Turks who are predominantly Muslims there is a group of ethnic Macedonians who declare themselves as Muslims.

The birth rate is 13.35 births/1000 population. However, the number of births is decreasing as e.g. in 2002 there were 27,700 births in comparison with 34,800 in 1991. Approximately 1/3 of all municipalities have a negative growth and these are predominantly municipalities with a majority of ethnic Macedonians.⁵⁸ Indeed, although both the population growth in general and the gap between the population growth of Macedonians and Albanians are decreasing, there is still the demographic pressure driven by a considerably higher birth-rate of Albanians.⁵⁹ In 2002 apparently 38% of the new-born babies in Macedonia were Albanians.⁶⁰ The proportion of Albanians in the younger age groups is higher than the average for the whole population; thus the percentage of Albanians over time is likely to be increasing. The percentage of the population of the 5-14 age is one of the highest in Europe and ethnic Albanians account for at least 30% of it. According to some research based on fertility rates in Macedonia, by 2025 ethnic Albanians and Macedonians will account for equal shares in the above age group.⁶¹ It has far-reaching consequences for future strategies for education at all levels, including higher education. In addition, it causes fear among ethnic Macedonians, who are concerned that one day they might become a minority “in their own country”.

⁵⁸ Interview with Director of the State Statistical Office D. Gerasimovski (Start, 19 August 2003).

⁵⁹ The fertility rate (number of children per married woman of reproductive age) for the Macedonian community was 1.7, below replacement level, while among Albanians this rate was 3.4 (Ackermann, Alice & Carter, Lynn & Janev, Goran, An Assessment of Ethnic Relations in Macedonia, Report for USAID/Macedonia by Management System International, Washington D.C., December 2000, p. 11). This picture was confirmed *inter alia* by experts involved in monitoring of 2002 census (High Level Expert Group (HLEG) for the International Observation and Monitoring of the Population and Housing Census in the FYROM in 2002, Monitoring the 2002 Census in the former Yugoslav Republic of Macedonia, Final Report to the Steering Committee, April 2004, p. 6).

⁶⁰ Interview with the Deputy Director of the State Statistical Office, Milaim Ademi (Nova Makedonija, 26 August 2003).

⁶¹ Interviews by the author with local and international experts in the field of statistics (July - November 2002).

The analysis of the ethnic situation of Macedonia should start with the fact that the legitimacy of the identity of the majority group, i.e. the ethnic Macedonians, is still subjected to equivocation. Some insist that the Macedonian identity is of recent origin, and may be largely a product of Yugoslav national policy.⁶² The modern Macedonians, consider themselves Slavs, but trace their history back to ancient times and some consider Alexander the Great to be their forebear.⁶³ Certainly this is challenged by Greece. Since ethnic Macedonians suffer from challenges to their identity expressed by their neighbours, this only increases the sense that their already fragile nation is besieged not only by its own hostile minority supported in some of its claims by the international community, but also by unfriendly neighbours. It helps to understand why, so far, a lot of energy has been spent on consolidating the country's international position and solving the symbolic, but for Macedonians highly important, issue of the international recognition of the constitutional name of the country. One should also recognise the link between the identity challenges perceived by ethnic Macedonians and their lack of will to implement reforms in the area of minority rights.⁶⁴

Ethnic Albanians are by far the largest national minority in Macedonia. They live predominantly in compact settlements in the north-western and western part of Macedonia bordering with Kosovo and Albania. They make up the majority in Tetovo (72,25%), Gostivar (65,56%), Struga (54.75%), Kicevo (54,51%) and Debar (48,66%). However, the capital, Skopje, is the city with the biggest number of Albanians in Macedonia, where 133,000 inhabitants (23.15% of the total population of the capital) live and the number has increased by approx. 20,000 since the 1994

⁶² Minority Rights Group International, World Directory of Minorities, London, 1997, p. 233.

⁶³ The "Macedonian question" appeared on the agenda at the end of XIX century, but only after the World War II, Macedonians were recognised as a separate nation having its own distinct language and culture, setting Macedonians apart from Serbs and Bulgarians despite close linguistic, historical, religious and cultural links. This distinction was *inter alia* vital to Tito's plans to preserve Yugoslavia's integrity. First of all, it undermined Bulgaria's claims regarding Macedonian territory and the identification of Macedonians as Bulgarians. Secondly, it prevented Macedonians from being considered part of the Serbian nation, by this reducing the size of the historical "Greater Serbia" and preventing it from playing a completely dominant role in the new state.

⁶⁴ See *inter alia* in International Crisis Group, Macedonian's Name: Why the Dispute Matters and How to Resolve It, ICG Report No. 122, Brussels/Skopje, 10 December 2001.

census.⁶⁵ There is also a significant Albanian population in the town of Kumanovo (north of the country) as well as in villages linking Kumanovo and Skopje. Since ethnic Albanians are characterised by their mobility many of them not only went to western Europe, but also moved around the SFRY. When Macedonia became independent it was estimated that approximately 100,000 Albanians residing in Macedonia, who came from Kosovo in the 1980s and early 1990s, had not received Macedonian citizenship.⁶⁶ Indeed, the Albanian community in Macedonia has close ties with the Kosovo Albanians.

Smaller communities like the Turks, Roma, Serbs or Bosniacs, which together make up approximately 10% of the population of the country, are in a different situation. They are relatively satisfied with their rights and do not strive to get the same political positions as ethnic Albanians. However, they often feel marginalised in the discussion on future inter-ethnic relations in the country, which is mainly conducted between ethnic Macedonians and Albanians.

By contrast with the situation in Kosovo, where serious tensions have been experienced in the past, no major conflicts and violence between the different ethnic groups were reported in Macedonia before the break-up of Yugoslavia. Some disturbances that occurred were anyway closely linked to the situation in Kosovo. Occasionally Macedonia's Albanians demanded that the majority Albanian areas of Macedonia should merge with Kosovo in a (predominantly ethnic Albanian) seventh Yugoslav republic. In addition, after developments in Kosovo in 1981, when Albanians in massive demonstrations demanded a republican status for Kosovo, several different methods ranging from long prison sentences for nationalist demonstrations to several regulations on the media and the use of Albanian names,

⁶⁵ State Statistical Office of the Republic of Macedonia, 2003.

⁶⁶ The Macedonian citizenship law until 2004 required at least 15 years of residence on the territory of the country, the rigid requirement which is highly unusual in today's Europe. Only with the adoption of the new citizenship law in January 2004 this requirement was reduced to 8 years of residency.

revision of schools curricula etc. were introduced also in the Socialist Republic of Macedonia.⁶⁷ As a result inter-ethnic relations worsened.

The first years of Macedonia's independence was characterised by economic difficulties and the impoverishment of a considerable proportion of the population. It created a fertile ground for growing ethnic dissatisfaction, especially by the Albanian community. Ethnic Albanians (as well as ethnic Serbs) boycotted the 1991 referendum on independence claiming that their basic human rights were not properly respected. In November 1991 ethnic Albanian members of the Parliament abstained from ratifying the new Constitution on grounds that its Preamble mentioned ethnic Albanians as a minority and not as a constituent nation with equal rights with Macedonians. Albanians considered this action as an attempt to create a purely mono-ethnic and not a civic state. On 11 January 1992 two Albanian political parties - the PDP and the small National Democratic Party (NDP) organised their own referendum among the Albanian population, when allegedly 99% of participants voted in favour of political and territorial autonomy of majority Albanian territories of Macedonia (the so-called Ilirida). That led to fears that it might be a first step to secession and the creation of a Greater Albania.

Between 1991 and 2001 three serious inter-ethnic violent incidents took place, the first was a riot at the open market (Bit Pazar) in Skopje on 6 November 1992 when three Albanians and one Macedonian were killed. On 17 February 1995 one Albanian was killed and several injured when police clashed with the demonstrators in support of the unrecognised Tetovo University. On 9 July 1997 two ethnic Albanians and one policeman were killed and many were wounded in riots in Gostivar as a result of tensions concerning the display of the flag of the Albanian nationality (which is identical to the flag of the Republic of Albania) on municipal town-halls. Finally in early 2001 the violence erupted in areas largely populated by ethnic Albanians which put the country on the brink of the civil war.

⁶⁷ On more details see Chapter 6.

In today's Macedonia inter-ethnic relations, especially between ethnic Macedonians and Albanians, are characterised by unease and deep mistrust. Albanians, especially living in villages, form a highly traditional and isolated community in many cases still based on a clan system. Besides speaking different languages and practising different religions than the majority community, they tend to operate in more or less independent social, cultural and economic spheres. Each community has its own sources of information, places for socialization, schools, organizations and political parties. Some unofficial statistics show that in the last ten years the average number of mixed marriages per year was eighteen.⁶⁸ Ambassador Geert-Hinrich Ahrens, Head of the Working Group for Human Rights and Minorities within the International Conference on Former Yugoslavia (ICFY), developed a thesis of a parallel existence instead of a common existence between two major ethnic groups in Macedonia.⁶⁹ Having few points of contact and sporadic social inter-action, ethnic Albanians and Macedonians have little understanding of each other's language, culture and history. Some ties and even friendships still exist, but they hardly get any support from the authorities and the civil sector.⁷⁰ The inter-ethnic relations have even worsened as the result of the 2001 violence and today both communities are probably more distant from each other than ever before.

Both main communities are nurturing damaging prejudices. Albanians feel that the Macedonian policy of discrimination made them second class citizens quoting some data, in particular regarding their participation in public life, to confirm their view. On the other hand, Macedonians believe that most Albanian politicians are extreme nationalists, and that they cannot be trusted, as they may have a hidden agenda of the creation of some kind of a "Greater Albania" at the expense of Macedonia. The growth of Albanian national aspirations in Macedonia is seen as fatal to territorial integrity and even the very existence of the republic and the Macedonian nation. They

⁶⁸ A report showed that 95% of Albanians and Macedonians would object to their son/daughter marry a girl/boy of a different nationality (Minority Right Group, Minorities in the Balkans, Minority Right Group Report, London 1989, p. 28).

⁶⁹ Interview with Puls, 3 February 1995.

⁷⁰ European Commission Against Racism and Intolerance, 2004 Report. See also in: Utrinski Vesnik, 22 September 2004.

fear that demands regarding the recognition of Albanian as the second official language or the so-called “consensual democracy”, giving Albanians a right to veto on all decisions affecting them (practically most decisions on state affairs) would paralyse the country and would be a first step towards secession. The stereotype stubbornly persists that the Albanians and their leaders are constantly planning some kind of rebellion against the sovereignty of the state and this has only been confirmed by the developments in 2001. Albanians officially deny this, but it is, however, true that some of them still have not completely abandoned the idea of federalisation of the country which is by many considered as the first step towards its partition.⁷¹ On a positive side it should be noted that one of the opinion polls showed Macedonian citizens, regardless of their ethnic belonging, are much more tolerant and more prepared for cohabitation than the political parties and their leaders. 95% of the local population replied positively to the question whether confidence could be developed between Macedonians and Albanians.⁷² This is a potential on which leaders of both communities should build the future of the country.

3.6. Conclusions

The Republic of Macedonia is still ethnically and socially divided, economically unstable and politically shaky. It is a relatively weak state with external and internal challenges to its existence and certainly cannot be simply compared with other countries in transition in eastern and south-eastern Europe. This has created a dangerous cocktail which feeds nationalism and contributes to ethnic tensions and instability. In addition, the complex situation in the region as well as the difficult relationship with neighbours only contributed to fears of ethnic Macedonians regarding the future of the country and made them hesitant to meet many demands of the minorities.

⁷¹ Fortunately a great majority of Albanians in Macedonia reject the idea of dividing the country. 77,5% of ethnic Albanians and 85% of ethnic Macedonians support the territorial integrity of Macedonia (International Commissions on the Balkans, *The Balkans in Europe's Future*, Brussels/Washington DC, 12 April 2005, pp. 17-18). However, the same survey showed that according to citizens of the country, Macedonia is the most vulnerable place in the Balkans (Ibid, p. 26 and figure 9 on page 46).

⁷² NGO Research "Project for Only Vision", Dnevnik, 26 May 2003.

Fortunately, at the beginning of the XXI century some concerns which seemed to pose serious threats to Macedonian integrity immediately after it became independent (such as Serbian aggression, partition by its neighbours, unification with Bulgaria etc.) belong rather to history. The persistent problems including weak state institutions, economic crisis, criminality, corruption, inefficient judiciary and the complex regional situation create serious challenges for the stabilisation of the situation in the country. However, the biggest concern and the main potential destabilising factor remain inter-ethnic relations, which also continue to affect other fields, in particular the political, economic and social life of the country. A neglect of efforts aimed at the integration of minorities, especially Albanians into society and the total separation along ethnic lines in all aspects of life, played its negative role. This was aggravated by demographic pressure driven by a higher birth rate among ethnic Albanians and the fact that they were suspected of having a hidden agenda of division of the country. At the same time, Albanians bitterly complained of being treated as second class citizens in Macedonia. Only a final solution to inter-ethnic problems in the country could bring prospects for a better future and possible integration into European structures. At the same time, the integration with the EU, together with the implementation of the Ohrid Framework Agreement, have already served as a catalyst for many important reforms. The prospects of ultimately joining the European Union remain a uniting factor of practically all political forces significantly contributing to the process of stabilisation of the situation.

Part II

LEGAL BASIS

Chapter 4: An Overview of International Standards Concerning Higher Education in Minority Languages

4.1. Introduction

One of the key elements of the problem of minority language higher education is its legal basis. An initial analysis of the state of the Macedonian legislation revealed a number of weaknesses, which were the grounds for the Macedonian authorities' negative reaction to Albanian demands. As such, existing ambiguities in the domestic legislation created a kind of uncertainty which contributed to maintaining high tensions in this regard. Therefore, if not addressed, they would have had a negative impact on the solution to the problem. On the other hand, there is no doubt that any steps towards such a solution, including the creation of a new institution of higher education, had to be in accordance with the constitutional order of the country and in conformity with international principles. Against this background, the existing international standards had to be taken as a point of departure in the discussion on the solution to the problem of Albanian language higher education.

The right to education, although generally considered to be a cultural right, is also related to other human rights. As far as international standards are concerned, it has to be noted that there is no unequivocal international norm regarding access of minorities to higher education in their mother tongue. Duncan Wilson stressed, however, that the lack of conventional expression of minority rights in education does not necessarily mean that such rights do not exist in international law.⁷³ Many international instruments include provisions regarding minorities and education. However, any positive state obligations, in particular regarding higher education, are stated in very cautious terms giving the state parties a wide margin of appreciation.⁷⁴

⁷³ Wilson, Duncan, *Minority Rights in Education, Lessons for the European Union from Estonia, Latvia, Romania and FYROM*, Lund/Stockholm, December 2002, p. 11.

⁷⁴ Henrard, Kristin, *The Definition of Minorities and the Rights of Minorities Regarding Education in International Law* in de Groof, Jan & Fiers, Jan (eds.), *The Legal Status of Minorities in Education*, ACCO (Academische Cooperatief c.v.), Leuven (Belgium), 1996, p. 65.

In the description of international standards in the field of higher education provided in this Chapter, emphasis is being placed on documents that make reference to access by persons belonging to national minorities to higher education, the right to establish private education institutions and the use of the mother tongue in educational activities. Chapter 5 will focus on the state of the Macedonian legislation regarding the above-mentioned aspects with special emphasis on adjusting it to international standards. Therefore, significant attention will be dedicated to the process of drafting a new law on higher education which *inter alia* revealed restrictive interpretation of those international standards by the Macedonian authorities.

4.2. Universal Level/United Nations⁷⁵

Universal Declaration of Human Rights (UDHR), 1948

As far as the universal level is concerned, Article 26, para 1 of the 1948 Universal Declaration of Human Rights states that “everyone has the right to education” and that “...higher education shall be equally accessible to all on the basis of merit”. In principle, the UDHR is a non-binding instrument, but since its adoption it has gained wide approval and acceptance. As the Declaration did not make any reference to “minorities”, its significance lays rather in the fact that it sets out individual rights on the basis of non-discrimination. This has set a pattern for much of the UN documents. In the early years of the UN, minority rights had been discussed in the framework of general human rights. The “reinstatement” of specific minority rights as part of the total concept of human rights came later.⁷⁶

UNESCO Convention against Discrimination in Education, 1960⁷⁷

Article 5, para 1c of the UNESCO Convention against Discrimination in Education states:

⁷⁵ Status of ratification of the principal international human rights treaties by the Republic of Macedonia see at: <http://www.unhcr.ch/pdf/report.pdf>.

⁷⁶ Gibbons, Dianne & Thornberry, Patrick, Education and Minority Rights, A Short Survey of International Standards in International Journal on Minority and Group Rights, Volume 4, No. 2 1996/97, Kluwer Law International, the Netherlands, 1997, p. 118.

⁷⁷ Entered into force on 22 May 1962. Notification of succession by the Republic of Macedonia on 30 April 1997.

“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.”

This provision recognises special education rights for members of minorities, as well as the link between education and language. At the same time it put some limitations on the scope of this right, which some authors criticised as containing a potential danger of abuse by states.⁷⁸ Thus already in 1960 there was an attempt to balance the interests of members of minorities and the state. Duncan Wilson described this provision as a negative guarantee of freedom from state interference in establishing parallel minority schools privately.⁷⁹ In addition, Gibbons and Thornberry have argued that the connection between minority education and “national sovereignty” is too sweeping since “when states invoke sovereignty against minority rights, it is difficult to fashion a reply” because “threat to sovereignty is too vague a charge.”⁸⁰ However, it seems that persons belonging to national minorities should, on one the hand, have the right to pursue education, including higher education, in the way which would foster their identity, culture and tradition while, on the other hand, they should study the language of the majority in order to increase their chances for better integration into society. It should be mentioned that at that time the General Conference of the UNESCO took the position that Article 5 of this Convention did not require states to secure public funds to support minority schools.

⁷⁸ Hailbronner, Kay, *The Legal Status of Population Groups in a Multinational State under Public International Law* in Dinstein, Y & Yabory, M (eds.), *The Protection of Minorities and Human Rights*, Martinus Nijhoff Publishers, Dordrecht, 1992, p. 137.

⁷⁹ Wilson, Duncan, 2002, p. 11.

⁸⁰ Gibbons, Dianne & Thornberry, Patrick, 1997, p. 134.

Article 2 of the same Convention stress that:

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

“(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”.

It has to be concluded that according to the Convention states can fulfil their obligations towards minorities in two ways: by permitting the establishment of minority schools with teaching in the minority language or by the introduction of the minority language as a language of instruction in schools where the majority language is used.

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965⁸¹

The provisions of the International Convention on the Elimination of All Forms of Racial Discrimination should be mentioned as well. Although the Convention deals mainly with race discrimination, it is also receptive to minority concerns, especially in the light of its Article 1, which stipulates that 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”. Article 5, para e (V) of the ICERD prohibits the discrimination in the enjoyment of the right to education and training.

⁸¹ Ratified by the Republic on Macedonia on 17 September 1991 (succession of SFRY).

International Covenant on Civil and Political Rights (ICCPR), 1966⁸²

Article 27 of the International Covenant on Civil and Political Rights says:

“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.”

This article clearly underlines the right of minorities to maintain and preserve their identity. It leads to the obvious link with education, which provides the most important means of preserving the distinct identity. Of course this raises a number of questions regarding, *inter alia*, the scope of education (primary, secondary or higher), possible limitations, state funding etc. There is no doubt that the language of education is very important, especially at the primary level, as it influences the abilities of the children to develop and learn the content of what is taught. However, it would be equally wrong not to provide the minority population with the possibility to study in their own language as well as not to provide the minority with opportunities to learn the language of the majority, which in the future might be an important element of their job opportunities.

UN Declaration regarding the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992⁸³

Such interpretation of Article 27 of ICCPR has been acknowledged in the UN Declaration regarding the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Although this declaration is not legally binding, it has been widely perceived as an interpretative guideline for Article 27 of ICCPR, from which it draws inspiration. Article 4, para 3 of the Declaration says:

“States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue”.

⁸² Ratified by the Republic of Macedonia on 17 September 1991 (succession of SFRY).

⁸³ A proposal for the adoption of a minority declaration was submitted by the Government of the SFRY on XXXIV Session of the Human Rights Commission in 1978.

Under this provision the rights of persons belonging to national minorities to study or receive instruction in their mother tongue are weakened by such wording like “wherever possible” or “take appropriate measures”. Therefore, it could leave room for restrictive implementation by the states.

Although the Declaration cannot be described as overambitious, through recognising the need for the protection of the identity of the minorities, it made a step forward in comparison to the approach followed by the ICCPR.

International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966⁸⁴

The International Covenant on Economic, Social and Cultural Rights devotes Articles 13 and 14 to the right to education. Article 13, the longest provision in the Covenant, was the most wide-ranging and comprehensive article on the right to education in international human rights law at that time. However, since the ICESCR was adopted in 1966, later on other international instruments, especially at the European level, have further elaborated the objectives to which education should be directed.

Article 13, para 1 of the ICESCR states:

“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”.

Article 13, para 2c adds:

“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”.

De Groof, Neave and Svec argued that this paragraph did not require that the higher education should be free but rather that “its eventual free nature should be forwarded progressively”. Furthermore, the reference to “capacity” suggests that entry to higher education does not extend to everyone.⁸⁵

⁸⁴ Ratified by the Republic of Macedonia on 18 January 1994 (succession of SFRY).

⁸⁵ De Groof, Jan & Neave, Guy & Svec, Juraj, *Democracy and Governance in Higher Education*, Kluwer Law International, The Hague/London/Boston, 1998, p. 45.

According to the Article 13, para 2e:

“The development of a system of schools at all levels shall be actively pursued”.

Article 13, para 3 underlines the freedom to establish private educational institutions and stress “the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities” for which the State may stipulate “the minimum educational standards”.

Additionally, Article 13, para 4, stipulates:

“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 1 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”.

As the preceding paragraph (2e) of Article 13 addresses education at all levels, and insofar as paragraph 4 stipulates the liberty to establish and direct educational institutions in general, it is to be concluded that this liberty applies to all levels of education. Support for such an interpretation can be found in doctrine. Manfred Nowak argued that the right to establish and direct educational institutions applies to all types of institutions from nursery to universities, although this freedom is not absolute but is subject to minimum standards of education as may be laid down by the State⁸⁶. The "minimum standards" referred to in Article 13 para 4 must be reasonably and strictly related to educational needs. At the level of higher education, these are normally determined by strict academic criteria.

As in the case of the Universal Declaration of Human Rights, the non-discrimination formula of the ICESCR (in particular Article 2, para 2) complements the “educational” provisions. These provisions give the members of nationalities the right to establish educational institutions according to their needs. However, there is no obligation of the state financially to contribute to this end. In any event, the

⁸⁶ Nowak, Manfred, *The Right to Education* in Eide, A. & Krause, C. & Rosas, A. (eds.), *Economic, Social and Cultural Rights (Second Revised Edition)*, Martinus Nijhoff Publishers, Dordrecht/Boston/London, 2001, p. 264.

prescription of a specific language of instruction cannot be a requirement of the State in relation to private educational institutions since Article 2 para 2 of the ICESCR prescribes that “the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to ... language...”.

UN Convention on the Rights of the Child (UNCRC), 1989⁸⁷

A number of references to education (equally relevant to persons belonging to minorities), as well as their right to establish private educational institutions, have been included in the UN Convention on the Rights of the Child. Article 28, para 1c states:

“States Parties shall make higher education accessible to all on the basis of capacity by every appropriate means”.

Article 29, para 2 underlines that no part of these provisions “be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject to.... the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State”.

The text balances respect for minority rights and those of the State in a similar way as in Article 13, para 3 and 4 of the ICESCR as well as in Article 2 and Article 5, para 1c, point (ii) of the 1960 UNESCO Convention against Discrimination in Education.

Article 30 of the UNCRC is modelled directly on the provision of ICCPR and says:

“In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language”

It again makes the link between the right to maintain identity and education.

⁸⁷ Ratified by the Republic of Macedonia on 17 September 1991 (succession of SFRY).

4.3. The Council of Europe

The Council of Europe has always been at the forefront of the human rights, setting up standards for their promotion. Both education and minority issues have been among the Organisation's priorities, although practical legal and policy measures had been developed only in the nineties of the XX century. The Council of Europe focus on the rights of persons belonging to national minorities in the nineties was partially a reaction to the collapse of communism in central and eastern Europe, which was often associated with inter-ethnic tensions or conflicts and the ensuing emergence of claims for minority rights.

European Convention on Human Rights and Fundamental Freedoms (ECHR), 1950⁸⁸

The CoE European Convention on Human Rights and Fundamental Freedoms does not contain special provisions on the rights of minorities and only article 14 refers to non-discrimination:

“The enjoyment of 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 and social origin, the association with national minority, property, birth or other status”

The First Protocol to the ECHR, 1952

The First Protocol to the ECHR makes only general reference to the right to education, in addition framed in negative terms (“no person shall be denied the right to education”) and the right of parents to ensure education and teaching in conformity with their own religious and philosophical conviction (Article 2). It ought not to be forgotten that the right to education was one of the most controversial topics when the Convention was drafted. When included in the First Protocol, an unusually large number of states made a reservation regarding Article 2 in their ratifications.⁸⁹

⁸⁸ Entered into force on 3 September 1953. Signed by the Republic of Macedonia on 9 November 1995, ratified by the Parliament and entered into force on 10 April 1997.

⁸⁹ See in Harris, D.J. & O'Boyle, M. & Warbrick, C., *Law of the European Convention on Human Rights*, Butterworths, London, Dublin, Edinburgh, 1995, p. 541.

Jurisprudence of European Court of Human Rights (ECtHR)

In the case of ECHR more important is, however, the jurisprudence. Although the Convention has not specifically addressed the issue of minorities and education, the commitment of non-discrimination has been reflected in rulings of the European Court of Human Rights and opinions of the former European Commission of Human Rights. The ECtHR *inter alia* ruled that Article 2 of the First Protocol to the ECHR extends the right to education to the establishment of and the access to private schools or other means of education outside the public school system.⁹⁰ It was confirmed in the Jordebo case.⁹¹ In the same case the Commission ruled that the state has the power and duty to regulate the private education, but cannot use this power to violate the substance of the right. At the same time the European Commission of Human Rights stressed that ensuring that the alternative systems of education are of adequate efficiency, the state does not, however, have a duty to subsidise private institutions.⁹² It should be concluded that Article 2 of the First Protocol, in the absence of any qualification, extends to all forms and levels of education. In some cases, however, the Commission noted that Article 2 of the Protocol 1 primarily concerns elementary education.⁹³

The Belgian Linguistic Case remained for a long time the core authority on Article 2 of the First Protocol.⁹⁴ The Court ruled that the policy of the Belgian Government disadvantaging members of linguistic minorities was not discrimination, since Article 2 of the Protocol does not guarantee a right to ensure that public authorities create a particular kind of educational establishment. However, the Court approach has been

⁹⁰ See the case Kjeldsen, Busk Madsen and Pedersen against Denmark, judgement of 7 December 1976, para 50.

⁹¹ Ingrid Jordebo Foundation of Christian Schools and Ingrid Jordebo against Sweden, European Commission of Human Rights Application No 11533/85, 6 March 1987, 51 DR 125.

⁹² W and KL against Sweden, European Commission of Human Rights Application No. 10476/83, 11 December 1985, 45 DR 143.

⁹³ X against UK, European Commission of Human Rights Application No. 5962/72, 13 March 1975, 2 DR 50, p. 50, 15 Foreign Students against UK, European Commission of Human Rights Application No. 7671/76, 19 May 1977, DR 9, pp. 185 - 187 (Gomien, Donna & Harris, Dawid & Zwaak, Leo, Law and Practice of the European Convention on Human Rights and the European Social Charter, Council of Europe Publishing, Strasbourg 1996, p. 327).

⁹⁴ Inhabitants of Alsemberg and Beersel, Kraainem, Antwerp and Environs, Ghent and Environs, Louvain and Environs and Vilvorde against Belgium, judgement of 23 July 1968.

criticised in legal literature for the tolerance it showed for assimilative policies.⁹⁵ Since linguistic minorities have been excluded by this ruling, it seems that under such restrictive interpretation groups claiming educational rights on ethnic grounds would also fall beyond the scope of Article 2 of the First Protocol.

European Charter for Regional or Minority Languages (Language Charter), 1992⁹⁶

The Charter does not confer rights, but only contains general principles obliging signatory states to provide equal protection to regional and minority languages. In Article 8 it contains obligations regarding the use of language in education. Para 1e concerning higher education states:

“With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

- i) to make available university and other higher education in regional or minority languages; or
- ii) to provide facilities for the study of these languages as university and higher education subjects; or
- iii) if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects”.

This Article contains, as a matter of fact, little substance as it merely offers the possibility to choose commitments. In this regard it should be remembered that Part III of the European Charter contains so-called *à la carte* system.⁹⁷ The state parties have only to pick one of three paragraphs by which they will be bound, while offering a wide range of alternatives.

⁹⁵ Harris, D.J. & O’Boyle, M. & Warbrick, C., 1995, p. 548.

⁹⁶ Signed by the Republic of Macedonia on 25 July 1996. It has not been yet ratified.

⁹⁷ Part III - Measures to promote the use of regional or minority languages in public life in accordance with the undertakings entered into under Article 2, paragraph 2

Framework Convention for the Protection of National Minorities (FCPNM), 1995⁹⁸

Significant progress in addressing the question of educational rights of national minorities was only achieved in February 1995 with the adoption of the Council of Europe Framework Convention for the Protection of National Minorities. Nevertheless the FCPNM can largely be seen as translating the OSCE political commitments - elaborated in the Copenhagen Document - in legal provisions. Indeed, the Framework Convention is the first legally binding multilateral instrument designed to protect national minorities. However, even today minority-related issues are still regarded a prerogative of the national legislator and specific instruments like the Framework Convention and the Language Charter oblige signatory states only vis-à-vis the Organisation, and do not as such confer directly rights to minority groups or their members.⁹⁹ As a matter of fact the FCPNM contains mostly programme-like provisions setting out objectives which the parties undertake to pursue. Its provisions are not directly applicable and are leaving states a large degree of discretion in implementation. In addition, the FCPNM guarantees only individual and not collective rights of minorities.

Article 12 of the Framework Convention states that:

“1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.

2. In this context the Parties shall *inter alia* provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities”.

⁹⁸ Signed by the Republic of Macedonia on 25 July 1996, ratified on 10 April 1997, entered into force on 1 February 1998. Macedonia attached an interpretive declaration to the FCNM which *inter alia* names its minority groups: “The Republic of Macedonia declares that the term "national minorities" used in the Framework Convention for the Protection of National Minorities is considered to be identical to the term "nationalities" which is used in the Constitution and the laws of the Republic of Macedonia. The Republic of Macedonia declares that the provisions of the Framework Convention for the Protection of National Minorities will be applied to the Albanian, Turkish, Vlach, Roma and Serbian national minorities living on the territory of the Republic of Macedonia”.

⁹⁹ Kleiser, Andreas, Council of Europe: Policy Measures, the Hard Law and the Issue of Minorities in de Groof, Jan & Fiers, Jan (eds.), *The Legal Status of Minorities in Education*, ACCO (Academische Cooperatief c.v.), Leuven (Belgium), 1996, p. 109.

Without any doubt Article 12, para 3 confirms the right of minorities for access to education at the higher level, putting, however, aside the question of the use of the mother tongue.

Article 13 says:

"1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

2. The exercise of this right shall not entail any financial obligation for the Parties."

Article 13 confirms the rights of minorities to set up their own educational institutions, but determines that States have no financial responsibilities in the enforcing of this right. However, it also does not exclude the possibility of a state contribution to this type of education. Once certain standards have been met, certificates and diplomas obtained at such schools shall be officially recognised. Furthermore, the unqualified reference to "education system" implies that this right applies to all levels of education. It is confirmed by the fact that Article 12 para 3 refers to "education at all levels"; it has to be concluded, therefore, that the right to establish private institutions includes higher education.

Article 14 states:

"1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language."

Article 14 para 2 provides a slightly clearer formulation than in previous UN documents, including UN Declaration regarding the Rights of Persons Belonging to National or Religious, Ethnic and Linguistic Minorities. However, para 75 and 76 of the Explanatory note to the Framework Convention underline that the provisions of Article 14 para 2 of the FCPNM has been worded very flexibly, leaving parties a wide measure of discretion. The obligation to ensure instruction "of" or "in" minority languages is subject to several conditions, in particular, there must be "sufficient demand" from persons belonging to the relevant national minorities. At the same time, the text deliberately refrains from defining what would represent such "sufficient demand". A flexible form of wording allows Parties to take account of their countries' own particular circumstances. Such exceptions are in the nature of the Framework Convention, which gives broad discretion to individual states in application. References like "as far as possible" and "within the framework of their education systems" Duncan Wilson calls "claw-back clauses", which weaken the State obligation and give scope for restrictive interpretation and reduce the substance of the obligation.¹⁰⁰ For example the clause "as far as possible" might indicate that the instruction is dependent on the available resources of the party concerned.

Article 14 para 3 underlines the importance of the knowledge of the official language for social cohesion and integration. There is no doubt that persons belonging to national minorities, besides having the right to receive curriculum in their mother tongue, should learn an official State language as well. The need to learn "the official language or languages of the state concerned" has been elaborated in a number of other documents, for instance paragraph 34 of the OSCE Copenhagen Document. It is also reflected in the paragraph 12 and 13 of the Hague Recommendations¹⁰¹ when it is stressed that the official State language should also be taught in primary and secondary schools as a subject on a regular basis.

¹⁰⁰ Wilson, Duncan, 2002, p. 13.

¹⁰¹ On the HCNM Hague Recommendations see further on in this Chapter.

Opinions of the Advisory Committee on the Framework Convention (ACFC)

As already mentioned, the Framework Convention does not give rise to a question of enforceability, but rather the question of monitoring by the organisation which eventually might lead to recommendations to the parties. Articles 24 and 26 of the FCPNM stipulate that the Committee of Ministers of the Council of Europe shall monitor the implementation of the Convention and in evaluating the measures taken by the parties it shall be assisted by an Advisory Committee, the members of which shall have recognised expertise in the field of protection of national minorities. The Advisory Committee on the Framework Convention was established in 1998 as a monitoring mechanism of the Convention.

It ought not to be forgotten that when the Framework Convention was adopted, its provisions were criticised as overly vague. It was hoped that the ACFC will be able to be engaged in the "filling of the frame" through a dynamic interpretation of the FCPNM. The overall assessment of this mechanism, being a combination of country visits and State reports, which can be found in doctrine, is positive. However, the opinions of the ACFC on the fulfilment of minority rights in education have been rather vague. As far as Article 12 of the FCPNM is concerned, in the cases of *inter alia* Slovakia, Romania, Estonia and Albania the ACFC recommended training of more teachers who could provide teaching in minority languages.¹⁰² On Article 13 the ACFC opinions which should be mentioned include 2002 on Austria when it recommended more subsidies to minority private schools (especially for Hungarians and Croats in Vienna).¹⁰³ In the case of Switzerland, the review of the impact of existing restrictions on the establishment of minority languages private schools in some cantons was recommended.¹⁰⁴

¹⁰² Opinion on Slovakia adopted on 22 September 2000, ACFC/INF/OP/I(2001)001, para 45;
Opinion on Romania adopted on 6 April 2001, ACFC/INF/OP/I(2002)001, para 53;
Opinion on Estonia adopted on 14 September 2001, ACFC/INF/OP/I(2001)005, para 45;
Opinion on Albania adopted on 12 September 2002, ACFC/INF/OP/I(2003)004, para 103.

¹⁰³ Opinion on Austria adopted on 16 May 2002, ACFC/INF/OP/I(2002)009, para 60.

¹⁰⁴ Opinion on Switzerland adopted on 20 February 2003, ACFC/INF/OP/I(2003)007, para 65-66.

The ACFC has been hesitant in defining linguistic rights in education as Article 14 is formulated so cautiously that it scarcely constitutes an effective legal obligation. In the opinion of some experts, the Committee's practice under Article 14 appears confused leading to uncertainty as to the balance to be drawn between the various elements of this Article.¹⁰⁵ For instance, the ACFC recommended *inter alia* increased financing of minority education (in cases of Austria, Moldova and Slovakia).¹⁰⁶ As far as the numerical threshold is concerned, on a number of occasions the ACFC expressed satisfaction with a low threshold. It also recommended a pro-active approach to teaching in or of minority languages in spite of low demand (the case of the UK) and criticised Germany for its high threshold and lack of flexibility as far as the situation of the Serbian minority is concerned.¹⁰⁷ From the point of view of this study it is especially relevant that in at least four cases (Albania, Germany, Romania and Slovakia) the AFCC recommended consideration of extending minority language opportunities to higher education, mostly for teaching staff.¹⁰⁸

The practice of the ACFC on educational rights of minorities is considered consistent with international standards. However, the interpretation of the FCPNM principles still should be strengthened.

Recommendations of the Parliamentary Assembly

In addition, the Council of Europe policy regarding the access of minorities to higher education was reflected in the Parliamentary Assembly Recommendations. The Recommendation 1201 on an Additional Protocol on the Rights of National Minorities

¹⁰⁵ Wilson, Duncan, Educational Rights of Persons Belonging to National Minorities in International Journal on Minority and Group Rights Volume 10, No. 4 2004, Kluwer Law International, the Netherlands, 2004, p. 335.

¹⁰⁶ Opinion on Austria, para 60;
Opinion on Moldova adopted on 1 March 2002, ACFC/INF/OP/I(2003)002, para 75, 77;
Opinion on Slovakia adopted on 22 September 2000, ACFC/INF/OP/I(2001)001, para 41;
See also in Wilson, Duncan, 2004, p. 321.

¹⁰⁷ Opinion on the United Kingdom adopted on 30 November 2001, ACFC/INF/OP/I(2002)006, para 91.
Opinion on Germany adopted on 1 March 2002, ACFC/INF/OP/I(2002)008, para 59-60.

¹⁰⁸ Opinion on Albania, para 58, 61;
Opinion on Germany, para 61;
Opinion on Romania, para 53, 55;
Opinion on Slovakia, para 45.

to the European Convention on Human Rights adopted on 1 February 1993 regulates the right to education. Article 8 says:

“1. Every person belonging to a national minority shall have the right to learn his/her mother tongue and to receive an education in his/her mother tongue at an appropriate number of schools and of state educational and training establishments, located in accordance with the geographical distribution of the minority.

2. The persons belonging to a national minority shall have the right to set up and manage their own schools and educational and training establishments within the framework of the legal system of the state.”

According to the Recommendation 1201 minorities were granted the right to study in their mother tongue as well as to form and to govern its own education institutions. Initially this Recommendation was proposed as an additional protocol to the ECHR. However, due to opposition of many heads of states and governments during the 1993 Council of Europe Summit in Vienna, it has remained on the level of recommendation. As other Recommendations of the Council of Europe, it is not a legally binding document, its provisions, however, possess a political significance. This Recommendation has played its role at that time and for instance has been used in discussion regarding the situation of national minorities in the relationship between Hungary and Romania, as well as Hungary and Slovakia. However, provisions of the Recommendation 1201 have been overtaken by the adoption of the Framework Convention.

Another document that should be recalled is the Recommendation 1353 of the CoE Parliamentary Assembly on Access of Minorities to Higher Education adopted on 27 January 1998. The text, although not legally binding, was very progressive and has considerable relevance to the situation in Macedonia. Article 6 is fully designated to reviewing national educational policies of member states as far as protection of rights of national minorities is concerned. Para 1 says:

“The Governments should avoid prescribing the exclusive use of the official language and abstain from pursuing policies aimed at the assimilation of national minorities into the majority culture”.

Article 6 para 3 states:

“All citizens should have the possibility to study their own language and culture in general and also at university level”.

It is followed by para 4:

“Governments should recognise the fundamental liberty to engage in higher education and to establish institutions for that purpose; such institutions should be officially supported once their satisfactory quality has been established ... language should not be criteria for recognising institutions or qualifications.”¹⁰⁹

An important and relatively new element in international standards is stipulation of Article 6 para 6 saying:

“Students from minority groups should have the possibility to sit entrance examinations to higher education in their mother tongue.”¹¹⁰

4.4. The Organisation for Security and Co-operation in Europe

The Organisation for Security and Co-operation in Europe (OSCE) has put the issue of minority rights high on its agenda. It has not only been illustrated by the creation in 1992 of the Institution of the High Commissioner on National Minorities, but also by its contribution to the establishment of international instruments in the field of human rights, including the rights of persons belonging to national minorities.

¹⁰⁹ This provision is based on para 64 of the Recommendation of the Council of Europe’s Higher Education and Research Committee dated 5 December 1997 which says: “the language of instruction should not be a criterion for the recognition of private institutions”.

¹¹⁰ Other non-treaty standards of the Council of Europe relevant from the point of view of this study include *inter alia*:

- Recommendation 1134 (1990) of the Parliamentary Assembly on the Rights of Minorities;
- Recommendation 1177 (1992) of the Parliamentary Assembly on the Rights of Minorities;
- Recommendation 1255 (1995) of the Parliamentary Assembly on the Protection of the Rights of National Minorities;
- Recommendation 1275 (1995) of the Parliamentary Assembly on the Fight against Racism, Xenophobia, anti-Semitism and Intolerance;
- Recommendation 1277 (1995) of the Parliamentary Assembly on Migrants, Ethnic Minorities and Media;
- Recommendation 1285 (1996) of the Parliamentary Assembly on the Rights of National Minorities;
- Recommendation 1300 (1996) of the Parliamentary Assembly on the Protection of the Rights of Minorities;
- Recommendation 1345 (1997) of the Parliamentary Assembly on the Protection of National Minorities;
- Recommendation 1492 (2000) of the Parliamentary Assembly on the Rights of National Minorities;
- Parliamentary Assembly Order No. 501 (1995) on the Protection of National Minorities;
- Parliamentary Assembly Order No. 513 (1996) on the Rights of National Minorities;
- Recommendation No. R(97) 1 of the Committee of Ministers to Members States on the Recognition and Quality Assessments of Private Institutions of Higher Education adopted on 4 February 1997;
- Recommendation No. R(98) 3 of the Committee of Ministers to Members States on Access to Higher Education adopted on 17 March 1998.

Copenhagen Document, 1990

The CSCE second meeting on the human dimension, which took place in Copenhagen on 5-29 July 1990 brought perhaps the most remarkable and comprehensive breakthrough in terms of development of minority rights through the adoption of the Copenhagen Document. As a result the OSCE could be seen as being “at the forefront in developing the rights of minorities” on an international scale.¹¹¹ Although this instrument is not legally binding, it constitutes a political commitment and a clear guideline in adopting domestic legislation of OSCE participating States.

The issues concerning national minorities have been incorporated in Chapter IV of the Copenhagen Document. Paragraph 32.2 states that persons belonging to national minorities have the right:

“to establish and maintain their own educational, cultural and religious institutions, organizations or associations, which can seek voluntary financial and other contributions as well as public assistance, in conformity with national legislation.

Paragraph 33 says:

“The participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity”.

Since the participating States should not only protect the identity of minorities but promote it as well, and having in mind role of Universities in this regard, it might imply that they should consider the possibility of making higher education in the minority language available.

According paragraph 34:

“The participating States will endeavour to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue, as well as, wherever possible and necessary, for its use before public authorities, in conformity with applicable national legislation.

In the context of the teaching of history and culture in educational establishments, they will also take account of the history and culture of national minorities”.

¹¹¹ Heraclides, Alexis, The OSCE and the Minorities. The Negotiations behind the Commitments, Helsinki Monitor, Vol. 1, 1992, p. 5.

The Hague Recommendations Regarding the Education Rights of National Minorities, 1996

In the course of his work, the OSCE High Commissioner on National Minorities has been able to identify certain recurrent issues and themes, which were in the centre of his attention. Minority education has been perhaps on top of this list. Against this background, in 1996 the HCNM requested the Foundation on Inter-Ethnic Relations to consult a group of internationally recognised experts with a view to receiving their recommendations on an appropriate and coherent application of the education rights of persons belonging to national minorities in the OSCE region.¹¹² The request resulted in the elaboration of “The Hague Recommendations Regarding the Education Rights of National Minorities.”¹¹³ Paragraphs 17 and 18 directly concern the minority education at tertiary (higher) level. Para 17, which is self-explanatory, states:

“Persons belonging to national minorities should have the access to tertiary education in their own language when they have demonstrated the need for it and when their numerical strength justifies it. Minority language tertiary education can legitimately be made available to national minorities by establishing the required facilities within existing educational structures provided these can adequately serve the needs of the national minority in question. Persons belonging to national minorities may also seek ways and means to establish their own educational institutions at the tertiary level”.

Without any doubt Albanians in Macedonia have clearly demonstrated the need for higher education in the mother tongue and their numerical strength has fully justified this demand.

Paragraph 18 stipulates:

“In situations where a national minority has, in recent history, maintained and controlled its own institutions of higher learning this fact should be recognised in determining future patterns of provision.”

This provision was particularly relevant in the Macedonian context since Albanians used to have access to higher education in their mother tongue at the Priština University.

¹¹² The Foundation on Inter-Ethnic Relations was a non-governmental organisation created by the High Commissioner on 1 June 1993 in order to assist his engagement with project related activities.

¹¹³ The Hague Recommendations Regarding the Education Rights of National Minorities, OSCE HCNM, the Hague, October 1996, p. 2

In addition, Paragraph 14 says:

“The maintenance of the primary and secondary levels of minority language education depends a great deal on the availability of teachers trained in all disciplines in the mother tongue. Therefore, ensuing from their obligation to provide adequate opportunities for minority language education, States should provide adequate facilities for the appropriate training of teachers and should facilitate access to such training.”

Para 9 should be mentioned as well:

“Given the rights of persons belonging to national minorities to establish and manage their own educational institutions, States may not hinder the enjoyment of this rights by imposing unduly burdensome legal and administrative requirements regulating the establishment and management of these institutions.”

The Hague Recommendations aimed at the clarification, in relatively straight-forward language, of the content of minority education rights in the conditions that pertain in the OSCE area. The Recommendations are not a legally binding document, but have been often described as a useful tool the states can use in addressing minority concerns. The importance of Recommendations lays in the fact that they are derived from international instruments which are legally binding for most states in the OSCE area. Their main function was to develop these rather general and vague international instruments into more precise and detailed provisions which can guide educational policies better than rather general international standards.¹¹⁴ They were prepared by a group of recognised experts in this field which obviously increase their authority.¹¹⁵ In addition, they reflect the approach and philosophy adopted at the HCNM Office regarding the interpretation and implementation of the education rights of persons belonging to national minorities. The support for applied in Recommendations interpretation of existing international standards can be today found in doctrine and the references to the Hague

¹¹⁴ Eide, Asbjørn, *The Hague Recommendations Regarding the Education Rights of National Minorities: Their Objective in International Journal on Minority and Group Rights*, Volume 4, No. 2 1996/97, Kluwer Law International, the Netherlands, 1997, p. 165.

¹¹⁵ Those experts were: A.G. Boyd Robertson, Senior Lecturer in Gaelic, University of Strathclyde (United Kingdom); Dr. Pieter van Dijk, Member of the State Council (the Netherlands); Dr. Asbjørn Eide, Director of the Norwegian Institute of Human Rights (Norway); Professor Rein Müllerson, Chair of International Law, King's College (United Kingdom); Professor Allan Rosas, Åbo Akademi University (Finland); Dr. Tove Skutnabb-Kangas, Associate Professor, Department of Languages and Culture, Roskilde University (Denmark); Professor György Szépe, Department of Language Sciences, University Janus Pannonius (Hungary); Professor Patrick Thornberry, Department of Law, Keele University (United Kingdom); Mr. Jenne van der Velde, Senior Curriculum Adviser, National Institute for Curriculum Development (the Netherlands).

Recommendations have been made in reports and opinions of many international bodies.

4.5. The European Union

Having in mind the desire of the Republic of Macedonia to join the European Union, it would seem desirable to assess in which way the EU addresses the issue of minority rights, in particular the issue of education in minority languages. The EU has not yet developed an instrument on minority rights, but its *acquis communautaire* references to non-discrimination and education are worth attention.

As far as potential candidates for EU membership are concerned, the Copenhagen criteria, agreed upon by the European Council in 1993 should be recalled. Besides “stable institutions guaranteeing democracy, the rule of law, human rights”, they also include “respect for and protection of minorities”. However, while almost all Copenhagen criteria were included in the Amsterdam Treaty, the references to minority rights protection were omitted. The EU Charter on Fundamental Rights adopted in Nice in December 2000 does not even mention minority rights. This might imply that the protection of rights of persons belonging to national minorities serves as an important requirement only during the enlargement process and disappears after the process is completed. This issue has been *inter alia* addressed by the OSCE High Commissioner, when he stated: “Surely the standards on which the Copenhagen criteria are based should be universally applicable within and throughout the EU” as otherwise “such imbalance would be inconsistent with declared EU values and raise serious doubts about the normative foundations of the EU itself.”¹¹⁶

In addition, the EU has never developed a comprehensive policy towards minorities in the area of education as the original European Community Treaties did not envisage any competences in the field of education. Only Article 126 of the 1992 Maastricht Treaty makes reference to the development of quality education by encouraging co-

¹¹⁶ From the Copenhagen Criteria to the Copenhagen Summit: the Protection of National Minorities in an Enlarging Europe, Address of Rolf Ekeus, the OSCE High Commissioner on National Minorities, Conference on National Minorities in an Enlarged European Union, Copenhagen, 5 November 2002.

operation between member states, at the same time “fully respecting the responsibility of the member states for the contents of teaching and the organisation of education systems and their cultural and linguistic diversity.”¹¹⁷ In other words minority language education was left almost exclusively to domestic legislation and the Treaty offers only the legal basis for the European programmes like Erasmus, Socrates etc. However, in the light of these programmes, the European Commission is interested in developments at national level in relation to minority status and rights, taking *inter alia* as a point of departure the international standards.

Moreover, the European Union Treaty and other EU documents contain several provisions to guarantee equality and to protect against discrimination on grounds of *inter alia* nationality (like e.g. Article 13 of the EC Treaty, which does not, however, include “language” among its grounds). The Race Equality Directive requires states to combat discrimination on the grounds of racial or ethnic origin, including in education (Article 3 para 1g).¹¹⁸ Article 5 refers to “positive action” and encourages Member States to introduce elements of positive discrimination to minorities. Despite very general provisions, this directive is a step forward in the promotion of minority rights in the EU.

The final draft of the Treaty establishing a Constitution for Europe, which after a long debate was finally signed on 29 October 2004 included a “minority clause”. Article I-2 (under Union’s values) stipulates:

“The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.”¹¹⁹

However, it was only included at the very last moment due, *inter alia*, to the interventions by some international institutions and NGOs.¹²⁰ In addition, uncertainties

¹¹⁷ Now Article 149 para 1 of the consolidated text.

¹¹⁸ EU Council Directive 2000/43/EC of 29 June 2000 Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin, Official Journal of the European Communities 19.07.2000, No L 180/22.

¹¹⁹ Provisional consolidated version of the draft Treaty establishing a Constitution for Europe, CIG 86/04, 2003/2004 IGC, 25 June 2004.

concerning the process of its ratification, made European leaders seek alternative solutions and to transfer the most significant provisions of the draft Constitution to a new European Treaty.¹²¹

Against this background, it could be concluded that there is a discrepancy between the rhetoric of the Copenhagen criteria which apply to candidate countries and the EU's own record on minority rights. Indeed, the incentive of living up to the Copenhagen criteria has been an important impetus for the governments of applicant States to improve policies and laws to protect and promote the rights of persons belonging to national minorities. As a matter of fact, the achieved level of minority protection in some applicant or the so-called new member States could already provide useful examples to other EU Member States. It raises a fundamental question, what are the EU's own standards when it comes to the protection of national minorities and whether the standards on which the Copenhagen criteria are based should not be universally applicable within the EU.

Besides the above-mentioned documents, there have been a number of other initiatives, not associated with any international Organizations, which have tried to address minority rights in education. Even if they resulted in the adoption of any documents, they were of course of a non-binding character. One of them is the Barcelona Declaration (the Universal Declaration on Language Rights) adopted in June 1996 at the World's Conference on Human Rights. The signatories were more than 100 respectable NGOs and the Declaration was deposited at the UNESCO. Section II

¹²⁰ The draft Constitution completed on 10 July 2003 by the Convention on the Future of Europe did not make any reference to minority rights. This could, as a result, weaken the position of minority rights monitoring mechanisms or other institutions dealing with minority issues as it involves argument on double standards applied to the EU and non-EU (first of all candidate) countries. Against this background, the High Commissioner on National Minorities addressed the Irish EU Presidency in a letter dated 14 January 2004 and proposed two alternatives of minority clauses. One of those formulas has been finally incorporated into the final draft. In parallel, the Hungarian Government promoted the inclusion of reference to minority rights into the Constitution. Both were most probably driven by different motives, but acted in order to achieve the same goal. (See also in Drzewicki, Krzysztof, A Constitution for Europe: Enshrining Minority Rights. Words Can Make Worlds of Difference, OSCE Magazine, March 2005, p. 21).

¹²¹ However, at the time of finalising this Thesis it was not clear whether a "minority clause" will find its place in a new Treaty.

(articles 23-30) refers to education. Article 23 para 2 stipulates that education must help to maintain and develop the language of a community. Article 24 gives all language communities the right to decide to what extent their language is to be present, as a vehicular language and as an object of study, at all levels of education within their territory including at university. According to Article 25 all language communities have the right to education to include adequately trained education staff. The aim of the Barcelona Declaration was to facilitate the designing of the international standards regarding linguistic rights. However, as a declaration it still remains at the level of a recommendation.

4.6. Conclusions

To sum up, it is clear that the international standards as far as access of minorities to education, in particular to higher education, in their mother tongue is concerned are rather vague. Some experts even argue that there is a general reluctance to speak in terms of universal rights of minorities in education at all.¹²²

The access of minorities to higher education in their mother tongue is often the most delicate and controversial subject. The international standards are as a matter of fact deficient as far as provisions for language in education are concerned. What is not disputed is that minorities must be offered a possibility of study in their own language or of their own language, sufficient to ensure the possibility of the future safeguarding of their culture and identity. It is an open issue, however, whether the right to receive education in the mother tongue in public institutions includes the level of higher education. The international standards clearly aim at trying to find a balance between the need to preserve and develop the identity of persons belonging to national minorities and the necessity to equip young people with the skills (including the knowledge of the state language) which will enable them to function independently in the national society with the same opportunities as members of the majority community. Obviously minority students in order to be able to practice their profession in the state, have to be proficient in an official language. There is no doubt,

¹²² Wilson, Duncan, 2004, p. 318.

however, that if minority graduates intend to work within that group (like e.g. teachers), they must also be able to know and apply their professional knowledge and skills in the minority language.

As it could be seen, there is no express or implied right of persons belonging to minorities to receive higher education in their mother tongue in public (publicly funded) institutions. However, the international standards guarantee for persons belonging to national minorities the right to have their private educational institutions, including those at the university level. This right is not granted without limitation; the state can oversee this process and has no obligation to fund these private establishments, although minorities have the right to seek such funding (at least partial) from the State.¹²³ The State is also entitled to verify whether those institutions meet certain quality criteria. Nevertheless, States should not use this power in order to limit or even to make it impossible for minorities to develop and sustain their own cultural identity through private institutions.¹²⁴ In addition, there should be no restriction on the use of language in private educational institutions established for the purpose of maintaining and developing the identity of persons belonging to national minorities.

It is evident that in practical terms financial factors restrict the chances of developing higher education in the mother tongue for smaller groups of national minorities. Some academics have argued that there are more advantages than disadvantages to organise mother tongue education at higher level, in particular when two conditions are met: minimum number of members of the minority and a central city which would serve as a cultural background.¹²⁵ It seems that both conditions have been met in the case of Macedonia.

¹²³ All respective applications submitted to the ECHR by private schools against countries like Sweden, France or the UK regarding an obligation to finance private schools have been rejected with regard to Article 2 of the First Protocol to the ECHR at the admissibility stage. See in Nowak, Manfred, 2001, p. 265.

¹²⁴ Eide, Asbjørn, 1997, p. 169.

¹²⁵ Szepe, Gyorgy, Some Remarks on the Education Rights of National Minorities in Central and Eastern Europe in *International Journal on Minority and Group Rights*, Volume 4, No. 2 1996/97, Kluwer Law International, the Netherlands, 1997, pp. 108-109.

Over the years there has been an evolution in the manner in which the rights of minorities have been formulated in international standards. Passive formulas like e.g. “...persons belonging to minorities shall not be denied the rights” (ICCPR) have been gradually replaced by more proactive formulations like “states will protect the rights” (Copenhagen Document). The authors of the Hague Recommendations have argued, therefore, that that “a restrictive or minimalistic interpretation of instruments is not in line with the spirit in which they have been formulated.”¹²⁶ Last but not least, minority rights in Europe are still a developing legal concept. It leaves open the possibility to re-address the issue of minority rights and education in the future.

Against this background, it could be concluded that the basic principle of the international standards is that persons belonging to national minorities should have an access to higher education in their mother tongue when they have demonstrated the need for it and when their numerical strength justifies it. The size of a minority is not only important in order to attract the sufficient number of perspective students and also in order to provide intellectual infrastructure in terms, for example, of the sufficient number of qualified teachers. However, the state should not be obliged to provide this education at public facilities. There are different models that could apply and international law offers some proposals in this regard.

¹²⁶ Explanatory Note to the Hague Recommendations, p. 11.

Chapter 5: Macedonia's Legislation Regarding Higher Education

5.1. 1991 Constitution

The fundamental legal basis of the Republic of Macedonia, including its educational system is the Constitution adopted on 17 November 1991. Some major amendments to the Constitution were introduced in 2001 following the Ohrid Framework Agreement. Most of them concerned the inter-ethnic relations in the country. However, Articles 44 - 48 concerning education had not been amended. The only exception was a small revision of Article 48 when the word “nationalities” was replaced with “communities.”¹²⁷

From the point of view of this study Article 9 should be recalled:

Citizens of the Republic of Macedonia are equal in their freedoms and rights regardless of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status.

All citizens are equal before the Constitution and law.

Article 44 stipulates:

Everyone has a right to education.

Education is accessible to everyone under equal conditions.

Primary education is compulsory and free.

Article 45 of the Constitution states:

Citizens have a right to establish private schools at all levels of education, with the exception of primary education, under conditions determined by law.¹²⁸

Since all citizens, according to Article 9 of the Constitution, have equal rights and freedoms, regardless, *inter alia*, of their national (i.e. ethnic) origin, citizens of Macedonia who belong to national minorities, also have the right specified in Article 45.

¹²⁷ Amended on 16 November 2001.

¹²⁸ Some scholars argue that the restriction upon setting up private institutions of primary education is contrary to *inter alia* Article 13 of the FCNM and Article 27 of the ICCPR. See *inter alia* in Wilson, Duncan, Educational Rights of Persons Belonging to National Minorities in International Journal on Minority and Group Rights Volume 10, No. 4 2004, Kluwer Law International, the Netherlands, 2004. It seems that in the case of Macedonia the prohibition of establishment of private schools at primary level was driven by the language of Article 44 of the Constitution stressing that private education is free for all citizens.

Article 46 guarantees the autonomy of universities and has been elaborated in greater detail in the new Law on Higher Education adopted in 2000. However, the inclusion of this guarantee in the Constitution is a rather unusual concept in contemporary law. Article 47 concerns the freedom of scholarly, artistic and other forms of creative work as well as scientific and technological development.

Article 48 of the Constitution directly concerns rights of communities (former “nationalities”) and stipulates:

Members of the communities have the right to freely express, foster and develop their identity and characteristics of their communities and to use the symbols of their communities. The Republic guarantees protection of the ethnical, cultural, language, and religious identity of all communities.

Members of communities have the right to establish cultural, art, educational institutions as well as scientific and other associations for expressing, nourishing and development of their identity.

Members of communities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in another language, the Macedonian language is also studied.

Article 48 of the Constitution was being used by those opposing Albanian language courses at the higher level of education. They claimed that since University level education in minority language is not mentioned by the Constitution, it is therefore prohibited. However, taking into account the already mentioned Articles 9 and 44 para 2, Article 48 para 4 must not be interpreted restrictively. This Article highlights the right and creates a constitutional obligation for the state to guarantee this kind of instruction, but it does not forbid the state to provide persons belonging to national minorities with opportunities to have also higher level education in their mother tongue, in particular since Article 8 of the Constitution states: “Anything that is not prohibited by the Constitution or by law is permitted in the Republic of Macedonia”.

5.2. Laws on Higher Education

5.2.1. The 1985 Law

When Macedonia gained independence in 1991, higher education had been regulated by “the Law on Direct Education” (1985) covering secondary and higher education.¹²⁹ This law represented a part of the Yugoslav concept of vocationally-oriented education implemented by the republican laws in the decentralized system of education in the SFRY. The 1985 Law was an element of the so-called “Stipe Suvar reform” from the early eighties (named after a Croatian leader of the communist party). The idea behind this reform was to link secondary schools to university faculties and, in turn, link these faculties to factories as well as to adjust education to self-governmental interests and to a socialist market economy. Higher education was not regulated as a special sub-system anymore; universities were broken down into numerous highly independent faculties and the consequences of this step are being felt until today having in mind the extreme autonomy of faculties in Macedonia.¹³⁰

The 1985 law did not allow the establishment of private institutions of higher education. When the Macedonian Constitution was adopted in 1991, the Macedonian authorities insisted that this provision should be followed, despite the fact that provisions of the country’s Constitution of 1991 were superior to the 1985 law and that Article 45 of the Constitution clearly prescribed the right to establish private institution at all levels, except primary education.

Additionally, Article 11, para 1 of the Law stipulated:

“Education activity in institutions of higher education is carried out in the Macedonian language. In institutions of higher education the teaching in one of world languages can be organised, in conformity with this law.”

¹²⁹ Sometime translated also as “the Law on Vocational Education”, Official Gazette of the Socialist Republic of Macedonia, No. 16/1985. After the Republic of Macedonia gained independence, as most of the laws from the former Yugoslavia, it was incorporated into the legal system of the state.

¹³⁰ See also in: Zgaga, Pavel, The Situation of Education in South-East Europe in Rozemeijer, Saskia (ed.), Drafting New Curricula in South-East Europe, Final Report of the Regional Seminar (Bohinj, Slovenia, 26-28 April 2002), Geneva, IBE, 2003, p. 6.

Since minority languages were not considered as “world languages”, therefore, at that time the only language of education in universities in the country was Macedonian, which caused serious ethnic discontent, especially in the Albanian community.

5.2.2. The 2000 Law

5.2.2.1. Drafting Process

The 1985 Law was not only not in conformity with the Constitution, it did not respond to the need for reform and modernisation of the educational system of the country. However, in the situation when the authorities were obviously preoccupied with the consolidation of the international position of the country, the adoption of the completely new law on higher education was not on the top of the Government's and Parliament's agendas. In addition, any attempts to address the problem of the Albanian language higher education would certainly fail without adoption of the new legislation, given the 1985 law restrictive provisions regarding the use of minority languages and the establishment of private institutions of higher education. At the same time some suggested that a reform in the field of the Albanian language higher education should start with amendments to the Constitution. Others believed that through a wider and liberal interpretation of the Macedonian Constitution a compromise could be possible to achieve, especially since at that time any attempts to include amendments to the Constitution would have certainly failed. As a newly independent state the Republic of Macedonia was extremely sensitive about its “constitutional order” and suggestions of changes to the Constitution were considered as steps undermining the sovereignty of the state.

Against this background, the Council of Europe and the OSCE High Commissioner on National Minorities, although from slightly different perspectives, found themselves at the forefront of the process of the adoption of a new law. Visiting Macedonia immediately after tragic developments surrounding the inauguration of the Tetovo University on 17 February 1995, the High Commissioner, Max van der Stoel said:

“... The question of the University is uppermost in this regard. In my opinion, the issue should be discussed within the framework of preparing the new law on higher education.”¹³¹

The HCNM repeated his recommendation to prepare a new law on higher education in his correspondence with Macedonian authorities.¹³² Similar opinion was expressed by the Council of Europe especially after the CoE Legislative Reform Programme fact-finding mission to Skopje in July 1996 with a view of assessing the state of Macedonian legislation in the field of higher education. Finally, at the end of 1996 the Macedonian authorities prepared the draft of the law on higher education and presented it to the Council of Europe’s Higher Education and Research Committee. CoE Experts visited Macedonia on 17 - 19 March 1997 and on 25-27 November 1997 after the Macedonian Government presented the second draft of the law. Their recommendations formulated in two special Opinions issued on 15 April 1997 and 5 December 1997¹³³ mostly focussed on technical aspects, important from the point of view of general reform of the system, but not necessarily relevant considering the issue of higher education in minority languages. Nevertheless, they admitted that the key element in the drafting process of the new law was minority language instruction.

Article 9 of the draft law presented by the Macedonian Government stipulated:

"The language of instruction shall be Macedonian.

Teaching can also be carried out in the languages of nationalities at the tertiary education institutions where teaching staff for elementary education is trained, and for secondary education, at pedagogical faculties.

Teaching of particular subjects can be performed in the languages of other nationalities for the purpose of sustaining and promoting the cultural and national identity.

The tertiary education activities for particular subjects can be performed in one of the modern languages."

¹³¹ Statement to the media of FYROM after the meeting with the President of the Republic, Kiro Gligorov, Skopje, 20 February 1995.

¹³² Letter to the Minister for Foreign Affairs Stevo Crvenkovski, 28 April 1995 (Ref. No. 448/95/L), p. 1. In the letter of reply dated 30 June 1995, Minister Crvenkovski confirmed the intention of the Government to prepare a new law on higher education.

¹³³ Council of Europe, Directorate of Education, Culture and Sport, Higher Education and Research Division, The Macedonian Proposal for a Law on Higher Education, Advisory Opinion Issued on the Occasion of the Council of Europe LPR Mission to Skopje on 17-19 March 1997, Strasbourg 15 April 1997, DECS/LPR (97) 7;

Council of Europe, Directorate of Education, Culture and Sport, Higher Education and Research Division, The Revised Macedonian Proposal for a Law on Higher Education, Advisory Opinion Issued on the Occasion of the Council of Europe LPR Mission to Skopje on 25-27 November 1997, Strasbourg 5 December 1997, DECS/LPR (97) 17.

The CoE experts noted that "with regard to the proposal's language provision.... policy probably satisfied minimum international standards and it is comforted by relevant case law of the European Court of Human Rights."¹³⁴ It was, however, specified that the language provision was examined with view to public institutions only. The experts refrained from judging as a matter of law whether language could be an element in granting or denying recognition to a private institution operating on the territory of the country. It was suggested, however, that language of instruction should not be a criterion for recognition."¹³⁵

Article 14 of the draft law said:

"Domestic and foreign juridical and physical persons can establish a university or a higher education institution in order to carry out a higher education activity on the basis of a license of the Government of the Republic of Macedonia, in conformity with this law and the law on public service".

In addition, it was suggested to re-draft provisions regarding unnecessarily restrictive procedures for granting accreditation to a new institution of higher education, in particular supporting the system of recognition of higher education institutions instead of concession procedure.¹³⁶

The new draft presented by the Macedonian Government in November 1997 saw some revision of the provision regarding the use of language but not to the extent that would allow significant progress in addressing the issue of Albanian language higher education. The new Article 12 was drafted as follows:

"Higher Education activities are to be conducted in the Macedonian language.

Instruction is to be conducted in the respective languages of all nationalities at higher education institutions training pre-school instructors and teachers of general studies/subjects.

Higher education institutions training teachers giving instruction in particular subjects in the primary and secondary education system provide instruction on the methodology of teaching in the respective languages of all national minorities as well.

In certain subjects of study instruction may also be conducted in the languages of national minorities should this be conducive to the fostering and developing of cultural and national identity.

¹³⁴ Council of Europe Opinion, 15 April 1997, para 8.

¹³⁵ Council of Europe Opinion, 15 April 1997, para 65.

¹³⁶ Council of Europe Opinion, 15 April 1997, para 16-22.

Higher education activities may be conducted in one of the contemporary languages as well, in certain subjects of study.

The instruction outlined in paragraphs 2, 3, 4 and 5 of this Article may be rendered in concordance to this Act and the statute of the higher education institution".

The language provision was assessed by the CoE experts as progressive. They, however, suggested that the teaching in respective (minority) language at the institutions of higher education preparing cadres for primary and secondary schools in specific subjects should be provided in the specific subjects as well as in methodology of teaching. At the same time, experts repeated their opinion that the language of instruction should not be a criterion for the recognition of private institutions and recommended exempting the private universities from the application of the proposed Article 12.¹³⁷ As in its first opinion CoE experts criticised complicated procedures regarding the process of recognition of institutions of higher education, in particular to include differentiated regulation for private and public institutions.¹³⁸ A third revised draft, taking into account some points raised by the Council of Europe, was prepared in early 1998. However, the Council of Europe considered its mission as concluded so there was no international actor pushing the process forward.

When the Council of Europe followed the issue of the preparation of the new law on higher education, the HCNM decided not to intervene directly in order not to duplicate the efforts. Sending contradictory opinions to Macedonian authorities could backfire, as they could be used by Skopje playing one opinion against the other. However, the High Commissioner was disappointed with the approach applied to language provisions which could endanger reaching a compromise on the solution to the problem of the Albanian language higher education. In an extensive exchange of opinions between the HCNM Office and the Council of Europe, the High Commissioner suggested that with respect to private higher educational institutions, language cannot be a criterion for recognition and with respect to public higher educational institutions, the language provisions should be sufficiently broad to allow

¹³⁷ Council of Europe Opinion, 5 December 1997, para 63-64.

¹³⁸ Council of Europe Opinion, 5 December 1997, para 17-23.

also minority language teacher training for all grades of primary and secondary schools and related education with a view to fostering and developing cultural identity.¹³⁹

At the beginning of 1998, in an attempt to put the process of the adoption of the new law back on track, which was a precondition for any progress on the issue of Albanian language higher education, the HCNM addressed the Macedonian Minister of Foreign Affairs with reference to the law on higher education and drew the attention of the Government to the relevant international standards as far as the use of language and the establishment of private institutions of higher education are concerned.¹⁴⁰ However, due to elections in Macedonia in autumn 1998 and the conflict in Kosovo, the whole issue dropped down the agenda. Therefore, it was only possible to readdress this issue at the end of 1999 after the stabilisation of the situation in the region and the presidential election in Macedonia. It coincided with the reshuffle of the Government which on 27 December 1999 resulted in the appointment of a new Minister of Education who was able to add momentum to the stalled process of the preparation of the law. A new drafting Commission was created already in January 2000. At that time the HCNM had already developed the first concept of a new private institution of higher education, which would provide also teaching in the Albanian language. Therefore, the HCNM aimed at “tailoring” some provisions of the law to his new proposal with the special focus on as flexible as possible procedures concerning establishment of private institutions, wider use of minority languages in higher education, no language limitation in private institutions and last but not least the

¹³⁹ HCNM Internal Memo, 12 December 1997.

¹⁴⁰ Letter to the Minister of Foreign Affairs Blagoj Handziski, 30 March 1998, p. 2. The reference was made to Article 13 para 4 of the International Covenant on Economic, Social and Cultural Rights and Article 2 of the first Protocol to the European Convention on Human Rights and Fundamental Freedoms in order to underline the liberty of individuals to establish and direct educational institutions. In addition, in the context of Article 2 para 2 of the ICESCR and Article 14 of the ECHR, the HCNM stressed that such rights should be secured without discrimination on any ground such as language. He also stressed that “to prohibit of persons belonging to minorities from enjoying their own culture and using their own language in the context of educational activities at any level would constitute a violation of Article 27 of the International Covenant on Civil and Political Rights”.

possibility of transfer of students from the Tetovo University to the legally established institutions.¹⁴¹

The new Commission soon presented the revised (already fourth) draft, but it was very much based on previous versions and as such did not fully satisfy the HCNM expectations. The draft again provided that the language of instruction in higher education should be the Macedonian language and that instruction in one of the “world languages” would also be allowed. This proposal was obviously opposed by the HCNM, as well as the Albanian member of the drafting Commission. The Macedonian members pointed to constitutional constraints. In addition, the draft subjected all higher education activities to that language restriction, regardless of whether conducted at private or state institutions.

The High Commissioner visited the country on 27-29 February 2000 accompanied by his experts and tried to convince the drafting Commission that the international standards should be respected and that the new law should not block the creation of a new private institution of higher education. Despite initial opposition from most members of the Commission, an initial discussion and the written exchange of opinions between the HCNM and the Commission which followed, gave the High Commissioner hope that a compromise solution could be achieved. On 18 April 2000 the High Commissioner addressed a letter to the Prime Minister Ljubco Georgievski which concerned his proposal to establish a new private institution of higher education.¹⁴² At the same time, noting the progress that had been achieved on the issue of the new law on higher education, the HCNM underlined a need to finalise discussion on the most sensitive points. In the letter of reply dated 16 May 2000, the Minister Of Education, on behalf of the Government, outlined the main points of the new draft and underlined that the new law "will articulate the constitutional right for the establishment of private higher education institution... and that the instruction at private higher education institutions may also be carried out in minority languages or

¹⁴¹ On the establishment of the UT see Chapter 6.

¹⁴² Letter to the Prime Minister Ljubco Georgievski, 18 April 2000.

internationally spoken languages.”¹⁴³ It was a first indication of a major breakthrough but details still needed to be elaborated. Against this background, on 29 - 30 May 2000 the High Commissioner called a meeting in Vienna during which his experts discussed the draft law with the Macedonian delegation headed by the Minister of Education. After long discussion the key - linguistic issue and some other smaller ones were finally solved.

5.2.2.2. Main Provisions of the Law

The final version of the draft was considerably redrafted and expanded and the whole structure was significantly changed to the extent that the crucial language provision had been moved to Article 95. The compromise formula incorporated in this Article was as follows:

“Teaching at higher education institutions is carried out in the Macedonian language.

Education at state pedagogical higher education institutions for education of teaching staff for pre-school education and primary education teachers as well as education for didactic-methodic subjects for secondary education professors may be carried out in the languages of national minorities as well.

Education at didactic-methodic subjects referred in paragraph 2 hereunder shall be carried out at a didactic-methodic center organized as an organization unit at the Pedagogical Faculty “Saint Kliment Ohridski” in Skopje.

When education is provided in the languages of national minority members in accordance with paragraph 2 hereunder, the Macedonian language shall be studied as a separate education subject and education is provided in the Macedonian language in at least two additional education subjects.

Education at state higher education institutions may be carried out in one of the world's languages: for particular study programs of foreign languages, for parts of study programs in which visiting teaching staff from abroad takes part, as well as for study programs for which education is provided in the Macedonian language too.

Education at state higher education institutions at particular education courses, i.e., artistic and national minority's languages subject areas, may be also carried out in the languages of national minorities for the purpose of cherishing and developing their cultural identity and national characteristics.

Education at private higher education institutions may also be performed in the languages of national minority members or in the world's languages. In cases where education is provided also in the languages of national minority members or in the world's languages, the

¹⁴³ Letter from the Minister of Education Gale Galev, 16 May 2000, p. 2.

Macedonian language shall be studied as a separate education subject and education shall be provided in the Macedonian language for at least two additional education subjects.

Education subjects referred in paragraphs 2, 3, 4, 5 and 7 hereunder shall be determined by the bylaw of the higher education institution in question, the scope i.e. the number of teaching hours thereof is to be specified by the norms and standards on the establishing of higher education institutions”.

Article 95, which *inter alia* required that each year at least 2 courses should be taken in the Macedonian language, was according to some Albanian experts too restrictive. However, it has to be recognised that in order to play a full role in the state, Albanians would need a good knowledge of the Macedonian language. In addition, it was realised that because of the shortage of Albanian language professors, there would be a need to employ more Macedonian teachers and the number of subjects in the Macedonian language could even exceed two per year.

In general, the draft law was unnecessarily too detailed (almost 200 articles) and complex. A large amount of the material could be taken out and put into regulations or into individual institutions’ statutes. Apart from language provisions, there were other issues in the law which, if not addressed, might have affected the process of establishment of the new institution of higher education in Macedonia. Fortunately it was eventually agreed to simplify the process of the accreditation of the new institutions of higher education and, instead of a number of permissions, verifications, certificates, approval of the Parliament etc., it was decided to create the Licensing (Accreditation) Board to be the main institution in charge of granting accreditation.¹⁴⁴ In addition, Article 37 obliged the founder of a private institution to provide “adequate financial guarantee” for its functioning and Article 44 stipulated the composition of the Main Commission which on behalf of the founder has been tasked to carry out

¹⁴⁴ The composition of the Accreditation Board was the key in this regard since Albanians were afraid that the Board might be dominated by arch-conservative representatives of the Macedonian Academy of Science and Arts as well as the Skopje and Bitola Universities. Article 25 of the law says: "the Accreditation Board shall be composed of 15 members of which 9 shall be elected by the Inter-University Conference of the Universities of Macedonia, among professors, proportionately to the number of faculties, higher vocational schools and scientific institutions which, in accordance of this Law, perform a higher education activities for graduate and doctoral studies within the universities, 2 members from the Macedonian Academy of Science and the Arts, and 4 members appointed by the Government of the Republic of Macedonia, from among the professors and persons elected in scientific titles".

preparations for the commencement of the work of the higher education institution.¹⁴⁵ The law also prescribed the minimum number of faculties required for an institution to use the name "University."¹⁴⁶

In the process of discussion on a draft law, the HCNM and representatives of the Albanian community tried to address the question of the future of the Tetovo University students and the recognition of their credentials (after e.g. they had followed some additional courses and exams). The Government was reluctant to move on this issue and only suggested that the law could empower the Minister of Education to regulate the matter by decree. However, during the discussion on the draft in the Parliament, the DPA demanded that a solution to the issue of students of the UT should be incorporated in the law since they doubted whether the Minister of Education would eventually issue a special decree. The President of the DPA went as far as saying that without a breakthrough on this issue his party would leave the coalition. Against this background, the HCNM visited Macedonia on 27-28 June, in order to mediate in this dispute. Finally, an agreement was reached and a new article was added to the draft law. Article 198 stipulated:

"Persons who had fulfilled statutory conditions for enrolment to graduate studies and had attended education, till the entry into force of this Law, outside of public higher education institutions within various forms of civil initiatives in the Republic of Macedonia, may, in accordance with the provisions of this Law and the bylaws of the corresponding higher education institution:

- continue their studies on the first year of respective studies at the appropriate higher education institution;
- request an assessment of the knowledge acquired and on the basis of the results so demonstrated request enrolment at the appropriate study year; or
- on the basis of the results achieved during knowledge assessment to realize other rights.

¹⁴⁵ Article 44, para 1 says: "The Main Commission is composed of seven members elected in teaching-scientific or scientific titles within the scientific field or the art-related or expert area in which the faculty or a higher vocational school is to be established, of which number more than one half shall be elected from among the professors". The initially proposed requirement for it to be from professors at the existing "higher education institutions" (i.e. Skopje and Bitola Universities) could easily block any private initiatives.

¹⁴⁶ Albanians insisted that a new institution of higher education should use in its name a "university". It was eventually agreed that in order to use name "university" an institution of higher education will need "at least seven licensed faculties and higher vocational schools of which at least five are faculties" (Article 36).

The rights referred to in paragraph 1 are realized at appropriate higher education institutions according the provisions of this Law and their internal acts for evaluation. These rights may be realized upon personal request, submitted to the appropriate higher education institution until December 31, 2001, at latest.”

For the first time the law introduced the notion of a “civil initiative” in order to describe the Tetovo University. This article enabled its students, in a clearly defined time-frame, to transfer to existing institutions of higher education and, after the additional assessment, even to recognise some exams passed at the UT.¹⁴⁷ However, this formula did not allow any recognition of the UT diplomas.

The Law on Higher Education was finally adopted by the Parliament on 25 July 2000 without any changes in crucial Articles 95 and 198. It entered into force on 11 August 2000.¹⁴⁸ As the High Commissioner said “the new law would not win a beauty prize”. However, it was seen nationally and internationally as an important milestone towards securing political stability in the Republic of Macedonia. Fears regarding a Constitutional challenge did not materialise. After the adoption of the law the situation calmed down because parties were aware that the HCNM was already working on the implementation of his compromise formula for a new institution of higher education.

The process of the adoption of the new law on higher education and the involvement of the international community were often hampered by the opposition of radical forces from both sides, who understood that the main issue at stake was the solution to the problem of the Albanian language higher education and the Tetovo University. They included, on the one side, the Macedonian Academy of Science and Arts and many prominent professors from Skopje and Bitola Universities and on the other side Albanian radicals including the Tetovo University leadership.¹⁴⁹ However, as far as key issues of the use of minority languages and the creation of private institutions of

¹⁴⁷ However, the practical importance of this article has proved to be very limited. The interviews conducted by the author in 2001 at Universities of Skopje and Bitola revealed that no transfer from the Tetovo University to the state Universities had taken place. In 2001 only approximately 200 UT students transferred to the SEE University.

¹⁴⁸ Official Gazette of the Republic of Macedonia, No. 64/2000.

¹⁴⁹ The new Law on Higher Education was criticised by Albanian radicals as "regressive and confusing regarding the rights of Albanians in Macedonia" since it did not foresee the possibility of legalisation of the UT (Statement by the President of the UT Senate Milaim Fejzi, Flaka, 30 June 2000).

higher education are concerned, they were decided at a political and not expert level. In this respect, fortunately enough the parties of the Government coalition decided to show some flexibility in order to reach a compromise solution.

5.2.2.3. Post-2000 Law Amendments

In 2003, as a result of the important developments regarding inter-ethnic relations in the country, first of all the signing of the Ohrid Framework Agreement (OFA) in August 2001, and the establishment of a new power sharing mechanism, the Albanian political forces, in particular the newly emerged DUI, decided to address the issue of the law on higher education. Minister of Education and Science Aziz Polozhani (representing the DUI in the Government), using the argument of bringing the law on higher education in conformity with the OFA, in June 2003 prepared a set of amendments to the law. There was no doubt, however, that the reference to the Ohrid Agreement served as a mere excuse, as the real goal of the proposed amendments was to prepare the ground for the creation of the new state University (in the Albanian language) in Tetovo. Therefore, first of all the language clause was changed in order to enable the use of the Albanian language in the state institutions of higher education. The revised Article 95 stipulates:

The Macedonian language is a language of instruction in the higher education institutions.

In accordance with this Law and the statute of the high educational institution, the members of the communities, in order to express, nurture and develop their identity and other distinctive features, have the right to conduct the education in the State higher education institutions, in certain study programmes, in the language of the community, different than the Macedonian language. The State will provide financing for higher education in the language that is used by at least 20% of the population in the Republic of Macedonia.^[150]

Teaching at the private education institutions may be conducted in the languages of the members of the communities that are not in majority or in some of the world languages. When the language of instruction is a language of the members of the communities that are not in majority or a world language, the Macedonian language is studied as a separate subject and for at least two other subjects the language of instruction is the Macedonian.

In addition, since it was clear that the new institution in the Albanian language created on the basis of the existing UT would not be able to fulfil rather rigid requirements

¹⁵⁰ The provision referring to the 20% of the population obviously only concerned the ethnic Albanians and was clearly drafted taking as the point of departure the language of the OFA.

regarding academic credentials, the revised Article 36 lowered the number of faculties required to create a University from “at least seven licensed faculties and higher vocational schools, of which at least five are faculties” to “five accredited faculties and higher vocational schools, out of which at least three are faculties”. Article 46 concerning the number of teaching staff with scientific titles required for each faculty was amended as well and the minimum number was decreased from “at least five professors with academic titles and five research assistants” to “at least three professors with academic titles and three research assistants”.

Besides amendments aimed at the establishment of the new state University in the Albanian language, some amended provisions concerned the financing of the higher educational activity since the system proposed in 2000 had not functioned well. In addition, the amendment to Article 83 opened the way for co-financing of the private institutions of higher education from the budget and in this regard the criterion of “public interest” was introduced. Amendments to the law on higher education were adopted by the Parliament on 17 July 2003.¹⁵¹

The discussion has also started on introducing new amendments to the law on higher education in order to make it more flexible and to bring the system fully into line with the Bologna Process. Amendments prepared in late spring 2006 dealt with the “integrated” model of university structure and abolishing the old, inefficient system of university as a loose federation of autonomous faculties, a stronger position of the Ministry of Education¹⁵² vis-à-vis universities, improved mechanisms of quality assurance and accreditation procedures as well as better regulations regarding the growing private sector. Those new amendments would not aim at changing the basic principles applied to Albanian language higher education. In particular, they would not change the crucial language formula, although some suggested that the requirement to provide teaching of two subjects in the Macedonian language (when the education is provided in the Albanian and other minority languages) might be

¹⁵¹ Official Gazette of the Republic of Macedonia, No. 49/2003.

¹⁵² Until late 2000 there were two separate Ministries of Education and Science which then merged into one Ministry of Education and Science.

abolished. In addition, the question of funding study programs at private institutions of higher education based on the formula of "public interest", e.g. teacher training or public administration, could be reinforced.¹⁵³ After the new Government was formed in autumn 2006 it was not clear how the new Minister of Education and Science representing another Albanian party - the DPA - is planning to proceed.

5.3. Conclusions

When Macedonia became independent, it inherited to a large extent a legal system from the time of the former Yugoslavia. However, its legislation concerning higher education in some points was not in conformity with international standards and it also contradicted the newly adopted Constitution. In the meantime, the country had built a comprehensive legislative network as it had ratified all major documents concerning protection of rights of persons belonging to national communities. Domestically, however, they were not always transferred or implemented and the country's law on higher education badly needed a revision. In addition, the law should respond to modern needs of the country and to adjust to new international academic standards. In preparation of the new legislation, especially provisions concerning access of minorities and the use of the mother tongue, the international standards should be taken as a point of departure. However, it ought not to be forgotten that international standards constitute a certain minimum and in addressing the problem local circumstances and the domestic situation, also with a view to the country's inter-ethnic relations, should be taken into consideration. It would be therefore contrary to the spirit and intent of those standards to interpret international commitments in a restrictive way.

The process of the adoption of the new law on higher education, although it eventually led to satisfactory results, illustrated a very restrictive interpretation of the country's Constitution and international standards by authorities and representatives of the Macedonian academic society. The involvement of the international community was

¹⁵³ Interviews conducted by the author in January 2005, *inter alia* with Minister of Education and Science Aziz Polozhani, Rector of the SEEU Alajdin Abazi and Secretary General of the SEEU Xhevair Memedi.

without doubt a positive factor which helped to steer the process and eventually to reach a compromise on the most sensitive inter-ethnic aspects of the legislation. The main actors involved - the Council of Europe and the OSCE High Commissioner on National Minorities approached the process from different perspectives. While, the CoE looked at the law mostly from an educational point of view, the HCNM had to be more pragmatic taking into consideration his conflict-prevention mandate. The Council of Europe undertook the difficult task of bringing the draft of the law into line with modern international standards regarding higher education. Thanks to its involvement several significant improvements had been made in the text. However, its experts were unwilling to undertake the uncomfortable burden of resolving, through their opinion or advice, difficult political problems the Macedonian Government faced in the field of higher education. It was to a certain extent understandable having in mind that usually the CoE approaches a problem from a purely legalistic point of view without paying enough attention to the political situation on the ground and the particularities of each case. The CoE experts limited themselves to sending recommendations, almost completely neglecting a permanent dialogue with all sides concerned. The HCNM involvement was driven by practical consideration of the conditions to be met in order to reach a compromise on a more general problem of Albanian language higher education. Therefore, the HCNM's main focus was on "adjusting" the law to his plans, in particular the establishment of a private institution of higher education providing a curriculum in the Albanian language and not all articles were given the same consideration also with a view to their future implementation. The High Commissioner at least realised the need to ensure continuity of the CoE engagement and to involve independent international experts.

The adopted law was certainly a result of a compromise and by far not all recommendations of the international experts were accommodated. Nevertheless, it constituted a breakthrough for the country's system of higher education and the major point of departure for the process of reforms in the field of higher education. However, first of all it opened the way for finding a solution to the problem of Albanian language higher education.

Part III

FROM INDEPENDENCE TO THE OHRID AGREEMENT

Chapter 6: The Question of Higher Education in a Minority Languages in the Republic of Macedonia

6.1. The Current Macedonian System of Higher Education

6.1.1. General Information

The Macedonian educational system is divided into four segments: pre-school (from six months to seven years), primary schools, secondary schools and higher education. Primary education is compulsory, starts at the age of seven and lasts for eight years.¹⁵⁴ After the completion of primary education, at the age of 15 students enter secondary level: four-years secondary schools¹⁵⁵ or three-years vocational education when graduates can continue their education for another year in order to acquire a full four-years vocational education. At the end of four-years secondary education students have to pass final examinations (Matura) making them eventually eligible for University enrolment.

Dropout rates are relatively high at both primary and secondary levels. The annual dropout rate in the elementary education system amounts to 1,42% and in the secondary education to 2,84%. However, the biggest “loss” of students is registered between primary and secondary education. In the last couple of years only approximately 85% of the students who completed compulsory primary education were enrolled in secondary education.¹⁵⁶ In addition, there are significant ethnic discrepancies between the number of pupils who finish primary schools and those starting secondary education. While the number of pupils following the curriculum in the Macedonian language in the first grade of secondary schools represented 97% of those in the 8th grade of primary schools, this ratio was only 53% among classes with the Albanian language and 33% among classes with the Turkish language.¹⁵⁷ Research

¹⁵⁴ As proposed by the Ministry of Education and Science in the future children will start school at the age of six and primary education will last nine instead of eight years.

¹⁵⁵ Schools of general education (called in Macedonia “gymnasiums”), technical schools or art schools.

¹⁵⁶ As one of ways to address this problem the Ministry of Education and Science is planning to introduce compulsory secondary education.

¹⁵⁷ Official data of the Ministry of Education for the school year 2000/2001. However, those statistics might be a little bit misleading as there is a group of students who start their education at primary level in their mother tongue (Albanian, Turkish or Serbian respectively) and because of the lack of possibilities

of the 1991 cohort throughout secondary and higher education by the OECD revealed that only 61% of the students completing 8th grade primary education graduated from secondary schools and only 12.8% obtained a higher education degree.¹⁵⁸ The average number of years spent in schooling (attainment age) in Macedonia is reported to be 10.7 years, compared with 16.4 years in the OECD countries.

Most educational institutions in Macedonia are owned and governed by the state. There were only four private secondary schools in the 2001/2002 academic year. This situation is deteriorated by the vague legislation regarding the establishment of private schools. In addition, it ought not to be forgotten that private schools at primary level are prohibited by Article 45 of the Macedonian Constitution.

Table 2

Participation in education by level (2001/2002)¹⁵⁹

	Number of schools	Number of students	Percentage of system
Primary education (age 7 – 15)	1,040	246,490	64,5
Secondary education (age 15-18/19)	95	90,990	23.8
Higher Education (19 plus) Universities/non-University	4	44,710 ¹⁶⁰	11,7
Total	1,160	382,190	100

In 2000 and 2001 approximately 20,000 students finished secondary education each year (both three and four-years). Approximately 27% of secondary school graduates continued into higher education. This proportion has improved since the early

(schools) to continue education in their mother tongue at the secondary level, opt for the Macedonian language classes. On the other hand, some of them, in particular because of the above-mentioned language limitations, decide not to continue their education beyond the 8th grade of primary schools.

¹⁵⁸ OECD Centre for Co-operation with Non-Members, Directorate for Education, Employment, Labour and Social Affairs, Education Committee, Thematic Review of National Policies for Education - FYROM, Stability Pact for SEE Europe, Table I - Task Force on Education, CCNM/DEELSA/ED(2001)7/FINAL. 18 June 2002, p. 9.

¹⁵⁹ Source: Data of the State Statistical Office of the Republic of Macedonia.

¹⁶⁰ 36,549 full-time and 8,161 part-time students. Students of the newly opened SEE University and “illegal” Tetovo University are not included in the statistics.

nineties, as Universities increased the number of places available mostly due to a higher number of students paying tuition fees.

The country spends approx. 4% of the GDP on education, which is only slightly less than the average for countries in transition.¹⁶¹ However, this percentage is decreasing. In 2002 it amounted to 147 million USD. Within education expenditure, primary education received 57% of the budget, while almost a quarter went to secondary education. The OECD argued that with 19% higher education is relatively over-funded compared to primary education, especially since University students make up approximately 11,7% of all students.¹⁶² Salaries make up more than 80% of all educational spending.¹⁶³

The typical course of undergraduate university studies is four years. However, the duration of studies depends on the type of faculty. Some courses last for five (e.g. the Technological Faculty) or even six years (Faculty of Medicine). After graduation from the initial higher education cycle (equivalent of bachelor degrees) students may enter, first master, and later on doctoral studies. Post-graduate studies for masters degrees are organised by semester and extend over a minimum of 3 semesters (usually a two year programme). A masters degree is required for acceptance in a doctoral programme. Studies for this programme are of a minimum two years' duration. There are no reliable statistical data in order to assess master and doctor level studies. However, the number of students has been quite small - between 30 and 80 graduating doctoral students per annum throughout the past decade.¹⁶⁴

¹⁶¹ In addition to their allocation from the education budget, Universities and schools can raise funds from other sources including student tuition fees (not in the "state" primary and secondary schools), rents charged to other users of school premises and income generated from the sale of goods or services produced by the schools. Due to a shortage of funds in the education budget, the cost of electricity, heating, water and similar facilities have often to be met from the funds raised by the schools themselves. According to the Macedonian Ministry of Education if "acquired own means" are added, it would mean that 5,2% of the GDP is spent on education.

¹⁶² OECD, 2002, p. 13.

¹⁶³ The salaries in education are low, but in the country with such high degree of unemployment, jobs in this sector are still attractive. In addition, teachers are at least paid regularly.

¹⁶⁴ OECD, Improving Access and Opportunities for Under-Represented Groups in Higher Education in the Former Yugoslav Republic of Macedonia, March 2004.

6.1.2. Skopje and Bitola Universities

For a long time there were only two Universities in Macedonia.¹⁶⁵ In addition, the higher education was broadly unified - there was no separate polytechnic sector. The St. Cyril and Methodius University (Univerzitet Sveti Kiril i Metodi) in Skopje was founded in 1949 and at that time it had three faculties.¹⁶⁶ Today it has approximately 36,000 students in twenty-four faculties and is by far the biggest institution of higher education in the country. The St. Clement of Ohrid University (Univerzitet Sveti Kliment Ohridski) in Bitola was established in 1979 as an association in which were included the higher educational and research institutions from south-western part of Macedonia.¹⁶⁷ Currently it consists of six faculties and has an enrolment of approximately 15,000 students.

Both state universities in Macedonia are structured into faculties that possess far-reaching autonomy with respect to the central university administration as well as to the government. Each of the individual faculties has by law the status of legal entity (i.e. a legal entity within a legal entity) and is considered as an independent educational institution. The central management is weak and is not in the position to provide a strong policy leadership and quality control over all faculties. This currently lies at the heart of higher education reforms in the country as the current organisation of universities hinders the effective implementation of the objectives of the Bologna Process.¹⁶⁸

¹⁶⁵ The creation of the Tetovo University (UT) in 1994 will be described in greater details further on in this Chapter. The private South-East European (SEE) University founded in 2001 will be addressed in Chapter 8 and the establishment of the State University in Tetovo (SUT) in 2004 in Chapter 10. In addition, the Ministry of Education and Science is apparently considering opening another state university in Stip. It would use Skopje University premises and its professors as it has had its branch there. This would constitute a reply to the request of the Skopje University for dispersing part of the study groups, especially in law and economy, in this region.

¹⁶⁶ The Skopje University website at: <http://www.ukim.edu.mk/>.

¹⁶⁷ The Bitola University website at: <http://www.uklo.edu.mk/>.

¹⁶⁸ The Bologna Process is presently the major process of higher education reform in Europe. It takes its name from the Bologna Declaration, which was signed on 19 June 1999 by the Ministers of Education of 29 countries of Europe. The ultimate aim of the process is to establish a European Higher Education Area by 2010 in which staff and students can move around Europe and have fair recognition of their qualifications, *inter alia* thanks to a system of easily readable and comparable degrees (Bachelor, Master and Doctoral), as well as an accumulation and transfer of credits. The Republic of Macedonia officially signed the Bologna Declaration on 18 September 2003. However, the process is merely seen in the country as the “European dimension” of higher education, which is important because of the European vocation of the country.

Table 3**Student enrolment in higher education in the state universities in Macedonia¹⁶⁹**

1990	1994	1995	1996	1997	1998	1999	2000	2001	2002
29,349	27,340	29,057	29,583	30,754	33,043	36,167	36,922	40,246	44,710

In general, the participation rate in higher education in Macedonia is below the average of the OECD countries.¹⁷⁰ Of the countries of Central and Eastern Europe only Albania and Romania had a lower number of students per 100,000 inhabitants.¹⁷¹ The positive element is that the number of students in higher education is growing and it has actually more than doubled since 1990.¹⁷²

The number of places at the state universities is determined on a yearly basis by the Government. Higher education is free for the majority of the students and places are awarded based on merit. Others, the so-called self-studying (outside the “state quota”), have to pay tuition fees - between 500 (in non-laboratory subjects) and 1,000 Euro per year. The last category is a national minority quota which will be described further on in this Chapter.

The capacity of the both state Universities proved to be too small and insufficient to serve the needs of the country, including changing market requirements, increased demand from students (higher proportions of the age cohort continuing into secondary and then tertiary education) and, last but not least, an increase in the number of students from formerly under-represented communities. The adoption of the new Law on Higher Education in 2000 created the legal possibility for opening private faculties and universities and was a positive step toward extended opportunities for studies and

¹⁶⁹ Source: Data of the State Statistical Office of the Republic of Macedonia.

¹⁷⁰ OECD, 2004.

¹⁷¹ Data for academic year 2000/2001, http://www.cepes.ro/information_services/statistics.htm.

¹⁷² 61,566 in 2004/2005 academic year according to official data of the Ministry of Education (see in Ministry of Education and Science of Republic of Macedonia, National Strategy for Development of Education in Republic of Macedonia 2005-2015, Skopje, 2004, p. 245).

a wider choice of programmes. However, the response to this opportunity was limited as so far only the SEE University (in 2001) and the “Republic of Macedonia” European University in Skopje (2005) have been established.¹⁷³

Annual University graduation in years 1995 - 2000 had been oscillating around 3,000. At the same time, the official statistics for year 2000/2001 showed that 87% of students were not able to graduate within the time limit foreseen in the university programme.¹⁷⁴ Those figures are high by international standards. The very high dropout rate and extended time taken by most students to finish their studies are signs of inefficiency of the system, which is in urgent need of reform.

In addition, a significant number of students from Macedonia attend university studies in Kosovo, Albania, Bulgaria, Greece and elsewhere in Europe. There is, however, a lack of official statistics in this regard, also as far as their ethnic origin is concerned.¹⁷⁵

6.1.3. Process of Reform

Education in Macedonia, especially at the higher level, is in the process of reform aimed at meeting new demands of a democratic country and a free market economy. However, it ought not to be forgotten that so far the process of reforms has been rather a topic of political debate than of real action. The main outstanding problems in higher education include: the old pedagogical approach of passive learning, a lack of interactive methods of learning and innovative approaches to course design and delivery, the extreme autonomy of faculties, a lack of a clear link between student enrolment in faculties and labour market needs, insufficient attention paid to

¹⁷³ Some departments of foreign Universities have been created as well (e.g. New York College).

¹⁷⁴ State Statistical Office of the Republic of Macedonia, Graduating Students at the Higher Education Schools and Faculties in the Republic of Macedonia in 2001, Statistical Review 2.4.2.06/405, Skopje, 2002.

¹⁷⁵ The recognition of diplomas and scientific titles (nostrification) should have a fundamental importance in the country when so many students have studied abroad. Diplomas obtained in other parts of Yugoslavia (including at Priština University) before 1991 are universally recognised in Macedonia. The country is part of the 1976 International Convention on the Recognition of Studies, Certificates, Diplomas and Degrees in Higher Education in the Arab and European States Bordering (as a part of the policy of the former Yugoslavia pursuing active contacts with the so-called non-allied states) and in March 2003 it ratified the UNESCO Lisbon Convention on the recognition of qualifications concerning higher education in Europe. However, Macedonia has so far concluded only three bilateral agreements concerning recognition of foreign credentials - with Albania, Bulgaria and Turkey.

evaluating the quality of education, negligence of research as the focus of universities is almost exclusively on teaching, a lack of a comprehensive solution to the problem of state funding of universities¹⁷⁶ and corruption.¹⁷⁷

It has to be underlined that the Macedonian educational system, in particular at the higher level is ossified mostly due to the conservatism of its academics. Indeed, any attempts for reforms quite often met opposition among these who might lose benefits which the current non-transparent system offers. It mainly concerns the academic establishment, whose members hold many positions and receive many salaries. As formulated in the official document of the Ministry of Education, the main objectives of the transformation process in Macedonian higher education are: modernisation, diversification, mobility and attractiveness of the whole system.¹⁷⁸ However, those very principles have to be elaborated in greater detail and of course fully implemented. Despite the fact that all institutions of higher education in the country officially declare that they want to follow the Bologna process, very little action has been taken so far.

Against this background, reforms conducted so far were mostly driven by representatives of the international community, including the OECD, CoE, OSCE,

¹⁷⁶ Adequate funding of public universities is a major challenge for the government. The present incrementally based method of funding Higher Education Institutions should be replaced by a normative, criteria-based system that provides incentives for revenue generating activities. In addition, the Universities should be encouraged to obtain more financial resources from other than the state budget sources (revenues from research, entrepreneurial activities etc.), which at present are almost completely lacking.

¹⁷⁷ Corruption, which is one of the biggest problems the country is facing, unfortunately affects also the education system. The survey conducted by the Macedonian Open Society Foundation in May 2003 involving 2000 students from the three Universities: in Skopje, Bitola, and the SEE in Tetovo revealed several irregularities including corruption at the entry exams, requests to pay a bribe in order to pass an exam (26% of the interviewees from the Skopje Pedagogy Faculty confirmed this practice), requests by professors to buy their textbooks as a precondition for student's taking the exam in question, parents of students being required a favour (medical, court or other) or even teaching staff members asking for sexual favours for passing an exam. According to student opinion, staff was most corrupted at the Skopje Faculties of Law, Agriculture and Forestry, Pedagogy and Philology. The SEE University was by far less affected by the corruption, which might also be explained by the introduction of clear preventive and controlling mechanisms. (Open Society Foundation Report, Corruption in Higher Education in the Republic of Macedonia, Skopje, 2004, available at http://www.soros.org.mk/angliska_verzija/index.html).

¹⁷⁸ Ministry of Education (edited by Nadezda Uzelac), Review of the Country Achievements, the Bologna Process, European Higher Education Area, Skopje May 2003, p. 3.

USAID, the European University Association (EUA) etc.¹⁷⁹ They mostly concerned a new legislative framework for the education system, as well as some changes in the curriculum and establishment of more extended international co-operation.¹⁸⁰ In 2001 a group of educational experts with the assistance of the World Bank after a very lengthy process adopted “the Strategy for Development of Education in the Republic of Macedonia 2000-2010”. However, after the new Government came to power, it decided to prepare its own strategy, which resulted in the presentation of the new document called “the National Strategy for Development of Education in Republic of Macedonia 2005-2015.”¹⁸¹ It might suggest that by now there is at least a growing feeling of the necessity of reforming higher education system in Macedonia, although the National Program almost completely neglected inter-ethnic aspects of education.

6.2. The Impact of Education on the Inter-Ethnic Situation

6.2.1. The Worsening of the Situation of the Albanian Minority in Macedonia

Problems related to the Albanian language education already started before the Republic of Macedonia gained independence. Professor Teuta Arifi has identified two different phases as far as access of Albanians to mother tongue education in the SFRY is concerned: a liberal one (1969-1981) and a restrictive one (1981-1990).¹⁸²

¹⁷⁹ Some Macedonian experts pointed out that existing problems are mainly due to the politicisation and influence of the political parties in the education, stressing at the same time that reforms are incomplete without “including prior scientific research in education to see the traditions, advantages and disadvantages of the previous and current educational systems in Macedonia” (Interview with Prof. Petre Georgievski from the Faculty of Philosophy at Skopje University, Macedonian Sun, 26 September 2003). One could interpret it also as indirect criticisms of reforms which are mainly driven by international experts. Many Macedonian academics in the interview by the author referred to “excellent tradition and experience of the system” which any process of reform should take into account. No doubt local input and ownership are key prerequisite of success of educational reforms but in the Macedonian context it often meant that local professors were prepared to conduct necessary reforms only as long as their interests were not affected.

¹⁸⁰ The OECD listed the following positive developments initiated as a result of the adoption of the new Law on Higher Education: introduction of the European Credit Transfer System (ECTS); establishment of a Government Agency to oversee quality assurance at the universities; creation of the possibility for founding of private universities; opening of the new possibilities of using languages of national minorities; creation of the internationally established levels of studies (Bachelor, Master and Doctoral degrees). Source: OECD, 2002.

¹⁸¹ Ministry of Education and Science of Republic of Macedonia, National Strategy for Development of Education in Republic of Macedonia 2005-2015, Skopje, 2004 (www.npro.edu.mk).

¹⁸² Arifi, Teuta, Substantial Progress, though not Enough: Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Macedonia, 1993-2001 in Neukirch, Claus & Oberschmidt, Randolph & Zellner, Wolfgang (Eds.), Comparative Case Studies on the Effectiveness of the OSCE High Commissioner on National Minorities, Hamburg, 2003 (*Draft CORE Working Paper No. 9*), p. 1.

In November 1968 Kosovo Albanian students went to the streets and demanded that Kosovo be recognised as a seventh republic in the Yugoslav Federation and that the Albanian language to be increasingly used in public life and education. These were one of the first violent disturbances in the SFRY.¹⁸³ As a result some Albanian demands were addressed, including wider use of the Albanian language at all levels of education. It eventually led to the founding in 1969 of the Priština University (UP). It provided teaching in both - Serbo-Croatian and Albanian languages and it effectively became the intellectual center for Albanians from the whole Yugoslavia. However, at the same time the UP was an important element of developing Albanian nationalism.

In addition, a Faculty of Albanian Language and Literature and a Pedagogical Academy were opened within the framework of the Skopje University with a significant part of the curriculum provided in the Albanian language. In 1981 in the Socialist Republic of Macedonia there were 287 Albanian language primary schools employing approx. 3,000 teachers with 74,000 pupils. There were also 8,200 children who followed the secondary school curricula in the Albanian language in 20 schools.¹⁸⁴

However, growing nationalism among the Albanian population in Kosovo culminated in 1981 province-wide demonstrations demanding republican status for Kosovo which started as a local disturbance over conditions at the UP campus and poor food at the canteen, and was later driven by its students. Many of them later on became leaders of the Albanian national movement which eventually led to the creation of the Kosovo Liberation Army (KLA, UCK in Albanian). After the 1981 developments, Priština University became a symbol of Albanian resistance in Kosovo and was seen as a bastion of Albanian nationalism, some would say even secessionism. The communist authorities not only responded with violence and a wave of arrests, but they also initiated a new policy of reducing the number of Albanians attending the Albanian

¹⁸³ Besides UDBA “anti-terror” operation conducted in mid 1950-ties in order to prevent alleged attempt by Albanian uprising in Kosovo and the so-called 1950 “farmer’s rebellion” in Bosnia and Herzegovina. See in: Glenny, Misha, *The Balkans (1804 - 1999), Nationalism, War and the Great Powers*, Granta Books, London, 1999, pp. 545 - 551, 579 - 580.

¹⁸⁴ Poulton, Hugh, *Who are the Macedonians?*, Hurst & Company, London, 2000, p. 126.

language classes, in particular at the secondary level; instead they tried to fully integrate Albanians into Serbian or Macedonian language schools. Against this background, in 1985 a new rigid Macedonian Law on Secondary Education was adopted which permitted the formation of classes in the languages of nationalities only when there were over thirty students and a sufficient number of qualified teachers.¹⁸⁵ With the strict implementation of this law, the number of classes with curriculum in the Albanian language decreased significantly. Between the school year 1981/82 and 1990/91 the number of secondary schools on the territory of the Socialist Republic of Macedonia providing classes in the Albanian language had decreased from 20 to 5 and the number of students who followed the curriculum in the Albanian language from 9,487 to 2,537.¹⁸⁶ Officials claimed that Albanian language schools had to be closed due to the lack of qualified Albanian teachers. At the same time, many teachers were fired for allegedly "indoctrinating their pupils with Albanian nationalism."¹⁸⁷ In addition, the Pedagogical Academy of the Skopje University which provided classes in Albanian and Turkish languages was closed in 1988 (a process already started in 1983 with significant reduction of the number of Albanian students) based on the excuse that there was "a need for more profound education for educators."¹⁸⁸ The consequences of those steps were felt long after Macedonia became independent.

In 1991, after refusing to comply with a new Serbian curriculum, most Albanian lecturers at the UP were dismissed and the Milosevic regime practically suspended the "Albanian line" of teaching. The Priština University continued operation providing classes exclusively in the Serbian language. The Albanian language curriculum was provided by some University professors in an "illegal" way, in private houses. However, this arrangement lacked everything: a library, textbooks, classrooms, laboratories, qualified teachers etc.; as a result the quality of education suffered. The "underground" Priština University at that time became part of a network of parallel

¹⁸⁵ In SFRY education belonged to competencies of republics.

¹⁸⁶ Unioni i Inteligjencies, Asociacionet dhe Subjektet Politike Shqiptare ne Maqedoni, Elaborat per Themelimin e Fakultetit Pedagogjik ne Mesim ne Gjuhen Shqipe ne Kuader te Universitetit "Shen Kirili dhe Metodi" ne Shkup, 1992, p. 132. The data regarding the number of students at secondary schools slightly differ from those provided by Poulton.

¹⁸⁷ Minority Right Group, Minorities in the Balkans, Minority Right Group Report, London, 1989, p. 27.

¹⁸⁸ Arifi, Teuta, 2003, p. 2.

institutions of self-government, health care, education etc. that the Albanians in Kosovo established in a campaign of non-violent resistance. The diplomas were not recognised, neither by the Yugoslav state, nor internationally.

It has to be noted that during the time of the SFRY many students from Macedonia were enrolled at universities in other parts of the country and this number was estimated at approximately 1,800 at the end of eighties. This phenomenon concerned in particular Albanians among whom a majority conducted their education in Priština. Before the dissolution of Yugoslavia approximately 1,200 students of the UP were Albanians from Macedonia.¹⁸⁹ It was one of the main reasons why a very limited number of Albanians studied at universities in Macedonia. The suspension of teaching in the Albanian language at the Priština University in 1991 coincided with the break-up of Yugoslavia when the UP practically became “a foreign” institution for Albanians from Macedonia. Against this background, Albanians bitterly claimed that the right to higher education in their mother tongue disappeared with the coming of democracy. The real situation was that the “loss” of the Priština University could not have been compensated and the need for increased access to higher education for the Albanian community in Macedonia became apparent.¹⁹⁰

¹⁸⁹ Ortakovski, Vladimir, *Minorities in the Balkans*, New York 2000, p. 299. Although diplomas granted by the Priština University until 1991 have been universally recognised in Macedonia, those granted by the “underground Albanian” Priština University are still not recognised in Macedonia as authorities point out to their insufficient academic quality. This issue remains pending. It affects a significant group of ethnic Albanians, although there is a lack of reliable statistics. In addition, after the NATO military intervention in FRY and Kosovo in 1999 and the departure of Milosevic, the Priština University resumed its Albanian language operation under UNMIK administration and in 2000 it started to issue new diplomas with an UNMIK label. According to information provided by the Rector there is a possibility for old graduates (from 1991-1999 period) to obtain the new diplomas after they undergo some additional training and exams (Source: interview by the author with the UP Rector, Zejnel Kelmendi, 17 June 2004). The students holding Priština University diplomas, both issued between 1991-99 as well as the so-called UNMIK diplomas, have created a special Council in Macedonia, with the aim to exercise pressure on authorities, demanding an equivalent recognition of these diplomas.

¹⁹⁰ The Priština University currently has approx. 28,000 students and offers around 5,000 places annually at 15 faculties and 7 high schools. It has to be noted, however, that more than 20,000 candidates apply every year. In addition, as formulated in one of the Balkan Crisis Reports, the Priština University is over-politicised, under-funded, suffering from low standards and is “crying out for reform” (Gjurgjeala, Era & Shala, Sebahale, *The Institute for War & Peace Reporting (IWPR)*, Balkan Crisis Report No. 508, 23 July 2004, www.iwpr.net). Today the UP can no longer serve, and ought not to serve, as the main academic center for the Albanian community from Macedonia. The UP is still accommodating some Albanians from neighbouring countries, who prefer to study in Priština instead of in their countries of origin. The University estimates that approx. 5% of its students are non-Kosovars (Source: interview by the author with the UP Rector, Zejnel Kelmendi, 17 June 2004). There is, however, lack of any reliable statistics regarding the number of students from Macedonia.

6.2.2. Instruction in Minority Languages/Participation of Minorities

The Macedonian legislation allows for curriculum at primary and secondary level being provided in all “constitutional languages” i.e. the Macedonian and the languages of all minorities. The practice is that lectures should be taught in a common facility in order to maintain the minimum level of ethnic inter-action. However, in practice, actual segregation occurs due to the pattern of organising the "shift system" (e.g. Macedonian students for the first shift and Albanian for the second). As a result students and teachers from these ethnic groups hardly meet in school. Teaching languages in primary schools are Macedonian, Albanian, Turkish, and Serbian. Lectures of Vlach and Romany language are only conducted in few schools as facultative subjects. At secondary schools the teaching is conducted in Macedonian, Albanian and Turkish.

Albanians in Macedonia in general do not have problems with access to primary schools where classes are conducted in their mother tongue. However, the situation is already more complicated with regard to secondary level education. In the school year 1991/92 only 4,1% of all pupils attended Albanian language secondary education, while 27,1% of pupils attended primary schools with instruction in the Albanian language. In the school year 1994/95 this ratio had increased to 9,5% and 27,5% accordingly. The key was that the country still faced consequences of anti-Albanian policy implemented at the time of the SFRY in the 1980s. Another problem was a shortage of qualified Albanian language teachers, and the fact that, in general, their professional skills were below the average in the country. In some cases Albanians lived in predominantly ethnic Macedonian areas where there were not enough pupils to create separate classes. Since only primary education is compulsory, many Albanian parents, facing the lack of opportunities of the children to continue mother tongue education at secondary level, withdrew their children from school rather than let them continue in the Macedonian language schools. As a result in 1991 only 531 Albanians completed secondary school, compared with 20,529 Macedonians.¹⁹¹ In

¹⁹¹ Albion Smith, Adam & Mickey, Robert W., Albanian Macedonians and the Macedonian State, April 1993, p. 11. This statistic might not be accurate and the authors, as a matter fact, might refer to a number

addition, due to in general lower quality of Albanian language schools, most Albanians were not adequately prepared to continue their higher education at the Skopje and Bitola Universities. Albanians and other minorities, having conducted their education at primary and secondary level exclusively in their mother tongues, learn the Macedonian language as a "foreign" language (only two or three hours per week). One should take into consideration the fact that Macedonian and Albanian languages belong to completely different linguistic groups. The problem was also the poor quality of teaching as the Ministry of Education decided that even the Macedonian language should be taught by minority teachers in minority schools. This was aggravated by the fact that there were many cases of students who hardly had any relations with other ethnic groups, speaking exclusively the Albanian language at school and in contacts with friends, reading only Albanian language newspapers and watching Albanian language TV. Against this background, it is of no surprise that they had faced problems with passing entrance exams and later on continuing education at the Macedonian language's faculties in Skopje and Bitola. As a result in 1992 only 51 Albanians completed their education at these Universities, compared with 2,862 Macedonians.¹⁹² Similarly, very few members of other minorities like the Turks and the Roma finished their studies.

of students who completed secondary education with the Albanian and the Macedonian language of teaching not necessary to their ethnic origin.

¹⁹² State Statistical Office of the Republic of Macedonia, Basic Statistical Data, Skopje, December 1992, p. 28. Until 1990 Albanians made up 0,85% of all graduates of the Faculty of Economy, 1,71% of the Faculty of Philology and 3,7% of the Faculty of Medicine (at the Skopje University). In 1991/92 Albanians made up approx. 1,7% (386) of all students of Skopje and Bitola Universities. In addition, there were 172 Turks and 14 Roma studying at Skopje and Bitola Universities (Poulton, Hugh, 2000 p. 184).

Table 4**Participation in education by ethnic group and gender¹⁹³**

Ethnic group	Primary 1998/99			Secondary 2000/2001			University ¹⁹⁴ 2001/2002		
	Total	%	Female students	Total	%	Female students	Total	%	Female students
Macedonian	142,116	57.7	69,096	69,991	77.0	35,539	39,765	88.9	22,149
Albanian	76,225	30.9	36,827	15,718	17.3	6,619	2,192	4.9	1,094
Turkish	10,453	4.2	4,925	1,665	1.8	633	546	1.2	269
Roma	7,970	3.2	3,836	499	0.5	216	126	0.3	68
Vlach	435	0.3	181	238	0.3	127	417	0.9	257
Serbian	2,757	1.1	1,338	1,217	1.3	548	822	1.9	425
Other	6,534	2.6	3,072	1,652	1.8	592	707	1.7	364
Total	246,490	100	119,273	90,990	100.0	44,274	44,710	100.0	24,691

The school participation varies significantly in the different ethnic groups. While in general in primary education the participation is proportional to the ethnic composition of the particular age group, the significant divisions start already at secondary level and further deteriorate at the level of higher education, where participation of some ethnic groups, in particular Albanians, Turks and Roma is low compared to the ethnic structure of the respective age cohort. The ethnic Macedonians (67% of the population), accounted for 77% of all students in secondary education and 89% in higher education. The Albanian community (23%) had only 17% in secondary and 5% students in higher education. Turkish (4%) under-representation started at secondary level, where they made up 1.8% of all pupils and continued at university level where they had only 1.2% of all students. Roma (2.7%) constituted only 0.5% of secondary and 0.3% of higher education students.¹⁹⁵

¹⁹³ Source: Data of the State Statistical Office of the Republic of Macedonia.

¹⁹⁴ The data does not include students of the SEEU and the UT.

¹⁹⁵ Both Turks and Roma were not satisfied with the existing situation. However, this issue has never become a serious political problem, mainly because of the numerical strength of those communities and lack of political strength to exercise pressure on authorities.

Macedonian authorities had been trying to explain lower participation of minorities at secondary and higher level with various factors focusing mostly on two:

- a social structure according to which members of some nationalities, especially Albanians, are mainly rural dwellers who traditionally show no interest in continuing their education;
- a significant absence of the female population in the total number of pupils of the nationalities, which is again characteristic of the rural Albanians.¹⁹⁶

Those points are valid to a certain extent, but they can not explain such heavy under-representation of minorities. In addition, it ought not to be forgotten that Albanian women are not excluded from society and enjoy a different status than in many Muslim countries.¹⁹⁷ In general, the under-representation of minorities, in particular ethnic Albanians, in higher education should be attributed to a number of social, educational and cultural factors including:

- the Albanian population being predominantly rural and having not only different attitudes towards education, but also less possibilities to obtain quality education;
- deficiencies in Albanian language primary and in particular secondary education, being mainly the result of the lack of qualified teachers, which itself was related to problems in teachers training system of the country, especially as far as minority language education was concerned;
- different priorities and a tendency among Albanians of seeking jobs abroad where the Macedonian diplomas were not needed and recognised; and
- the insufficient knowledge of the Macedonian language which represented a serious barrier for a significant group of Albanians to pass University entrance exams and later on to continue their education.

¹⁹⁶ United Nations, Human Rights Committee, International Covenant on Civil and Political Rights, Initial Reports of States Parties, the Former Yugoslav Republic of Macedonia, CCPR/C/74/add.4, 18 May 1998, pp. 132-133.

¹⁹⁷ It could be observed that girls belonging to Albanian, Turkish and Roma communities are under-represented, although not significantly, at the secondary level due to the pressure exercised by their families, in particular in the rural areas (tradition of staying home in order to help parents and to find a husband as soon as possible). However, relatively more girls from these communities graduating secondary schools continue into higher education; it could be concluded that once they get into secondary education they are determined to continue their education at a higher level.

Table 5**Students enrolled for the first time in the first year at higher schools and faculties, by ethnic affiliation (at Skopje and Bitola Universities)¹⁹⁸**

	Macedonians	Albanians	Turks	Roma	Other	from other countries	Total
1997/98	6,743	505	83	20	511	68	7,930
1998/99	7,211	642	142	19	470	100	8,584
1999/2000	7,669	602	138	30	484	88	9,011
2000/01	8,299	620	151	48	539	45	9,702
2001/02	11,025	517	172	57	607	44	12,422
as percentages of annual totals of Macedonian nationals							
1997/98	85.8	6.4	1.1	0.3	6.5		100.0
1998/99	85.0	7.6	.7	0.2	5.5		100.0
1999/2000	85.9	6.7	1.5	0.3	5.4		100.0
2000/01	85.9	6.4	1.6	0.5	5.6		100.0
2001/02	89.1	4.2	1.4	0.5	4.9		100.0

The enrolment of Albanians in the two state Universities had been gradually increasing, both in terms of general numbers and their percentage in student population. At the beginning of the nineties there were no more than 200 Albanians per year enrolling at Skopje and Bitola Universities. The achieved progress had to be attributed to different factors, including the introduction of the special quota system for minorities or the so-called Transitional Year Program.¹⁹⁹ The increased enrolment of Albanians continued until 2001/2002 academic year when this number fell back to 517. It had to be rather attributed to the crisis and the armed rebellion, which affected mainly regions populated by Albanians, than to the opening of the SEE University, although the last factor might also have had some effects on the figures.²⁰⁰ However, despite the progress, the respective numbers were still far from satisfactory considering the general percentage of Albanians and other communities in the entire population.

¹⁹⁸ Source: Data of the State Statistical Office of the Republic of Macedonia.

¹⁹⁹ On details see further on in this Chapter.

²⁰⁰ The slight decrease of Albanians enrolling at Skopje and Bitola Universities in 2001 was registered at all faculties, not only those which provided curriculum similar to that at the SEE University (law, economy and pedagogy).

6.2.3. Argumentation behind Demands Regarding Access to the Albanian Language Higher Education

Almost immediately after the Republic of Macedonia gained independence, ethnic Albanians raised the issue of an access to higher education in their mother tongue. They used various arguments in support of those demands, including the size and historical tradition of their community, their general position in the society, heavy under-representation of Albanians in public services, the hostility of the Macedonian academic community, the need to prepare Albanian language professors of the primary and secondary school and insufficient knowledge of the Macedonian language among Albanian pupils which made it extremely difficult for them to enrol at the state Universities in the country.

As Albanians made up approximately one quarter of the population, they often made a point that they pay taxes and therefore they should "have" their own university.²⁰¹ Historical factors had also been underlined. Albanians had complained (not without reasons) that after Macedonia became independent they lost some rights which they enjoyed at the time of the Socialist Federal Republic of Yugoslavia (SFRY). First of all, it concerned linguistic rights, but also an access to University education in the mother tongue, since as already mentioned in the seventies and eighties they could study in the Albanian language at the Priština University.

The importance of higher education in the mother tongue in ensuring the position of the Albanian community in Macedonia should be underlined as well. No doubt that mother tongue higher education plays a very important role in the general position of minorities in public life, in particular in preserving their ethnic, linguistic and cultural identity. An important element is that the universities provide a group of young graduates who can teach in minority-language schools and become the elite that carries on the identity of the national minority. On the other hand, Albanians in Macedonia have never claimed that their identity is endangered. In general, their

²⁰¹ At the same time ethnic Macedonians argued that most Albanians do not pay taxes anyway since they work in shadow economy or abroad.

position in the Balkans is strong and they do not seem to be under threat of assimilation in any of the countries of the region. Besides the more than three million inhabitants of Albania, there is almost an equal number of Albanians living elsewhere in the region.²⁰² Therefore, development of the system of Albanian language education in Macedonia was not an element of preservation of their ethnic identity. It was rather an attempt to meet the increased aspirations of the Albanian population, including political and linguistic rights. Albanians had often referred to their heavy under-representation in public administration, judiciary, police, army etc. as an argument strengthening their demand for the Albanian language higher education. It was stressed that one of the main obstacles for their increased employment in those fields was a shortage of candidates with the relevant level of education.²⁰³

Last, but not least the language dimension was most frequently underlined. Albanians had stressed that the main reason for their low participation, especially at the higher level of education, had been the lack of possibilities for studies in their mother tongue. In this regard, the reference was made to insufficient knowledge of the Macedonian language among ethnic Albanians, which hampered chances of Albanian students to pass entry exams and later on to survive at a university. The hostility of the academic society, both Macedonian professors and students, were often recalled and many examples of alleged discrimination by Macedonian teachers were provided as well.²⁰⁴ It was also stressed that since Albanians had the right to primary and secondary

²⁰² 1,7 million in Kosovo, 0,5 million in Macedonia, 400,000 in Greece (most of them are Albanian economic migrants, but it includes also some dozens of thousands of the so-called Cams - Moslem or Orthodox Albanians, who live in the region of Greece called Cameria), at least 100,000 in Serbia proper and 50,000 in Montenegro.

²⁰³ As UNDP Report on Human Development noted, if all Albanians with higher education were employed in the public administration across Macedonia, "the current structure of employment by ethnic affiliation would not be changed dramatically. Albanian representation would only increase from 10,2% to 10,7% (UNDP Human Development Report 2001, p. 39).

²⁰⁴ The author over the years interviewed a number of students who claimed that they had to terminate their studies at the Skopje and Bitola Universities because of the ethnically based harassment by their professors. It was, however, difficult to verify in how many cases it was true and how often it served as an excuse for their bad academic performance, in particular since quite often Albanian students complained that the Macedonian professors had "harsh" criteria which were "the same" as for the Macedonian students, despite the fact that Albanians were not able to express themselves in the Macedonian language on the level that the professors required. The expectation that Albanians should be granted special treatment is not acceptable, but at the same time it only confirms the picture that the knowledge of the Macedonian language was one of the biggest hurdles as far as higher education of Albanians is concerned.

education in their mother tongue, the state was obliged to create conditions for preparation of the Albanian language professors, especially given the increased shortage of minority language teachers.

Ethnic Macedonians for a long time rejected those arguments stressing that the international standards regarding mother tongue university level education are rather vague. They also referred to the lack of relevant examples in other countries. In addition, they argued that Albanians, having a completely separate system of primary and secondary education, must at a certain moment integrate into society and learn the state language. They should, therefore, make the full use of the existing facilities at the Skopje and Bitola Universities.

6.2.4. Creation of the Tetovo University (1994)

6.2.4.1. Historical Background/Political Objectives

As a result of the dispute over lack of opportunities for the ethnic Albanians to have access to University education in their mother tongue, tensions had been growing. In 1994 a group of ethnic Albanian intellectuals from Macedonia and Kosovo decided to take some unilateral steps in this regard. The idea of the creation of an Albanian language University was launched at a special Assembly of Albanian intellectuals on 4 June 1994 which gathered representatives of Albanian political parties and associations as well as three municipalities: Tetovo, Gostivar and Debar where Albanians constituted a majority of the population.²⁰⁵ On 25 October 1994 the Council for founding the University of Tetovo requested the Macedonian Government to permit the creation of this University. On 12 December the Government decided to forbid any kind of activity relating to the creation of the UT and proclaimed the initiative to be illegal. Nevertheless, on 17 December 1994 representatives of political, religious and cultural organisations of Albanians in Macedonia signed the act of founding the University of Tetovo. On 15 February 1995 the public ceremony for the opening of the University took place in Mala Recica (suburb of Tetovo). When the

²⁰⁵ The establishment of this institution was assisted by teaching staff from the University of Priština as at that time the Albanian language section at the UP was closed by the Yugoslav authorities.

authorities tried to prevent the first university classes from being held in a private house on 17 February 1995, one Albanian was shot dead by the Macedonian police and 26 persons were wounded. The organisers of this initiative, including "the Rector" - Fadil Sulejmani, a well-known Albanian nationalist, were arrested.

Albanians claimed the right to set up such an university on the basis of Article 45 of the Macedonian Constitution allowing the creation of private educational institutions. However, from the very beginning founders of the UT made clear that their ultimate goal was the creation of a third state University fully financed by the state budget. They argued that the Tetovo University was established according the same rules, which were applied when the Bitola University was founded in 1979, i.e. by at least three municipalities (in case of the UT - Tetovo, Gostivar and Debar). However, in the meantime the Law on Direct Education was adopted in 1985 which abolished those rules. In addition, the 1985 law did not allow the creation of any institutions of higher education in other than the Macedonian language. Even more, it did not allow the creation of any private institutions of higher education. Declaring the UT as "unconstitutional", authorities also referred to Article 48 para 4 of the Constitution. However, the reasons for refusing the UT recognition were more of a political and emotional rather than legal nature. For many ethnic Macedonians, who often referred to the UT as a "para-university," it was a hotbed of Albanian nationalism and separatism. Macedonians were afraid that it could turn into a similar centre of the struggle against the state as the University of Priština was in the 1970-ties and 1980-ties. They were fearful that the creation of a number of Albanian language institutions (including a separate University) would create the kind of parallel structures that emerged in Kosovo in the nineties. The reputation of the leaders of this initiative only increased fears of separatism as a first step to a unified "Greater Albania". At the beginning the authorities were even trying to prevent its operation, e.g. by smashing the roof of the building assigned to the university with bulldozers. Since then, in order not to escalate the situation, to prevent possible street violence and to avoid growing tensions within the Government coalition, they decided to ignore it and thus to tolerate the functioning of the UT.

The establishment of the UT led to serious political tensions in the country, in particular since it coincided with division of the ethnic Albanian party-member of the Government coalition - the PDP and the emergence of more radical political options of Albanians.²⁰⁶ In addition, besides being a response to the lack of adequate opportunities for higher education in the Albanian language, the Tetovo University was also a platform for political adventurism of some of its founders. The creation of the UT was, no doubt, also an attempt to destabilise the situation in the country with a view of “gains” as far as the position of Albanians was concerned.

6.2.4.2. Basic Data

When founded in 1994, the Tetovo University consisted of six faculties: Arts, (with departments of picture, sculpture, graphics, music and drama-acting), Philology (history and pedagogy), Philosophy (Albanian language, English, German, and Orientalistics), Natural Science (chemistry, biology, physics, mathematics, and geography), Economy and Law. According to "official data" provided by the administration of the UT, in 1994/95 the University had 573 students.²⁰⁷ In the 1995/96 academic year 720 new students were enrolled. A further increase was registered in 1996/97 with 1,220 new students and five new faculties: Computer Science, Agriculture, Pharmacy, Physical Education and Pedagogy. In the next year, the number of students increased by 1,530 and the University claimed 13 faculties since the Faculty of Arts split in three: Faculties of Figurative Arts, Music Arts and Dramatic Arts. The overall number of students was claimed to reach 4,030. In 1998/99 and 1999/2000, 2,209 and 1,970 students enrolled respectively and the overall number

²⁰⁶ Created in April 1994 PDPA, which later on evolved in the DPA, strongly supported the idea of the creation of the UT leaving the moderate PDP very little space for manoeuvre. The PDP, which initially was not enthusiastic about the creation of the UT, could not afford not to support the declaration for founding of the UT also because of its symbolic importance. A negative response from the Government and attempts to prevent the UT operations forced the PDP leaders to raise this issue at the political level. As a result, the leader of the PDP Abdurahman Aliti even threatened that the time had come to Albanians to “consider leaving the Parliament and the Government” and to create its own Assembly in Tetovo. The bitter memory of similar developments in Croatia, when Serbs established a similar initiative (their own Assembly and other institutions) in Knin, was still fresh. The PDP found itself in very difficult situation: on the one hand the party was one of the signatories of the initiative for founding of the UT; on other hand it was part of the government coalition. The founding of the UT was perhaps the beginning of the end, although not the only reason, of the dominant position of the PDP among the Albanian electorate as a significant proportion of the Albanian population gathered around more radical political options.

²⁰⁷ Universiteti i Tetoves, Lista e Studenteve te Regjistruar ne Universitetin e Tetoves, Tetova, 2001.

reached allegedly 8,208. In 2000/2001 the UT again claimed 11 Faculties since Faculties of Figurative Arts, Music Arts and Dramatic Arts merged in the Faculty of Arts, the Faculty of Agriculture finally disappeared and the Faculty of Medicine was added. The overall number of students in 2000/2001 reached 10,251. The next academic year the Faculty of Dentistry was created and the overall number of students apparently exceeded 13,000, but the UT stopped publishing official data since, as some interlocutors admitted, it was not able to control the file and "as a matter of fact did not know how many students it had in reality."²⁰⁸

Many consultants and experts engaged in international projects concerning higher education in Macedonia were struck by the virtual impossibility to verify the number of students and faculty at the UT.²⁰⁹ The author of this study faced similar problems. The most reliable estimates are based on interviews with students and professors. They confirmed that there were never more than 2,500 regular students of the UT, the two largest Faculties being Law and Economics, with Philology and Pedagogy to follow. The other faculties existed mostly on paper and even "official data" showed a very low number of students or no students at all (as e.g. in the Faculty of Agriculture).²¹⁰ One of the most controversial decisions was the opening of the

²⁰⁸ Interviews by the author with some "dissident" professors of the UT, June 2002. The official data could be confronted with data regarding the number of Albanians graduating the secondary schools with Matura and obtaining the right to apply for University education. The Ministry of Education stated that the number of Albanian high school graduates in 1998 (who completed full four years course at secondary schools) was 1,594. Out of them, 1,240 applied and 589 were enrolled at Skopje and Bitola Universities (Ministry of Education, Information about the Current Condition in the Education of Minorities in the Republic of Macedonia, Skopje, January 1999, p. 26). The "potential" for the UT enrolment was therefore approximately 1,000 students if 100% of the Albanian graduates of secondary schools would enrol, while according to the UT official data in the 1998/99 academic year allegedly 2,209 students enrolled at this University.

²⁰⁹ Members of the International Helsinki Federation delegation which included former university professors and administrators were surprised that the two leading UT officials (the Rector and the President of Senate) had no documentation concerning the programs and courses offered and the composition of the student body. See: International Helsinki Federation for Human Rights, Report to the OSCE, Fact-Finding Mission to Macedonia, 10-14 April 1997, p. 3.

²¹⁰ Interviews by the author with the UT students and professors, June 2002. It was confirmed by other sources. The USAID in June 2000 estimated the real number of students at no more than 1,000-2,000 (Chernenkoff, Sidney & Fajfer, Lubov & Gomez, Joel & Van Fleet, James A., Macedonia: Assistance to Higher, Minority and Bilingual Education, Site Visit Final Report, Report Prepared for the Global Bureau, Human Capacity Development Center, US Agency for International Development, Washington D.C., June 2000, p. 12). Marek Kwiek in his report prepared in 2002 said that the real number of students at that time was not higher than 2,500 (Kwiek, Marek, Problems for Ethnic Albanians from Macedonia Pursuing Higher Education, Report prepared for E&E/EEEST, US Agency for International Development

Faculties of Medicine and Dentistry, despite the fact that there were no clinical facilities to enable them to function in Tetovo. This decision was driven by a massive demand from students from Kosovo where every year approximately 20 candidates apply for each place at the Faculty of Medicine of the UP. These two Faculties became especially attractive to the UT leadership because very high fees were charged (more than 1,000 Euro, four times more than for other faculties). Many students were told that the UT would organise their transfer to Priština after two years of initial studies in Tetovo, but this had never materialised. However, as a result approximately two third of the medical and pharmacy students at UT were from Kosovo. In general, over the years there was a growing number of UT students from abroad, especially from Kosovo.

Despite some 15,000 or so students allegedly admitted since 1994 who should have graduated in the meantime, even official information provided by the UT showed that it had a very limited number of graduates - 93 in 2000 and 400 in 2002. In reality, however, this numbers were much lower.²¹¹ It is another indication of how few students followed regular programmes within a normal timescale.²¹²

Like the student numbers, the figure for staff, said to be about 300 - 400 in the late 90s, was believed to be not only unverifiable, but also certainly unreliable and exaggerated. Even the UT officials admitted that the majority of the staff was part-time (visiting professors coming to Tetovo once a week or even more rarely). Most came from Kosovo (50%) and Albania (30%).²¹³ At the same time, co-operative links with some institutions in Albania were also established. The real number of staff was

by Aguirre International under Global Evaluation and Monitoring (GEM), 10 March 2002 (revised 25 April 2002), pp. 4 and 12).

²¹¹ Even the Rector of the University admitted that he never actually saw a UT diploma although he requested to see it while held the office. Source: interview by the author with the Rector, Prof. Ramiz Abdyli, July 2003.

²¹² At the same time, the author was not able to verify information about the UT graduates allegedly receiving diplomas of the Tirana and Priština Universities, which could have indirectly facilitated their legalisation in Macedonia.

²¹³ Generally in the region, the vast majority of staff is part-time and works in several institutions at the same time (mostly due to the lack of legal limitations and low salaries).

most probably 100 - 150 and many of them with dubious credentials.²¹⁴ In addition, since 1999 - 2000 the UT had faced a serious problem with retaining its teaching staff as many professors decided to return to the UP once it was re-opened under international auspices and its new administration tried to limit possibilities for work in more than one institution at the same time. When the SEE University was opened in 2001, some opted to transfer as well. Moreover, in 2002-2003 some professors were fired by Rector Sulejmani, whose authoritarian leadership caused growing discontent.

It was clear from the very beginning that the UT administration deliberately manipulated the above-mentioned data. Apparently it was felt that the bigger number of students, the better this would be for the UT. The tendency of exaggerating and making spurious claims about student and staff numbers had contra productive effects and had, along with such aspects as radicalism of the UT leaders, lack of transparency and academic freedom and low standards, severely hampered the UT attempts to gain any form of support in Macedonia or sympathy from the international community.

It was officially stated by the Rector that the UT used the curriculum and programme of the Macedonian Ministry of Education and that it was completely harmonised with the curriculum of the other two universities in Macedonia. This was far from true. Languages used in the UT, both in teaching and administration, were allegedly Albanian and Macedonian. People who were familiar with the UT claimed, however, that in practice only the Albanian language was used. The lectures of the UT were held not only in Tetovo, but also in nearby villages, often, especially at the beginning, in private houses. In the meantime, Albanians managed to complete the first University's building in Tetovo.²¹⁵ The UT was financed by the students' fees and private donations, especially from Albanians living abroad.²¹⁶ Over the years donations from Albanians both from Macedonia and from the Diaspora were, however, drying up also due to the lack of transparency of the UT leadership over expenditures.

²¹⁴ For instance the Dean of the UT Faculty of Law, Naser Ademi was in the past charged for raping a minor, illegal possession of weapons and plagiarising his Master thesis (Vreme, 6 May 2005).

²¹⁵ However, it was much too small even considering limited number of students of the UT.

²¹⁶ According to the official document of the UT Albanians from Macedonia living in western European countries and United States had a "moral duty" to pay 300 DM (approximately 150 Euro) per year.

In essence, in the words of the USAID Assessment Team, the Tetovo University provided a form of open university or “extension college” operated by staff of accredited institutions outside the borders of Macedonia, which “have given its courses a limited form of recognition in Kosovo and Albania.”²¹⁷ The UT continued to function, attracting students who did not gain admission elsewhere (in Skopje, Priština and once it was opened at the SEE University). Professor Marek Kwiek in his report prepared for the USAID stressed that “by any standards, international or Macedonian, the institution is perceived, even by ethnic Albanians, as providing low quality education, being driven by political and nationalistic motivation, having no substantial infrastructure or well-qualified academic staff and consequently being unable to provide good higher education on a mass scale.”²¹⁸

There is no doubt that a large number of persons had at that time entered their names in the student registers, but it was in some cases a gesture of political support or an attempt to acquire the status of a student for other purposes. The UT admitted everyone, even badly or completely unprepared students, just to keep the university alive and to underline the significance of the issue of recognition of this institution by the state by quoting unrealistic numbers. The enrolment at the UT was easy: there were no entrance exams and the UT management was not “too rigid” as far as students’ credentials from secondary schools were concerned. It apparently led to the situation that even people without Matura were enrolled. As a result the standards were even lower than the already relatively poor ones in the region. When the Priština University was reopened in 2000 and some students tried to transfer from the UT, they were turned back after a semester, due to their lack of knowledge. The Rector of the UP and the Kosovo Minister of Education were apparently reluctant to support any transfer from the UT to the UP in order to “avoid the possibility of lowering standards.”²¹⁹

²¹⁷ Ackermann, Alice & Carter, Lynn & Janev, Goran, *An Assessment of Ethnic Relations in Macedonia*, Report for USAID/Macedonia by Management System International, Washington D.C., December 2000, p. 10.

²¹⁸ Kwiek Marek, 2002, p. 3.

²¹⁹ Kwiek, Marek, Report to the HCNM after 6-th visit (22-26 November 2004) in the framework of the project: OSCE expert to the Maticna Commission, p. 13. The author of this report in 2003 and 2004

6.2.4.3. The Impact of the UT on Developments in the Field of Albanian Language Higher Education

Over the years the situation around the UT became one of the outstanding current political issues. In addition, the approach to the University and its legalisation was a “patriotism test” for Albanian politicians. The position of the UT management regarding sensitive national issues and its academic credentials have been considered by both Macedonian and Albanian experts as politically dubious, inciting ethnic intolerance and only increasing tensions. This did not help the solution to the problem. Nevertheless, the interests of hundreds students were at stake, which was the main consideration for the action undertaken by representatives of the international community.

The aim of the UT founders was to be recognised and accredited as the third state university in Macedonia, teaching primarily in the Albanian language. They expected that the Macedonian Government sooner or later will be forced to recognise reality and finance the University of Tetovo. The opening of the recognised and accredited SEE University in Tetovo in 2001, while itself a setback for the argument for a third state university, did not deter the Tetovo University from pursuing its position, especially since only a limited number of students transferred from the UT to the new Institution. The rest opted to stay, hoping that thanks to political pressure by Albanian parties some solution would be eventually found for them.

A very limited number of the UT graduates, whose diplomas were in addition not recognised in Macedonia, meant they had not been able to make any contribution to the improvement of the representation of Albanians in the public administration or judiciary. Neither were they employed as teachers in Albanian language schools.

conducted several interviews in Priština, *inter alia* with the Rector of the UP Zejnel Kelmendi and the Minister of Education Rexhep Osmani. Remarkably, both were very critical regarding the role Fadil Sulejmani had played at the UT. As they said Sulejmani created almost exclusively problems, *inter alia* enrolling more students than UT could cope with (indirectly creating also a lot of problems for the UP which did not have the capacity to admit UT students from Kosovo). In their words, the UT was a backup option for these Albanians from Kosovo who failed to enrol at the UP and because of the corruption at the UT, low quality, different enrolment criteria etc, their transfer was very difficult.

Despite this fact, the UT became an option for the young Albanians who wish to study in their mother tongue. It ought not to be forgotten that besides the earlier mentioned possibilities at the Skopje University (Faculties of Pedagogy and Philology), for a long time it was the only institution in Macedonia providing a form of higher education in the Albanian language and it represented a kind of compensation for the UP.

The Tetovo University, although represented a response to situation arising at the beginning of the Macedonian independence when Albanians had very limited opportunities to pursue higher education in their mother tongue, it was driven by political considerations. It remained illegal and unrecognised not only because it was developed in an unplanned way outside mainstream higher education but because it continued its activities in violation of existing legislation, in particular the Law on Direct Education and, since 2000 the Law on Higher Education, it lacked any commitment to academic freedom and operated under questionable academic standards. Therefore, until a change of attitude and approach of the UT leadership would occur, its inclusion in the higher education system of the country in any form was entirely impossible. However, the existence of the Tetovo University illustrated that the low percentage of Albanian students at the institutions of higher education in Macedonia could not be attributed to low demand, but rather to lack of opportunities. Its opening increased the awareness of all shortcomings regarding access of minorities to higher education. Last but not least, it accelerated certain developments in the field of higher education and prompted authorities to finally take some steps in order to address the problem of heavy under-representation of Albanians at University level education. They will be described further on in this Chapter. On the other hand, it led to an increase of tensions in Macedonia and significantly limited possibilities to reach a compromise regarding Albanian language higher education.

6.3. Attempts by the Macedonian Authorities to Address Existing Problems in the Higher Education in Minority Languages

6.3.1. Elements of Positive Discrimination/Quota System

Positive discrimination is nothing new in contemporary education systems. Even the most prestigious universities are actively seeking out applicants from groups thought to have been under-represented. For instance, already in the eighties both Cambridge and Oxford Universities had instituted a scheme to encourage applications from ethnic minorities.²²⁰ Similar schemes exist elsewhere.

In order to, at least partially, rectify the heavy under-representation of national minorities and to increase the number of students from various nationalities, the Macedonian Government already in 1992 decided to introduce a special quota for enrolment of members of minorities at Universities in Skopje and Bitola. From 1992 to 1995 this quota amounted to 10% for all minorities with the exception of the faculties providing teachers training where the quota was 20%. However, the results proved to be far from satisfactory. Against this background, the Macedonian Government, encouraged by representatives of the international community, but also responding to the opening of the UT, with the beginning of 1996/1997 academic year decided to introduce a quota system based on the numerical strength of each of the minorities.²²¹ In theory, it would mean that if a faculty is permitted to admit 100 students, 25 places should be reserved for Albanians and 10 for other minorities. All interested to enrol had to pass an entrance exam (in the Macedonian language). Another criterion applicable to all students was that they ought to have at least 60 out of a total of 100 points. It could mean that ethnic Macedonian students might, in some cases, need more than 90 points in order to enrol for state-funded places, while Albanian students as well as members of other minorities could only require just over

²²⁰ Ager, Dennis & Wright, Sue, Considerations of Democratisation and Elitism in Higher Education in the United Kingdom in Higher Education in Europe, Vol. XVII, No. 4, 1992, Cepes, Bucharest, p. 28.

²²¹ See also in United Nations, Human Rights Committee, International Covenant on Civil and Political Rights, Initial Reports of States Parties, the Former Yugoslav Republic of Macedonia, CCPR/C/74/add.4, 18 May 1998, p. 133. The legal basis for the quota system was provided by decisions of the Government adopted every year.

60 points.²²² However, the practical implementation of the principle of positive discrimination in the Republic of Macedonia differed from faculty to faculty. Some of them, referring to their autonomy, were reluctant to admit students belonging to national minorities with lower points as, in their opinion, "it would be unfair to ethnic Macedonians". Others argued that even the number of applicants from minority communities was not sufficient to fill all quota places. However, it was well known that some academics belonged to the most nationalistic groups in the country what explained their reluctance to accept positive discrimination of minorities. One should also admit that many Albanians could not make full use of this mechanism since they had problems in passing entrance exams and achieving even the required minimum number of points. Nevertheless, this system, contributed to an increase of enrolment of Albanians and some other minorities at Skopje and Bitola Universities. Official data of the Ministry of Education show that the number of newly enrolled students from minority communities at the Skopje and Bitola Universities had increased from 351 (including 168 Albanians) in the 1992/93 academic year to 906 (including 490 Albanians) in 1996/97 - the first year of the revised quota system programme. In the next years it had stabilized at the level of approx. 1,110 - 1,200 minority students (including 500 - 600 Albanians).²²³ However, at the same time it had to be noted that the demand among persons belonging to minority communities was much higher as at the end of the nineties approximately 2,000 Albanians completed four-years secondary schools and obtained the right to enrol at the University and this number was growing fast every year.²²⁴

²²² The OECD claimed that some Macedonian candidates for enrolment allegedly declared themselves to belong to the Albanian or another ethnic minority in order to gain admission to state-funded places (OECD, 2004). However, it seems unlikely having in mind that persons belonging to national minorities, in particular Albanians, could be easily identified by the name etc.

²²³ Ministry of Education of the Republic of Macedonia, Information about the Realization of the Contests for Students Enrolment in the First Year at the faculties and Colleges of the University "St.Cyril and Methodius" in Skopje and University "St. Kliment Ohridski" in Bitola, School Year 1999/2000, Skopje, December 1999, pp. 10-11.

²²⁴ It meant that roughly one in four of eligible Albanians managed to get a place at universities of the country while at the same time every second ethnic Macedonians managed to enroll.

6.3.2. The Pedagogical Faculty in Minority Languages at the Skopje University

It ought not to be forgotten that Macedonia had more ambitious minority educational programmes, especially at primary and secondary level, than most other states in the region. However, providing the full curriculum in minority languages requires a sufficient number of qualified professors who should obtain their University diploma, if possible, in their mother tongue. Therefore, the issue of teacher training was for a long time a matter of concern for the Albanian community since, as already mentioned, there was a growing shortage of Albanian language teachers. The high birth rate of ethnic Albanians contributed to a rapid increase of the number of Albanian students and a need to open additional Albanian language classes. Today, Albanians make up approximately 30% of students of primary schools. However, the number of qualified Albanian language teachers has been too low to meet a growing demand, which often led to the situation that persons without necessary qualification have been employed as teachers. It resulted in further degradation of the quality of teaching in minority language schools and affected the chances of persons belonging to minorities to pass University entrance exams. The situation was exacerbated by the fact that in 1991 Albanians practically lost access to the University in Priština and the Pedagogical Academy in the Albanian language in Skopje was closed in 1988.

When Macedonia became independent, it inherited the Yugoslav system of education of teachers which was conducted at Pedagogical Academies (2 years course for teachers of the first four grades of primary schools), and at the Pedagogical Faculties (4 years course for higher grades of primary schools and secondary schools). However, since 1988 the education was exclusively conducted in the Macedonian language. Already in 1992 the Union of Albanian Intellectuals and other Associations and Political Parties in Macedonia prepared a proposal to establish a faculty for training Albanian language teachers.²²⁵ In addition, the High Commissioner on National Minorities addressed this issue already in 1993 in one of his recommendations and stressed that there was an urgent need to settle this question soon. He put it in the context of promoting greater access of Albanians to secondary

²²⁵ Unioni i Inteligjencies, Asociacionet dhe Subjektet Politike Shqiptare ne Maqedoni, 1992.

schools and added that an adequate number of Albanian teachers should receive proper training at the required level.²²⁶ In his letter of reply Minister Crvenkovski informed the HCNM that the government fully supported his recommendations. He underlined that the Government decided to establish courses in the languages of nationalities, including Albanian, at the Pedagogical Academy of Skopje in the course of this school year and that the Ministry of Education was requested, in cooperation with the Pedagogical Academy and the University of Skopje, to undertake all necessary measures and activities to resolve this problem. Minister Crvenkovski also added that "in your letter, probably due to a technical misunderstanding, instead of the Pedagogical Academy, the Pedagogical Faculty was mentioned", although he knew very well that there was no "technical misunderstanding" and the HCNM reference to "the faculty" instead of "the academy" was deliberate.²²⁷ The Pedagogical Academy was preparing teachers for the first four grades of primary schools only but the Albanian community also needed teachers for higher grades of primary schools as well as for secondary level education.

It was clear that the Government was initially reluctant to pursue this issue and the promise made by the Minister of Foreign Affairs had not been enforced in the academic year 1993/1994. Therefore, the HCNM returned to this issue in his letter to the Foreign Minister dated 8 April 1994 and again on 16 November 1994 when he referred to the November 1993 recommendations and noted that this problem had still not been completely resolved.²²⁸ In his letter of reply the Foreign Minister did not refer at all to this question.²²⁹ However, finally the Government was forced to re-address this issue, partly because of the insistence of the international community, but mainly in order to meet the growing demands of the Albanian community which had already led to the opening of the Tetovo University. In February 1995 courses in Albanian for teachers of primary schools started at the Pedagogical Academy in Skopje. This temporary step was followed by a plan of the Government to establish a

²²⁶ Letter to the Minister for Foreign Affairs Stevo Crvenkovski, 1 November 1993, pp. 1-2.

²²⁷ Letter from the Minister for Foreign Affairs Stevo Crvenkovski, 24 November 1993, p. 2.

²²⁸ Letter to the Minister for Foreign Affairs Stevo Crvenkovski, 8 April 1994;
Letter to the Minister for Foreign Affairs Stevo Crvenkovski, 16 November 1994.

²²⁹ Letter from the Minister for Foreign Affairs Stevo Crvenkovski, 13 December 1994.

Pedagogical Faculty with courses in minorities' languages at the Skopje University, which would have to start in the academic year 1995/96. The creation of the Pedagogical Faculty with curricula in the Albanian and Turkish languages was also connected with the general reform of the educational system for educational staff for pre-school institutions and for teaching staff in primary schools (grade I-IV) which was launched in the mid-nineties. Instead of four semesters' education offered at the pedagogical academies, it was foreseen that the education of this staff was to be organised at the appropriate pedagogical faculties with full four year studies. This step was aimed at adjusting the Macedonian system to the European standards and practices of most developed countries. It was also one of recommendations of the Council of Europe. The HCNM supported the transformation of the Pedagogical Academy with courses in the Albanian language into a four year Pedagogical Faculty in his letter to Minister Crvenkovski dated 28 April 1995. He also made a plea for the introduction of Albanian language courses at the newly established Pedagogical Faculty of the Bitola University (which has never materialised).²³⁰

However, the plans of the Government met strong opposition from the Senate of the Skopje University and its Pedagogical Faculty. The latter was the main driving force behind Macedonian students' protest and also initiated a petition signed by 400 Macedonian intellectuals against the University level education of Albanians in their mother tongue. A boycott of the lectures at the existing Pedagogical Faculty was organised. It led to the delay of the implementation of the Government's decision. Moreover, there were obstacles like lack of premises, books, qualified teachers, etc. The Skopje University leadership failed to make any efforts to solve those problems and to implement the Government's decision. The situation was getting even more serious following protests by Albanian students of the Pedagogical Faculty demanding lectures in the Albanian language. All of this led to radicalisation of the Albanians and growing support for the UT.

²³⁰ Letter to the Minister for Foreign Affairs Stevo Crvenkovski, 28 April 1995, p. 2.

In order to break the deadlock over this issue, on 30 January 1997, a new special Law on the Languages on which the lecturing is performed at the Pedagogical Faculty “Sv Kliment Ohridski” in Skopje was adopted. Surprisingly enough, Albanian MPs voted against it. At that time, support for decisions regarding Albanian language higher education short of recognition of the UT was already considered by many Albanians as an act of treason. This law was seen as a solution "given" by Macedonians and this also did not satisfy Albanian demands. In addition, it was stressed that the problem of education of teachers of higher grades of primary schools and secondary schools was not solved and that a broader concept addressing also the issues of under-representation of Albanians in the administration, the judiciary etc. was needed.

The Law entered into force on 14 February 1997. In Article 1 it stipulated that:

“The lecturing of study groups for pre-schools and lower grades of primary schools is carried out in the Macedonian language and in the languages of national minorities”.

Article 2 said:

“Lecturing in the languages of national minorities is performed in subjects contained in the curricula, except in subjects that concern the Macedonian language, culture and history, which are performed in the Macedonian language.”²³¹

Immediately after the adoption of the Law new protests (including street demonstrations and hunger strikes) started, mostly by radical ethnic Macedonian students of the Skopje University supported by many professors. In addition, 18 persons representing the Commission of Education of the VMRO DPMNE, the Student Association of the Skopje University and the World Macedonian Congress decided to contest the constitutionality of the law before the Constitutional Court as in their opinion it represented a "flagrant violation" of the Preamble of the Macedonian Constitution, as well as Articles 7 and 48 para 4 of the Constitution.²³²

²³¹ Law on the Languages on which the lecturing is performed at the Pedagogical Faculty “Sv Kliment Ohridski” in Skopje, Official Gazette of the Republic of Macedonia No. 5, 6 February 1997. *Unofficial translation provided by the author.*

²³² Article 7: "The Macedonian language, written using its Cyrillic alphabet, is the official language in the Republic of Macedonia"; See also Chapter 5.

Finally, on 7 May 1997, the Constitutional Court rejected the appeal, thus confirming the constitutionality of the Law on the Languages on which the lecturing is performed at the Pedagogical Faculty “Sv Kliment Ohridski” in Skopje. It stated:

“Bearing in mind that primary education is compulsory and is conducted in public institutions, in the Court’s opinion, the State has an obligation to provide for suitable measures in the educational sphere for the implementation of the right to instruction in one’s mother tongue.”²³³

At the same time the Constitutional Court took into account international documents, namely the UNESCO Declaration against Discrimination in Education, the European Charter for Regional and Minority Languages, the Framework Convention for Protection of National Minorities as well as the OSCE Copenhagen Document.²³⁴

Against this background, in early January 1998 the Macedonian Government authorised the Minister of Education to undertake an initiative for the establishment of the new Faculty of Pedagogy in Skopje which would also conduct curricula in the Albanian and Turkish languages. The existing Pedagogical Faculty was dissolved and a new equivalent institution was established.²³⁵

However, when the Pedagogical Faculty in Albanian and Turkish languages was finally open, it did not completely solve the issue of minority languages teachers training, much to the anger of the Albanian community. This new faculty provided Albanian teaching for future teachers in kindergarten and the first four grades of primary schools. This was a step forward, but left unsolved the urgent need to improve the quality of teaching in grades V-VIII of Albanian language primary schools and in Albanian language secondary schools.

Apart from the Pedagogical Faculty at the Skopje University, members of national minorities could also study in their mother tongue in the Department of Albanian

²³³ Constitutional Court of the Republic of Macedonia, Decision No. 23/97 dated 7 May 1997, Official Gazette of the Republic of Macedonia No. 31/1997, para 5. *Unofficial translation provided by the author.*

²³⁴ Ibid, para 6.

²³⁵ After the Government decision, on 19 January 1998 Dean Prof. Nikola Petrov submitted his resignation. Macnews, 20 January 1998.

language and literature, Turkish language and literature as well as Serbian language and literature at the Philological Faculty of the University of Skopje. In the Faculty of Dramatic Arts, there is a separate group of students who attend classes (at least some courses) in Albanian and Turkish languages.²³⁶

The above-mentioned faculties were the only institutions of the Skopje University where studies in the Albanian language were allowed. It did not mean, however, that the full curriculum was conducted in the Albanian language. For instance at the Pedagogical Faculty, much to the disappointment of Albanian students, around 70% of the professional subjects were being taught in the Macedonian language, while only a few subjects, as the Albanian grammar, dialectology and literature were being taught in Albanian. The leadership of the University argued that this was necessary because of the lack of qualified professors in the Albanian language, especially since Article 4 of the Law on the Languages on which the lecturing is performed at the Pedagogical Faculty “Sv Kliment Ohridski” in Skopje stipulated that in case it is not possible to provide staff suitable to perform teaching in languages of national minorities, the lecturing is performed in the Macedonian language. In addition, Albanians felt completely isolated, sometime facing different forms of harassment from teachers, administration and their fellow students.

The Government, by adopting the special decision to open teaching in the Albanian language first at the Pedagogical Academy and later on at the Pedagogical Faculty of the Skopje University, decided to, at least partially, meet the Albanian demands. However, from the political point of view, these decisions were taken much too late. The long delays caused growing support among Albanians for the idea of a separate Albanian university and made it more difficult for moderate Albanians to seek solutions in the framework of the legal system of the state. Later on one of the leading

²³⁶ The Skopje University provided the author with the following data for the 2004/05 academic year:

1. Pedagogical Faculty: Students - Albanian language: 1066 (317 pre-school education), Turkish language: 152 (44 preschool education); Professors - Albanian language: 17 (including 12 full-time) and 7 assistants, Turkish language 4 (1 full-time) and 1 assistant.
2. Philological Faculty/Department of Albanian Language and Literature - Students: 227 (27 with correspondence); Professors: 13.
3. Faculty of Dramatic Art - Students: Albanian language: 9, Turkish language: 6; Professors - Albanians language: 2 and 1 assistant, Turkish language: 1 and 1 assistant.

Macedonian educational experts and the current Chairman of the Accreditation Board, Professor Tito Belicanec said: "[w]e were not smart enough to give them the Pedagogical Faculty when they requested this; now they made themselves a whole University."²³⁷

Besides quota system and the opening of the Pedagogical Faculty in minority languages at the Skopje University, there were other ideas occasionally launched in order to respond to growing demands of Albanians and as an alternative to the UT. One of them was the creation of the Albanian - American University in Macedonia, which through teaching in English, would give a good opportunity for close contacts between Macedonians and Albanians. However, the concept of such a University was never elaborated in greater details.

6.3.3. Transitional Year Program (TYP)²³⁸

Albanians, following the instruction in primary and secondary schools in Macedonia in their mother tongue, have to pass entrance examinations in the Macedonian language at both state universities in the country. In addition, they receive at their schools rather poor knowledge of the state language, quite often insufficient to pass University entrance exams and later on to “survive” at the University. The above-described situation was one of the main reasons why the percentage of Albanians studying at state universities in Macedonia was significantly lower than their percentage in the total population. Against this background, in 1997 the High Commissioner on National Minorities through the Foundation on Inter-Ethnic Relations initiated the so-called Transition Year Program (TYP).²³⁹ The aim of the project was to provide Albanian secondary school students with specialised courses in preparation for university entrance examinations, thus increasing their chances of

²³⁷ Interview with Prof. Tito Belicanec, *Vreme*, 5 July 2004. It was indicative that even the leading Macedonian expert referring to this problem used such vocabulary like “to give” something which in normal circumstances should be a right of persons belonging to minorities. At the same time, it is unlikely that earlier establishment of the Pedagogical Faculty in the Albanian language would have prevented Albanian radicals from creating the UT.

²³⁸ Although the idea of the TYP was launched and eventually funded by representatives of the international community, it had been fully supported by the authorities, in particular the Ministry of Education, and had been conducted in full co-operation with local secondary schools.

²³⁹ The Dutch Government was for the whole duration of the project its main donor.

passing them successfully. It was also meant to support the quota system, the mechanism which not only did not function satisfactorily, but was seen as an unpopular measure. Examinations done for that period showed that even though Albanians could profit from quota arrangements, they showed a very low level of knowledge at the entrance examinations, and as a consequence their enrolment at the various faculties was still very low.

The very weak knowledge of Macedonian professional terminology was determined as the main hurdle. Against this background, it was decided to focus not so much on professional knowledge but on specialised terminology in order to overcome this language barrier. The project offered special classes on Saturdays to all interested Albanian high school students in their last school year. Apart from the system of teaching in pairs (one Macedonian native speaker and one Albanian native speaker), the project encouraged teachers to use new teaching methodologies and provided additional training for them. The co-operation and the support of the Ministry of Education were ensured.

At the beginning the project covered three secondary schools: in Skopje, Kumanovo and Tetovo, which provided curriculum in the Albanian language. It started with subjects, considered to be most difficult at the entrance examinations: sociology, biology and mathematics. Since January 2000 the course had been also provided in law, chemistry and physics. In September 2000 the project expanded to all seven Albanian language secondary schools (the so-called “gymnasiums” in Gostivar, Debar, Kicevo and Struga were added). In spring 2003, the TYP was adjusted with a Supplementary Programme to also include lessons in Reading and Writing Skills in the Albanian language, as well as lessons in Mathematics and Communication Science for students who wished to pass the entrance examinations at the SEE University.

Apart from its primary goal - to prepare Albanian students for entrance examinations at the Macedonian Universities, it ought not to be forgotten that the project had also some secondary effects like encouraging contacts and building trust between

Macedonian and Albanian teachers. From the very beginning the idea behind this project was also to improve inter-ethnic relations in the sphere of education. It was for the first time that students could see how Albanian and Macedonian teachers could cooperate; it helped to overcome the stereotypes and negative prejudice towards the other national group.

The general situation in Macedonia had also a strong impact on the implementation of the TYP. At the beginning, Albanian radicals tried to obstruct the project since they considered it as damaging for their ultimate goal - legalisation of the UT. This situation required difficult mediation efforts by the HCNM in order to explain the goals of the projects through its presentation as a "transitional measure". After a difficult period during the civil unrest in 2001 when the project was suspended in some cases (in Tetovo and Kumanovo), the situation had stabilized again and tensions had eased.²⁴⁰

Table 6

Transitional Year Programme in figures²⁴¹

Academic Year	Number of students who started TYP	Number of students who completed TYP	Number of TYP graduates who successfully enrolled at Universities	Percentage of students who enrolled at Universities of those who graduated TYP
1997/1998	<i>PILOT PHASE</i>			
1998/1999	125	200 ²⁴²	125	62,5%
1999/2000	250	150	90	60%
2000/2001	820	414	273	66%
2001/2002	592	526	465	88,4%
2002/2003	970	860	710	82,56%
2003/2004	1,066	980	901	91,9%

²⁴⁰ However, since 2001 there had been cases of Albanian teachers refusing to teach in pair with their ethnic Macedonian colleagues. After the HCNM Office resolutely opposed changes to the programme and insisted on teaching in pairs, most of teachers were eventually prepared to accept this (interview by the author with the Coordinator of the TYP Zoran Matevski, November 2001).

²⁴¹ Source: Data of the HCNM Office (HCNM, Transitional Year Programme (TYP) Progress Report for Years: 1998/1999, 1999/2000, 2000/2001, 2001/2002, 2002/2003, 2003/2004, The Hague).

²⁴² 1998/1999 the number of students who completed TYP was higher than those who started since many students joined the programme while it already continued.

The overall number of participants and percentage of those who successfully enrolled at University had been growing steadily.²⁴³ The fact that after 2001/2002 the percentage of the TYP graduates who successfully enrolled at Universities in the country increased from approximately 60 - 70% to 80 - 90% could be explained by the opening of the SEE University where many Albanians found their place. In 2000/2001 only half of the students who started the TYP completed it in June 2001; a very high dropout was caused by the 2001 crisis.²⁴⁴ For the same reasons in 2001/2002 a significantly lower number of students enrolled in the TYP as it started in only 5 schools (because of the security situation and inter-ethnic tensions in schools, the programme was suspended in Kumanovo and Tetovo).

Among the TYP graduates of 2000/2001 year most of students - 220 enrolled at the Skopje University and only 31 at the SEE University. The next year already 206 enrolled at the SEEU and the number of students who opted for Skopje and Bitola Universities had slightly decreased to 177. The majority of graduates of 2002/2003 programme enrolled at the Universities in Skopje or Bitola (468 students) and 189 of them enrolled at the SEE University. The most important change in the enrolment pattern could be seen from the results of the TYP in the 2003/2004 academic year, as most of students enrolled at either the newly legalised Tetovo University (339 students) or the SEE University (303 students), and only approx. 20 % (174 students) at the Skopje and Bitola Universities. This situation forced the HCNM to analyse ways of possibly steering the project into the direction of the original aim - integration of ethnic Albanian students into the Skopje and Bitola State Universities. However, since the project was anyway envisaged as only transitional measure and the Dutch Government decided to end its funding, it was eventually decided to close the TYP in 2006.

²⁴³ In general, students who followed the TYP showed much better results in the entrance examinations at the Universities in Skopje and Bitola than their colleagues who did not attend the project. One could argue that those who opted to join the TYP belonged to the more ambitious and talented students who realised that additional courses could increase their chances at the entrance exams. Therefore, those results can not automatically be perceived as confirmation of success of the programme, although they provide a solid indication.

²⁴⁴ The phenomenon of students dropping attending was due to various reasons or their combination: political situation in the country (which was especially being felt in 2000/2001 and 2001/2002 academic years), too high language barrier or change of plans regarding studies.

The TYP had helped ethnic Albanian students to pass their entrance exams and to study at one of universities in Macedonia and as such it has been one of the contributing factors to integration of Albanians into Macedonian society. The director of the TYP expressed his opinion that since the project was launched the quality of applicants to universities had improved considerably.²⁴⁵ The special independent assessment report of the TYP stressed that there had been clear positive effects in the second "area of impact" of the project - equipping students with skills to "survive" at a university and to graduate, as the number of students-graduates from the TYP that dropped out from a university was relatively low.²⁴⁶

6.4. Conclusions

In many countries of Europe, minorities having the rights to primary and secondary education in their mother tongue, do not claim the right to higher education. The situation in Macedonia, however, differed mostly due to the numerical strength of the Albanian community, their strongly perceived need and right, history and tradition since until 1991 Macedonia's Albanians used to have access to the Albanian language University in Priština.

In a democratic society higher education has an important role to play in economic, social and cultural development. There is no doubt that upgrading the level of education of the population remains one of the main challenges in the modernisation of the Macedonian society, also with a view to its preparation for EU membership. Existing problems including high dropout rates, low attainment age, politicisation, centralisation and conservatism, could not be addressed without the general reform of the entire system - at primary, secondary and University level. In normal circumstances educational reform is complex and requires time and patience, but in Macedonia it was even more difficult to achieve having in mind its strong inter-ethnic rivalry. Indeed, one of major concerns in Macedonia was heavy under-representation

²⁴⁵ Polozhani, Bajram, TYP Project Director, Statement for OSCE Magazine, December 2004, p. 22. The view was confirmed *inter alia* by the interview by the author with the Rector of the SEE University Alajdin Abazi conducted in Tetovo on 27 January 2005.

²⁴⁶ Nasic, Halida, The Impact of Transitional Year Programme on Ethnic Albanian's Access to Higher Education in the former Yugoslav Republic of Macedonia, Skopje, 9 October 2004.

of minority communities, in particular Albanians, in secondary and especially higher education, which, in addition, over time became one of the main problems affecting inter-ethnic relations in the country. Some observers rightly claimed that nowhere was the conflict between Albanians and Macedonians more pronounced than over the issue of higher education and the UT.²⁴⁷ In theory, minority students were not treated unfairly in university admission at state Universities in Skopje and Bitola; they had equal chances to enrol. However, in reality the situation looked different. There was a number of social, educational and cultural factors behind this disproportion. The situation was aggravated by the fact that almost simultaneously with Macedonia becoming independent, Albanians lost access to their mother tongue curriculum at the Priština University. As a result in the early nineties Albanians were only symbolically represented at state Universities in Skopje and Bitola. Unfortunately, the measures to rectify this situation taken by the Macedonian authorities in response to growing Albanian demands like the introduction of the quota system or the establishment of the Pedagogical Faculty offering curricula in the Albanian and Turkish languages, proved to be an insufficient remedy.²⁴⁸ The Transitional Year Programme, although helpful, could not address the situation in a comprehensive way either. In addition, those steps were taken retroactively in reaction to the growing radicalisation of the Albanian community, and not in a way which could have prevented further escalation. In this regard, the pace of those reforms was too slow to ensure reduction of inter-ethnic tensions and one could observe that too little was done too late as authorities were reluctant to make further progress in this regard.

Failure of the Government to act and to find an early compromise proved to be a fatal political mistake as it created a vacuum which was eventually filled by Albanian radicals and led to the establishment of the Tetovo University. This development represented a breaking point in addressing the issue of the Albanian language higher education. Afterwards the situation dramatically changed as the question of access of

²⁴⁷ Ackermann, Alice, *Making Peace Prevail: Preventing Violent Conflict in Macedonia*, Syracuse University Press, New York, 2000, p. 67.

²⁴⁸ For instance Poulton argued that had Macedonian authorities been quicker in introducing Albanian language instruction in the Pedagogical Faculty, the UT problem might have been avoided (Poulton, Hugh, 2000, p. 199).

Albanians to higher education became one of the most sensitive political issues for ethnic Albanians in Macedonia and an important point of reference for Albanian political parties. On the one hand, it illustrated the growing radicalisation of a significant part of the Albanian community, which was ready to fight for its rights using parallel institutions as tools. On the other hand, the response by authorities and subsequent developments including hysteric reactions to a limited concession in the form of the establishment of the Pedagogical Faculty showed an increase of nationalism by the majority population. By ignoring the problem for a long time, local politicians helped to create semi-criminal structures and opened the way for a generation of students being manipulated and abused for political marketing and financial profits by the UT founders. As a matter of fact, the Tetovo University became not only an educational but a political issue. Against this background, since 1994 it has been by far more difficult to find a compromise and, since the parties concerned were virtually unable to reach any progress themselves, external assistance was virtually indispensable in order to address the problem of higher education in the mother tongue.

Chapter 7: Involvement of the International Community in the Stabilisation of the Country

7.1. Introduction

For a whole decade since the Republic of Macedonia gained independence in 1991 it was considered as a "success story". Therefore, relatively little international attention was given to Macedonia, in particular in comparison with some other countries of the region. Conflict prevention has not been on the top of the agenda, although the fact that the first ever UN preventive operation was established in Macedonia, seemed to indicate that at least some realised the potential for a conflict. Although some observers claimed that the lack of spill-over effects of conflict in Yugoslavia should rather be attributed to other factors like the absence of a significant Serbian population and the preoccupation of Yugoslav security forces with the wars in Croatia and Bosnia-Herzegovina, the role of the international community should not be underestimated. The fact that peace had prevailed was attributed by some authors to the role played by President Kiro Gligorov, but also to the presence of UNPREDEP and the involvement of the OSCE High Commissioner on National Minorities.²⁴⁹ Besides the HCNM and UNPREDEP, the Working Group on the Ethnic and National Communities and Minorities of the International Conference on the Former Yugoslavia (ICFY) should be mentioned as well. The role played by those international actors in Macedonia, together with some others, will be analysed in this Chapter. The special attention is dedicated to role of those actors in addressing the problem of minority language education.

While the breaking moment for the issue of Albanian language higher education was the establishment of the Tetovo University, the history of Macedonia as well as preventive activities undertaken by the international community, could also be divided in two phases - before and after 2001 conflict and the signing of the Ohrid Framework Agreement. On the one hand, 2001 conflict led to violence, increased tensions and

²⁴⁹ Engstrom, Jenny, Multiethnicity or Binationalism? The Framework Agreement and the Future of the Macedonian State, *European Yearbook on Minority Issues*, Vol. 1, 2001/2002, Kluwer International, 2003, pp. 335-337.

growth of distrust between major communities. On the other hand, it also constituted a real breakthrough in the degree of involvement of the international community in the problems of Macedonia.

This Chapter focuses on developments between 1991 when Macedonia gained independence and 2001 - the year of eruption of violence and eventual signing of the Ohrid Framework Agreement. If there are any references to the post-2001 activities they were usually conducted as a follow up to earlier activities.²⁵⁰ In addition, the involvement of the HCNM in the establishment of the SEE University will be described in Chapter 8 because of the importance of this development from the point of view of this Thesis and because although it started before 2001, it was largely implemented after the OFA was signed. The involvement of the international community during 2001 conflict and in the implementation of the Ohrid Framework Agreement will be addressed in Chapter 9 and 10 respectively.

The author had to make a choice whether to address the involvement of various international actors according to the specific instruments and mechanisms, as described in Chapter 2, applied in conflict prevention activities or to address the role of various actors in Macedonia individually. Eventually the later approach was chosen. One of the reasons was that until 2001 the activities of the international community mostly focused on early preventive tools and on structural prevention, in particular on the basic causes of disputes and preventing them from becoming violent. As a matter of fact most of international actors applied political tools, strengthening the capacity of local authorities to deal with minority-related and educational problems (especially various UN or CoE monitoring mechanisms), monitoring spill-over effects (OSCE), establishing early warning mechanisms, providing financial support (EU) or addressing root causes of conflict (NGOs). In this regard the deployment of the UNPREDEP represented rather the exception from the rule. Diplomatic tools in the form of quiet diplomacy or mediation were occasionally

²⁵⁰ It for instance concerns the Advisory Committee of the Framework Convention since the Macedonian Government submitted its report only on 23 September 2003 (despite the fact that it was due on 1 February 1999).

applied by e.g. ICFY, the HCNM or individual states (for instance the US, especially immediately after Macedonia gained independence).

7.2. International Conference on Former Yugoslavia (ICFY)

In 1991, in response to growing tensions on the territory of the SFRY, the European Community (EC) launched the idea of a conference in which the republics of Yugoslavia assisted by the EC mediators would try to find a peaceful solution of existing problems. It commenced on 7 September 1991 in the Hague under Chairmanship of the former British Foreign Secretary Lord Peter Carrington. One of its responsibilities was to assist in the resolution of the political status of the seceding republics. For this purpose the Hague Conference established an Arbitration Commission under the Chairmanship of Robert Badinter to evaluate the application of various countries for international recognition.²⁵¹ From the very beginning it became clear that the status of minorities would be one of the main problems which the countries of the region would face. Against this background, a Working Group of Experts on Minority Questions chaired by Dutch diplomat Ambassador Barkman was established. However, disagreements between members of the EC on how to handle the growing conflicts in the Balkans which was *inter alia* illustrated by different approaches to the recognition process led to practical dissolution of the Hague Conference in summer 1992. After the recognition of the new States created on the territory of the former Yugoslavia, a new conference was organised with the first meeting in London on 26-27 August 1992. It established the International Conference on the Former Yugoslavia (ICFY) sponsored by the UN and EC with its Secretariat in Geneva. Former US Secretary of State Cyrus Vance (representing the UN) and former British Foreign Minister Lord David Owen (representing the EC) were appointed as Co-Chairmen of the Steering Committee of the ICFY. At that time the bloody conflict in Bosnia and Herzegovina was in the center of attention. Therefore, it was clear that

²⁵¹ Following the publication of the Badinter Report, Croatia and Slovenia were recognised in January 1992 and Bosnia-Herzegovina in April 1992. The process started with the recognition by Germany, other EC members followed, despite the fact that at least in case of Croatia, Badinter Report included a number of conditions. Despite a positive recommendation of the Badinter Commission, recognition of Macedonia was put on hold due to a Greek veto. See also in: Terrett, Steve, *The Dissolution of Yugoslavia and the Badinter Arbitration Commission*, Dartmouth Press, Burlington 2000.

although the mandate of the Conference was to seek settlement for all former Yugoslavia, its main focus was on Bosnia and Herzegovina. Nevertheless, the situation in Macedonia had also occupied a prominent role on its agenda.²⁵²

The ICFY established six Working Groups, one of them was on the Ethnic and National Communities and Minorities under Chairmanship of the German diplomat Ambassador Geert-Hinrich Ahrens. It acted until the end of 1995 when the Dayton Peace Accords were signed and relied mostly on diplomatic and political tools in the form of personal visits by the Chairman, shuttle diplomacy and organisation of round tables, seminars etc. Already in October 1991 the first Working Group (under the Hague Conference) started involvement in Macedonia and at that time it was the first institution with a conflict prevention mandate which arrived in the country. However, the intensification of engagement in Macedonia came with the second Working Group (under ICFY) and the appointment of Ambassador Ahrens who was fully aware of a number of challenges in the field of inter-ethnic relations in Macedonia. He rightly identified relations between ethnic Macedonians, Albanians and to a certain extent Serbs as one of the main problems the country was facing. As a matter of fact, in the initial phase a lot of focus was on pursuing a dialogue with the Serb minority since at that time it was feared that a repetition of what happened in Croatia and Bosnia, where the situation of the Serbian minority was misused by Milosević in an attempt to achieve his goal of building “Greater Serbia”, could occur.

A step by step approach and patient dialogue mostly through personal diplomacy conducted by Ambassador Ahrens produced some results. No doubt the main achievement of the Group was to persuade Albanians not to pursue their plans for territorial autonomy with possible further repercussion and a high risk of eventual secession. It was at the time when Albanians in Macedonia organised a referendum for the creation of an independent republic - Ilirida. The Working Group, together with other actors, was actively engaged in persuading the parties to organise a new,

²⁵² For instance Vance and Owen at the certain moment also played the role in a dispute on the name issue between Greece and Macedonia.

internationally monitored census of the population, which took place in summer of 1994 with the financial assistance of the EC and monitoring by the Council of Europe. On the one hand, the Macedonian authorities had to be convinced to call a new census only three years after the previous, regular one (which was boycotted by Albanians). On the other hand, especially Ambassador Ahrens and the HCNM focused on convincing Albanians to participate in the census.

The Working Group paid a lot of the attention to the issue of minority language media coverage. Another problem it aimed to address was the appointment of representatives of minorities to important positions in the Government and in the diplomatic service. The key element in this regard was the education of persons belonging to minorities. However, this problem had never become a priority of the Working Group. Alice Ackermann, who at that time was a member of Ambassador Ahrens team, reported that the Working Group "encouraged the Government to adopt new legislation on education."²⁵³ She did not specify, but it seems that the focus was on the laws on primary and secondary education, since the question of the new law on higher education was seriously addressed only after the Working Group was dissolved. However, the question of access of Albanians to higher education in the mother tongue emerged already at that time.²⁵⁴ In response to the violence at the opening ceremony of the UT, the Working Group conducted a series of meetings and seminars focusing on the possibility of the creation of a state-funded or a private University with a curriculum in the Albanian language. They revealed that the Macedonian Government, afraid of the segregation process which might happen if the entire structure of education was divided into separate ethnic institutions, was negative towards such an University. During those round tables the DPA leader Arben Xhaferi argued in favour of a separate Albanian University, preferably state-funded, but he

²⁵³ Ackermann, Alice, *Making Peace Prevail: Preventing Violent Conflict in Macedonia*, Syracuse University Press, New York, 2000, p. 103.

²⁵⁴ In a letter submitted to the Conference in January 1992, the leader of the PDP Nevzet Halili, among many other things, objected to the Article 48 of the Constitution and its interpretation which restricted the access of Albanians to the education in their mother tongue to primary and secondary schools only.

also apparently stated that Albanians were prepared to accept a state recognised private university as well.²⁵⁵

The Working Group on the Ethnic and National Communities and Minorities of ICFY represented an interesting attempt to respond to minority related issues in the former Yugoslavia. It deserves credit for pursuing dialogue, especially with the Albanian and Serbian communities, thus contributing to reducing tensions in Macedonia. The Working Group developed a good co-operation with other actors engaged in conflict prevention and minority issues - the UNPREDEP and the OSCE. However, the Working Group was less successful in addressing the issue of minority language education, first of all the Tetovo University. It did recognise its importance, but it could not fully focus on a wide range of problems in Macedonia since at that time it was preoccupied with minority issues in Croatia. In addition, the Working Group was dissolved at the end of 1995 at a very important moment in the discussion on the problem of Albanian language higher education.

7.3. United Nations

Macedonia requested the membership of the UN in July 1992 and only on 7 August 1993, after a long deliberation, the country was admitted under a provisional name: the former Yugoslav Republic of Macedonia. Initial public reaction was mixed, but eventually it was recognized that this step was a better solution for strengthening Macedonia's international position than waiting for a final solution regarding the name of the country.

7.3.1. UNPREDEP

As argued in Chapter 2, despite the relevant provisions of the UN Charter, the experience of the organisation in the field of conflict prevention was rather limited. In December 1991 when Bosnia-Herzegovina's President Alija Izetbegović asked for preventive deployment of troops, his request was ignored. Fortunately, this mistake was not repeated when on 23 November 1992 President of Macedonian Kiro Gligorov

²⁵⁵ Ackermann, Alice, 2000, p. 107.

approached UN Secretary General Boutros-Ghali with a similar request. He had three reasons for this:

- the possible spill-over effect of the conflict in the rest of the former Yugoslavia;
- the weakness or rather non-existence of Macedonian's military capacities;
- the inter-ethnic relations in Macedonia.

The request coincided with recommendations of the Co-chairmen of the ICFY Steering Committee Cyrus Vance and Lord Owen, issued on 19 November 1992. On 25 November the Security Council endorsed the request and decided to send observers on an exploratory mission (from the United Nations Protection Force - UNPROFOR Headquarters in Zagreb). Security Council Resolution 795 of 11 December 1992 authorised immediate preventive deployment of UN troops in Macedonia - the first mission in the history of UN peacekeeping to have a preventive mandate. It was initially part of UNPROFOR.²⁵⁶ Security Council Resolution 983 of 31 March 1995 established the United Nations Preventive Deployment Force (UNPREDEP) as a separate Mission, but the mandate remained unchanged. As formulated by Henryk Sokalski, Special Representative of the UN Secretary General to Macedonia between 1995 and 1998, Macedonia became "the testing ground of a new international experience in search of peace."²⁵⁷

The mission's aim was to prevent disputes in Macedonia from turning into serious conflict. The UNPREDEP used a variety of means to accomplish this task, including troop deployment of approximately 1,000 soldiers, mediations, negotiations and conciliation. According to Sokalski UNPREDEP consisted of three "pillars":

- traditional troops deployment which was the backbone of the operation;
- political action and providing "good offices", through facilitating dialogue and quiet diplomacy;

²⁵⁶ The UNPROFOR was initially established in Croatia in February 1992 as an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis. UNPROFOR's mandate was to ensure demilitarisation and safety of persons residing in protected areas but its main focus was on monitoring. In June 1992, as the conflict intensified, its mandate was extended to Bosnia and Herzegovina and finally in December 1992 to Macedonia.

²⁵⁷ Sokalski, Henryk J., *An Ounce of Prevention, Macedonia and the UN Experience in Preventive Diplomacy*, United States Institute of Peace Press, Washington D.C., 2003, p. 29.

- the human dimension - aimed at reforming Macedonia's civil society institutions.²⁵⁸

Therefore, effectively it combined military, diplomatic and political instruments. However, no doubt the first pillar was a dominating feature of the operation as activities in pillar two and three were limited. The UNPREDEP military contingent consisted of a Nordic Battalion (NORBAT, soldiers from Sweden, Finland, Norway, and Denmark) and an US contingent (from summer 1993). The overall number of troops oscillated around 1,000. The UNPREDEP operation included also 26 civilian policemen (UNCIVPOL) to *inter alia* observe the performance of Macedonian police, to record incidents and to provide training of local police. The inclusion of US soldiers into UNPREDEP was meant to send a strong signal (in particular to Milošević) on American support to the country's sovereignty and territorial integrity. At that time Macedonia had almost no army and extremely limited military resources. No doubt the UNPREDEP with only 1,000 lightly armed soldiers could not defend the country but it had major psychological effect because it proved that the international community recognised the legitimacy of the new Macedonian state, even though Macedonia had not yet been recognised internationally by many states and not admitted to most international organisations.

The Mission concentrated on monitoring the borders of Macedonia with Albania and the Federal Republic of Yugoslavia. It was initially established primarily to prevent a possible Serbian military aggression, but its role had over time evolved as the main concerns included the danger of a spill-over of a possible eruption of violence in Kosovo, increased tensions on the Albanian-Macedonian border, the unstable situation in Albania itself - which complicated Macedonia's efforts to prevent arms trafficking to Kosovo - and the lack of progress in the demarcation of the country's border with the FRY. However, soon it became clear that the primary threat to Macedonian stability might come from internal tensions rather than from external ones. Sokalski

²⁵⁸ Ibid, pp. 100-109. A political mandate was added on 31 March 1994 with the UNSC Resolution 908. On 31 March 1995, with the UNSC Resolution 983, it was extended to a humanitarian-development mandate. Sokalski mentions that especially the third pillar was controversial and "would raise a few eyebrows" among some UN member states and veterans of traditional peacekeeping.

mentions another concern. It was feared that north-western Macedonia would become a base for an Albanian incursion into Kosovo and as such could provide a rationale for a Yugoslav army invasion in Macedonia.²⁵⁹ In this context it should be noted that not everyone in Macedonia was enthusiastic about the presence of the UN force in the country; there were especially some sceptics among the Albanians who feared that UNPREDEP might support Macedonia security forces in a possible internal or regional conflict.

Having in mind the somewhat experimental character of the UNPREDEP Mission, its mandate had been interpreted rather liberally. It did not include education as such, but certainly the political “pillar”, human dimension and building civil society institution elements left enough space for engagement in this field. In addition, from the point of view of conflict prevention in the country, education should have been addressed. The leadership of the mission seemed to understand this challenge. The Special Representative of the UN Secretary General, Henryk Sokalski rightly identified the confrontation over the issue of access to higher education in Albanian language and the establishment of the UT as of key importance.²⁶⁰ This problem was *inter alia* reflected in the Report of the UN Secretary General to the Security Council dated 22 March 1995.²⁶¹ At the same time, the leadership of UNPREDEP fully realised that the OSCE was already involved and, therefore, was reluctant to see a duplication of those efforts. It was also believed that after the admission of Macedonia to the OSCE and the CoE those organisations would take responsibility for issues concerning the human dimension, including education.²⁶² It is fair, however, to admit that the programmes concerning youth became an important element of the UNPREDEP mandate, although the activities focused on organisation of seminars, and promoting

²⁵⁹ Ibid, p. 96.

²⁶⁰ Ibid, pp. 113-115.

²⁶¹ Report of the UN Secretary-General pursuant to Security Council Resolution 947 (1994), 22 March 1995, UN doc.S/1995/222, para 42-44.

²⁶² The co-operation with other international actors was relatively smooth and will be addressed in other parts of this Chapter. Already UNSC Resolution 795 made a reference to coordination of preventive actions with the CSCE Spill-over Monitor Mission, which was established earlier (in September 1992). On the other hand, in his book Sokalski mentions some tensions involving other UN institutions in Macedonia which did not want to subordinate to co-ordinating role of the SRSG, see in Sokalski, 2003, p. 106.

dialogue among youth leaders. Other activities in the human dimension included translating basic international standards in the Macedonian language and organising workshops.

The political dialogue was mostly the responsibility of the Chief of Mission. The political tasks included also the monitoring of elections in co-operation with the OSCE. However, any attempts to play a more active role in pursuing political dialogue and humanitarian assistance were hindered by lack of financial and human (trained personnel other than military) resources. In addition, as in many other cases, the Macedonian Government hosting the UNPREDEP operation expected a maximum of external help with a minimum of internal interference. In particular, the Government did not consider the country's inter-ethnic relations to be a legitimate subject of international concern and therefore tried to discourage UNPREDEP from pursuing other goals than troop deployment.

The mandate of the UNPREDEP Mission expired on 28 February 1999, as China, alleging stabilisation of the situation, used its veto in the Security Council to prevent a renewal of the mission. This was done contrary to the recommendation of the UN Secretary General supported by the Macedonian Government. As a matter of fact the deterioration of the situation in Kosovo constituted a serious threat for Macedonia. China's veto was obviously caused by the 7 February 1999 decision of the Macedonian Government to establish diplomatic relations with Taiwan, in the hope that the country could attract large Taiwanese investments. Against this background, it has to be concluded that the UNPREDEP operation was terminated perhaps at the worst possible moment. Contrary to Chinese claims almost none of the reasons behind the establishment of the mission could be considered eliminated. On the contrary, some of them like internal inter-ethnic tensions or the negative impact of the situation in Kosovo became even more apparent. Already in 1998 it was clear that Kosovo was heading toward a major crisis and possible negative consequences for Macedonia

could certainly not be ruled out.²⁶³ Some observers even stated that the closing down of the UN Mission was fatal, as it could have prevented the 2001 conflict in the country. It ought not to be forgotten, however, that the roots of the conflict were much deeper.²⁶⁴

The United Nations Preventive Deployment Force (UNPREDEP) can serve as a positive example of a preventive role by the UN. However, its closure at a very unfortunate moment casts a shadow on its generally positive experience. It also provides an example of how the UN Security Council veto mechanism was misused by one of its permanent members. No doubt the mission did contribute to the easing of tensions, having a strong mitigating role. It made the country's neighbours by far more careful in pursuing any attempt to copy the scenarios from Croatia or Bosnia and Herzegovina.

7.3.2. UN Human Rights Committee

Macedonia assumed obligations under the International Covenant on Civil and Political Rights (ICCPR) on 17 September 1991 as state-successor for treaties concluded by the SFRY.²⁶⁵ The country officially acceded to the Covenant on 20 September 1993 after the decision by the Government. It acceded to the ICCPR Optional Protocol on 12 March 1995. On 20 March 1998 Macedonia submitted its first State report under article 40 of the ICCPR.²⁶⁶ Regarding the implementation of Article 27 of the ICCPR and the issue of University level education, the Report described the existing possibilities to attend instruction in Albanian and Turkish languages at the Skopje University, the introduction of the quota system and an increase of the number of students belonging to non-Macedonian communities at

²⁶³ The risk of a Kosovo spill-over was fully understood which was confirmed by the fact that the strength of the military component of the UNPREDEP was increased back to 1,000 after an initial reduction to approximately 750 soldiers.

²⁶⁴ They are discussed in Chapter 9.

²⁶⁵ The Declaration enacted by the Parliament of the Republic of Macedonia (to confirm the results of the referendum on independence) at its session held on 17 September 1991 determined, *inter alia*, that: "The Republic of Macedonia, as a sovereign and independent State, will be committed to consistent respect of the generally accepted principles contained in the United Nations documents, the OSCE Helsinki Final Act, and in the Paris Charter for a New Europe".

²⁶⁶ United Nations, Human Rights Committee, International Covenant on Civil and Political Rights, Initial Reports of States Parties, the Former Yugoslav Republic of Macedonia, CCPR/C/74/add.4, 18 May 1998.

various faculties in the Republic of Macedonia. However, the report failed even to mention existing problems in this field, such as the demands of the Albanian minority or the problems surrounding the creation of the UT, nor did it propose ways how to address those issues.²⁶⁷

In its concluding observation on the report, the Human Right Committee (HRC), which supervises the implementation of the Covenant, noted that the information provided in the report dealt primarily with legal and institutional issues and did not contain sufficient data on the practical application of the Covenant.²⁶⁸ The HRC took note of the statement of Macedonia that the principal difficulty in ensuring effective implementation of the Covenant was caused by the complex and difficult process of transition from a political and social environment shaped for decades by the concept of collective rights to a respect for the rights of individuals.²⁶⁹ The Committee also recommended that Macedonia continues to encourage minority participation in the design, organization and functioning of the educational system, in particular at the secondary and higher educational levels, and provide for the training of teachers of minority languages in public establishments.²⁷⁰ It further requested the Government of Macedonia to include in its second periodic report, the material relating to the observations of the Committee. However, despite the fact that the second report was due in June 2000, the Republic Macedonia has so far failed to submit it to the Committee.²⁷¹

Even though some international Institutions and bodies do not have directly formulated conflict prevention role in their mandates, they might, through their practical action, make a contribution to the easing of tensions and to the solution of

²⁶⁷ Ibid, para 588-590.

²⁶⁸ United Nations Human Rights Committee, Concluding Observations: Macedonia (former Yugoslav Republic of Macedonia), Concluding Observations/Comments, Ref. CCPR/C/79/Add.96, 18 August 1998, para 2.

²⁶⁹ Ibid, para 3.

²⁷⁰ Ibid, para 16.

²⁷¹ On the implementation by Macedonia of the ICCPR see *inter alia* in: American Bar Association Central European and Eurasian Law Initiative (ABA/CEELI), A Targeted Analysis of the Implementation of the International Covenant on Civil and Political Rights (ICCPR) in the Republic of Macedonia, American Bar Association, June 2004, see at: http://www.abanet.org/ceeli/publications/iccpr_3.30.05.pdf.

controversial issues. It was obviously not the case with HRC. It seems that the Committee simply lacked the necessary inside-country knowledge and experience in dealing with the quite complex issue of Albanian language higher education. It would have to build its expertise on extensive country visits and preferably on established country office in order to monitor the situation on a daily basis. Without this and mainly formulating its opinions on State parties' reports, it is difficult to expect that the Committee might be the main driving force initiating necessary changes.

7.3.3. Special Rapporteur of the UN Commission on Human Rights

The Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia was appointed by the UN Commission on Human Rights in 1992. His mandate included Macedonia and obliged him/her to make periodic reports to the UN Commission on Human Rights mostly based on country visits.²⁷² As far as the situation in Macedonia was concerned, Special Rapporteur Tadeusz Mazowiecki stressed in his sixth report dated 21 February 1994 that Albanians complain of insufficient educational opportunities in their language and, in particular, of the absence of an Albanian-language university.²⁷³ He noted an increased admission of members of national minorities to the Skopje University and the establishment of a quota system which unfortunately was seldom fully used. T. Mazowiecki associated this with the inferior knowledge of the Macedonian language among Albanian students.²⁷⁴ In his eighth report dated 9 August 1994 T. Mazowiecki stressed that despite the fact that various steps had been undertaken in order to improve the human rights situation in Macedonia, it was still not satisfactory and, mainly due to the slow legislative process, effective legal means for the protection of human rights still did

²⁷² The first Rapporteur - former Prime Minister of Poland Tadeusz Mazowiecki, resigned in July 1995 (in protest to Bosnian Serbs massacres in Srebrenica which was declared the UN "safe haven") and was replaced by the former Defence Minister of Finland, Elisabeth Rehn. She was succeeded in 1998 by the former Minister of Foreign Affairs of the Czech Republic, Jiri Dienstbier who stayed in office until 2001.

²⁷³ Special Rapporteur of the Commission on Human Rights, Sixth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia Submitted by Mr. Tadeusz Mazowiecki Pursuant to Paragraph 32 of Commission Resolution 1993/7 of 23 February 1993, 21 February 1994, E/CN.4.1994/110, para 175.

²⁷⁴ Ibid, para 176-177.

not exist.²⁷⁵ In his reports T. Mazowiecki limited himself only to noting the existing problems without making any recommendations on how to address and to rectify the situation. In this regard his successor - Elizabeth Rehn went a step further. In her report dated 14 March 1996 she underlined that the educational situation of national minorities, and in particular of the Albanian community, remained one of the most pressing concerns in the country.²⁷⁶ She rightly identified the shortage of primary and particularly secondary school teachers for minorities as one of the main serious problems, which has negatively affected the quality of teaching in many schools.²⁷⁷ She expressed the hope that the ongoing restructuring of the Pedagogical Academies would meet the growing demand for competent teachers for minorities. Noting some improvements thanks to *inter alia* the quota system, E. Rehn stressed that the number of minority students who continue their education at institutions of higher education remained disproportionately low. The problem was apparently raised in her discussion with authorities, since she noted that the Ministry of Education had informed the Special Rapporteur of its plans to further develop the minority quota system in institutions of higher education.²⁷⁸ The Special Rapporteur also underlined that the new law “regulating the sphere of higher education” remained to be enacted²⁷⁹ and offered suggestions to the Macedonian Government regarding ways to solve existing problems. She *inter alia* encouraged the authorities to explore alternative ways of enabling minority groups to enjoy higher education in their own language. Calling for an open dialogue, E. Rehn stressed that the special needs of the minorities should also be taken into account in the preparation of the new law on higher education.²⁸⁰

A most comprehensive description of the existing problems in the field of access of minorities to higher education in their mother tongue was offered in the Report of Mrs

²⁷⁵ Special Rapporteur of the Commission on Human Rights, Eighth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia Submitted by Mr. Tadeusz Mazowiecki Pursuant to Paragraph 37 of Commission Resolution 1994/72 of 9 March 1994, 4 August 1994, E/CN.4/1995/10, para 24.

²⁷⁶ Special Rapporteur of the Commission on Human Rights, Situation of Human Rights in the Territory of the Former Yugoslavia, Report Submitted by Ms. Elizabeth Rehn Pursuant to Commission Resolution 1995/89, 14 March 1996, Ref. E/CN.4/1996/63, para 193.

²⁷⁷ *Ibid*, para 193.

²⁷⁸ *Ibid*, para 194.

²⁷⁹ *Ibid*, para 194.

²⁸⁰ *Ibid*, para 205.

Rehn dated 30 September 1997.²⁸¹ She *inter alia* made reference to the establishment of UT which was denied recognition. In this regard, she argued that the future of the graduates of the UT had to be taken into account.²⁸² In addition, the Special Rapporteur noted that the revision of the quota system and the enactment in January 1997 of the “Law on Languages of Instruction at the Skopje Pedagogical Faculty” were the positive steps forward.²⁸³ She also rightly made the link between continued under-representation of minorities in public administration and judiciary and the need to improve access for minorities to proper education at all levels.²⁸⁴ At the same time, Elizabeth Rehn criticized the slow process of adoption of a new law on higher education.²⁸⁵ She also supported an interpretation of the Constitution which would not prohibit the use of minority languages in higher education or set limitations on their use in private institutions.²⁸⁶ The last point was clearly interpreted as support to the position presented by the Council of Europe and the HCNM in their discussion with the Macedonian authorities on the new law on higher education. In addition, E. Rehn urged the Government to continue to maintain its close communication and cooperation with international offices concerned with minority issues, notably the office of the OSCE HCNM.²⁸⁷ In general, the report provided quite balanced description of the existing situation in the field of minority language education, *inter alia* noting the positive trend. Despite some criticism, E. Rehn commended the Government for its efforts in the field of minority rights.²⁸⁸ The Report of Mrs Rehn of 30 September 1997 was as a matter of fact her final report on Macedonia as it was concluded that there was no need to continue her engagement in Macedonia. This recommendation was eventually endorsed by the Commission on Human Rights.

²⁸¹ Special Rapporteur of the Commission on Human Rights, Situation of Human Rights in the Territory of the Former Yugoslavia. Final Report Submitted by Ms. Elizabeth Rehn Pursuant to Commission Resolution 1997/57, 30 September 1997, E/CN.4/1998/12.

²⁸² Ibid, para 41 and 61.

²⁸³ Ibid, para 35 and 36. The correct name of the law should be the Law on the Languages on which the lecturing is performed at the Pedagogical Faculty “Sv Kliment Ohridski” in Skopje.

²⁸⁴ Ibid, para 28 and 60

²⁸⁵ Ibid, para 37.

²⁸⁶ Ibid, para 38.

²⁸⁷ Ibid, para 62.

²⁸⁸ Ibid, para 59.

Despite the fact that problems in the field of human rights in Macedonia were not considered as grave as violations registered in Croatia or Bosnia and Herzegovina, which were the main focuses of attention by the Special Rapporteurs, their reports often offered a quite comprehensive description of the problems in the field of minority language higher education in Macedonia. Especially Elizabeth Rehn aimed at offering the authorities some recommendations on how to address those issues. Those proposals were very much in line with the position presented by other international actors involved in this issue. The dialogue established between them was key in this regard. In addition, it could be argued that the Special Rapporteurs, aiming at strengthening the capacity of local authorities to deal with existing problems, could be considered as a mechanism of conflict prevention.

7.3.4. World Bank

The World Bank mission in Macedonia was primarily aimed at job creation and improving living conditions of the population and it operates mainly through project financing, advice and research. Since Macedonia joined the World Bank in 1993, the organisation has assisted the Government in maintaining macroeconomic stability, developing a sound financial sector and implementing structural reforms. It has helped the country to overcome a series of economic crises, especially those following the Kosovo crisis in 1999 and the internal conflict in 2001. The World Bank was supporting reforms in the field of education, social protection, health, environment, agriculture, infrastructure, sanitation and public sector management. From 1993 until the end of 2006 the World Bank had committed in the country approximately 700 million USD in the form of assistance and loans.

The organisation seems to realise that in order to achieve poverty reduction, especially in the long term, improvements in human capital are needed, and therefore a high-quality education must be a main goal of social policy. Therefore, the World Bank has also tried to build local capacity in the field of education. In January 1997 the organisation initiated a project of a total value of 5 million USD aimed at

modernisation of the Macedonian educational sector. It resulted *inter alia* in the preparation of a Report which focused on the main strengths and potentials of education, the main challenges the country is facing, the opportunities and policy options for reforming the education system, the main political risks and general reform options the government strategy could take into account.²⁸⁹ In addition, in 1999, in co-operation with the Dutch Government, the organisation decided to assist the Macedonian Government in developing an education strategy at all levels with the intention of eventually providing financial assistance in the realisation of this strategy.²⁹⁰ This big, ambitious and long term project has still to produce results. The first draft prepared by 2001 was challenged by many experts and rejected by the new Government after the parliamentary elections in 2002. The new draft called the National Strategy for the Development of Education for the period 2005-2015 was presented in July 2004 and was finally endorsed by the Parliament on 18 April 2006.²⁹¹ The programme for the development of higher education represents a significant part of the document, but it is limited to taking stock of progress achieved in increasing the number of minority students, especially ethnic Albanians at existing institutions of higher education in the country. It does not offer further steps that should be taken in this regard and among the suggested priorities of the Ministry of Education and Science there are no elements related to ethnic integration.

7.4. Council of Europe²⁹²

One of the primary tasks of the Council of Europe in Macedonia has been the harmonization of the national legislation with the international legal standards. Therefore, despite the fact that it is not prescribed in its mandate, through promotion

²⁸⁹ Darvas Peter, The Former Yugoslav Republic of Macedonia - Toward An Education Strategy for the Twenty-First Century, The World Bank Report No. 24381-MK, 1 July 2002. The task leader and principal author Peter Darvas was supported by Frederick Golladay and Joe Colombano.

²⁹⁰ It should be noted that the World Bank and the Dutch Government belong to the largest investors in educational sector in Macedonia.

²⁹¹ Ministry of Education and Science of Republic of Macedonia, National Strategy for Development of Education in Republic of Macedonia 2005-2015, Skopje, 2004.

²⁹² The Republic of Macedonia officially joined the Council of Europe on 9 November 1995, but since 15 May 1993 it enjoyed special guest status.

of arrangements accommodating rights of minority communities, it indirectly played a role in the field of conflict prevention.

7.4.1. Legislative Reform Programme

In considering the Council of Europe's engagement in Macedonia in the field of minority language higher education and conflict prevention, first of all, its contribution to the drafting of the new law on higher education should be recalled.²⁹³ It conducted three fact finding missions to Macedonia: in July 1996, March 1997 and November 1997 and prepared two opinions on the draft law.²⁹⁴ Unfortunately, the recommendations mostly focused on technical aspects and fell short of addressing sensitive political issues. In addition, the CoE did not seem to sufficiently realise how potentially explosive the issue of minority language higher education was at that time. Therefore, the CoE experts failed to exercise pressure on the Macedonian authorities to accelerate the process of the adoption of the law. There were, however, positive elements in their engagement. Despite the fact that the CoE experts refrained from judging as a matter of law whether language could be an element in granting or denying recognition to a private University operating on the territory of the country, they suggested, that the language of instruction should not be a criterion for recognition. Moreover, the assistance provided by the Council of Europe contributed to the moving the process forward which culminated in the adoption of the new law in July 2000.

²⁹³ On details see Chapter 5.

²⁹⁴ Council of Europe, Directorate of Education, Culture and Sport, Higher Education and Research Division, The Macedonian Proposal for a Law on Higher Education, Advisory Opinion Issued on the Occasion of the Council of Europe LPR Mission to Skopje on 17-19 March 1997, Strasbourg 15 April 1997, DECS/LPR (97) 7;
Council of Europe, Directorate of Education, Culture and Sport, Higher Education and Research Division, The Revised Macedonian Proposal for a Law on Higher Education, Advisory Opinion Issued on the Occasion of the Council of Europe LPR Mission to Skopje on 25-27 November 1997, Strasbourg 5 December 1997, DECS/LPR (97) 17.

7.4.2. Advisory Committee of the Framework Convention²⁹⁵

The Framework Convention for the Protection of National Minorities (FCPNM) was signed by Macedonia on 25 July 1996 and ratified on 10 April 1997. However, despite the fact that the first report was due on 1 February 1999, the Macedonian Government sent it to the Council of Europe only on 23 September 2003. Addressing the implementation of Articles 12-14 of the FCPNM the report stressed the relevant provisions of the law on higher education, existing opportunities for studying in the Albanian and Turkish languages at the Pedagogical Faculty of the Skopje University, the quota system for enrolment of persons belonging to national minorities at the Skopje and Bitola Universities and the establishment of the SEE University in Tetovo.²⁹⁶ The report stressed that there are encouraging indicators of the significant progress achieved in respect of the increased number of enrolled students, but at the same time noted that different ethnic communities have different “patterns of behaviour”, a comment clearly trying to explain why the situation was still not fully satisfactory.²⁹⁷ The Macedonian authorities most probably wanted to point out that representatives of some minorities prefer to pursue careers which do not require higher education.

Following the receipt of the initial Government report, the Advisory Committee visited Macedonia from 8 to 12 December 2003 and its Opinion was adopted on 27 May 2004.²⁹⁸ It drew the attention to the shortage of qualified teachers for providing instruction in minority languages, which was particularly acute in the case of certain minorities such as the Roma and the Vlachs. The Advisory Committee noted that positive discrimination measures have been taken (quota system) to make it easier for persons belonging to minorities to enter higher education but considered that the

²⁹⁵ The main role of the Advisory Committee of the Framework Convention is to assist the CoE Committee of Ministers in the overseeing of the implementation of the FCPNM by parties. The member states are obliged to regularly submit their reports containing full information on legislative and other measures taken in order to fully implement the Convention. The reports are examined by the Advisory Committee in the process of preparing its opinions.

²⁹⁶ Initial Report of the Republic of Macedonia on the Framework Convention for the Protection of National Minorities (ACFC/SR(2003)002), pp. 78-80.

²⁹⁷ Ibid, p. 85.

²⁹⁸ Advisory Committee of the Framework Convention for the Protection of National Minorities, Opinion on “the former Yugoslav Republic of Macedonia”, Adopted on 27 May 2004, ACFC/INF/OP/I(2005)001.

authorities should introduce monitoring of the system to ensure that the various groups have equitable access to higher education.²⁹⁹ The Advisory Committee also suggested extending the existing provisions at the Skopje University to study in Albanian and Turkish languages to include other languages.³⁰⁰ The heated debate and the tensions surrounding the process that led to the Tetovo University (UT) recognition as a state university in January 2004, as well as fears that having a university that provides instruction in Albanian only might lead to further segregation in the education sector, were noted as well. At the same time, the Advisory Committee urged the authorities to take all the necessary measures to ensure the recognition of diplomas delivered by the University of Tetovo.³⁰¹ Finally, the Committee welcomed the fact that the SEE University facilitates interaction of students from different ethnic backgrounds.³⁰²

The language of the report was definitely not-confrontational. In comparison with various provisions of the Framework Convention, there were surprisingly few comments on education, especially in terms of recommendations and suggestions for future improvements. However, the report was adopted already after the Ohrid Agreement was signed and significant parts of it were being implemented. No doubt that with the establishment of the SEE University and the beginning of the process of the establishment of a new State University in Tetovo significant improvements had taken place in the field of minority language higher education.³⁰³ In these respects, Macedonia was by far more advanced in accommodating minority demands than most parties to the Framework Convention. Not surprisingly, in its response the Government of Macedonia hardly referred to Articles 12-14 of the FCPMN. The problem of the Albanian language higher education was not mentioned at all mostly

²⁹⁹ Ibid, para 77 and 81.

³⁰⁰ Ibid, para 82.

³⁰¹ Ibid, para 83. Presumably the AC referred to the old UT before its transformation.

³⁰² Ibid, para 84.

³⁰³ Following the conclusion of the Ohrid Framework Agreement and the adoption of Constitutional amendments in November 2001, in April 2004 the Macedonian Government submitted the revised Declaration to the Framework Convention replacing the previous two Declarations. The new Declaration states: "The term "national minorities" used in the Framework Convention for the Protection of National Minorities and the provisions of the same Convention shall be applied to the citizens of the Republic of Macedonia who live within its borders and who are part of the Albanian people, Turkish people, Vlach people, Serbian people, Roma people and Bosniac people".

due to the fact that this issue was by far not the main focus of the AC Opinion. The Government of Macedonia only informed the AC that it was approached with the proposal to draft amendments to the law on higher education for the purpose of opening opportunities at the Faculties of Philology for the studying Serbian, Roma, Vlach, Bosnian languages and literatures and opening desks for teachers in the Serbian, Vlach, Roma and Bosnian languages at the Faculties of Pedagogy.³⁰⁴ The Council of Europe Committee of Ministers in its Resolution on the implementation of the FCPNM by Macedonia stressed that the interaction between the different components of society need to be further encouraged, particularly in the sphere of education, where individuals' knowledge of the languages spoken in their region could be promoted. Macedonia was also advised to adopt additional measures to take better account of the needs for teaching in minority languages, as expressed by various communities, including the Turkish and Albanian communities.³⁰⁵

The second cycle report was due on 1 February 2004 but was received only on 16 June 2006. The Report took note of the adoption of the Law on the State University in Tetovo and the opening of this institution in the 2004/2005 academic year, thus fulfilling the obligation for state financing of university education in the language spoken by at least 20% of the citizens in the Republic of Macedonia.³⁰⁶ It also stressed that for the purpose of improving the representation of students of ethnic communities, the first private university in the Republic of Macedonia (the SEE University in Tetovo) was opened in 2001, with significant support from the international community, where instruction is conducted in Albanian, Macedonian and English languages. It also recognized that with its opening, the total number of

³⁰⁴ Advisory Committee of the Framework Convention for the Protection of National Minorities, Comments of the Government of the "former Yugoslav Republic of Macedonia" on the Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities, the "former Yugoslav Republic of Macedonia", VT/COM/INF/OP/I(2005)001, 10 January 2005.

³⁰⁵ Council of Europe Committee of Ministers, Resolution ResCMN(2005)4 on the Implementation of the Framework Convention for the Protection of National Minorities by the former Yugoslav Republic of Macedonia Adopted by the Committee of Ministers on 15 June 2005 at the 930th meeting of the Ministers' Deputies, p. 2.

³⁰⁶ Second Report Submitted by "the former Yugoslav Republic of Macedonia" Pursuant to Article 25, Para 1 of the Framework Convention for the Protection of National Minorities Received on 16 June 2006 (ACFC/SR/2(2006)004), pp. 37-38.

Albanians enrolled at university institutions by the end of the 2003/2004 academic year increased and amounted to 10.4% of the total number of enrolled students in that year.³⁰⁷ In addition, Annex 4 to the Report contained very useful statistics of the Ministry of Education and Science illustrating that the number of non-Macedonian students at the accredited institutions of higher education in Macedonia had increased from less than 10% in 1992/1993 academic year to more than 20% in 2004/2005 academic year. The Advisory Committee visited Macedonia on 27 - 30 November 2006, but its second Opinion has not been released yet.

7.5. EU

For many countries of the Balkans the prospect for a stable, democratic and prosperous future lies in their integration with the European Union. There is also the growing realisation that the presence of democratic institutions and respect for minority rights are inescapable preconditions for membership. In addition, the prospect of eventual European integration is bringing a sense of clear perspective for the future of Macedonia and has become a significant source of stability because it is one of a few goals all mainstream political parties can agree on.³⁰⁸ Against this background, the EU is playing an increasingly important role in the Balkans. The main goal of the Union is to bring stability to the country and the region and to help to turn Macedonia into an effectively functioning state, thus avoiding the creation of another “hot spot” with possible serious repercussions for the entire region.

The role of the EU in maintaining stability in Macedonia should neither be underestimated nor overestimated. Undoubtedly the breaking moment for EU engagement in the country was 2001 conflict, as beforehand Macedonia and its inter-ethnic problems were very much neglected by the Union. The 2001 crisis damaged the country’s international position, but at the same time it helped international

³⁰⁷ Ibid, p. 38. In 2004/2005 academic year after the opening of the new State University in Tetovo and the new enrolment at the SEEU this number increased to 15, 5%.

³⁰⁸ On 9 April 2001 in Luxembourg, as a first country in the South-Eastern Europe, Macedonia signed a Stabilisation and Association Agreement (SAA) with the EU. The Agreement entered into force on 1 April 2004 and Macedonia officially became an associate member of the EU. On 22 April 2004 Macedonia submitted its application for membership in the EU. It was granted EU candidate status on 17 December 2005. However, the date for the start of negotiations has not been set yet.

community, in particular the EU, to realise the importance of stability of the country for the whole region.³⁰⁹

The European Community was a co-founder of the International Conference of the Former Yugoslavia. Already in 1991 the European Community Monitoring Mission - ECMM (since 2001 the European Union Monitoring Mission - EUMM³¹⁰) was created with the aim of monitoring developments, in particular the political and security situation in the Balkans. Most of the deployed monitors were former military officers from the EU member states, from candidate countries and from Norway. However, in order to increase the analytical capacities of the mission some civilians were employed as well and the mission has often been engaged in dialogue on the local level. The EUMM was one of the main instruments of the Common Foreign and Security Policy (CFSP) and its mandate also included contributing to the early warning of the Council and to confidence-building, in the context of the policy of stabilisation conducted by the Union in the region. The focus of the mission was border monitoring, inter-ethnic issues and refugee return. The Headquarters of EUMM was in Sarajevo and initially it concentrated mostly on Croatia and Bosnia-Herzegovina, but since 2001, it shifted its focus to South Serbia (the so-called Preševo Valley) and Macedonia. It operated mainly through periodic reports based on gathered information and their analyses, also addressing thematic issues. The EUMM is often referred to as "the eyes and ears" of the EU in the Balkans. Monitors operating on grass-roots level living and working side by side with local communities, have a unique opportunity to oversee the situation on a daily basis and the gathered information often serve as an early-warning mechanism. The EUMM has produced many valuable reports on the inter-ethnic situation in Macedonia also covering the issue of access to higher education. However, the reports are confidential and not available to the public.

³⁰⁹ The post-2001 contribution of the EU is discussed in Chapters 9 and 10.

³¹⁰ On 22 December 2000 the Council of the European Union adopted a Joint Action (2000/811/CFSP) on the European Union Monitoring Mission. The then European Community Monitor Mission (ECMM) thereby became the European Union Monitoring Mission (EUMM).

The EU provided Macedonia with significant financial assistance. From 1992 until the end of 2006 it amounted to approximately 600 million Euro (excluding assistance provided by individual member states). Except humanitarian assistance through operating between 1993 and 2003 the Humanitarian Aid Office of the European Commission (ECHO), the EU support has been channelled through programmes such as PHARE, CARDS or direct assistance in reforming the Macedonian economy, including also improvement of infrastructure and a balance-of-payment support.³¹¹ Education, especially at the higher level, has not been among the EU immediate priorities, although Macedonia since 1996 has participated in the TEMPUS programme.³¹² It aims at improving the quality of the higher education system and seeks to enhance the exchange of students between Macedonia and EU universities.

Despite the fact that until 2001 the EU largely neglected the developments in Macedonia, especially considering its potential capacity, it could be argued that the organisation applied the most diverse list of conflict prevention mechanisms and instruments which included political (various capacity building projects), diplomatic (dialogue conducted in the framework of the ICFY and monitoring of developments), economic (financial and humanitarian assistance), and even military tools (the deployment of the EUMM could be considered in those categories).

³¹¹ The PHARE Programme (Pologne, Hongrie Assistance à la Reconstruction Economique) was launched in 1989 following the collapse of the communist regimes in Central and Eastern Europe. It is intended to help these countries to reconstruct their economies. Originally, it concerned only Poland and Hungary but it has gradually been extended to cover 13 central and eastern European countries, including Macedonia. It covers 15 sectors, including the education, training and research. Macedonia became eligible for funding under the PHARE programme in 1996.

The Community Assistance for Reconstruction, Development and Stabilisation Programme (CARDS) aims at bringing a more strategic approach to assistance to the Stabilisation and Association process countries. The assistance concentrates on support for the reforms and institution building necessary to implement the obligations in the Stabilisation and Association Agreements. The CARDS Programmes in Macedonia are managed by the European Agency for Reconstruction, through its operational centre in Skopje.

³¹² The Trans-European Mobility Scheme for University Studies (TEMPUS) enables universities from EU Member States to cooperate with those in the Western Balkans, Eastern Europe and Central Asia, and the Mediterranean partner countries in higher education modernisation projects. Established in 1990 following the fall of the Berlin Wall, TEMPUS has been renewed three times (the recent one, Tempus III, covered the 2000 - 2006 period).

7.6. OECD

The Organisation for Economic Co-operation and Development (OECD) maintains active relationships with some 70 other countries, among them Macedonia. The OECD is best known for its publications, country surveys, reviews and statistics. With its strategic orientation it helps to develop policies in order to stimulate growth and economic development. Education remains one of priority areas since the OECD seems to recognise that the development of modern economies has increased the importance of education policy. Against this background, the OECD Directorate for Education's mission has been established to co-ordinate the education-related policy of the organisation. Understandably but unfortunately, the focus of the organisation is on its member states so as far as other countries are concerned, the OECD provides almost exclusively thematic reports. In addition, as already mentioned in Chapter 2, the OECD have been reluctant to play an active role in conflict prevention, despite the fact that its expertise could be an important political tool contributing to building the capacity of authorities to deal with existing problems.

In 2001, in the framework of the Stability Pact, the experts of the OECD Centre for Co-operation with Non-Members prepared a comprehensive report on the Macedonian system of education. It offered the detailed description of the existing situation until July 2001. At the same time, the inter-ethnic element of the education was not the main focus of attention. It only noted that the Government had entered into discussions with the OSCE about the establishment of a private university in Tetovo, which would cater mostly for the local Albanian-speaking population. The report aimed at a more comprehensive approach to attempts of reforming the country's primary and secondary school systems, as well as University level education. Recommendations in this field concerned mostly ways of ensuring adequate funding, the high drop-out rates and the long time taken by many students to complete their studies, the need for improved pre- and in-service teacher training at universities, more choices in higher education courses and inter-disciplinary study programmes and improvements in applied research in highly needed fields. As far as the under-representation of Albanians in higher education was concerned, it was stressed that

demographic shifts should be reflected in the make-up of entering university cohorts and it was suggested to give the Albanian community more input into educational policy. The Ministry of Education was encouraged to continue its policy of increasing opportunities of studying in the Albanian language at existing universities.³¹³

7.7. OSCE³¹⁴

The OSCE has relatively early discovered the conflict potential represented by the complex internal situation of Macedonia. The OSCE mostly focused on applying diplomatic and political tools with the special focus on quiet diplomacy, monitoring of developments, promotion of human rights and practical implementation of various projects aimed at building local capacity and democratisation of the country. One of the first and still the longest serving field presences was established in Skopje. On a number of occasions the mandate of the mission has been changed in order to adjust it to new situations. It has gradually expanded and covered new fields of activities. Since the HCNM Office was established in 1992, Macedonia has remained on top of its agenda. The ODIHR has been continuously present, *inter alia* monitoring the elections and contributing to democratisation of the country through various projects.

7.7.1. The OSCE Mission

In the summer of 1992, the United States, being concerned that possible spill-over effects of the conflict in the Socialist Federal Republic of Yugoslavia could lead to the destabilisation of Macedonia, proposed that monitors from the CSCE be sent to Macedonia.³¹⁵ The CSCE Committee of Senior Officials (CSO) met on 13 August 1992 and decided to explore with authorities in Skopje the possibility of dispatching a

³¹³ OECD Centre for Co-operation with Non-Members, Directorate for Education, Employment, Labour and Social Affairs, Education Committee, Thematic Review of National Policies for Education - FYROM, Stability Pact for SEE Europe, Table I - Task Force on Education, 18 June 2002, CCONM/DEELSA/ED(2001)7/FINAL, pp. 39-42 and 47-48.

³¹⁴ Macedonia became a full member (participating State) of the Organization on 12 October 1995. From January 1992, when Macedonia first applied, until October 1995, the application was blocked by Greece. Macedonia was granted a status of the OSCE "silent observer" in early 1993, in June 1994 of "regular observer".

³¹⁵ It is believed that the idea was launched by Acting Secretary of State Lawrence Eagleburger, who maintained a special interest in Macedonia dating from the fatal earthquake in 1963, when he went to Skopje to provide assistance relief. See also in: Fraenkel, Eran & Marks, John, Working to Prevent Conflict in Macedonia in Negotiation Journal, Summer 1997.

mission to Macedonia similar to the Mission of Long Duration in Kosovo, Sandjak and Vojvodina.³¹⁶ On 10-14 September 1992 a CSCE exploratory delegation visited the country. The Mission was officially established by the meeting of CSO on 18 September 1992 and Ambassador Robert Frowick, a retired U.S. diplomat, was appointed as the Head of Mission.³¹⁷ At that time Robert Frowick was the only Ambassador-resident in Skopje and some even called him the pro-consul of the West in Macedonia. By taking a high profile in the country and indirectly representing the US administration, his aim was to send a strong signal to Belgrade regarding the western interest in maintaining the stability of Macedonia. Ambassador Frowick was the Head of the Mission for only four months. When he left, the position was taken over also by American diplomats. Only after December 1994 did European diplomats step in. The Mission started to expand a number of its personnel but it had never played the same political role as in the first months of its existence.

According to the Modalities and Financial Implications as approved at the 17th CSO Meeting, the mandate tasked the Mission to monitor developments along the borders of Macedonia with Serbia; to promote the maintenance of peace, stability and security; to prevent possible conflict in the region; to engage in talks with Governmental Authorities; to establish contacts with representatives of political parties and other organisations, and with ordinary citizens; to maintain a high profile in the country; to conduct trips to assess the level of stability as well as the possibility of conflict and unrest throughout the region.³¹⁸ As a matter of fact the mandate had two dimensions: first to monitor developments on the border with Yugoslavia, in particular with Kosovo with a view of possible spill-over effects of the conflict; secondly to address the internal inter-ethnic problems of the country. As in the case of the Working Group of the ICFY, at the beginning a significant part of the Mission's activities focused on Serbian-Macedonian relations and the threat of Serbian nationalists producing pretext for aggression. Since the monitoring of borders was

³¹⁶ 15th CSO Meeting, 14 August 1992, Journal No. 2, Annex 1.

³¹⁷ 16th CSO Meeting, 18 September 1992, Journal No. 3, Annex 1.

³¹⁸ 17th CSO Meeting, 6 November 1992, Journal No. 2, Annex 3 "Articles of Understanding concerning the CSCE Spillover Monitor Mission", 7 November 1992.

later assumed by the UNPREDEP, the CSCE Mission shifted its attention to domestic developments, conducting dialogue with leaders of political parties and various communities and paying regular visits to various places in order to keep record of incidents involving inter-ethnic relations and other ethnic and social tensions. It focused on providing information on conflict potentials and developments that might destabilise the situation. The Mission also played a role in the monitoring of the 1994 census and various elections conducted in the country.

Two developments represented critical moments for the Mission: the 1998-1999 crisis in Kosovo and in particular the 2001 internal conflict in Macedonia. In a special meeting on 11 March 1998 regarding the crisis in Kosovo, the OSCE Permanent Council (PC) decided to temporarily enhance operational measures of the Mission in order to allow adequate observation of the borders of Kosovo and FRY and to prevent possible crisis spill-over effects.³¹⁹ The Mission was further strengthened in the course of 2001 in order to respond to growing tensions in the country and to enhance the OSCE role in the implementation of the OFA.³²⁰

The original Mission mandate required it to work in close co-operation with the UNPROFOR-Macedonia Command (transferred later on in the UNPREDEP) and the ECMM (currently the EUMM). Certainly the mandates of the OSCE Mission and the UNPREDEP were in many points very much alike. Despite the serious risk of overlap, due to a very good co-operation, weekly consultations, exchange of information and co-ordination of movements, tensions were avoided and both missions focuses on issues which they felt particularly competent. On 15 April 1993 they signed the special agreement on co-operation. Because of its initial small size, the OSCE Mission could not be seriously engaged in border monitoring. It was felt, therefore, that the Mission, supported by other OSCE Institutions, could concentrate on the “third basket” - the human dimension.

³¹⁹ Permanent Council Decision No. 218, 11 March 1998, PC.DEC/218. The number of staff increased to 8 internationals.

³²⁰ On details see Chapter 10.

It should be pointed out that the OSCE was one of the first international actors which arrived to the country with a mandate including conflict prevention. It was established before the UNPREDEP mission was dispatched and also because of the failure of the plan to send a European Community Monitoring Mission (ECMM), which at that time had met with the threat of a Greek veto. Its role was especially significant in the first months of its existence. With the passage of time its official mandate soon became outdated and was overtaken by developments, although it had evolved on a number of occasions as the Mission was trying to adjust to a changing environment. After the arrival of other international actors, the original monitoring element of its mandate was taken over by others, in particular the UNPREDEP and the ECMM. Therefore, its second element - to address the internal inter-ethnic problems of the country - became by far more important as inter-ethnic tensions started to represent a serious threat to the stability of the country. It often also required monitoring of inter-ethnic tensions on the local level. However, the question of education has not represented the core element of the mandate and, therefore, as far as an access of minorities to higher education in the mother tongue was concerned, the OSCE Mission has mainly focused on assisting the OSCE High Commissioner on National Minorities.

7.7.2. OSCE High Commissioner on National Minorities

The OSCE High Commissioner on National Minorities pursued his mission in Macedonia in two mutually reinforcing ways. On the one hand, he conducted quiet diplomacy in the form of numerous country visits and consultations with representatives of both communities in order to build bridges, to encourage dialogue and defuse existing tensions. On the other hand, he formulated a number of recommendations to the Macedonian authorities aimed at introducing necessary changes in relevant legislation and their proper implementation. His main focus of attention was the inter-ethnic relations between Macedonians and Albanians. The High Commissioner was therefore often criticised for neglecting other minorities which represented approximately 10% of the whole population of the country. However, the choice of priorities by the HCNM was determined by his mandate and the consideration which problems represented the real threat to the stability of the

country. No doubt, the situation of the ethnic Albanians and their growing demands resulting in tensions required a proper response. The issues which were present in his involvement included: the need for increased inter-ethnic dialogue, census of population, participation of minorities in public affairs, access to media, citizenship, strengthening local self-government and last but not least minority language education.³²¹ However, if at the beginning of his engagement all the above-mentioned problems were addressed in the HCNM contacts with authorities and representatives of the Albanian community, in the second half of nineties, and in particular since 1999, the issue of Albanian language higher education fully dominated the High Commissioner's agenda. In this respect the establishment of the UT and the violence in Tetovo in February 1995 represented a turning point in his engagement.

Although the involvement of the High Commissioner mostly addressed the root causes of ethnic tensions and aimed at building harmonious inter-ethnic relations in the longer term, there were cases which made him to decide to act as a "fireman" responding to serious inter-ethnic incidents which could escalate further. One of those crises directly concerned minority language higher education. On 19 - 21 February 1995 the HCNM undertook an emergency visit in order to calm down tensions connected with the incident which occurred when the Macedonian police was trying to prevent lectures at the newly established University in Tetovo. In his statement the HCNM called for restraint and dialogue and expressed the hope that the problem of Albanian language higher education could be solved within the framework of the new law on higher education.³²² The second emergency visit took place on 10 - 13 July 1997 as a reaction to disturbances which occurred in Gostivar on 9 July 1997 over the display of the Albanian flag, which led to the death of three persons; more than 25 were injured.³²³ After meeting the representatives of the Macedonian Government and

³²¹ The HCNM engagement in the field of education has been described in other Chapters.

³²² Statement to the media of FYROM after the meeting with the President of the Republic, Kiro Gligorov, Skopje, 20 February 1995.

³²³ In early 1997 after the local elections in Macedonia, new Mayors of two cities with a predominantly Albanian population - Tetovo and Gostivar started to hoist the flag of the Albanian nationality (which is identical with the state flag of Albania) next to the flag of the Republic of Macedonia in front of the town halls. This was contrary to the law on flags which allowed various nationalities to use their flags in municipalities where more than half of the population belongs to one nationality but only during sport

Albanian political parties the High Commissioner issued a statement in which he stressed that all nationalities should strive to find a solution for inter-ethnic problems by rejecting ethnic hatred and intolerance and by seeking constructive dialogue.³²⁴ Another “emergency” which made the High Commissioner to decide to get actively involved, was the spring 1999 Kosovo conflict and its repercussions for Macedonia. This was done even at the expense of his “regular” engagement at the time when the HCNM tried to promote his proposed solution to the problem of the Albanian language higher education. However, the refugee crisis constituted a far more pressing issue to be addressed. With approximately 300,000 ethnic Albanians crossing into Macedonia between March and May 1999 the situation led to sudden increase of tensions as most Macedonians were afraid that this massive influx of refugees would permanently change the delicate ethnic balance in the country.³²⁵ In addition, cases of mistreatment of refugees on the border only exacerbated the tensions. The HCNM, supported by the OSCE Mission and the UNHCR, was of the opinion that inter-ethnic relations and the stability of the country might be significantly affected if the refugees would have to stay in Macedonia for a longer time. Against this background, for the first and still the only time in the history of the HCNM, on 12 May the High Commissioner issued an early warning in conformity with Articles 13 - 15 of his mandate.³²⁶ At the same time he called for increased international assistance in order to help the efforts of the UNHCR and the Macedonian authorities.³²⁷ He supported the humanitarian evacuation of Kosovo Albanians to third countries and Albania. Eventually more than 70,000 were airlifted to western countries and many thousands

and cultural events. The flag of the nationality could also be hoisted on official state holidays. This violation of the law led to a procedure before the Constitutional Court, which finally on 4 July 1997 issued an order to lower the flags. After both Mayors refused to do this, the police was trying to remove them by force, which resulted in clashes with the Albanian population.

³²⁴ Statement of the OSCE High Commissioner on National Minorities, Skopje, 13 July 1997. The HCNM also noted that the Mayors of Tetovo and Gostivar have persistently refused to implement the order of the Constitutional Court to remove the flags and stressed that inter-ethnic dialogue should also be based on respect for the sovereignty and territorial integrity of the State as well as its Constitutional order.

³²⁵ It is believed that this was a deliberate action by Milosević in order to destabilise the situation in the region, in particular in Macedonia, which he feared might be used as a base for a NATO land offensive against the Federal Republic of Yugoslavia.

³²⁶ The mandate authorises the High Commissioner to initiate the so-called provision of early warning if, on the basis of his engagement, he concludes that there is a prima facie risk of potential conflict.

³²⁷ Despite many promises the international assistance was limited. At the Donor's Conference in Paris on 5 May 1999 more than 300 million USD was pledged but only a small part was actually transferred or implemented.

were transferred to Albania.³²⁸ The above-mentioned incidents and crises made the importance of solving the inter-ethnic problems in Macedonia more evident for securing the stability of the country and the entire region.

7.8. US

Since the early nineties the United States has played an important role in preventing spill-over effects of the conflicts in the region and contributing to the stability of Macedonia. Already in the summer of 1992 the US were the main driving force behind the establishment of the CSCE Mission in Macedonia. The US also played an important role in the deployment of the UNPREDEP in December 1992. The American diplomacy was actively trying to encourage Macedonia and Greece to start negotiations on the name issue. The Interim Agreement, which was eventually concluded in September 1995, was negotiated by two US diplomats: Special Envoy of the UN Secretary General Cyrus Vance (former US Secretary of State) and Special Envoy of the President of the United States Matthew Nimitz who conducted several shuttle diplomacy trips between Athens and Skopje.³²⁹ US support was not limited to political and diplomatic commitment only. American soldiers constituted a significant component of the UNPREDEP operation, thus sending a strong message to the Milošević regime regarding the US commitment to sovereignty and territorial integrity of Macedonia.

The USAID has been one of the key donors in Macedonia. Education has been considered an important field, although it mainly focused on improving preschool, primary and secondary education.³³⁰ In the field of higher education the main concern was Albanian language higher education. In this regard, the USAID tasked some independent experts to produce reports concerning this problem.³³¹ They served the

³²⁸ Fortunately, after the end of the conflict and the withdrawal of Serb police and military forces, almost all refugees returned to Kosovo within weeks.

³²⁹ Currently Matthew Nimitz, under UN auspices, is covering negotiations between Macedonia and Greece on the final solution to the issue of the name of the country. He took over this mission from Cyrus Vance.

³³⁰ The USAID has also financially supported several education-related projects implemented by various NGOs.

³³¹ Chernenkoff, Sidney & Fajfer, Lubov & Gomez, Joel & Van Fleet, James A., Macedonia: Assistance to Higher, Minority and Bilingual Education, Site Visit Final Report, Report Prepared for the Global

purpose of initiating the discussion on possible direct engagement of the US in this field or eventual support to ongoing activities in this regard. At a certain moment a plan for the establishment of an American University in Macedonia was initiated. However, when the HCNM launched the idea of the creation of a private University which would provide education in three languages: Albanian, Macedonian and English, US extended its full political and financial support.

7.9. NGO Community

Unfortunately, the NGO community in Macedonia is weak, lacks experience and influence.³³² They usually do not have access to Government officials, nor do they have any significant influence on policy makers. It ought not to be forgotten that no tradition of civic activism outside governmental control exists in Macedonia. In addition, Macedonia is still a very young democracy with a developing civil society and NGOs have a low status in the society. On its side, the Macedonian Government neither encourages NGOs development nor considers them as real partners whose contribution could be beneficial. On the contrary, some politicians are dismissive of NGOs. Serious constraint for NGOs activities are also limited funding sources, including practically non-existent local funding. Last but not least, most of the local NGOs in Macedonia are divided along ethnic lines and as such they are not ideally placed to undertake projects targeting inter-ethnic relations as they might be perceived as being biased. Therefore, in most cases local (indigenous) NGOs have been marginalised and a more prominent role in Macedonia has been played by international NGOs and their local branches. Some of them have become involved in

Bureau, Human Capacity Development Center, US Agency for International Development, Washington D.C., June 2000;

Ackermann, Alice & Carter, Lynn & Janev, Goran, An Assessment of Ethnic Relations in Macedonia, Report for USAID/Macedonia by Management System International, Washington D.C., December 2000; Kwiek, Marek, Problems for Ethnic Albanians from Macedonia Pursuing Higher Education, Report prepared for E&E/EEEST, US Agency for International Development by Aguirre International under Global Evaluation and Monitoring (GEM), 10 March 2002 (revised 25 April 2002).

³³² The total number of NGOs in Macedonia is unknown. The basic court in Skopje, where their registrations are recorded, reports approximately 3,000 NGOs in Macedonia. However, most of them have never conducted any activities and a significant number has been registered in order to compete for one project tender only. In addition, some of them, at least until 1999, were registered in Macedonia, while as a matter of fact they conducted their activities in Kosovo.

conflict prevention, focusing on stimulating changes on the grass-roots level, being *inter alia* active in the field of education.

The Foundation Open Society Institute-Macedonia (OSI) as part of the Soros Foundation has included education among its priorities.³³³ However, the most significant contribution was perhaps made by George Soros who showed a personal interest in developments regarding inter-ethnic relations in Macedonia and access by minorities to higher education. In the mid-90s he was trying to pursue the idea of the creation in Macedonia of an American University. Through teaching in English it would contribute to the integration of young Macedonians, Albanians and other communities in the country. On 10 May 1995 the Open Society Institute together with the Institute for Sociological, Political and Juridical Research organized in Skopje a round table to discuss the issue of Albanian language higher education. This was a very timely initiative launched in response to the creation of the University in Tetovo. The representatives of the Skopje and Bitola Universities were present along some Albanian professors who were also teaching at the UT. One of the topics of the discussion was the idea of the establishment of a multilingual University funded by international donors. George Soros declared his willingness to finance such an idea.³³⁴ When the project of a trilingual University was launched by the HCNM in the late nineties he showed interest and eventually contributed to the construction of the SEEU and later on to the scholarship programme developed at the University.

The Search for Common Ground (SCG)³³⁵ in its involvement in Macedonia went through two different phases. When it was headed by the former US Ambassador to the CSCE and the Head of the CSCE Mission to Macedonia, Ambassador Robert Frowick (1994), his political influence and contacts supposed to serve the purpose of getting involved in political dialogue at the highest level. As those attempts failed, he was soon replaced by an academic and an expert on Albanian and Macedonian

³³³ See at: <http://www.soros.org.mk/>. It was also due to the fact that education has been one of priority areas for George Soros.

³³⁴ MIC, 11 May 1995.

³³⁵ It was founded in 1982 in the United States and started its involvement in Macedonia in 1993. See also web-site at: http://www.sfcg.org/programmes/macedonia/programmes_macedonia.html

history, Mr. Eran Fraenkel, who applied the completely different approach of becoming involved in more practical projects of grassroots approach to conflict prevention promoting inter-ethnic dialogue and building bridges between communities.³³⁶ Some of them were launched in co-operation with local NGOs, in particular the Ethnic Conflict Resolution Project (ECRP).³³⁷

The Helsinki Committee for Human Rights (HCHR) in the Republic of Macedonia, a regular member of the International Helsinki Federation (IHF), focused mainly on preparing regular reports with the aim of warning policy makers to possible problems in the field of human rights in Macedonia and their possible escalation. However, the issue of access of minorities to higher education has been almost completely neglected.³³⁸ This negligence might surprise given the fact that this issue was as one of the main problems affecting inter-ethnic relations in the country.

The involvement of NGOs in Macedonia and their impact on preventing conflict is extremely difficult to measure. In addition, there were few contacts and co-ordination between NGOs on one side and representatives of the international community in Skopje on the other. On the one hand, the representatives of the international community were fully aware of the weaknesses of the NGOs and their limited impact on developments in the country. On the other hand, they often failed to realise the

³³⁶ On the engagement of NGOs, in particular the SCG in Macedonia see also in Fraenkel, Eran, *International NGOs in Preventive Diplomacy and Early Warning: Macedonia* in Rotberg, Robert I. (ed), *Vigilance and Vengeance: NGOs Preventing Ethnic Conflict in Divided Societies*, Brookings Institution Press, Washington D.C., 1996.

³³⁷ The ECRP is one of the local NGOs associated with two human right activists - Mirjana Najcevska and Violeta Petroska-Beska. Although none of the NGOs in Macedonia has ever directly addressed one of the most sensitive issues in the field of higher education - the establishment of the Tetovo University, Najcevska and Petroska-Beska supported the establishment of a completely new pedagogical faculty in Tetovo with the instruction in Albanian, Macedonian and English (when the students from all ethnic groups would study together). In early 1998 they were also seeking the support of the HCNM. However, the HCNM was already aware that from the point of view of conflict prevention a comprehensive solution had to be found to this problem as a mere expansion of the pedagogical faculty would no longer satisfy Albanian demands. On the other side, even the founders of the idea understood that it could not be a panacea for the UT problem (Source: interview by the author with Prof. Najcevska in summer 2002).

³³⁸ In its 1999 Annual Report, the HCHR only noted that "the problem of using the language of the nationalities in the higher education system has not been resolved yet" (Helsinki Committee for Human Rights of the Republic of Macedonia, Annual Report on the Human Rights Situation in 1999). The 2000 Report referring to the adoption of the Law on Higher Education, stressed that "the problem of the controversial University in Tetovo and of the students enrolled there has not been solved as well as the question of state support to the higher education in minority languages" (Helsinki Committee for Human Rights of the Republic of Macedonia, Annual Report on the Human Rights Situation in 2000).

possibly beneficial character of NGOs work, especially in addressing grass-roots of problems in the country. At the same time, numerous local NGOs considered some of the international actors as lacking inside knowledge of the situation and therefore not qualified to play a role. They believed that the international community should give more vigorous political and financial support to the local initiatives. However, those initiatives were often launched not early enough and were not seriously taken into consideration by representatives of both main communities.

7.10. Conclusions

It is of course difficult to assess the extent of the success of the international community in Macedonia. In the end, it is impossible to demonstrate which, if any, of the activities described in this Chapter had a direct impact on developments in Macedonia, especially since in most cases instruments and mechanisms of the early and structural prevention were used. There are, however, strong indications that the combined effort of the international community made a real difference and prevented numerous inter-ethnic crises and tensions from dangerous escalation into violence. In addition, a certain link could be observed between the international community actions and recommendations and policy changes which did follow in Macedonia. As a matter of fact, on a number of occasions representatives of the international community acted as a catalyst for initiating necessary changes. Thanks to its engagement the Macedonian Government showed willingness to accommodate at least some of the Albanian demands. At the same time, this involvement had a certain moderating effect on both sides and played a crucial role especially during the numerous crises which occurred in the nineties. On the one hand, the presence of the international community and its pressure made it easier for the Macedonian Government to justify its concessions to the ethnic Albanians. On the other hand, minorities, especially the Albanian community, were reminded that they had not only rights but also obligations and that helped to convince them to tone down their demands.

Despite the numerous actors involved in Macedonia, it could be concluded that in activities in the field of conflict prevention three actors played a leading role in the country - the Working Group of the ICFY, the UNPREDEP and the OSCE, including the HCNM and the Spill-over Monitor Mission. One should also not overlook the involvement of such organisations like the OECD, CoE or USAID which through various reports, expert opinions and recommendations made a valuable contribution to changes in the field of higher education. Others did not have a direct mandate of conflict prevention, were reluctant to pursue more active engagement or did not consider the issue of access of minorities to higher education as deserving their attention. The Working Group on Ethnic and National Communities and Minorities of ICFY and the shuttle diplomacy conducted by Amb. Ahrens played an important role especially in the first years of Macedonia's independence, first of all in discouraging the most radical demands of Albanians and establishing channels of communication between various communities. Unfortunately, the Group was dissolved already in 1995 when most of the inter-ethnic problems did not disappear, but on the contrary were increasingly creating tensions. The UNPREDEP operation played an extremely important, especially psychological, role at the time when the country was very vulnerable and its international position was constantly challenged. In this regard, it was correctly felt that the presence of foreign troops would have a strong mitigating role sending a signal to those who might wish to challenge the sovereignty of the country. In addition, the UNPREDEP, especially at the later stage, had some political tools at its disposal, although they were used in rather limited scope; in addition the military operation was not perceived as potential partner and mediator in the political dialogue. The UNPREDEP could not, therefore, play an important role in preventing inter-ethnic tensions or the issue of the Albanian language higher education. Unfortunately, as in the case of the Working Group, its mission came to an end prematurely, perhaps even at the time when it was most needed. Against this background, since 1999 the OSCE remained the only international actor playing a role in the field of conflict prevention in Macedonia. The situation changed only in 2001 after the eruption of violence when the EU and the US stepped in, bringing their political influence.

It should be noted that the conflict prevention activities in Macedonia were very much shaped by personalities of the respective institutions standing behind them.³³⁹ Their personal knowledge and experience played a key role in pursuing selected issues and offering proposals for their solution. An important element was the relatively smooth co-operation established between the various international actors. Being aware of the fact that they sometimes had overlapping mandates, they sought synergy and tried to avoid duplication of efforts. Good working relationships were established in order to exchange information and to ensure that tasks and responsibilities were delegated according to comparative advantages and practical experience. For instance among numerous inter-ethnic issues which affected the stability of the country, the access of minorities to higher education and the issue of an Albanian language University occupied prominent role. Since it was recognised that the OSCE, in particular the HCNM, had been playing the leading role in this field, others avoided direct engagement practically limiting themselves to supporting the HCNM proposals with occasional statements etc.

Despite the largely positive role of the international community, one should not forget a number of mistakes that had been made. First of all, the lack of consistency should be recalled. Some international actors eventually deciding to terminate their engagement, did not pay sufficient attention to still existing conflict potentials. Secondly, despite co-operating relatively well between themselves, representatives of the international community had almost completely neglected the NGO community and failed to recognise that they could play supporting role in conflict prevention activities. The civic society in Macedonia is rather weak, lacks experience and influence and is also often divided along ethnic lines. However, their closer engagement and support could be mutually beneficial. It ought not to be forgotten that long-term conflict prevention require also operating on the grass-roots level as an essential precondition for creating a culture of non-violent conflict resolution. Last but

³³⁹ Interesting enough it was also the case with 2001 conflict considering the role played by EU and US Envoys.

not least, the question could be asked whether everything possible was done in order to prevent the eruption of violence which occurred in the spring of 2001. No doubt the international community failed to understand early enough that Macedonia, with its complex inter-ethnic relations combined with unstable neighbourhood, deserved a special attention in terms of international financial assistance and political support. This could have had fatal consequences for the stability of the country and the entire region.

Chapter 8: The Establishment of the South-East European (SEE) University (2001)

8.1. Factors Leading to the Proposal for the Creation of the SEE University

The problem of access to higher education in the mother tongue continued to have far reaching political consequences negatively affecting the prospects for stability of the country. Since the Macedonian authorities seemed to be reluctant to make significant progress in this regard, the OSCE High Commissioner on National Minorities, in full conformity with his conflict prevention mandate, singled out minority language higher education as one of the fields on which he decided to focus his attention in Macedonia.

As already described in Chapter 6, when Macedonia gained independence the shortage of Albanian language teachers and the creation of a new Pedagogical Faculty were identified as the main problems. However, the creation of the Tetovo University at the end of 1994 changed the whole perspective as other “moderate” ideas could not longer satisfy Albanian demands. In addition, the experience from the establishment of the Pedagogical Faculty was rather discouraging as it revealed that any, even limited, steps and concessions in this field met significant opposition in the predominantly conservative Macedonian academic community. Against this background, already in 1995 the HCNM came to conclusion that the solution to the problem within the framework of the Pedagogical Faculty or even a separate College within the Skopje University, might fall short of the needs and demands of the Albanian community. Therefore he started to think about the concrete formula which, in order to be acceptable for the Macedonian authorities, should first of all be in conformity with the Macedonian legal order, in particular the Constitution and the law on higher education³⁴⁰ reflecting at the same time international standards regarding minority language higher education. Secondly, it should be aimed at the integration of minorities instead of their full segregation. One should keep in mind that States tend

³⁴⁰ Therefore so many efforts were invested in the drafting of the new Law on Higher Education. On details see Chapter 5.

to be wary of the establishment of separate "parallel" institutions which they fear will lead to "ghettoisation" rather than integration. Finally, it should benefit all ethnic groups in the country.

It was clear that the idea of a separate Albanian language university, in particular with the label of "state university", had no support in the Government and among the Macedonian public opinion. Neither could it be promoted effectively having in mind the Macedonian legislation. The international standards would also not offer much of support in case it would be tried to push the authorities to recognise the Tetovo University as a state institution, fully financed by the budget. Needless to say that the poor quality of education and the lack of academic freedom also made it impossible to argue in favour of legalisation of the UT. The extreme-nationalistic position of the leadership of the Tetovo University left no hope that any compromise could be found in this regard. Pushing for the legalisation of the UT, even as a "private" institution was therefore excluded from the very beginning since it would strengthen the radicals in the Albanian camp.³⁴¹ Last but not least, it was fully realized that a "pure" Albanian language institution could have negative consequences for the integration of minorities and the stability of the country.

The basic concept of the HCNM proposal for the solution of the problem of the Albanian language higher education was prepared already in spring 1995. In his letter to the Macedonian authorities from April 1995 the HCNM suggested the creation, with support of the international community, of a multilingual (English, Macedonian and Albanian) private "Higher Education Center" for Public Administration and Business.³⁴² He envisaged that all population groups ought to benefit from its creation

³⁴¹ The UT leadership anyway insisted that the UT should be recognised as a third state University in the country fully financed by the state.

³⁴² Letter to the Minister for Foreign Affairs Stevo Crvenkovski, 28 April 1995 (Ref. No. 448/95/L), p. 3. The HCNM proposal was based on the Report prepared by the National Institute for Curriculum Development in the Netherlands on the request of the HCNM. The feasibility study was carried out in March 1995 and it, *inter alia*, proposed creation of a University for Public Administration and Business where teaching would be conducted in English and other world languages, as well as Macedonian, Albanian and Turkish. It was accompanied by a proposal to support development of the department for teaching methodology for minorities and introducing experimental mixed English language classrooms

and the centre should be working in close co-operation with the Universities in Skopje and Bitola. He also indicated the rough costs of this institution - 1.8 million USD annually - and expressed the hope that international donors could be found to contribute to this end. In the letter of reply, Minister of Foreign Affairs Stevo Crvenkovski said that the Government “in principle welcomes those initiatives and endeavours to incorporate them into the laws of the country.”³⁴³ Although the reaction of the Government seemed to be positive the careful analyse of the letter revealed that the Government still insisted on following an extremely narrow interpretation of the Constitution, which in its opinion, stipulated that tuition in higher education in Macedonia is conducted in the Macedonian language exclusively.³⁴⁴

Against this background, the HCNM decided to adopt a slightly different approach. He decided to continue a confidential dialogue with the authorities and representatives of the Albanian community in order to build up understanding for a political compromise on this issue. Those consultations revealed that not all members of the Government share the restrictive interpretation of the Constitution and that some Albanian leaders, in particular the DPA President Arben Xhaferi, speaking publicly in favour of a separate Albanian University, in tête-à-tête meetings increasingly declared readiness for a compromise. At the same time, both sides expected the external mediator to take the initiative in this regard as they could not trust each other.

Besides preparing a compromise formula, which would be politically acceptable for both sides and would win as wide consensus as possible, an important element was also to find an appropriate moment for tabling such proposal. While 1996-1997 were spent on drafting the new law on higher education - a necessary precondition for any

(Van der Velde, Jenne, Education in FYROM with Special Reference to the Albanian National Minority, Report of a Pilot Study Commissioned by the Foundation on Inter-ethnic Relations, SLO, Enschede, 1995).

³⁴³ Letter from the Minister for Foreign Relations Stevo Crvenkovski, 30 June 1995, p. 1.

³⁴⁴ One could interpret this letter as an indication that the Macedonian Government still did not understand the seriousness of the situation having in mind that the foundation of the UT already reflected a serious radicalization of the Albanian community with regard to higher education in their mother tongue. On the other hand, it was likely that those developments influenced the content of Minister Crvenkovski letter in a negative way as the Macedonian authorities apparently felt that they could not afford to show any signs of flexibility which could be perceived as a weakness and therefore they did not want to give the way to Albanian demands.

progress on the issue of Albanian language higher education, this came at the end of 1998 after the parliamentary elections conducted in October 1998 which resulted in the coming to power of a new coalition of the VMRO DPMNE, the Democratic Alternative (DA) and the DPA.³⁴⁵ On 6 November 1998 the High Commissioner, in a highly unusual step, issued a public statement on a number of inter-ethnic issues in Macedonia.³⁴⁶ The statement had, as a matter of fact, the character of recommendations and was immediately sent to all relevant political parties in Macedonia. Choosing such an approach, the HCNM hoped to fully explore the momentum created by the shift of power and also to win the support of the public opinion for his proposal. He listed a number of inter-ethnic issues which in his opinion should be resolved in Macedonia. However, the priority was clearly given to the issue of Albanian language higher education - four out of six pages were dedicated to this problem. Having in mind that the newly created Pedagogical Faculty within the Skopje University provided teaching for future teachers in kindergartens and the first four grades of primary schools, the HCNM recommended the creation of a new higher education institution for training teachers in Albanian primary (grades V - VIII) and secondary schools. It would be called the Albanian Language State University College for Teacher Training and, although fully independent, it would be linked to the Skopje University through an agreement of co-operation. He stressed that the College would be open for interested students of other than Albanian ethnicity and noted the need for international assistance to realise this plan. The second part of High Commissioner's recommendations concerned the establishment of a trilingual (Albanian, Macedonian and English) Private Higher Education Centre for Public Administration and Business. The Centre would be open for students of all ethnicities and the teaching would predominantly be in English in order to underline the school international orientation,

³⁴⁵ The new coalition came as a surprise for many since especially VMRO DPMNE and the DPA were perceived as extreme nationalistic. However, it was felt that a pragmatic consensus among them was possible and that they might be interested in removing this issue from the political agenda. The subsequent developments proved that the new coalition showed more political maturity in this respect than initially anticipated.

³⁴⁶ Statement of the OSCE High Commissioner on National Minorities on a number of inter-ethnic issues in the FYR of Macedonia, 6 November 1998.

but lectures in both Macedonian and Albanian languages would be needed to ensure maximum access to the tuition provided.³⁴⁷

8.2. HCNM Dialogue with Parties Concerned

The Statement of 6 November 1998 can be considered as the beginning of the process which eventually led to the establishment of the South-East European University. In a series of visits to Macedonia and meetings with authorities and representatives of minorities, the High Commissioner tried to fully explore the created momentum and to discuss his recommendations and ways of their implementation. Practically all parties, although setting certain conditions were prepared to continue the discussion with the HCNM. The Prime Minister Georgievski almost immediately suggested that instead of two separate institutions, he would rather think about one private Albanian language institution of higher education with various faculties. He added that for at least 4-5 years the Government would not be in a position to provide any financial resources for the founding of such an institution and for its running costs after it was established. He anticipated a modest start with e.g. two faculties with a possibility of eventual further expansion in the future. He wanted this institution to be called the “Albanian Language University College”, to be in the broad framework of the University in Skopje and to be an institution exclusively for the citizens of Macedonia. In addition, he declared a readiness to accept UT diplomas should its graduates obtain additional training and pass some exams. Last but not least, he remarked that the final solution could be made public only after the presidential elections scheduled for autumn 1999 in order not to affect the chances for success of a candidate of the VMRO DPMNE.

The leader of the DPA Arben Xhaferi seemed to finally recognise that a solution to the problem could not be achieved through the simple recognition or legalisation of the UT.³⁴⁸ He was interested in the fate of the former students of the UT and therefore

³⁴⁷ Ibid, pp. 4 - 5.

³⁴⁸ At that time most of the members of the DPA still insisted on formal recognition of the UT and saw the role of the international community as merely providing financial assistance to this institution. It was

insisted that as many faculties as possible that existed at the UT should be created at a new Institution³⁴⁹, which, in addition, should obtain the “state status”. He underlined that the involvement of the international community was crucial in this regard, especially in order to reach a political compromise, to professionally assist in preparing and implementing the project and to support it financially.³⁵⁰ At the same time leaders of the opposition were more restrained, although they were also prepared to consider the HCNM proposal as a basis for further discussion. Obviously they thought that this “hot potato” might be too difficult to handle for the new coalition and hoped that the failure to solve it would eventually benefit them.

However, regional developments affected further progress. First of all, the Kosovo crisis and the NATO bombing of Yugoslavia had forced the HCNM to change his plans and to focus on other issues, first of all on the refugee crisis and its repercussions for the stability of Macedonia. Secondly, facing a serious external challenge to the security and stability of the country, Macedonian political leaders were also not prepared to discuss the problem of Albanian language higher education. Therefore, in the spring of 1999 the issue moved down the agenda.³⁵¹ The presidential election campaign in the country in autumn 1999 also contributed to further delay.

8.3. Feasibility Study on the Albanian Language Higher Education in Macedonia

Although the positions of Prime Minister Georgievski and the President of the DPA Xhaferi were a significant step forward, a lot of differences remained over many

only due to the fact, that Mr. Xhaferi enjoyed practically unchallenged support within the DPA that he managed to convince his party to eventually support a compromise solution.

³⁴⁹ In particular Faculties of Natural Science, Philosophy, Law, Economy and Culture.

³⁵⁰ At the same time both, Prime Minister and the DPA leader Xhaferi expected to be rewarded with the acceleration of the EU integration process. At the certain moment the Prime Minister even made the approval of the HCNM proposal conditional on the opening of negotiations on association with the EU. The HCNM reacted negatively to those statements and warned that, as a result, there could be a reverse linkage: first solution of the problem and only afterwards the next step in the process of the EU association.

³⁵¹ The Kosovo conflict had even exacerbated already tense inter-ethnic relations in Macedonia. Macedonians feared that Kosovo under Albanian control would destroy fragile ethnic balance in the region and in the future would lead to destabilisation of Macedonia. They were afraid that the Kosovo Liberation Army - KLA would continue its violent struggle to achieve the main aim - the creation of the Greater Albania. On the other hand, many Albanians considered Macedonians as allies of the Serbs, sympathising with Milosevic actions in Kosovo and blamed them for the poor situation of Albanian refugees in Macedonia.

important questions. In the initial stage the biggest stumbling block seemed to be the status of the new institution: public versus private.³⁵² It soon became clear that the first option would lead to debate on the question whether this would require a change of the Constitution, leading to considerable loss of time, additional tensions and had an uncertain outcome. Having also in mind that the Macedonian Government was not in the position to finance such an institution, it seemed, therefore, preferable to opt for the creation of a private University. In addition, a major difficulty was that neither Mr. Georgievski nor Mr. Xhaferi had any knowledge of educational questions, nor had they been able to mobilise the necessary expertise.³⁵³ Against this background, it became clear that while the HCNM should focus his attention on a dialogue with political leaders, he would need external expert assistance for pursuing this project, in particular for deciding which specific practical steps should be taken in order to establish a new institution of higher education. In this in mind, the High Commissioner commissioned three international experts to conduct a feasibility study that would clearly identify the outstanding issues to be resolved and outline proposals regarding the way in which these issues could be resolved as well as to assess the modalities and financial implications of the project.³⁵⁴ The group visited Macedonia on 27-29 February 2000. The feasibility study was prepared in early April 2000.³⁵⁵ The High Commissioner visited Macedonia on 17 - 20 April 2000 in order to present the main outlines of his proposal to the Government and representatives of the Albanian

³⁵² The term “private” institution led to a lot of misunderstandings in Macedonia as instead of referring to an institution not founded by the state, it was often equated with “for profit” formula and as such being labeled as the second class in comparison with “state” institutions/universities. The point was that the new institution as proposed by the HCNM should operate for public interest (e.g. academic and social) and not for commercial purposes, even though it would be financed by private donors.

³⁵³ In July 1999 Mr. Xhaferi appointed a group of experts to deal with the HCNM proposal and to address issues in greater details. Over time, the Prime Minister referred most of technical problems to the Minister of Education and the Government Commission drafting the new law on higher education. The problem was that that both groups did not have authority to enter into any formal agreements and, in addition, were not informed about the important decisions taken by political leaders, as all important problems related to an Albanian language University Arben Xhaferi discussed with the Prime Minister during tête-à-tête meetings. This confusion led to the situation that the DPA experts, long after political agreement was reached to the contrary, insisted on the recognition of the UT (The Democratic Party of Albanians, Stands on the Solution of the Problem of Higher Education in Mother Tongue in the Republic of Macedonia - Contribution to the Adoption of a Final Political and Legal Stand Regarding the Initiated Preparations of the Law on Higher Education of the Republic of Macedonia, February 2000).

³⁵⁴ In addition, experts were requested to assist the High Commissioner in the dialogue with the Macedonian Minister of Education and the Government Commission drafting the new law on higher education.

³⁵⁵ HCNM Office, Feasibility Study on the Albanian Language Higher Education in Macedonia, Report Prepared by Prof. Jan de Groof, Dr. Dennis Farrington and Mr. Andreas Kleiser, April 2000.

community. The suggested formula was based on his recommendations from November 1998, although it was further elaborated and adjusted in conformity with information gathered by educational experts. The visit also served the purpose of analysing possible ways of implementing the HCNM recommendations. On 18 April 2000 the High Commissioner officially delivered a letter with his proposal to Prime Minister Georgievski. He suggested the creation of a private Institute of Higher Education consisting of two Sections: one dealing with the training of teachers for the higher classes of primary schools and for secondary education, and the other providing training for key positions in business management and public administration. Therefore, instead of two institutions, as proposed in November 1998, the HCNM suggested amalgamating them into one. He stressed that this new institution should be set up under the following conditions:

- the quality of education must be in conformity with that of the existing Macedonian system of higher education which in turn can be expected to take part in the evolving international framework of quality control;
- the courses can in principle only be attended by residents of the country;³⁵⁶ they cannot be attended solely by students of Albanian ethnicity, but also by interested students of Macedonian or other ethnicities;
- the curriculum will also include teaching of the Macedonian language, history and culture;
- the new Institution should seek close co-operation with the Skopje University through *inter alia* common courses in major foreign languages, training in human rights, minority rights and civic education as well as through the promotion of extracurricular contacts between students from the various ethnic groups.

The HCNM expressed his hope that the international community could provide, at any rate for the next few years, sufficient funds to enable this new Institution to start its

³⁵⁶ It was mainly aimed at reducing fears of the Macedonian authorities regarding the creation of an academic center for all Albanians in the region. The HCNM was, however, advised by his experts that restriction of entry of the new institution to Macedonian citizens only would significantly reduce its acceptability in the world of higher education. This issue illustrates that the involvement of international experts at the stage of more detailed discussion was simply inevitable and that what was politically necessary was not always practically and academically feasible.

work. Finally, he urged the Government to offer a solution for the problem of the UT graduates, for instance by finding ways to grant them diplomas after a test has demonstrated that they have acquired the necessary knowledge or after they have followed additional courses. The High Commissioner also assured Prime Minister Georgievski that the project was elaborated in such a way that it would not contribute to the disintegration of the country as some had feared. On the contrary, it would provide an impulse for integration, instead of for segregation. In addition, the elimination of this long pending problem would help to reduce interethnic tensions, while failure to solve it could create further alienation.³⁵⁷

Being aware of the need to gain the support of the public opinion, on 19 April 2000, the HCNM presented the main elements of his proposal during a press conference in Skopje underlining the conformity of his proposal with the Constitution and the new law on higher education, that the new institution will be open for everyone regardless of ethnic background and that it will be financed by international donors.³⁵⁸ However, the above-mentioned was a rare exception and the public relations remained relatively neglected. Another press briefing was organised only on 24 October 2001 when the project was almost completed. As a result the public opinion was not sufficiently aware of the HCNM proposal and the way it was implemented and was therefore often manipulated by those opposing a compromise.³⁵⁹

8.4. Reaction of Main Actors to the HCNM Proposal

The preliminary reaction of the Macedonian political parties and the main ethnic Albanian party - the DPA - to the HCNM proposal was rather positive. The official response of the Government came on 16 May 2000 when the HCNM received a letter

³⁵⁷ Letter to the Prime Minister Ljubco Georgievski, 18 April 2000, p. 1.

³⁵⁸ Dnevnik, 20 March 2000.

³⁵⁹ One of surveys apparently said that the plan of the new University was supported by 2/3 of the Albanians and somewhat less than half of ethnic Macedonians. For Albanians the most important element of the new institution was to have access to a high quality institution teaching in the Albanian language which was strengthened by the involvement of the international community in the project. Ethnic Macedonians saw as the most positive elements that the university would be open to all citizens regardless of nationality and that it would teach not only in the Albanian language, but in the Macedonian as well as in foreign languages (Ackermann, Alice & Carter, Lynn & Janev, Goran, An Assessment of Ethnic Relations in Macedonia, Report for USAID/Macedonia by Management System International, Washington D.C., December 2000, p. 10).

from the Minister of Education. He stressed that the High Commissioner's recommendations on the possible solution to the issue of higher education in minority language "correspond in their essence to the position of the Government of the Republic of Macedonia."³⁶⁰ The main dividing issues were the structure of the new Institution, its name and the problem of graduates of the UT. Albanians insisted on a large number of faculties being established and that this Institution should be called "a University."³⁶¹ At the same time, being obviously concerned with the creation of any precedent that might be repeated in the future, the Minister of Education challenged the solution proposed by the High Commissioner to the problem of graduates of the "illegal educational institution in Tetovo" describing it as "regrettably very difficult to legally defend."³⁶²

There were many opponents on both sides. Some sceptics within the ruling VMRO DPMNE were eventually pacified by the Prime Minister. The opposition SDSM stayed neutral which meant that the party kept a low profile and did not openly criticise the proposal.³⁶³ Leaders of small radical Macedonian political parties were trying to put various hurdles on the way towards the implementation of the project.³⁶⁴ However, as expected, the biggest opposition came from the Macedonian academic community, first of all the Macedonian Academy of Science and Arts (MANU) - one of the most conservative and nationalistic institutions in the country - as well as from

³⁶⁰ Letter from the Minister of Education Gale Galev, 16 May 2000, p. 1.

³⁶¹ Especially A. Xhaferi became almost obsessed with the need to include the faculties of physical education, of arts, music and drama. His intentions were not totally clear, although he referred to the need for "social engagement of youth" and "cultural reproduction of Albanians in Macedonia". Those faculties were however of rather marginal importance in terms of the potential number of students they could attract and their impact on the situation of the Albanian community in the country.

³⁶² Letter from the Minister of Education Gale Galev, 16 May 2000, p. 4.

³⁶³ The SDSM fully realised that this issue sooner or later has to be removed from the political agenda of the country. Considering the complexity of this issue it understood the advantages of this happening before the eventual return to power. The SDSM, however, occasionally objected to certain elements of the HCNM proposal (e.g. the status of former UT students) as allegedly going too far.

³⁶⁴ For instance, the leader of the Liberal Party was trying to promote the idea of concluding a bilateral agreement on the protection of national minorities between Macedonia and Albania as a precondition for a solution to the problem of Albanian language higher education in Macedonia. One of leaders of marginal nationalistic organizations - Board of the Citizen's Initiative tried to block the construction arguing that its location was in close vicinity of the secondary agriculture school which as a result was in his opinion endangered.

some professors of the Skopje and Bitola Universities.³⁶⁵ They were defending the dominant position of the Macedonian language in the state arguing that the implementation of the HCNM proposal would undermine the foundation of state. It was also clear that both - the MANU and the Skopje University - were afraid of losing practically a monopolistic position in the system of higher education in Macedonia. The High Commissioner tried to initiate a dialogue with the MANU and the leadership of the Skopje and Bitola Universities fully realising that they could play a significant role in influencing the public opinion of the country. For instance, the HCNM established a good relationship with the Rector of the Skopje University.³⁶⁶ At the same time, the Academy had decided to establish a working group in order to prepare a proposal regarding the question of Albanian language higher education. In a special statement issued in June 2000 the MANU said that "bearing in mind the fact that nowhere in the world minorities have higher education in their own language and bearing in mind that no international relevant documents obliges to introduce of such kind of education, the Macedonian state will make a historical mistake if it decides to legitimise the opening of special state institution of higher education in the minority languages. This step has no economic justification and will lead toward federalisation and disintegration of the state."³⁶⁷ Needless to say that the MANU position missed the point, especially since the HCNM did not propose the creation of a "state" institution, international standards allowed certain flexibility in this regard and there were some examples where minorities had the right to higher education in their mother tongue.³⁶⁸ The MANU statement was not only criticised by Albanian parties, but also Macedonian political parties expressed their reservations.

³⁶⁵ Interesting enough when the HCNM launched his proposal not a single Albanian was a member of the MANU.

³⁶⁶ The USAID Group of Experts noted that at least a few faculties of the Skopje University: namely Law, Economy and Pedagogy were supporting the proposal (Chernenkoff, Sidney & Fajfer, Lubov & Gomez, Joel & Van Fleet, James A., Macedonia: Assistance to Higher, Minority and Bilingual Education, Site Visit Final Report, Report Prepared for the Global Bureau, Human Capacity Development Center, US Agency for International Development, Washington D.C., June 2000, p. 7).

³⁶⁷ Statement by the Macedonian Academy of Science and Arts, Dnevnik, 3 June 2000.

³⁶⁸ For instance in Romania and Finland. On international standards regarding the higher education in minority language see Chapter 4.

The opposition of the Albanian side was even stronger, in particular taking into consideration that after so many years of existence of the Tetovo University, any departure from the line of promoting recognition of the UT could be considered as an act of treason. State funded higher education in the Albanian language was an important element of the platforms of all Albanian political parties. Political leaders could not afford to become weak on this issue in order not to be challenged from more hard-line positions. Convincing the DPA leader Xhaferi, who himself ensured support of the party was therefore remarkable success.³⁶⁹ At the same time, the PDP, which after so many years of being unchallenged leaders on the Albanian part of the political stage, was forced into opposition after the autumn 1998 elections, found itself in deep crisis. In seeking a new identity and trying to gain ground by radical rhetoric it *inter alia* decided to continue to push for the recognition of the UT, even though it was not able to provide a formula which could lead to an end of the impasse regarding this issue.³⁷⁰ From the very beginning the Tetovo University leadership considered the HCNM proposal, not without reasons, as an attempt to destroy the UT. The UT continued to insist on its recognition as a third state University.³⁷¹ Remarkably the UT leadership was also against the solution which would recognise the UT diplomas (after some additional exams) since it categorically rejected the idea of verifying students' knowledge.³⁷² However, once the new law on higher education was prepared and the proposal for the new institution was taking shape, the UT leadership started to be concerned and showed first signs of being able to move on. It was however, too late for any compromise and any departure from the HCNM proposal would be perceived by Albanian radicals as a sign of weakness and anyway stood no chance of being accepted by authorities. Therefore, a number of verbal attacks were launched against the HCNM proposal and the new Institution. There were attempts to organise some

³⁶⁹ Winning his support to the project was crucial for achieving the compromise, in particular as for a long time Xhaferi was considered as one of the most vocal supporters of the UT. The DPA subsequent close engagement in the process of the establishment of the SEE University, which unfortunately increased politicisation of this issue, was a price to be paid.

³⁷⁰ The PDP had never been openly hostile to the HCNM proposal. Its attitude could be summarised by words of the PDP Vice-President Abduladi Vejseli who once stated that “the SEEU is a good opportunity, but it can never be a substitute for the Tetovo University” (Statement for Reuters Europe News, 20 November 2001).

³⁷¹ Statement by the UT Senate, 28 March 2000 (Flaka, 29 March 2000).

³⁷² UT Rector Sulejmani Statement for Dnevnik, 2 March 2000.

street protests. Since the UT was founded it had been strongly politically and financially supported by many Albanians living abroad. Therefore, initially the Diaspora was sceptical towards the SEE University project. However, over time, while problems at the UT continued and founders of the SEEU undertook some efforts to win the support of the Diaspora, the situation changed. For instance the support of influential Albanian American Civic League was ensured.³⁷³

The “international” dimension was an important element of the HCNM proposal since Albanians as well as Macedonians could ill afford to openly reject the idea being presented as "European" and enjoying full support of the international community. Gaining its support, especially of the EU and the US, was therefore a prerequisite for success. Since the project could not be funded without the support of international donors, the High Commissioner maintained close contacts and regularly briefed representatives of the international community in Skopje. His proposal had already in early 2000 gained initial interest from the USAID, which was *inter alia* reflected in an indication of possible financial support.³⁷⁴ On 20 July 2000 the EU in its statement at the 295th session of the OSCE Permanent Council supported “the establishment of the private university which is being debated ... and its already known as the Max van der Stoel College.”³⁷⁵ On 5 October 2000, the European Parliament adopted a separate resolution on Macedonia’s law on higher education, in which it called on the Commission and the Council to give top priority to the success of the project launched by the OSCE HCNM.³⁷⁶ In addition, some international think-tanks started to draw attention to the HCNM project. In August 2000 the International Crisis Group called on international donors to make funding available for an Albanian language university.³⁷⁷

³⁷³ Letter from the President of the Albanian American Civic League Joseph dioGuardi to the Director of the SEE University Dr. Alajdin Abazi, 8 May 2001.

³⁷⁴ Chernenkoff, Sidney & Fajfer, Lubov & Gomez, Joel & Van Fleet, James A., 2000, p. 12.

³⁷⁵ EU Statement on the HCNM, Permanent Council No. 295 (20 July 2000), PC.DEL/412/00.

³⁷⁶ European Parliament Resolution on the Former Yugoslav Republic of Macedonia - Law on Higher Education and Universities, B5-0782, 0786 and 0788/2000, 5 October 2000, para 2 - 4.

³⁷⁷ International Crisis Group, Macedonia’s Ethnic Albanians: Bridging the Gulf, ICG Report No. 98, Brussels/Skopje, 2 August 2000.

8.5. Business Plan of the SEEU

The High Commissioner was not an expert on the higher education, in particular on how to set up a University. However, since nobody was prepared to step in, and in order to assume the leadership in the practical implementation of the agreed compromise, he was forced to continue his active engagement. Besides focusing on fund raising and co-ordination of international assistance, the HCNM had also to pursue all technical aspects connected with the creation of such a university. At the same time, he fully understood that he would need a comprehensive proposal which could attract possible international donors. Since, his small Office did not have the necessary capacity to deal with the project of this size, external assistance was therefore needed in this regard. Against this background, on 8 June 2000 he requested a private Swiss Company to prepare a descriptive and financial business plan, including detailed analysis of academic, legal, institutional and financial arrangements regarding the creation of the new private institution of higher education in Macedonia, according to parameters agreed by the HCNM with the Macedonian authorities. Experts finished their business plan in November 2000.³⁷⁸ It was proposed that the new Institution would consist of five Faculties: Faculty of Law, Faculty of Business Administration, Faculty of Public Administration, Faculty of Communication Science and Technology and Faculty of Teachers Training as well as two Centers: Language Center and Computer Center.³⁷⁹

³⁷⁸ HCNM Office, SEE University Project, Business Plan (Options Analysis, System Design, Financial Evaluation, Implementation Scenario), the Hague, 23 November 2000.

³⁷⁹ Initially it was planned that at the beginning the new institution would establish three faculties - of Pedagogy, Public Administration and Business Management. Those areas represented dire needs for Macedonia, its reform process, in particular the need to address the shortcomings in primary and secondary education, to reform its civil service and to induce modern business-oriented thinking in an economy. The main reason behind this proposed expansion was the Albanian pre-condition that this new institution of higher education would be called a "university" and because Article 36 of the new law on higher education stipulated that "an university may be established if at least seven licensed faculties and higher vocational schools without the status of legal entities are established, of which at least five are faculties". The subject-orientation of the SEE University was deliberately restricted to the socio-economic sciences because of the criteria worked out by experts which included needs of the Macedonian labour market, especially of future public and private employers and the demand from potential students as well as financial constraints (it would be by far too expensive to start with natural science, medicine or engineering). The DPA continued to raise the issue of the creation of faculties of music, arts and drama as well as of physical education. In addition, they started to promote the idea of the new faculty of natural science. Those requests were eventually rejected as academically not sustainable or too expensive to establish. In addition, the business plan established that the interest of perspective students in those subjects was limited.

The plan envisaged that the curriculum would be provided in the Albanian language and it would also include teaching in the Macedonian language and other European languages (English in particular). The institution would promote the diverse and flexible use of different languages in all its activities. It was planned that a minimum of one third of the course-work of students should be in English. The full course curriculum would be organized according to the European Transfer Credit System (ECTS) rules and the complete program would represent a work-load of four years of study. The plan envisaged the overall capacity of the University at the level of 2,800 - 3,200 students and the academic staffing level corresponded to a 1:23 teaching staff/student ratio.³⁸⁰ The financial plan for this institution estimated that the costs of construction of the necessary infrastructure, providing equipment, start-up and capital investments (endowment) would amount to approximately 25 million Euro. It was planned that the running costs of the university, with the exception of the costs of international staff, which for the initial period of time should be financed by international donors, would be covered in principle from fees paid by the students. The tuition fee was initially calculated at the level of approximately 800 Euro per year. Out of fear that this relatively high fee might constitute a significant barrier for many students, it was decided to create a student loans programme to be granted on a needs basis.³⁸¹ It was proposed that this new institution would be a unitary, single legal entity and faculties and centers would not have legal-entity status. The experts also suggested that the new institution will have the name of “South-East European University”, now generally referred to in English as “SEE University.”³⁸²

³⁸⁰ The academic staffing level proposed in the Business Plan appeared to be somewhat higher than the average in the region. However, since this new institution would require its teaching staff to devote their entire working time to obligations at the institution, a higher ratio appeared feasible.

³⁸¹ Those fears, however, proved not to be justified, despite the fact that since 2001 the fees have been constantly growing. In addition, the planned programme of student loans had never started because of limited interest. Instead, with the assistance of international donors, a full scale scholarship programme was launched. At the same time, there was no progress on ensuring at least partial state-funding, for faculties being considered of “state interest” like Teacher Training, Public Administration or Law - those who would prepare teachers or staff working in state’s administration and judiciary. Only in December 2005 the Macedonian Government finally approved the donation of approximately 60,000 Euro for scholarships for 40 students of the Faculty of Public Administration of the SEE University.

³⁸² The Albanian political leadership had initially proposed naming the university after Fan S. Noli, a 19th century Albanian poet. That would, however, be against the HCNM idea of having a multi-ethnic and multi-lingual University accessible to representatives of all communities. Eventually the “working name” was largely accepted, although since the very first day the project was launched this institution has been referred to by the local population as “Van der Stoel University”.

8.6. Project Implementation

On 29 November 2000, the Board of the SEE University Foundation (International Foundation) held its constitutive meeting in Zurich. It served as a framework for implementation - mainly to provide international expert and executive support, as well as the appropriate legal framework for managing international funds and for all strategic decisions regarding the development of the new institution. It also established working groups consisted of local and international experts to address in detail curriculum, staffing and other important issues.³⁸³ The local SEE University At Tetovo Foundation held its constitutive Board meeting on 9 January 2001 in Tetovo.³⁸⁴ It became the legal framework for the operation in Macedonia and over time it legally transformed into a University.

Having in mind growing inter-ethnic tensions in the country, the time was of essence. Albanians insisted that the University should be opened at the beginning of new academic year (i. e. in October 2001). This could only be accommodated by modular construction methods and pre-fabricated elements.³⁸⁵ On 11 February 2001 in Tetovo a ceremonial event was organised to mark the beginning of the construction of the new university campus. It was mainly aimed at giving arguments to those who wanted to confront radical forces in the Albanian block challenging the new project as existing only on paper.

Besides initial delays due to bureaucratic obstacles and procedures, the eruption of violence in Macedonia had also negatively influenced the implementation of the

³⁸³ Among local experts there were many members of the UT teaching staff. Their stake in the project was a higher one as the leadership of the UT decided to terminate their employment contracts.

³⁸⁴ It elected Dr. Zamir Dika, the DPA MP as its President. Among its members there were almost exclusively DPA members. All but one members were ethnic Albanians. Together with the appointment of Professor Alajdin Abazi as the Rector, who was not a DPA member but was perceived as being closely related to the DPA, it gave critics strong arguments regarding the politicisation of the project and the SEEU becoming as a matter of fact the "DPA University". It has to be kept in mind that representatives of other Albanian organisations or political parties refused to join the Board. No doubt that especially at the beginning the DPA was closely related to the SEE University. However, over time, links between the DPA and the University have weakened. In addition, thanks to the strong role of the international community, the DPA was not able to exercise direct political influence.

³⁸⁵ The location for the new private institution was found near Tetovo at the triangle on the motorway Tetovo-Gostivar and Tetovo-Skopje. The total area of 197 096 sq. m was seized from the agricultural school in Tetovo and donated by the Government to the University.

project. Hostilities in the Tetovo region climaxed late July and early August 2001 to the extent that on two occasions the project site was shelled by Albanian rebels, the construction work had to be suspended and workers had to be sent home.³⁸⁶ It was feared that the whole implementation of the project might be suspended and postponed for at least another academic year. It would no doubt have had negative consequences for the stability of the country as expectations of many moderates among Albanian community would not be fulfilled. As such the project was seriously endangered. Fortunately, the construction could be resumed soon and the crisis only resulted in 1,5 months of delay of the planned opening of the University.

In parallel with technical preparations for the implementation of the project, the HCNM continued his fund-raising efforts through a series of meetings with potential donors' representatives in Skopje and letters sent to a number of capitals. Some general promises were made. However, in terms of concrete pledges the budget of the project was far from being completed. The breaking moment for the fund-raising efforts was represented by the beginning of violence in Macedonia in the early spring of 2001. Once the situation in Macedonia hit the headlines of the world media, the flow of funds had significantly accelerated as donors started to realise the importance of inter-ethnic relations for the stability of Macedonia and the entire region. In a relatively short period of time it proved to be possible to collect more than 90% of the budget envisaged in the business plan. The main donors became the United States, the Netherlands and the European Commission.³⁸⁷ In addition, on 5 May 2001, the U.S.

³⁸⁶ Hostility from the UT leadership connected with its close relationship with Albanian rebels, made some to suspect that it was a deliberate act of sabotage, especially since some UT leaders became very aggressive even mentioning the possibility of "taking over" the SEEU facilities for the needs of the UT students.

³⁸⁷ The US and the Netherlands granted 4 million USD each. The Netherlands not only provided the largest single financial contribution of any European country, it also played an important role in convincing the EU Commission and other European partners to support the project. The European Commission adopted the decision to allocate in 2000 one million Euro for this project. However, after the issue was discussed by the European Parliament which prepared a special resolution requesting the European Commission to make a significant contribution to the project in 2001, 4 million Euro were added. The SEEU project was considered as one of the priorities for EU Commission involvement in Macedonia in 2001. In addition, Norway provided 1 million Euro, the United Kingdom 0.8 million Euro, Germany 0.5 million Euro, Belgium 0,5 million Euro, Sweden 0,425 million Euro, Switzerland 0.263 million Euro, France 0.15 million Euro and Luxembourg 0.125 million Euro (Source: SEE University Annual Report 2001, Consolidated Statement of Accounts, Annex 1, p. 41). George Soros made a general pledge of 2,5

President George W. Bush, also in reaction to the internal conflict in Macedonia, promised that the United States would increase its support by 10 million USD. This increase brought the total U.S. contribution to 17 million USD and the total budget of the SEE University project was subsequently amended to 35 million Euro.³⁸⁸

The process of recruitment of staff started already in March 2001. When the SEE University was opened its staff included a total of 115 employees, including 55 academic staff (50 local and 5 international) and 60 employees of administrative staff. The overall number of enrolled students is illustrated in the following table:

Table 7

SEE University - Students' Number 2001/2002 Academic Year³⁸⁹

Faculty	Law	BA	PA	CST	TT	Total
Number of Received Applications	230	383	84	167	158	1,022
Number of Registered Students I semester	232	327	68	153	143	923
Number of Registered Students II Semester	222	320	68	145	132	887

BA: Business Administration; PA: Public Administration; CST: Communication Science and Technology; TT: Teachers Training

Out of 1,022 students who submitted applications by November 2001 when the University was inaugurated, 923 were officially registered and paid fees. In addition, 36 students dropped out in the first academic semester. In general, enrolment patterns were influenced by political and security developments in the country, in particular

million USD, but its significant portion was dedicated not to the general budget but to the creation of the scholarship programmes at the SEE University.

³⁸⁸ Including 4 million USD promised earlier and the special three-year programme of grants of 1 million USD annually earmarked for bilateral co-operation with American universities. Since the business plan did not anticipate this additional contribution from the US, the project budget was modified in such a way as to benefit the sustainability of the University in the medium term through an increase in the University's planned endowment.

³⁸⁹ SEE University, Rectorate Annual Report for the Academic Year 2001/2002, Annex 1, p. 18.

the spring 2001 conflict, and accordingly were difficult to predict. Certainly the relatively high tuition charged by an institution without prior academic record, English as one of languages of instruction, the relatively small number of faculties at SEEU (especially in comparison with the UT), the uncertain future, the perception of SEEU as an institution created as a result of a political consensus and, last but not least, political loyalty to the UT and its adverse propaganda played their role. While enrolment of secondary education graduates was almost exactly what had been anticipated as part of the business plan, the number of “transfer” students from the UT was significantly lower than had been initially estimated. Continuous speculation that a solution might be found for the UT and its unrecognized status, significantly higher student fees at the SEEU than at the UT as well as political pressures or intimidation to stay loyal to the Albanian “national interests” (i.e. the UT) certainly played a role as well.³⁹⁰ In addition, the UT leadership made it difficult for its students to transfer to SEEU by not issuing release letters, original secondary school diplomas etc.

In the first year it was decided not to conduct entry exams in order to encourage enrolment. However, it had its negative consequences - among students there were many who were ill prepared to continue their education at the University level. The percentage of enrolled women was about 40%. In the first enrolment the participation of non-native Albanian speakers was very low. Among 923 registered students, the vast majority were ethnic Albanians (867), there were also 43 Turks, 1 Bosniac, 1 Roma and only 11 Macedonians.³⁹¹ The unrest in the Tetovo area at the time of the enrolment certainly deterred many applicants, particularly those of non-Albanian ethnicity, who could not longer feel completely safe in majority Albanian environment. In addition, the SEEU was perceived by many of them as purely an “Albanian University”. No doubt the violence in Macedonia represented additional

³⁹⁰ It was anticipated that up to 1,400 students of the UT could opt to transfer and the SEE University was fully prepared for such a step. However, initially only 159 of them requested the transfer (16 more students transferred before the end of 2001/2002 academic year and 48 in 2002/2003). As revealed in an interview with local media, the attitude of most of the UT students was to “wait and see what happens with Stoel’s project. It might be that the project is the real solution for us” (Dnevnik, 10 October 2001).

³⁹¹ Taking into consideration their representation in the general population, the relatively high enrolment of Turks could be explained by the fact that many of them are well integrated or even assimilated with the Albanian community. Quite often they speak Albanian, there are many mixed marriages etc.

risks for the SEE University undermining the painstaking efforts of ensuring a culturally open, multilingual and internationally-oriented environment for its students and staff.

The University was officially inaugurated on 20 November 2001. Almost all speakers who attended stressed the multi-lingual and multi-cultural approach of the SEEU to teaching and studying emphasising that a new chapter was opened in the education of Macedonia's youth.

In the months preceding the opening of the University considerable time was spent on formulating the SEEU aims and principles. The conclusion was that at all times in its activities it will:

- be socially committed and open to all students on the basis of equity and merit, regardless of their ideological, political, cultural, and social background;
- be committed to the Albanian culture, language, and population, while defining itself in a broad international perspective and in a multilingual approach to teaching and research;
- offer a broad spectrum of courses in the socio-economic disciplines and sciences;
- position its academic offerings in the wider social context and engage in constant dialogue with its environment;
- create a stimulating environment for its staff and provide them with opportunities to develop their abilities.³⁹²

Indeed, the primary task of the SEE University was to contribute to the solution of the problem of Albanian language higher education and to provide new opportunities for young Albanians to receive their education at the University level. Therefore, the SEEU mission included the key goal of giving priority to groups under-represented in the higher education system of the Republic of Macedonia (first of all the Albanians). However, the SEEU aimed to do its utmost to improve inter-ethnic relations and to

³⁹² SEE University, Academic Years 2001/2002 and 2002/2003 Catalogue, 2001, p. 13. See also SEE University Foundation Zurich, General Project Report, 6 July 2001, p. 7.

promote inter-ethnic tolerance and harmony, and thus to contribute to peace and stability in Macedonia. It was, therefore, decided that the SEE University should welcome members of all ethnic groups and to ensure a multilingual and multicultural approach to teaching and research. However, some ethnic Albanians felt that the desire for the creation of a multi-ethnic environment, promoting tolerance and understanding was almost forced upon the University by the international community playing a dominant role in the implementation of the project. To a certain extent this was true as the commitment of many Albanians to this multi-ethnic and multi-lingual approach did not seem to be genuine and a strong role of the international community, especially in the initial phase, seemed to be necessary in order to ensure acceptance of the goals of integration and building a tolerant society in full accordance with European standards, equal opportunities for everyone and a high quality academic experience. In order to attract non-Albanian students teaching was also offered in the Macedonian language. Among the SEU staff, besides Albanians, there were also ethnic Macedonians and professors from outside Macedonia. In order to underline the international dimension of the SEEU, special status was given to the English language.

Having in mind the European dimension of the SEEU, since it was established a lot of efforts was invested in establishing close cooperation with other universities in the Republic of Macedonia and in South East Europe as well as in western Europe and the US. The USAID sponsored a US-Macedonia Linkage Program between the SEE University and the Indiana University.³⁹³ The later provided assistance in the areas of curriculum and IT development, as well as pedagogical training for teachers of English as a second language. On 1 April 2004 the SEEU became a member of the European University Association (EUA) and also joined the International Association of Universities. More problematic was, however, at any rate in the beginning, the relationship with the state Universities in Skopje and Bitola, which were affected by

³⁹³ Besides the close co-operation with Indiana University, the SEEU had signed cooperation agreements with the following universities: Priština/Kosovo, Tirana/Albania, Universities of Angers and Nantes/France, University of Graz/Austria, the University of St. Gallen/Switzerland and the Maastricht School of Management/the Netherlands.

negative attitude of the significant part of the Macedonian academic community towards the SEEU. While there was a verbal readiness to enter into partnerships with the University, and there were informal links for example through staff from the Skopje University teaching part-time at SEEU, commitment to achieving close engagement in shared programmes and projects was emerging very slowly.

8.7. Way Forward

Since its creation in 2001, in principle the SEE has not changed its academic offer. However, post-graduated studies (master degree) were opened in the 2005/2006 academic year and the University is currently preparing to start its MBA programme. It is also planned to continue with the third cycle - PhD studies. In addition, in the 2004/2005 academic year a program of part-time studies had begun. The discussion has also started on possible dispersion of the SEEU, especially to other urban centres in the country, first of all to the capital Skopje where the percentage of those having access to higher education, in particular among ethnic Albanians, is still relatively low. In 2002 the SEE University became a member of the Inter-University Conference of the Republic of Macedonia. Its staff has played an active role in national commissions working on the implementation of the Bologna process.

The total number of SEEU students (undergraduate, postgraduate, and part-time) reached 5,964 in May 2006. The total number of students who graduated University was 398.³⁹⁴ Nearly 90% of all students were from Macedonia and the remaining were from Kosovo (6,5%), Serbia and Montenegro (2%) and Albania (1,5%). Therefore, the fears of some ethnic Macedonians, that the SEEU would become the academic centre for Albanians in the whole region, have not materialised.

³⁹⁴ In a country with unemployment exceeding 30%, the University graduates face a significant problem of finding their first job. In this connection, the SEE University put also emphasis on practical training of its students (internship at various institutions) and decided to establish a career counselling office.

Table 8**SEE University Expansion - Students' Numbers at the Beginning of Each Academic Year³⁹⁵**

	2001/2002	2002/2003	2003/20004	2004/2005	2005/2006
New enrolment	923	1,340	1,589	1,453	-
Overall number	923	2,253	3,718	5,330	5,964

Thanks to its multi-ethnic approach and language policy, the SEE University increased the number of non-Albanians (predominantly ethnic Macedonians) in its student body. After a very disappointing start in October 2001, already the second enrolment in the summer of 2002 did significantly change this situation as 220 Macedonian students applied. This growth was more rapid in the third and fourth enrolments. According to the data of May 2005 the number of non-Albanian students exceeded 25%.³⁹⁶ The fact that at the entrance exams many ethnic Macedonians were more successful than their Albanian colleagues led to fears that the number of Macedonian students could at a certain moment become bigger than the number of Albanian students.³⁹⁷ This situation contributed to concern of some of the Albanian professors and students of, as they formulated, “ongoing Macedonisation” and “taking over” of the University. They started to criticise the open door policy, which in their opinion was imposed by international members of the SEE University Board. However, in 2005-2006 the percentage of Macedonian students has remained about the same which led to a diminishing of those concerns.³⁹⁸

³⁹⁵ Official information provided by the SEE University (SEE University Board Newsletter, Rectorate Reports and an interview with the SEEU Secretary General). The Faculty of Business Administration continued to have the largest student population followed by Law, Communication Science and Technology, Public Administration and Teacher Training.

³⁹⁶ 75% of students were studying in the Albanian language and 25% in the Macedonian. 72 % of students were Albanians, 19 % Macedonians, 2,5% Turks, and 6,5% did not declare their ethnic affiliation or belonged to other communities (SEE University, Rectorate Report 2005).

³⁹⁷ 2003/2004 was the first academic year which saw the introduction of entry exams at the SEEU.

³⁹⁸ The SEE University's multi-ethnic approach to the education process was also reflected in the composition of the staff. According to data from 2005/2006 academic year, the total number of teaching staff was 270, including 209 Albanians, 46 Macedonians and 15 internationals (SEE University, Rectorate Report 2006). However, in spite of the good student/staff proportion there was a shortage of highly qualified academic staff employed full-time. In this connection, the University set up its own staff development programme supporting the training of its junior academic staff for Master's and PhD

The much higher number of students in comparison with the numbers envisaged in the Business Plan forced the University to address its capacity problem. In a way, the SEE University became a "victim of its own success" which resulted in enrolment by far exceeding the originally planned total number of 2,800 - 3,200 students. Therefore, in addition to buildings completed in 2001, the infrastructure was expanded in 2003 - 2005 so the overall capacity of the University increased to 5,500 students.

Unfortunately, the idea of trilingual Institution applying the so-called "flexible use of languages" - one of the founding principles of the SEE University, which was also related to its multi-ethnic approach to teaching and learning, was seriously affected by several factors - knowledge of languages among students, reluctance of most of students to pursue curricula in non-mother tongue, negative attitudes of some professors etc. As a result practically two language lines were created: Albanian and Macedonian. Against this background, it could be argued that the idea which stood behind the founding of the University - that both communities would study together - was seriously affected by the practical implementation of the language policy. This was only partially compensated by some common courses (e.g. in English) and social activities. The question of teaching in and of the Macedonian language was more than of symbolic importance in the situation when many Albanians encountered problems in achieving the level of proficiency in the Macedonian language to enable them access to many positions, in particular in the administration, the judiciary etc.³⁹⁹

degrees. Nevertheless, the limited pool of qualified staff in the region leads to a need to recruit more international academics at significant costs for the University.

³⁹⁹ This lack of consistency in applying the language policy as planned in the original mission of the University forced its founder - the HCNM to take some steps in this regard. On 20 April 2005 the High Commissioner addressed the Rector of the SEEU in order to express his concerns about the fact that Albanian students were obliged to take the subject "Macedonian Language and Studies" whereas they were free to decide whether they wish to study any another subject in Macedonian. This appeared not to be in conformity with Article 95 of the Law on Higher Education, but also this situation was not in the best interest of students, who would require proficiency in the state language in order to function independently in society (Letter to the Rector of the SEE University Alajdin Abazi, 20 April 2005). In his letter of response dated 27 April 2005, the Rector of the SEEU stressed that the wording of Article 95 was an element of political compromise which, however, is an "outdated concept" and "had no logical academic basis". After four years, it was, in his opinion, possible to approach this issue in a more constructive and apolitical way. The departure from original policy was explained by shortage of human and other resources as well as political considerations of competition with the newly established state University in Tetovo (Letter from the Rector of the SEE University Alajdin Abazi, 27 April 2005). The

After the difficult start in 2001, the SEE University started to be widely recognised both nationally and internationally as a multi-ethnic Institution with a solid academic offer. In its Evaluation Report of the SEE University, the European University Association (EUA) stressed that “the SEEU is clearly a model university for Macedonia and the region.”⁴⁰⁰ The Report also noted that the SEEU infrastructure was very good, that there was a strong commitment on the part of the staff, a high level of satisfaction among students, and a full recognition of its achievements from internal and external stakeholders. It was also underlined that the SEEU was well on its way to achieving its mission, in spite of the obstacles it has met. It mirrored the assessment done by the OECD which stated that “specifically, SEEU has met, indeed exceeded, its stated aims of contributing significantly to the solution of the problem of Albanian language higher education.”⁴⁰¹ The success was also recognised by local experts, who in particular underlined that the SEE University “destroys” the stereotypes and that by releasing the problem from the shadow of politics, it solved the problem of higher education of Albanians in Macedonia, and contributed to a relaxation of existing tensions.⁴⁰² Speaking at a ceremony of the fifth anniversary of the SEE University, Prime Minister Nikola Gruevski stressed that “the University of South East Europe is a place where values like tolerance, dialogue and cohabitation are being promoted. All this, along with the highly qualified specialists it produces, justifies its establishment and functioning.”⁴⁰³

8.8. Conclusions

Since the question of an Albanian language University became a central issue in relations between Macedonians and Albanians with possible fatal consequences for the stability of the country, there was clearly a need for a proposal which would help

spirit of the letter was another confirmation of the fact that continued involvement of the international representatives in management bodies of the SEEU was necessary in order to ensure its commitment to the original mission.

⁴⁰⁰ European University Association Institutional Evaluation Programme, South East European University in Tetovo Evaluation Report, February 2005.

⁴⁰¹ OECD, Improving Access and Opportunities for Under-Represented Groups in Higher Education in the Former Yugoslav Republic of Macedonia, March 2004, p. 11.

⁴⁰² Interview with Dr. Zoran Matevski, Svedok, May 2003.

⁴⁰³ Utrinski Vesnik, 22 November 2006.

to solve this problem. At the same time, this problem was largely neglected by authorities and obviously the solution would not have been possible without the involvement of an external facilitator. The above-mentioned represented the starting point for the High Commissioner's involvement and eventual presentation of a plan for the creation of a new institution of higher education.⁴⁰⁴ One could ask the question why the solution could not be found within the existing structures. First of all, the existing Universities in Macedonia were not able to fully accommodate the demand for higher education of Albanians and were reluctant to make any further progress in expanding teaching in Albanian language. Secondly, the Tetovo University created at the end of 1994 could not serve as a starting point for a solution because of the radicalism of its leadership and poor academic standards. In addition, eventual recognition of the UT stood no chance of success, because of the Constitutional provisions and the fierce opposition of the Government and the general public.

Over the years the HCNM put forward several ideas. He had to be flexible and to adjust to changing circumstances and environment. His recommendations were also evolving as the HCNM was gathering more information on this issue, effectively building his expertise on what was feasible to achieve and what was possible from the legal and political point of view. In this regard, not an expert on higher education, he had also to rely on external expertise regarding technical preparations including drafting of the feasibility study or the business plan. Certainly the High Commissioner's engagement in Macedonia demonstrates that being an instrument of conflict prevention consists of more than making a number of diplomatic demarches, preparing recommendations and promoting dialogue. It illustrates how complex efforts in the field of conflict prevention can be and with how many aspects one has to deal with in order to reach a solution. Besides constant dialogue with local stakeholders and international community, one needs patience, persistency, flexibility and the ability to react fast, to use legal expertise and sometimes even to pursue fund-

⁴⁰⁴ As the HCNM noted "because other forms could not be realized in the past that has brought me to the initiative of creating the SEE University ... I would not have done so if earlier agreement has been reached on this issue" (Interview with the High Commissioner, Max van der Stoep, Lobi, 7 July 2003).

raising activities.⁴⁰⁵ The case of Macedonia shows that in conflict prevention there is often a need to set up concrete projects which can help to contain potential crises. In this regard it could be argued that in pursuing the SEE University project an interesting mixture of conflict prevention tools was applied. First of all, in preparation of the political consensus diplomatic mechanisms like mediation and quiet diplomacy were used. Secondly, the founding of this new Institution required application of political instruments as it was expected that it would contribute to removing root causes of the conflict and building confidence between communities. Finally, fund-raising activities clearly belonged to economic tools which were indispensable element of the whole project. In addition, interesting enough, the HCNM involvement which started as an element of early or structural intervention seeking to contribute to building inter-ethnic harmony in the long term, because of developments in Macedonia at the time the project was implemented, evolved into the operational prevention becoming important element of international community efforts aimed at preventing 2001 full scale civil war in Macedonia.

The founding of the SEE University was, first of all, aimed at preventing conflict and further escalation of inter-ethnic tensions as well as increasing the number of Albanians pursuing higher education. However, it also had other goals, including the educational dimension - preparing young educated people being ready for the challenges of the future. It could be argued that the SEEU had a significant impact on the whole educational environment in the country, initiating healthy competition and contributing to ongoing quality improvements at the existing state universities. In addition, thanks to the SEEU it was hoped to build bridges between various communities and to contribute to inter-ethnic integration and better understanding and trust between Macedonians and Albanians. Therefore, through its curriculum, structure and body of students, it had to contribute to social integration within Macedonian society. There was

⁴⁰⁵ Some experts believe that the HCNM involvement in the establishment of the SEE University was a good example of engagement by an international actor and in addition was one of the High Commissioner's most successful interventions (Arifi, Teuta, Substantial Progress, though not Enough: Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Macedonia, 1993-2001 in Neukirch, Claus & Oberschmidt, Randolph & Zellner, Wolfgang (Eds.), Comparative Case Studies on the Effectiveness of the OSCE High Commissioner on National Minorities, Hamburg, 2003 (*Draft CORE Working Paper No. 9*), pp. 54 – 55).

a clear need to avoid a completely two-track system, in which there would be no integration at all between the two main communities, but a serious risk of contributing to “ghettoisation” of the biggest minority in the country. The obvious dilemma was whether the higher education in the mother tongue would support the integration of the Macedonian society or would contribute to stronger divisions along ethnic lines with possible negative consequences in the long term. No doubt arrangements exclusively in the Albanian language would not only meet strong opposition in the Macedonian population, but they would also be detrimental for the country's stability and inter-ethnic integration. Against this background, besides providing new opportunities for young Albanians to study, the key element of the SEE University project was its multi-ethnic and multi-lingual approach to teaching and the fact that it was opened to students of all ethnicities regardless of their ethnic origin. At the same time, it ought not to be forgotten that an integrated, multilingual University is a vital aspect of an integrated, multilingual society.

The creation of the SEE University was in many ways an unique experiment, especially since the project was implemented in less than one year's time. However, the success of the SEEU was far from certain at the time of its creation, having in particular in mind the difficult start and the number of students enrolled, especially those who transferred from the UT. In addition, there are always lessons to be learned. No doubt the HCNM mandate and role are largely political and this dimension cannot be neglected. However, the fact that in seeking the solution, the High Commissioner focused mainly on ensuring the support of the DPA led to criticisms of over-politicisation of the project and its identification with one political party to the extent that the new institution had been sometime labelled as a “DPA University.”

Certainly, the High Commissioner had to act in conformity with his mandate which requires him to pursue dialogue in confidence. However, the project of setting up of the SEE University was special in many respects and once the compromise had been achieved between political leaders, it was certainly necessary to launch an active and co-ordinated media campaign in order to reach out the general public and to respond

to the challenges from adversaries of the new project. It seems that not enough was done in this respect as no effective PR policy was put in place.

There was also another goal of the SEE University which was never spelled out in any official document, but which its founders had very much in mind when launching the project. The SEEU project was expected to contribute to the solution of Albanian language higher education also through weakening of the Tetovo University. It was hoped that once the SEEU was opened it might gradually lead to significant transfer of students from the UT. As a result, it would lose its significance as a dangerous center of radical nationalism and it might gradually die out so the problem would simply disappear. The relatively low number of the UT students who opted to join the SEEU was already the first indication that this was going to be a difficult task. The further developments in Macedonia (described in Chapters 9 and 10) made this goal impossible to reach. At least it could be argued that the creation of the SEEU changed the situation and contributed to softening the position of leadership of the UT and eventual replacement of radicals which opened the way for the final steps in this field.

Last but not least, the fact that the HCNM fully focused his attention on Albanian language higher education led to the situation that other issues, which were so much present in his engagement in early 90-ties, had almost disappeared from the High Commissioner radar screen. Unfortunately, they had continued to affect inter-ethnic relations in Macedonia which became evident in the spring of 2001 when the violence erupted in the country. On one hand, the HCNM was discouraged by the lack of sufficient progress in the implementation of the various aspects of minority rights and the tepid support the international community provided to conflict prevention efforts in Macedonia, at least until 2001. On the other hand, he believed that the solution to the problem of Albanian language higher education was a prerequisite for achieving progress in other aspects of minority rights in Macedonia and, after it had been addressed, it would be much easier to move on other issues. This expectation was, however, overtaken by subsequent developments in Macedonia.

Nevertheless, from today's perspective and based on the increased interest of young generations to study at SEEU, the outcome of internal and external evaluations and the prestige of the Institution inside and outside the region, it could be concluded that the SEE University is a success story. It has already more than doubled the age participation rate of Albanians in recognized institutions of higher education in Macedonia.⁴⁰⁶ Despite some shortcomings, thanks to its open door policy and language approach, the SEEU became an important factor in the integration of various communities in the country. The number of non-Albanian students has been constantly growing and all students have been encouraged to learn how to communicate effectively in both main languages as well as in English and other international languages. Last but not least, the SEE University graduates could help to fill existing gaps in those sectors where Albanians are under-represented. As declared by the former Secretary General of the University Dennis Farrington "the SEEU did not solve the higher education issue, but helped it."⁴⁰⁷ Indeed, it created a positive precedent showing that an institution of higher education in the Albanian language is in no way a threat for the country. On the contrary, it could contribute to better inter-ethnic understanding and building bridges between communities.

The SEE University and its working methods are closely watched, not only in the region. For instance, the discussion has started about its possible application in Kosovo.⁴⁰⁸ Certainly any such initiatives would have to be considered with a great level of caution and with the necessary modifications, taking into full consideration local particularities. However, the multi-ethnic and multi-lingual approach to teaching and composition of student and teachers' body provides an interesting case study which merits further consideration.

⁴⁰⁶ The percentage of students of Albanian ethnicity enrolled in recognised institutions of higher education rose from 4.9% in 2000/2001 to 10.4% % in 2003/2004 and 15,5 % in 2004/2005 academic year. However, in the 2004/2005 it was also impacted by the opening of the new State University in Tetovo. Source: Official Data of the Ministry of Education and Science. See also: Second Report Submitted by "the former Yugoslav Republic of Macedonia" Pursuant to Article 25, Para 1 of the Framework Convention for the Protection of National Minorities Received on 16 June 2006 (ACFC/SR/2(2006)004), Annex 4.

⁴⁰⁷ Fakti, 19 April 2002.

⁴⁰⁸ The European Stability Initiative initiated discussion on a project of a private multi-ethnic European University in Mitrovica.

Part IV

OHRID AND BEYOND

Chapter 9: Macedonia on the Brink of Civil War

9.1. The 2001 Crisis

9.1.1. Main Causes

Since Macedonia became independent until early 2001, the security situation had remained stable although a number of incidents, some of them of an inter-ethnic character, including those concerning an access to higher education in the Albanian language, had signalled a potential for deterioration. Reports on increased arms smuggling, especially after the state of anarchy in Albania in 1997 and a number of bomb explosions in front of municipal buildings or police stations in e.g. Skopje, Tetovo and Gostivar at the end of the 1990s, indicated the fragility of the situation. In addition, in late 2000 and early 2001, Kosovo Albanians began to infiltrate into Macedonia bringing about a chain of events which brought the country to the brink of civil war. An analysis of the causes of the eruption of violence in Macedonia should not ignore or underestimate the impact which the general situation in the region had on the country. One needs to bear in mind that, in spite of the above-mentioned incidents and tensions, there had been peace in the country for a long time. The Kosovo crisis and the NATO bombardment of FRY in the spring of 1999 altered the whole perspective and was the main catalyst for what happened in Macedonia in early 2001. Firstly, the dramatic influx of Albanian refugees affected the delicate inter-ethnic balance of the country. Although most refugees returned to Kosovo in a relatively short period of time following the end of the conflict, feelings of fear, lack of trust and increased inter-ethnic tensions persisted as the negative legacy left behind by the conflict. This was aggravated by the fact that while Albanians supported the NATO intervention in Kosovo, most ethnic Macedonians deplored it. Secondly, as a result of the conflict, an environment was created which facilitated the relatively free movement throughout the region of weapons and trained fighters. In addition, the arms flow could not be prevented because of the incapacity of the NATO-led Kosovo Force (KFOR) to fully secure the border. The Kosovo crisis also demonstrated for

many local Albanians that the military option could bring about meaningful results.⁴⁰⁹ Some observers also believed that the National Liberation Army (NLA) was hoping to repeat the Kosovo scenario in Macedonia with an eye to direct military intervention by NATO.⁴¹⁰ The leader of the NLA, Ali Ahmeti, apparently admitted that the Kosovo conflict had helped to spur a similar action in Macedonia as the Albanians perceived the NATO intervention in the province as their victory.⁴¹¹ To a certain extent, the Kosovo conflict also contributed to the revival of the idea of a "Greater Albania". As formulated by an editorial in the New York Times, the ethnic Albanians in Macedonia and in Kosovo, historically speaking, "have always been bonded in blood and politics."⁴¹² Indeed, as result of these close ties, some Albanians from Macedonia having gained military experience in 1998-1999 in Kosovo, decided to apply it back home, hoping to make full use of the vulnerability of the Macedonian security forces. They were supported by Kosovo Albanians. It was clear that Kosovo served as NLA's logistic base, at the very least.

Early symptoms of growing tensions in Macedonia and the potential negative impact of the Kosovo conflict had for a long time been ignored by the international community. Co-sponsored by the EU and the UN, the Working Group of the ICFY was dissolved at the end of 1995. The EU focused its activities on providing humanitarian aid and some assistance in reforming the Macedonian economy. American diplomacy, active in the country since the beginning of the nineties, no longer considered the situation in Macedonia a priority and shifted its attention to elsewhere in the Balkans, primarily to Kosovo. It should also be noted that the international community's engagement in the Balkans was characterised by a retro-active rather than a pro-active approach. In most cases, it acted only once a crisis was already well developed. After the intervention in Kosovo, the full scale spill-over

⁴⁰⁹ On the other hand, in 1999 at the time of the crisis in Kosovo, Albanians in Macedonia showed restraint as they fully understood that one of the goals of Milosević was to destabilise Macedonia in order to prevent, or at least to make more difficult, an international military intervention.

⁴¹⁰ The Albanian initials of the NLA - UÇK (Ushtira Çlirimtare Kombëtare) was identical to those of the Kosovo Liberation Army (KLA) - UÇK (Ushtira Çlirimtare e Kosovës).

⁴¹¹ Garton Ash, Timothy, Is There a Good Terrorist?, New York Review of Books, Vol 48, No 19, 29 November 2001.

⁴¹² New York Times, 19 March 2001.

eruption of violence in South Serbia (the so-called Preševo Valley - municipalities of Preševo, Bujanovac and Medvedja) in spring 2000 was prevented by a successful action by NATO and the EU. It was not that difficult to imagine that the focus of Albanian radicals might shift to Macedonia. In addition, the departure of UNPREDEP in February 1999 left a security vacuum in Macedonia. Some observers argued that the termination of the UNPREDEP played a large part in the eruption of violence in 2001 since the mission had managed to prevent a conflict in Macedonia for more than six years.⁴¹³ It is impossible to foresee how events would have developed if the UN deployment had stayed in Macedonia. The UNPREDEP was a useful demonstration of international commitment to Macedonian stability and sovereignty. However, it is highly unlikely that 1,000 lightly armed UN “observers” with a soft mandate and not equipped to suppress a conflict would have been able to prevent the spill-over effects of the conflict from Kosovo. In addition, in spring 2001 there were already more NATO soldiers deployed on Macedonian soil; they provided logistical support to the KFOR operation in Kosovo but had no mandate for conflict prevention in Macedonia.

As a result, at the end of the nineties the OSCE remained practically the only international actor involved in conflict prevention activities in Macedonia. However, the OSCE capacities were limited, the OSCE monitors were unable to effectively replace the UNPREDEP and the Organization did not have at its disposal the EU “sticks and carrots”, nor the American and NATO “teeth”. In addition, the primary instrument of the OSCE conflict prevention - the HCNM - focused his attention almost completely on the question of minority language higher education.

The Macedonian authorities might be right when they claim that, were not for the conflict in Kosovo and its spill-over effects, there would have been no armed conflict in Macedonia in 2001. However, the reluctance of the Macedonian authorities to meet many of the demands of the Albanian community and to respond to growing inter-ethnic tensions in the country, contributed to the creation of a climate in which some

⁴¹³ Sokalski, Henryk J., *An Ounce of Prevention, Macedonia and the UN Experience in Preventive Diplomacy*, United States Institute of Peace Press, Washington D.C, 2003, p. 219.

Albanians decided to join the rebels from the NLA in order to ensure their demands were met. This would not have happened had the inter-ethnic relations in the country been better. As stated in one ICG Report: “a policy of half-hearted, half-reluctant ethnic cohabitation has led to the present crisis.”⁴¹⁴ Indeed, the policy on the integration of minorities had failed in Macedonia. However, it would be unjustified to claim that the status of Albanians in Macedonia, together with their perceived treatment as second class citizens and the rejection of many of their demands had directly led to situation in which a solution through political means was no longer possible. When the fighting broke out, Albanians rebels came up with demands which had already been formulated earlier by existing Albanian political parties and they included: a constitutional status for Albanians, the recognition of Albanian as a second official language, decentralization leading to more rights to local communities, equal opportunities in employment, in particular in public administration, the police and the army and full educational rights. There had been progress in some of those fields, although one could conclude that too little was done too late. The Macedonian authorities were reluctant to move on many of these issues and even minimal progress was often rejected on legal grounds and on the basis of a very limited interpretation of the Macedonian Constitution. These factors were used by Albanian radicals to stimulate tensions and feed nationalism.

The impact of criminal elements on the eruption of violence in Macedonia should also not be neglected. The unstable situation in the region and the numerous wars and inter-ethnic conflicts had created a fruitful ground for the development of organised crime and corruption. It is often argued that mafia style gangs need a climate of political instability and a weak economy in order to operate effectively. There were obviously criminal gangs in the region which were vitally interested in maintaining the high level of instability in the country which, were it to be resolved, would clearly affect their trans-border connections including the smuggling and trafficking operations of drugs, weapons, cigarettes, and human beings. It has been a public secret

⁴¹⁴ International Crisis Group, the Macedonian Question: Reform or Rebellion, ICG Report No. 109, Brussels/Skopje, 5 April 2001.

that besides Diaspora funds, the NLA was also funded by money obtained from various criminal activities. Some even went as far as saying that "a coalescence of interests between a national liberation movement and a narco-mafia was the enabling factor that made ethnic conflict possible."⁴¹⁵ Since many mafia-style criminal gangs are built on ethnic criteria, one should not forget the fact that inter-ethnic tensions are frequently artificially created in order to conceal a number of other interests. This can lead to a situation in which whole communities are manipulated by criminal elements who try to present themselves as freedom fighters and where minority rights become a cover-up for their criminal activities. In addition, spoils from the looting of army stores in Albania during the turmoil in 1997 acted as a major source of weapons in the whole Balkans.⁴¹⁶ It was estimated that besides approximately 50,000 officially licensed firearms in the country, there were well over 100,000 illegal weapons in circulation in Macedonia and up to 700,000 in the entire Western Balkans.⁴¹⁷

The link between the economy and inter-ethnic tensions, in particular the social effects of the economic crisis, should not be underestimated either. As already argued in Chapter 3, the state of the economy in Macedonia had become one of the key factors determining the security and stability of the country. This was linked in the first place to very high levels of unemployment and low standards of living. Conflicts in the Balkans and the economic embargo hampered access to traditional economic partners in the region and affected transit corridors to Macedonia. In addition, many young Albanians from the region, left without any prospects of employment, and having gained military experience in Kosovo and Southern Serbia, had only known armed conflicts.⁴¹⁸ These factors contributed to tensions and their culmination in the spring of 2001.

⁴¹⁵ Hislope, Robert, *The Calm before the Storm? The Influence of Cross-Border Networks, Corruption, and Contraband on Macedonian Stability and Regional Security*, Paper prepared for the Annual Meeting of the American Political Science Association, San Francisco, 30 August - 2 September 2001, p. 5.

⁴¹⁶ It was estimated that approx. 600,000 pieces of weapons were stolen and only a part of them was retrieved afterwards.

⁴¹⁷ Matveeva, Anna & Hiscock, Duncan & Paes, Wolf-Christian & Risser, Hans, *Macedonia: Guns, Policing and Ethnic Division*, Report by Safeworld and Bonn International Center for Conversion, October 2003, p. 7 - 8.

⁴¹⁸ See *inter alia* in Balalovska, Kristina & Silj, Alessandro & Zucconi, Mario, *Minority Politics in Southeast Europe: Crisis in Macedonia*, the Ethnobarometer Working Paper Series, Rome, 2002, p. 13.

Although the agreement between Skopje and Belgrade on the demarcation of the 260 kilometres long border between the Federal Republic of Yugoslavia (including its Kosovo part) and the Republic of Macedonia cannot be considered a direct cause of 2001 conflict, it is certainly a factor which influenced the timing of events. The final delimitation of the border between the two countries was deliberately kept open by the Milosević regime as means to applying an element of pressure on its southern neighbour, *inter alia* to ensure its loyalty in the conflict in Kosovo.⁴¹⁹ Immediately after the fall of Milosević in October 2000, a final agreement on border demarcation was reached within weeks with the new authorities in Belgrade. It was signed during the Summit of the Southeast Cooperation Process held in Skopje on 22-23 February 2001. Objections to the agreement immediately came from Kosovo, but also from Macedonia's Albanians.⁴²⁰ They argued that the agreement had been signed without the consent of Kosovo and would therefore be challenged in the future, in particular since certain disputed areas on the Kosovo part of the border had allegedly been decided in favour of Macedonia.⁴²¹ Certainly a connection could be observed between the timing of the signing of the agreement and the eruption of violence in Macedonia, which in actual fact started close to the disputed parts of the border with Kosovo. In addition, the demarcation agreement was a sign of improving bilateral relations which in turn increased the fear shared by many ethnic Albanians that Macedonians and Serbs had strengthened their ties in the common fight against Albanians and their national aspirations. The explanation behind the timing of events lies also in developments in Southern Serbia. At the beginning of 2001, the Yugoslav troops were finally allowed to re-enter a 5-kilometre Ground Safety Zone between Southern Serbia and Kosovo, established as a result of the so-called Kumanovo agreement with NATO from 9 June 1999. This step forced Albanian rebels out of the region and the obvious choice for new bases and a safe haven seemed to be the mountainous region in the north of Macedonia bordering the Southern Serbia and Kosovo.

⁴¹⁹ Blazevska, Katarina & Mehmeti, Kim, Macedonia. Steering Through the Regional Troubles, Report by the Institute for War & Peace, London, December 1998, p. 6.

⁴²⁰ When the agreement was ratified by the Macedonian Parliament on 2 March 2001, a number of Albanian MPs voted against.

⁴²¹ By January 2007 this issue has not been solved yet and it is expected to be addressed when the final status of Kosovo is defined.

9.1.2. Course of Events

As already mentioned, the first symptoms of growing tensions were registered well before the eruption of violence in spring 2001. They included several violent incidents in 1998 - 2000, including bomb explosions, which *inter alia* targeted police stations. There were some unconfirmed reports that, as early as 2000, the paramilitary groups operating from the territory of Kosovo had started to control some villages on the Macedonian side of the border. At that time, their action seemed to be mainly driven by criminal activities (protecting the smuggling and trafficking channels etc.). The Macedonian Government seemed to be aware of the situation but initially decided not to react so as not to increase tensions. A further escalation took place on 22 January 2001: one policeman was killed and three were injured when the police station in the predominantly ethnic Albanian village of Tearce was attacked. This was followed by similar incidents that took place in late January 2001 in Oslomej and Kumanovo. They were initially described as revenge attacks against the police by criminal gangs. However, the newly emerged NLA claimed responsibility for these actions.

The incident in the village of Tanuševeci, traditional stronghold of the Albanian radicalism, is considered as marking the beginning of the conflict in Macedonia.⁴²² On 16 February 2001, a group of journalists from a private Macedonian TV station A1 went to Tanuševeci in order to investigate rumours that the village was used as a training camp for Albanian rebels in the region. They were detained by armed Albanians in black uniforms with UÇK insignia. They were released on the same day but the story was immediately broadcasted on TV and got wide public attention. The security forces could not remain passive. When a unit of Macedonian border guards attempted to enter the village, an exchange of fire started. As a result, one, apparently unarmed, Albanian was killed. The NLA claimed that it sent its troops to the village in order to protect the civilian population from harassment by the Macedonian army and police. Shooting incidents in Tanuševeci persisted in the subsequent couple of days,

⁴²² Tanuševeci is located close to the border of Macedonia with Kosovo. Due to lack of agreement on the delimitation of the border between the FRY and Macedonia, the area north-east of Tanuševeci had been a no-man land since the dissolution of Yugoslavia. In addition, the infrastructure of the region was oriented towards Kosovo. It had a long tradition of inter-ethnic friction and was considered an important centre for smuggling routes in the Balkans.

culminating in an open battle on 26 February. The clashes escalated again after the border demarcation agreement between the Republic of Macedonia and the FRY was ratified by the Macedonian Parliament on 2 March 2001. In two separate incidents in this area in early March, three Macedonian soldiers and one policeman were killed.

While initially the violent incidents continued exclusively in the north of the country, a new chapter in the conflict was opened with its spill-over to the Tetovo region. Interestingly enough, this time it also had an educational dimension. On 14 March, the Tetovo University leadership together with its student organisation and three local Albanian NGOs organised a protest demonstration in Tetovo under the slogan: “Stop Macedonian Government Terror against Albanians”. When demonstrators had gathered, shooting started in the mountains surrounding Tetovo and was supported by demonstrators who chanted “UÇK, UÇK” (NLA in Albanian) in appreciation of every burst of fire, a clear indication of open support for their action. It was clearly a well prepared and coordinated action.⁴²³ Soon armed clashes between Albanian rebels and the Macedonian security forces developed in the Sar Mountains around the city. The importance of Tetovo as the main “Albanian city” in the country led to fears that another civil war in the Balkans could become a reality. The fighting reinforced concerns that Macedonia would draw the rest of the region into a renewed conflict involving ethnic Albanians from the entire region.⁴²⁴

The NLA was no doubt an offspring of the Kosovo Liberation Army (KLA). Many of its members had a record of fighting Serbian security forces in Kosovo in 1998 - 1999. At the beginning it was composed of loose groups with little coordination and a lack of central command.⁴²⁵ This changed over time as the NLA became more organised,

⁴²³ Some even argued that the Tetovo University was all along intended as a base camp for Albanian insurgents. See in: Antiwar.com Report (“Randolph Bourne Institute”), Macedonia Explodes, 19 March 2001. However, this seems to be overstatement as there was no evidence for such far-reaching accusations.

⁴²⁴ International Crisis Group, *After Milosevic - A Practical Agenda for Lasting Balkans Peace*, ICG Report No. 108, Brussels, 1 April 2001, p. 187.

⁴²⁵ It might suggest that especially at the beginning different groups and commanders were driven by different motives ranging from ensuring protection to criminal activities to political goals such as at very least, the federalisation of Macedonia and granting Albanians the status of a constituent nation in the country.

however, the level of authority exercised by the central command over various local commanders remained questionable. The NLA claimed that among its fighters 80% were Albanians from Macedonia.⁴²⁶ The organisation was mainly financed by money collected by special “freedom funds” in the US and Western Europe.⁴²⁷ The NLA leader, Ali Ahmeti, also originated from the Diaspora.⁴²⁸ The political goals of the NLA were not totally clear although the group officially claimed that it was fighting for the expansion of the rights of Albanians in Macedonia (the line supported by the already existing Albanian political parties), as well as the protection of the local population from Macedonian security forces. Except for one official communiqué from January 2001, there were no statements making any direct or indirect reference to territorial claims against Macedonia. As a matter of fact, at that time support for the idea of a “Greater Albania” was relatively slight among ethnic Albanians in Macedonia. In a poll commissioned by the US State Department, 71% of them said that they would prefer to live in an ethnically mixed Macedonia rather than in a “Greater Albania.”⁴²⁹ However, it was feared that the NLA’s hidden agenda was to divide the country as the first step towards the foundation of a “Greater Albania” or, alternatively, a “Greater Kosovo.”⁴³⁰ It seems that at least some NLA leaders believed that they could copy the Kosovo example and that the international community would eventually provide the support which would help them to legitimise what they had already won by force.

⁴²⁶ Daftary, Farimah, Conflict Resolution in FYR Macedonia: Power Sharing or the ‘Civic Approach’? Helsinki Monitor 2001, No. 4, p. 293. Some Macedonian leaders, on the other hand, claimed, in direct contradiction to this figure, that 80% of the rebels were from Kosovo.

⁴²⁷ Apparently in 2001 the NLA collected approximately 60 million USD. Source: Ripley, T, Intentions Unclear as NLA Hands Over Arms, Jane’s Intelligence Review, 1 October 2001 after Matveeva, Anna & Hiscock, Duncan & Paes, Wolf-Christian & Risser, Hans, 2003, p. 28.

⁴²⁸ How Ali Ahmeti became a leader of the NLA remains a mystery. Many attributed it to family relations - he is the nephew of Fazli Veliu, a wealthy and influential businessman of the Albanian Diaspora in Switzerland who was actively involved in financial support for the Albanian guerrilla movements, first in Kosovo and later on in Macedonia. Ahmeti was born in the village of Zajas in Macedonia and, as a student of the University in Priština, participated in the 1981 demonstrations. He was convicted and spent a couple of months in prison. In 1982, he emigrated to Switzerland where he finished his higher education. In the nineties he traveled back and forth to the region, becoming actively involved in Albanian national movements in Kosovo and Macedonia.

⁴²⁹ Judah, Tim, Albanians Back Macedonian Unity, Institute for War and Peace Reporting (IWPR) Balkan Crisis Report No. 250, 25 May 2001.

⁴³⁰ As a matter of fact, Fazli Veliu in his book “NLA from battle to battle - an unfinished story” admitted that the war in 2001 was for dividing Macedonia and the realisation of the pan-Albanian national goal (Dnevnik, 17 September 2005).

The Macedonian Government officially rejected the domestic “ownership” of the rebellion claiming that the violence was the result of aggression planned and led from Kosovo and for which there was little support among local Albanians. It saw the roots of the conflict exclusively in the idea of a Greater Albania. The Albanian political parties, the DPA and the PDP, officially denounced the violence and called for a political solution to the inter-ethnic problems, but their position was weakened as a result of the rebellion and they struggled for their own legitimacy in the face of growing popular support for the NLA.⁴³¹ They could no longer be considered the only serious political factors in the country. In addition, the DPA and the PDP found themselves in a difficult position, torn between loyalty to their ethnic fellow citizens from the NLA on the one hand and their responsibility towards the country in which they were members of the coalition governments, on the other. Faced with such pressure, their position hardened and they were less inclined to make any concessions in political negotiations.

With the escalation of violent incidents and their spill-over to the Tetovo region, public opinion began to question the Government’s ability to deal with the situation. The Macedonian authorities, accused of ignoring actions which undermined the territorial integrity and sovereignty of the country, were forced to take more resolute steps. On 21 March 2001, they gave the rebels a 24-hour deadline to lay down arms or face a full-scale offensive. The rebels responded with a call for a dialogue on Albanian rights in Macedonia. However, the Government rejected any call for negotiations with “terrorists” and the offensive was eventually launched on 25 March. Four days later, the Government announced that the military operation had successfully pushed all terrorists back into Kosovo. This was, however, no more than wishful thinking. In actual fact, the Macedonian security forces met little resistance as rebels had decided themselves to retreat to the mountains and to regroup there. On 28

⁴³¹ This, first of all, concerned the DPA and its leader Arben Xhaferi who until spring 2001 was the unchallenged political leader of Albanians in Macedonia. At the beginning, the party distanced itself from the rebels’ action claiming that the same results could be achieved by other means. At the same time, Mr. Xhaferi threatened to withdraw the DPA from the Government if the army continued to use excessive force.

April 2001, eight Macedonian soldiers were killed in an ambush in the village of Vejce near Tetovo and the fighting resumed.

It soon became clear that the Macedonian security forces were ill equipped and not trained to combat this kind of violence.⁴³² In addition, they faced well experienced fighters who knew the area and in many cases enjoyed the support of the local population. They frequently used neighbouring Kosovo as a base to regroup and as a source of military supplies. Rebels were effectively applying the tactics of occupying several villages, withdrawing and then attacking again in other parts.⁴³³ Although, in general, the rebels were unable to mobilise massive direct support amongst Albanians in Macedonia since most of them objected to violent methods, their political demands were met with sympathy among a population frustrated over its position in society. In addition, the chaotic action by the Macedonian army and police, often targeting Albanian villages and the civilian population, only served to contribute to the radicalisation of local Albanians and their growing support for the NLA.

By early May, the conflict had spread to the Kumanovo area as rebels started to occupy a number of villages north of Kumanovo and moved in the direction of Skopje, whilst fighting continued in the Tetovo region. Another NLA ambush near the village of Slupcane on 6 June resulted in the killing of five soldiers. A number of declared ceasefires never lasted for more than a few days and they were always interrupted by a renewed escalation of fighting. On 9 June 2001, rebels advanced to the village of Aračinovo on the outskirts of Skopje.

The situation was additionally complicated by a number of factors. In early May 2001, anti-Albanian riots started in Bitola adding to fears that a full-scale civil war would

⁴³² After the dissolution of the SFRY and the withdrawal of the Yugoslav Army (JNA) from Macedonia, the Macedonian army was left with a bare minimum of arms and with almost no heavy equipment. At the same time, the UN arms embargo on the states of the former Yugoslavia and the poor economic situation significantly affected any attempts by Macedonia to rearm. For further details, see also: International Crisis Group Report No. 109 and Jane's Information Group Report, *Macedonian Army Lacking Strength*, 30 March 2001.

⁴³³ NLA claimed to have six brigades and approx. 5,000 people, including those providing logistic support. However, there were most probably approximately 2,000 - 2,500 "full time" fighters (various sources after Matveeva, Anna & Hiscock, Duncan & Paes, Wolf-Christian & Risser, Hans, 2003, p. 27.

erupt. On 30 May, the newspaper “Večer” published an article based on analyses of the Macedonian Academy of Sciences and Arts (MANU), envisaging a voluntary exchange of territories and populations between Macedonia and Albania as a solution to the conflict.⁴³⁴ It created a storm not only locally, but also internationally. Ethnic Albanian leaders immediately rejected the proposal. The international community did the same. At the same time, some members of the Government, including Prime Minister Georgievski, took a rather ambiguous position. This led to speculations about whether the Prime Minister himself might be the driving force behind this proposal.⁴³⁵ However, the fierce reaction of public opinion took the authors of this initiative aback and finally on 10 June the President of the MANU, Gorgji Efremov, was forced to resign from his position and the proposal itself was overwhelmingly rejected as totally unacceptable.

9.1.3. Initial International Response

The Kosovo dimension of the conflict was understood by everyone. The initial reaction of the Macedonian Government was to blame Albanian extremists from Kosovo for exporting the conflict to Macedonia and it urged KFOR to fully seal the border. However, this was easier said than done and in fact it was virtually impossible to fully control the mountainous area on the border between Macedonia and Kosovo. As early as March 2001, the Macedonian Government had proposed to the UN Security Council the creation of a buffer zone along the Kosovo border. KFOR was

⁴³⁴ Vecer, 30 May 2001.

⁴³⁵ Already at that time it seemed that both PM Georgievski and the DPA leader Xhaferi were not very sincere in their criticism of the document. In an interview with the Kosovo television “Koha Vision” on 1 June 2005, A. Xhaferi stated that, immediately after his party victory at the parliamentary elections in 1998 and the forming of the coalition of the DPA with the VMRO-DPMNE, he had started discussions with PM Georgievski about the peaceful separation of Macedonians and Albanians. According to him, a “multiethnic state” was a fiction. “The war in 2001 stopped us...”, Xhaferi told Koha Vision. He also said that Belgrade was informed about the agreement and that the plan was approved by the then Serbian PM, Zoran Djindjic. “Macedonia as such has no future...”, Xhaferi said (see in Lajm, 3 June 2005). Xhaferi’s accusations regarding a proposal to split the country were also mirrored by DUI’s leader, Ali Ahmeti. He revealed that in 2001 a proposal to divide Macedonia and exchange territories in the region had been made to him. This project was allegedly “supported and stimulated by the ruling political elite and the highest intellectual and scientific structures of the country, including the Macedonian Academy of Sciences and Arts. The mediator and spokesperson on behalf of PM Georgievski was the President of the MANU, Gorgji Efremov” (see in Makedonija Denes, 21 July 2004, Koha Ditore, 22 September 2005). The former Albanian Minister of Foreign Affairs, Paskal Milo, in an interview for the Albanian TV ALSAT confirmed that the PM Ljubco Georgievski had made a direct proposal to his Government for the division of Macedonia and an exchange of territories. Albania apparently rejected this offer (Fakti, 23 September 2005).

accused of being "unwilling" to take any steps with regard to sealing the border since this might have lead to complications for its position in Kosovo.

The international community unanimously supported the Macedonian territorial integrity and sovereignty and condemned the rebellion. At the same time, the Macedonian Government was advised to refrain from military action and to seek a political solution. In particular the EU, condemning Albanian extremists, urged the Government to avoid further escalation and to start a dialogue on political reforms with Albanian political parties present in the Parliament. The EU High Representative for the Common Foreign and Security Policy, Javier Solana, engaged his Policy Unit and created a special Task Force to monitor the situation. One diplomat was appointed as liaison officer in Skopje.⁴³⁶ At the same time, the EU lacked the necessary experience and knowledge of various aspects of what proved to be a very complex situation and it only began to acquire it relatively late in day through consultations with actors already engaged in Macedonia.

On 4 March 2001, the Macedonian authorities requested a special meeting of the UN Security Council and this eventually took place on 7 March. It limited itself to condemning violence by ethnic Albanian armed extremists. Possible preventive troop deployment or even more resolute political and diplomatic actions were not considered. Following a further escalation of violence in Macedonia, in particular the spill-over to the Tetovo region, the UN SC passed Resolution 1345 on 21 March 2001 expressing unanimous support for Macedonia's sovereignty and territorial integrity and "strongly condemning extremist violence, including terrorist activities, in certain parts of the former Yugoslav Republic of Macedonia and certain municipalities in southern Serbia, Federal Republic of Yugoslavia."⁴³⁷ In addition, the SC called on States and appropriate international organisations to consider how they could best

⁴³⁶ See *inter alia* in Schneekener, Ulrich, Theory and Practice of European Crisis Management: Test Case Macedonia, European Yearbook on Minority Issues, Vol. 1, 2001/2002, Kluwer International, 2003, p. 145.

⁴³⁷ It was also interesting to observe that the wording "terrorists" which initially appeared in the language of many international documents was soon replaced by "armed extremists". In general, the terms used in various sources in order to describe the ethnic Albanian insurgents vary: from terrorists to guerrillas, extremists and rebels.

provide practical help to efforts in the region to strengthen democratic, multiethnic societies in the interests of all concerned.

However, the international community was reluctant to get directly involved in the conflict despite the fact that parties, in particular the ethnic Albanians, would have supported such action.⁴³⁸ The Albanians were disappointed that the EU had decided not to pursue a mediating role which they believed could have been organised, for instance, within the framework of the Stabilisation and Association Process.

During the visit to Macedonia on 2 April 2001, the EU High Representative, Javier Solana, and the EU Commissioner for External Relations, Chris Patten, rejected the idea of international mediation, arguing that Macedonia did not need it and that local politicians should assume ownership and responsibility. They were only prepared to exercise pressure on some local actors in order to move the process further. A more pro-active involvement was ruled out at that stage.⁴³⁹ Macedonian President Trajkovski was proposed as the person who should take the lead in pursuing negotiations. On his initiative, a special Secretariat was set up to act as a “mechanism for dialogue” and as a temporary body of support to the President. The EU provided two international experts in order to “technically” support its work. However, many questioned the President’s capability to lead this process as his position was weak and he was constantly challenged by practically all political parties, including the VMRO DPMNE on which ticket he had won the presidential elections.⁴⁴⁰ In addition, there was no trust among Albanians in this process especially in view of the fact that a leading role in the Secretariat was played by Macedonian experts known for their nationalistic views.

⁴³⁸ The DPA leader Xhaferi, referring to the situation in Macedonia in spring 2001, stated: “the patient had a heart attack despite the fact that he looked healthy. If no action will be taken the heart attack could have devastating consequences” (Internal Note after the HCNM’s visit to Macedonia (1-4 April 2001), 5 April 2001).

⁴³⁹ When in April 2001 the HCNM intended to submit some recommendations on a number of inter-ethnic issues in Macedonia, the EU reacted in a very restrained way.

⁴⁴⁰ Despite the fact that on a number of occasions he appeared overawed by the scale of the conflict, it has to be noted that President Trajkovski played a positive role, on a number of occasions publicly calling for restraint and trying to reconcile the public to possible political concessions in order to accommodate Albanian demands.

On 9 April 2001, Macedonia became the first country in South-Eastern Europe to sign a Stabilization and Association Agreement with the European Union, considered to be the first step in the process of European integration. Although negotiations were already quite advanced, Macedonia was still far from fulfilling all the required criteria for association with the EU. The signing of the Agreement at this particular moment was a strong signal from the EU in support of the stability and the territorial integrity of the country. The European leaders used this opportunity to build political consensus in the country and the leaders of four main political parties (SDSM, VMRO DPMNE, DPA and PDP), who were expected to create a Government of National Unity, were invited to Luxembourg to the signing ceremony of the Agreement.

In addition to the signing of the Agreement, the EU started to promote its “platform for dialogue”, arguing that compliance with EU standards in the field of the protection of human rights would help to solve existing problems in the field of inter-ethnic relations.⁴⁴¹ The EU also decided to increase its financial assistance to Macedonia. The US, however, remained silent despite the fact that its direct involvement was keenly expected and needed. With major forces engaged elsewhere, NATO was reluctant to undertake any direct intervention in Macedonia.

Although neither the EU nor NATO felt the need for direct involvement, they did at least decide to take more resolute action and press the Macedonian Government to seek a political solution to the conflict. It was envisaged that this should include discussion, albeit with political parties only, regarding the changes that were necessary to meet the demands of the Albanian community. The EU High Representative Javier Solana, EU Commissioner for External Relations, Chris Patten and NATO Secretary General, George Robertson had visited the country on a number of occasions trying to activate political dialogue in order to avoid further escalation. A political consensus of the main political parties did, indeed, seem to be a prerequisite

⁴⁴¹ Considering that the ‘*acquis communitaire*’ in the field of protection of rights of person belonging to national minorities is rather weak and certainly could not serve as a starting point for discussion on accommodating Albanian demands in Macedonia, this was not a very promising approach.

for success. Since March 2001, international representatives had actively been engaged in brokering the creation of a Big Coalition, gathering the four main political parties in the country. After long negotiations and despite attempts to sabotage the process, especially on the part of the VMRO DPMNE, a Government of National Unity was established on 13 May 2001. It was understood that only such a Government would be in a position to address the conflict and to carry out the necessary reforms including controversial amendments to the legislation concerning the position of minorities in the country. In addition, the ethnic Macedonian leaders were well aware that only a Government of National Unity could offer protection from popular criticism when significant concessions had to be made to ethnic Albanians. At the same time, the Albanian parties hoped to steal back the political agenda from the NLA.⁴⁴² However, it was frustrating to follow the endless negotiations on the creation of a Government of National Unity which proceeded while costly time was being lost. Ultimately, it was clear that the establishment of such a Government would not represent a real breakthrough since what was really needed was the more direct and active involvement of an impartial mediator.

At that time, many in Macedonia and within the international community understood that the small and inadequately equipped Macedonian Army could not defeat well-prepared and well-funded fighters. At the same time, frustration among the security forces was growing. In addition, the hard-line Minister of Interior, Ljube Boskovski, established a special Unit called “the Lions”, officially in order to clear the territory of Macedonia of terrorists, The Lions, in fact, had become a para-military unit, harassing ethnic Albanians and committing many crimes in the conflict areas.⁴⁴³ At the same time, the NLA retaliated in a number of cases targeting not only members of the Macedonian security forces but also the civilian population. Since there was a risk of

⁴⁴² International Crisis Group, Macedonia - the Last Chance for Peace, ICG Report No. 113, Brussels/Skopje, 20 June 2001, p. 7.

⁴⁴³ The Lions created in June 2001 were composed exclusively of ethnic Macedonians and had an uncertain chain of command and loyalty - some considered it as a private army of Minister Boskovski and the VMRO DPMNE. The Lions consisted mainly of military reservists; some of them, however, had a criminal record. At the peak of its strength some 10,000 people were associated with the Lions, but approx. 1,500 of them were armed and operational (after Matveeva, Anna & Hiscock, Duncan & Paes, Wolf-Christian & Risser, Hans, 2003, p. 22). It was anyway a significant number having in mind that at that time the Macedonian police consisted of 6,000 uniformed officers and 1,500 detectives.

the situation getting out of control, there was a need for vigorous action. It was clear that political dialogue was the only option. However, the international community still hoped that the local political leaders would be able to reach a compromise without the direct involvement of foreign mediators. This strategy soon proved to be wrong.

The first attempt at more pro-active involvement on the part of the international community was the appointment at the end of March 2001 of Ambassador Robert Frowick as the Special Envoy of the OSCE Chairman-in-Office with the mandate of “an active role to facilitate efforts of indigenous leaders to intensify a political dialogue aimed at reforms”. He rightly understood that any efforts to solve the crisis by force could only lead to disaster. At the same time, he was well aware that any agreement which included acceptance of key Albanian political demands and an amnesty for rebels, in exchange for ending military operation and confirmation of the territorial sovereignty of Macedonia, would require the involvement of the NLA and he decided therefore to take steps in this regard. He relied on his good personal relationships, established earlier in the country. His position, in particular vis-à-vis Albanians, was strengthened by the general assumptions that the US stood behind his appointment.⁴⁴⁴ There were even speculations that Amb. Frowick was working on direct instructions from the State Department, which was officially denied, but some called him *de facto* a Special Envoy of President Bush to President Trajkovski.⁴⁴⁵ Although Frowick’s assessment and plans regarding the solution of the conflict were shared by many international observers, his approach and applied tactics proved to be very controversial, in particular bearing in mind the sensitivity of this issue. At a secret meeting between Albanian political leaders of the NLA, the DPA and the PDP in Prizren/Kosovo on 22 May 2001, organised by Amb. Frowick, a Statement concerning the Peace and Reform Process in the Republic of Macedonia (the so-called Prizren Declaration) was signed. Besides reconfirming the territorial integrity of

⁴⁴⁴ The role played by Amb. Frowick in Macedonia prompted some commentators to question the role of the US government and its influence on ethnic Albanian extremists. Schneckener argued that "Washington's ambiguity served more than once as a source of irritation among Macedonian politicians as well as among European actors and, thus, threatened to undermine international crisis management", Schneckener, Ulrich, 2003, p. 147.

⁴⁴⁵ Balalovska, Kristina & Silj, Alessandro & Zucconi, Mario, 2002, pp. 30 and 100.

Macedonia in exchange for a cease fire, it demanded an amnesty for rebels and included a list of demands to be met by the Macedonian Government. They included: amendments to the Constitution, the recognition of Albanian as an official language, proportional representation of Albanians in public services, the enlargement of powers of municipalities and the introduction of elements of consensual democracy in areas concerning minority rights.⁴⁴⁶ The Prizren Declaration gave the NLA legitimation and the ethnic Albanian political parties received a mandate to represent the interests of the rebels.

The pictures from this meeting which appeared in the Macedonian media over the next couple of days led to a storm. Public opinion was especially angered by the fact that this agreement was brokered by a representative of the international community. Establishing direct contacts with persons who were perceived by the general public to be “terrorists” only contributed to the general perception of a “plot” prepared with the support of the international community, in particular the US. The leaders of the DPA and the PDP were accused of supporting the NLA extremists and selling out Macedonia’s territorial integrity. Xhaferi and Ymeri refused to back down and withdraw their support for the agreement and were accused of collaborating with enemies of the state.⁴⁴⁷ As a result, the Government found itself in a deep crisis. Some Macedonian political leaders, as well as the media, requested that Frowick be proclaimed “persona non grata”. No doubt many in the international community were shocked by his action. Finally, Ambassador Frowick was recalled “for consultations” with the OSCE Chairmanship and did not return to Skopje.

As stressed by the International Crisis Group, Frowick could have done a better job of laying the groundwork for Albanian and Macedonian acceptance of the proposal. He may have also relied too heavily on his personal relationships with key leaders.⁴⁴⁸ In addition, the Frowick initiative stood little chance of success in view of his proposal

⁴⁴⁶ Statement of the Albanian Leaders of Macedonia concerning the Peace and Reform Process in the Republic of Macedonia, 22 May 2001.

⁴⁴⁷ International Crisis Group Report No. 113, pp. 10-11.

⁴⁴⁸ Ibid, p. 11.

that the collection of arms from rebels, combined with the amnesty declared by the Government, should take place even before any political dialogue had been initiated between parties. Although Frowick's behaviour and actions contributed to a political crisis in the country, he was himself also a scapegoat of the political indecisiveness of the international community in Macedonia, as illustrated by the way the community wavered on the question of whether or not to directly engage the NLA in negotiations. In actual fact, he broke a certain taboo in Macedonia, but at the same time he became a symbol of secret "plots" and international community bias towards Albanians. However, it was perfectly clear to everyone that no solution would be possible without the involvement of the NLA in one form or another.

One of Frowick's main mistakes was that, contrary to his mandate which stipulated that he work in close coordination with the EU and NATO and act in close concert with the HCNM, he did not consult other international actors in Macedonia. He lacked therefore the political clout of an endorsement by the international community. Thus, instead of bringing the conflict closer to resolution, he only contributed to its escalation, and at the same time he undermined the prestige and credibility of the OSCE in Macedonia as well as its ability to contribute to peace negotiations in the future.

The High Representative Javier Solana increasingly saw that the situation was reaching a critical point. He met with the four party leaders on 29 - 30 May 2001, who assured him of their good will to continue the inter-ethnic dialogue. However, by the beginning of June the situation had become additionally complicated by the fact that rebels had entered the village of Aračinovo on the outskirts of Skopje from where they could directly shell the capital. On 5 June, five Macedonian soldiers were killed in an attack by the NLA. A new ceasefire was agreed upon on 11 June, which opened the way for President Boris Trajkovski to take the initiative and call a round table of all the main political forces in the country. However, the negotiations which were conducted on 15-20 June failed and fighting erupted again. The Macedonian security forces were preparing a major counter offensive in Aračinovo. In view of the risk of a

full scale eruption of violence, international negotiators decided to react. On 25 June 2001, they convinced the rebels (approximately 350 - 400) to withdraw from Aračinovo. NATO arranged their transport out of the village with their weapons. The disengagement of rebels from Aračinovo removed the potential threat to the capital, as the village is strategically located in very close proximity to the international airport and the only oil refinery in the country.⁴⁴⁹ However, this action was considered by ethnic Macedonians as further confirmation of the bias of the international community in dealing with the conflict. It was felt that, by negotiating with the NLA, the international community “legitimised terrorists”. Many perceived it as a “stolen victory” of the Macedonian security forces. The same evening, a large crowd of angry Macedonians gathered in front of the Parliament and the President’s Office. They demanded the resignation of the President and the Government and shouted anti-Albanian slogans. The building was stormed by the mob and many shops and other small business owned by Albanians in Skopje were destroyed. It seemed that, during the course of the night the authorities lost control of the situation.

The country found itself on the brink of civil war. The “Aračinovo crisis” illustrated that control over the course of events could have been easily lost. Combined with the “Frowick affair”, the dissemination of the MANU idea of “voluntary exchange of territories and people with Albania”, together with the failure of negotiations conducted by President Trajkovski, could have led to full scale civil war in the country. These developments represented the breaking moment in the crisis. For the first time, the EU and the US realized the gravity of the situation and decided to act since their “wait and see” strategy and their insistence that Macedonians and Albanians should assume “ownership” of the negotiations process had clearly failed. It was finally understood that the international community could no longer sit on the sidelines, urging the parties to reach a reasonable settlement by themselves.

⁴⁴⁹ This threat alarmed not only the government, which was confronted with the possibility of the rebels bombing Skopje, but also NATO since the airport served as a major gateway for KFOR supplies.

On 26 June 2001, the EU agreed to appoint Francois Leotard, former French Minister of Defence, as the EU Envoy to Macedonia. This was followed by the decision of US President Bush to appoint an US Special Envoy, Ambassador James Pardew.⁴⁵⁰ The US administration's "green light" for sending US armed forces to Macedonia opened the way for a NATO declaration of readiness to deploy a military contingent (up to 3,000 soldiers) to supervise the disarming of rebels, should it prove possible to reach a peaceful agreement. In parallel, NATO Special Envoy, Peter Feith, initiated "technical contacts" with extremists in order to negotiate a new cease fire agreement. On 1 July 2001, Max van der Stoep, who had just retired from the position of the OSCE High Commissioner on National Minorities, was appointed Special Representative of the OSCE Chairman-in-Office for Macedonia. Mr. Robert Badinter was asked to prepare a paper preparing the legal background for further negotiations.⁴⁵¹

9.2. The Beginning of Internationally-Sponsored Negotiations of the Ohrid Framework Agreement

Leotard and Pardew's arrival in Macedonia provided a new momentum to efforts aimed at peaceful settlement of the conflict. A new ceasefire agreement was concluded on 5 July 2001 and on 7 July Leotard and Pardew presented a "framework document" to the four political parties in the unity government. It was based on suggestions prepared by R. Badinter and its main elements included a cessation of hostilities, a commitment to Macedonia's territorial integrity and a reference to a number of necessary reforms regarding the position of the Albanian minority in Macedonia.

⁴⁵⁰ In Albanian eyes, NATO is virtually synonymous with the United States. Since the Alliance took the lead in the "liberation" of Kosovo, Albanians perceived US as their patron. The active involvement of the US was therefore a necessary precondition for the success of negotiations. Some argued that the diplomatic structure of the Ohrid negotiations was widely perceived as a case in which the US Envoy was responsible for convincing the Albanians while the EU Representative was tasked to negotiate with Macedonians. See also in International Crisis Group, Macedonia: a New Security Approach for NATO and the EU, ICG Report No. 135, Skopje/Brussels, 15 November 2002.

⁴⁵¹ Robert Badinter was a judge in the French Constitutional Court. He was well known in the Balkans and respected in Macedonia since in 1991-1992 he had chaired the Commission tasked to assess the legal consequences of the disintegration of the SFRY. However, the circumstances of his appointment in June 2001 were controversial. He visited Macedonia on the invitation of President Trajkovski. The visit was organised by the French Embassy but the Office of the EU Commission in Skopje seemed to be totally surprised by this move. In addition, the two Envoys, Badinter and Leotard, both of them French citizens, initially gave contradictory statements.

For the first time, international actors moved away from a position of passively “monitoring” developments and “providing advice” to parties, to direct and active engagement in negotiations and the formulation of concrete proposals. In addition, orchestrated efforts and close cooperation between the EU, US, NATO and the OSCE stood a greater chance of being accepted by all parties of the conflict. The idea was to bring together the four main political parties and their leaders, under the auspices of President Trajkovski but in the presence of international mediators, in order to negotiate an agreement ending the conflict.⁴⁵² The role of President Trajkovski was largely symbolic since the international mediators were the main driving force. They were also pro-active in tabling concrete proposals. Even though only four political parties officially participated in the negotiations, it was understood that leaders of both Albanian political parties regularly consulted the NLA, primarily its leader, Ali Ahmeti, throughout the process.⁴⁵³ Since no agreement could have been reached without the consent of the NLA, it therefore became an “invisible actor” in the negotiations.⁴⁵⁴

Discussions started in Skopje on 8 July 2001 but were soon suspended since Albanian representatives insisted on including in the framework agreement a reference to “consensual democracy” and the official bilingualism in the whole territory of the country. They also demanded the creation of the post of Albanian vice-president with veto power.⁴⁵⁵ Following consultations with the NLA, the most unrealistic demands were dropped; Albanian representatives decided to return to the table and negotiations began again on 14 July 2001.

⁴⁵² The negotiations involved leaders of two Macedonian parties, Prime Minister Ljubco Georgievski (VMRO-DPMNE) and the former Prime Minister and the President of the SDSM, Branko Crvenkovski, as well as two ethnic Albanian party representatives, Arben Xhaferi (DPA) and Ymer Ymeri (PDP).

⁴⁵³ The central role played by the rebels was not disputed by leaders of the Albanian political parties who at the same time fully realised that their political position had been seriously undermined. Against this background, they could not show any weakness in the negotiations and they hardly had any mandate to make final decisions. Therefore, the negotiations were marked with a number of interruptions, delays etc. while Albanian leaders made necessary consultations with the NLA.

⁴⁵⁴ Koppa, Maria-Eleni, *Ethnic Albanians in the Former Yugoslav Republic of Macedonia: between Nationality and Citizenship, Nationalism & Ethnic Politics*, Vol 7, No 4, Winter 2001, p. 57.

⁴⁵⁵ As a response to the framework document prepared by international mediators, the DPA presented its own document (Democratic Party of Albanians, Platform for Discussion (working document), 4 July 2001).

The agenda for negotiations was set up by the international negotiators, Pardew and Leotard, but all points had already been present for a long time in discussions on inter-ethnic issues in Macedonia. They included:

- revision of the Constitution, in particular its controversial Preamble;
- participation of minorities in decision making processes;
- the official use of the Albanian language;
- decentralisation and a new system of local self-government;
- the equitable representation of minorities in public administration, state owned enterprises, police, judiciary, army etc;
- the use of symbols and flags.

NATO, besides negotiating cease-fires, closely monitored the negotiations with a view to its future contribution, above all the possible deployment of troops. The OSCE, which had been an active international player in Macedonia for the whole decade, found itself almost completely marginalized after the “Frowick affair” and its ability to directly contribute to peace negotiations was considerably reduced.⁴⁵⁶

The framework document already set margins for discussion. Although Macedonian leaders initially objected to any changes to the Constitution, arguing that they would undermine the foundation of the state, it was understood that progress had to be made in this regard, in particular since, in the past, the Constitutional Court’s very rigid interpretation of the Constitution had blocked even relatively modest progress in meeting the demands of the Albanian community. In addition, Albanians insisted on changes being made to the Constitution, including its Preamble, as, in their opinion, the Constitution, as it stood, gave a preponderant role to ethnic Macedonians. The agreement on further decentralisation of the country and progress in the field of

⁴⁵⁶ The appointment of Max van der Stoel as Special Representative of the Chairman-in-Office to Macedonia was an attempt to save the position of the OSCE, thanks to his long record of active involvement in Macedonia. Van der Stoel participated in the negotiations both in Skopje and later on in Ohrid and, as described by Daftary, his “discrete role of facilitator and source of advice in the internationally-sponsored talks was recognized by the US and EU representatives” (Daftary, Farimah, 2001, p. 309). Nevertheless, the OSCE did not play the central role in those negotiations.

equitable representation of minorities in the public services seemed to be relatively easy to agree upon. More problematic was the question of the use of symbols and flags but consensus was eventually found. However, it soon became clear that the most controversial issues were the official use of the Albanian language and the degree of control which local councils should exercise over the police force. As a result of a total deadlock, negotiations were suspended on 18 July.

Albanian leaders insisted that their mother tongue should become the second official language in the country, equal in status to Macedonian. This was totally unacceptable to the Macedonian side. The problem was that ethnic Macedonians saw the recognition of Albanian as an official language as a threat to their national identity, believing this “linguistic federalisation” to be the first step leading to a federalisation of the country. In their opinion, it would also undermine a basic principle of the framework agreement: namely, that the unitary status of the country should be maintained.⁴⁵⁷ In addition, the introduction of bilingualism in the whole territory of the country would also have far reaching consequences in the field of higher education, especially as far as the creation of an Albanian language University was concerned.

As far as the issue of local authority control over the police was concerned, it was understood that, once the new system of local self-government had been established, municipalities would obtain relatively wide competencies in many fields. The disagreement concerned the scope of these competencies, especially in such a sensitive field as policing. The Albanian parties insisted that these competencies should include authority over the management of the police, effectively leading to the establishment of local police units under the jurisdiction and management of local authorities. The Macedonian parties strongly opposed such an idea, using a similar argument to the one which had been employed in the case of the recognition of Albanian as an official language, i.e. the need for the maintenance of the unitary

⁴⁵⁷ Latifi, Veton & Popetrevski, Vasko, *The Ohrid Framework Agreement Negotiations, The 2001 Conflict in FYROM – Reflections*, Conflict Studies Research Centre, June 2004.

character of state. They argued that the country needed a centralised police force and that the Albanian proposal could lead to the creation of ethnically divided police forces with negative consequences for the stability of the country.

Both sides, but especially the Albanians, used military pressure to get the necessary political concessions. When negotiations stalled, violence resumed, in particular since both the NLA and the Macedonian security forces had taken advantage of the 5 July 2001 ceasefire to stock up on supplies and reinforcements.⁴⁵⁸ The situation escalated on 22 and 23 July when fighting erupted in the streets of Tetovo and the NLA attacked a number of villages to the north of the city leading to a new wave of massive displacements, this time mainly of ethnic Macedonians. Prime Minister Georgievski decided to score political points and to fully exploit the situation. In an open letter, he demanded that President Trajkovski takes strong military action against rebels. He was supported by displaced Macedonians from the Tetovo area who protested in front of the Parliament and the Presidential Office. Many believed that if the international community did not stand in the way, the security forces would be able to regain full control of the territory of the country. The reality was different and in fact the military option stood little chance of success. Neither side was strong enough to destroy the other. The anti-western sentiment was reflected on 24 July when an angry mob attacked *inter alia* the Embassies of the US, the UK and Germany as well as some international organisations. On 25 July, the headline in a pro-Government daily, Nova Makedonija, stated: “NATO is the Friend of Our Enemy.”⁴⁵⁹ This only added more oil to the fire. It was clear that some radicals in the VMRO DPMNE wanted to show the electorate that, were an unpopular peace deal to be signed, it was not their doing. Prime Minister Georgievski fully realized that his party had little chance of staying in power after the next parliamentary elections and tried to score some points using a nationalistic agenda. The main contender, the SDSM, was presented by the VMRO DPMNE controlled media as a “soft party” which was trying to prevent the Prime Minister from solving problems by military means.

⁴⁵⁸ International Crisis Group: Macedonia - Still Sliding, ICG Balkans Briefing, Brussels/Skopje, 27 July 2001, p. 7.

⁴⁵⁹ Nova Makedonija, 25 July 2001.

9.3. Negotiations in Ohrid (July-August 2001)

NATO mediators were forced to become directly engaged again following a further escalation of the conflict on 22 - 25 July 2001. A new ceasefire was announced on 26 July. The NLA agreed to withdraw from the occupied villages north of Tetovo, while the Government promised that the army would exercise restraint. On 26 - 27 July, the NATO Secretary General, Lord Robertson, and the EU High Representative, Javier Solana, visited Skopje in order to ensure resumption of the stalled negotiations. In order to avoid public pressure on both sides and to make talks more productive, it was decided to move negotiations out of Skopje. Therefore, on 28 July negotiations were resumed in a Presidential villa near the city of Ohrid in the south-west of the country.⁴⁶⁰ However, talks in Ohrid were not typical negotiations as such. None of the leaders and mediators spent days and nights behind closed doors in long hours of talks. Instead, more intimate consultations took place in smaller or larger groups and they were frequent interrupted. All political leaders frequently departed to Skopje or Tetovo for further consultations etc.

International mediators and their experts had to be creative in putting new proposals on the table. The deadlock on the language issue was broken on 1 August by using a new, complex formula. The Albanians eventually accepted some concessions in this field and agreed that the Macedonian language would be the official language in the Republic of Macedonia, in particular in the international relations of the country. At the same time, it was agreed that any other language spoken by at least 20% of the population (which in fact meant only the Albanian language) would also be considered an official language and could be used in strictly defined situations.⁴⁶¹

This agreement was considered a major step forward in the dialogue. However, the deadlock on the question of the degree of control by local councils over the police force continued. Finally, on 5 August the EU High Representative Solana came to

⁴⁶⁰ Initially, Tetovo was discussed as a venue for negotiations in order to demonstrate that it was a safe place and a symbol of coexistence between different ethnic groups. Paradoxically, security concerns made negotiations in Tetovo impossible.

⁴⁶¹ On details see Chapter 10.

Macedonia again with a view to giving the process of negotiations a final push. An agreement was reached that same evening. Albanians were eventually persuaded to drop their most radical demands such as that the ethnic composition of the police in any municipality mirror the ethnic composition of that municipality. It was agreed that the chief of local police would be chosen by the local council from a shortlist provided by the Minister of Interior.

As a result of the agreement reached on the two most controversial issues, a final agreement was close. The remaining open questions concerned the procedures and deadlines by which the Constitution and major laws should be amended. Finally, it was agreed that disarmament and parliamentary debate should be conducted simultaneously.

Unfortunately, security developments again affected the process. On 7 August, the special unit of the Ministry of Interior conducted an operation in a Skopje suburb as a result of which five Albanians were killed. The police claimed that all of them were members of elite NLA terrorist units. However, the exact circumstances of the incident were unclear and it was believed that it was provoked by radicals in order to jeopardise the negotiations in Ohrid. Indeed, it put the signing of the agreement in question, in particular since, as anticipated, Albanians subsequently conducted a revenge operation. The next day ten Macedonian soldiers were killed in an ambush on the Skopje-Tetovo road. Responsibility for this attack was claimed by the Albanian National Army (ANA).⁴⁶² The atmosphere in Ohrid became very tense. Breaking the negotiations at this stage would inevitably lead to an increase of tensions, new incidents and a further escalation of the conflict. Finally, on 8 August the international mediators almost forced both sides to initial the agreement. The signing ceremony was scheduled for 13 August in Skopje with the presence of international officials. Although the tensions eased as a result of initialling the text, serious concerns

⁴⁶² Little was known about the ANA - it communicated with the wider public exclusively through statements sent to the media. It was believed that the ANA consisted of a few former NLA fighters who disagreed with the peace deal. Others claimed that the ANA was as a matter of fact created by the NLA in order to keep military pressure on the Government and ethnic Macedonians. Where the NLA could not be used from tactical reasons, responsibility for the action would be taken by the ANA.

remained, especially when on 10 August eight members of the Macedonian security forces were killed and another eight injured when their vehicle drove over an anti-tank mine near the village of Ljuboten, close to Skopje. As a reprisal, the Minister of Interior ordered security forces to seal off the village of Ljuboten. On 12 August, a house-to-house search for alleged “UCK terrorists” started. Ten Albanians, most probably all of them civilians, were killed and more than hundred arrested and later on severely beaten by police. Many civilian buildings were burned.⁴⁶³ This operation was purely a show of strength and obviously served the purpose of obstructing a political settlement of the conflict.⁴⁶⁴ In addition, five Macedonian highway workers were abducted and terrorised for a couple of hours. As a result of this series of incidents, the political agreement was cast into doubt. The pressure by some Macedonian media to respond with military action was growing. Fortunately, the political leaders fully realised what the consequences of a failure of the talks could mean. Pressure exercised by international mediators was an additional factor. Finally, the Framework Agreement (frequently referred to as the Ohrid Framework Agreement, OFA) was signed on 13 August 2001 in President’s Trajkovski Residence in Skopje. Besides President Trajkovski, it was signed by four party leaders, Ljubco Georgievski, Branko Crvenkovski, Arben Xhaferi and Ymer Ymeri, as well as international representatives, James Pardew (US) and Francois Leotard (EU). EU High Representative, Javier Solana, NATO Secretary General, George Robertson, OSCE Chairman-in-Office, Mircea Geoana and his Special Representative, Max van der Stoel were also present. The event had a surprisingly low profile and was not even broadcasted live on TV. The VMRO DPMNE continued to act as if the Agreement was an imposed solution and as if the country had been forced into too many concessions by the intervention of the international community. It did not help the stabilisation of the situation in the country and the general public’s attitude to the OFA.

⁴⁶³ On more info see in: US Department of State, Bureau of Democracy, Human Rights and Labor, Macedonia, The Former Yugoslav Republic of, Country Reports on Human Rights Practices - 2001, 4 March 2002. For Ljuboten action Minister Boskovski has been indicted by the ICTY.

⁴⁶⁴ Brunnbauer, Ulf, The Implementation of the Ohrid Framework Agreement: Ethnic Macedonian Resentments, Center for the Study of Balkan Societies and Cultures (CSBSC), University of Graz, Austria, Journal on Ethnopolitics and Minority Issues in Europe, Issue 1/2002, p. 4.

The conflict caused many human and material losses. Official statistics show that between January and August 2001, 58 members of the Macedonian security forces were killed and 269 wounded. In addition, 10 civilians were killed and 75 injured in attacks organised by the NLA.⁴⁶⁵ The number of killed and wounded among Albanians was not covered by official statistics and it was anyway difficult to establish, especially as far as the number of killed rebels was concerned. Macedonian security forces often claimed that killed Albanians were “terrorists, members of the UÇK” while Albanians insisted that they were in actual fact civilians. At least 12 ethnic Macedonians and 6 ethnic Albanians disappeared during the conflict. All of them were civilians and are believed to have been kidnapped and later on executed. Hundreds of houses were destroyed and the movement of population acquired the character of ethnic cleansing - the UNHCR registered 170,000 refugees and IDPs, more than 8% of the total population. Both sides occasionally targeted and destroyed religious buildings. Nevertheless, these figures are significantly lower than in the case of previous Balkan wars and certainly minimal in comparison with what could have happened had civil war erupted in Macedonia.

9.4. The Issue of Albanian Language Higher Education in the Negotiations of the Ohrid Framework Agreement

When the violence erupted in Macedonia in February 2001, some voices maintained that Albanian demands regarding access to higher education in the mother tongue were among the main causes of the conflict. They argued that as a result of the non-recognition of the UT, ethnic Albanians were galvanized around demands for constitutional reform, including full bilingualism.⁴⁶⁶ This perception had been strengthened by the fact that fighting had spilled-over to the Tetovo region immediately after a demonstration in support of the UT, organised by its leadership. There were few doubts that it was a well orchestrated and planned action, in particular

⁴⁶⁵ Official Statistics of the Macedonian Ministry of Interior after Matveeva, Anna & Hiscock, Duncan & Paes, Wolf-Christian & Risser, Hans, 2003, p. 13.

⁴⁶⁶ See for example: Chernenkoff, Sidney & Fajfer, Lubov & Gomez, Joel & Van Fleet, James A., Macedonia: Assistance to Higher, Minority and Bilingual Education, Site Visit Final Report, Report Prepared for the Global Bureau, Human Capacity Development Center, US Agency for International Development, Washington D.C., June 2000, p. 11; Buechsenschuetz, Ulrich, The Tetovo University Question Returns, RFE/RL Balkan Report, 14 July 2003; Schneckener, Ulrich, 2003.

bearing in mind the fact that the Rector of the UT, Fadil Sulejmani, one of the most vocal supporters of the NLA, had declared on a number of occasions that he was proud that students of the UT were among the fighters. In addition, some NLA commanders were associated with the UT.

However, even though the question of Albanian language higher education occupied a high place among inter-ethnic issues in the country and was often a source of tensions, it was far from being the main element on the political agenda of the rebels in spring 2001. When Ambassador Frowick negotiated with the leaders of Albanian parties in Macedonia on the terms of the so-called Prizren Declaration, he suggested that education, in particular improved access of Albanians to higher education, should become part of the “agenda for reforms”. He saw the central role the SEE University would play and expressed the hope of finding a way to “enmesh the faculty and students of the Tetovo University.”⁴⁶⁷ He apparently undertook some initiatives in this direction, but again he did it “his own way” without any consultations with the parties concerned, in particular with the founders of the SEEU. However, the Prizren Declaration, signed on 22 May 2001, did not include the issue of education among its demands for reforms to be addressed in a dialogue with the authorities. In addition, this problem never became a serious issue in negotiations in Skopje and Ohrid. Nevertheless, it was reported that the relationship between the DPA and the NLA was strained, especially at the beginning, since, among other things, the latter complained of the DPA’s compromise on the issue of the new Albanian language university in Tetovo.⁴⁶⁸ Even if this were the case, a more pragmatic approach dominated the agenda of the political negotiations in summer 2001. In fact, the issue of Albanian language higher education played a marginal role in the negotiations. At that time some progress had been already achieved and the SEEU was already being implemented. Undoubtedly this worked very much to the benefit of the talks as, had this not been the case, the whole issue might have become yet another stumbling block in negotiations.

⁴⁶⁷ Letter from the Personal Representative of the OSCE Chairman-in-Office, Ambassador Robert Frowick to Veton Surroi, 21 May 2001, p. 2.

⁴⁶⁸ Balalovska, Kristina & Silj, Alessandro & Zucconi, Mario, 2002, p. 20.

There were some attempts to re-address this issue at a later stage. When at the beginning of July 2001 the DPA presented its platform for discussion in response to a draft framework document prepared by the international mediators, the issue of access to higher education in the mother tongue was linked with the recognition of Albanian as the second official language of the state. The DPA insisted that the formula envisaging that “university level education in both of the primary languages of Macedonia shall be publicly funded” should be included in the agreement. In addition, they stressed that Article 44 of the Constitution should envisage “a right to education at all levels in one of the two official languages at the state level and at the local level where 20% or more of the population is of the non-majority nationality” and that “university level education in both of the official languages of Macedonia shall be publicly funded”. It was also proposed to remove from the Constitution the notorious Article 48 para 4 since in the past this provision was used by the Constitutional Court in order to block any progress in the demand for greater access of Albanians to higher education in their mother tongue. As a completely new element, Albanians were in favour of providing bilingual education “in order to integrate all citizens of Macedonia.”⁴⁶⁹ As the discussion on the official use of Albanian language in the whole territory of the country developed, it was clear that the provisions regarding higher education in the context of official bilingualism stood no chance of success. The same applied to the PDP proposal, which continued to argue in favour of the full recognition of Tetovo University as the third state University in the country.

As a way out, international mediators proposed a provision stipulating that in higher education autonomous and private universities might be created and might choose the language of instruction, while, university authorities would define modalities for using languages other than Macedonian in State universities. It also stated that partial public funding of private universities might be provided on the basis of specific agreements. This provision made reference to the language of the new Law on Higher Education which was adopted one year earlier. However, it fell short of Albanian demands. They

⁴⁶⁹ Democratic Party of Albanians, Platform for Discussion (working document), 4 July 2001.

rightly doubted that existing State universities and their leadership would be willing to move on the issue of the use of the Albanian language. On the other hand, this formula was already too liberal for Macedonians. The proposal was therefore dropped.

Only during the final days of negotiations in Ohrid, was the issue of access to higher education re-addressed as Albanian parties openly clashed over detailed stipulations in the agreement. While the PDP continued to push for the recognition and public funding of the UT, the DPA remained loyal to the SEEU, proposing its phased public funding. It was clear that the DPA leadership wanted over time to transform the private SEE University into a fully financed state university.

Finally, the question of education was mentioned in point six of the Agreement, together with the use of languages. Besides confirming constitutional provisions regarding the use of students' native languages in primary and secondary schools (point 6.1.) and confirming the principle of positive discrimination (quota system) of candidates for University education belonging to communities not in the majority in the population (point 6.3.), it stipulated, in very general terms, that:

“State funding will be provided for university level education in languages spoken by at least 20% of the population of Macedonia, on the basis of specific agreements” (point 6.2.).

In practical terms it left the question of possible public funding unresolved. In addition, the final paragraph of Annex C to the Agreement (Implementation and Confidence Building Measures) stated that “the parties invited the international community to provide assistance for the implementation of the Framework Agreement in the area of higher education.”

Despite the fact that for a long time the question of access to higher education in the mother tongue was a main source of tension in Macedonia, it did not occupy a central role in the Ohrid negotiations. In addition, in this regard Albanian leaders seemed to be much more co-operative in eventually dropping their demands. Firstly, their negotiating position was weakened as a result of their conflicting interests and a lack

of a coordinated position and strategy. Secondly, they understood that a lot had already been achieved and that there was little chance that all of the demands for the recognition of the UT would be met.⁴⁷⁰ Albanians also believed that with the changes to the Constitution, further steps would be possible at a later stage since the Constitutional Court would no longer be in a position to block progress in this respect.

9.5. Conclusions

The 2001 conflict in Macedonia took many by surprise. However, there had been signals earlier on that should have caused alarm. No doubt many warnings were ignored, overlooked or simply underestimated by local stakeholders and the international community. These warnings included *inter alia* fragile inter-ethnic relations, growing demands by Albanians and their radicalisation, reports on increased arms smuggling and, last but not least, the influence of the Kosovo factor. In future, therefore, it would be desirable to establish reliable early warning indicators which could help in determining the need, timing and scale of the possible intervention. Blaming “Kosovo terrorists” for bringing the war to the Macedonian territory, as argued by the Macedonian authorities, was a too simplistic explanation of the roots of the conflict. Domestic factors should not be underestimated as the conflict was also provoked by an inadequate response by the Macedonian side to the political demands of the Albanian community.

While the incident in Tanuševeci spiralled out of control, setting in motion a wave of further actions by Albanians rebels and responses by the Macedonian security forces, the action seemed to be planned and relatively well prepared. The true motives were not that clear. Albanians claimed that they were fighting for the protection of the Albanian population and their rights. The NLA leader, Ali Ahmeti described the 2001 crisis as “the armed conflict between the Albanians that fought for changing the Constitution of the Republic of Macedonia and to reach the equality in their country, and those forces that were protecting the Constitution which was defining Macedonia

⁴⁷⁰ The symbolism of the UT made any concessions in Ohrid negotiations in this regard almost impossible to swallow for Macedonian partners, especially when they were accused of already “giving” too much to Albanians.

as an exclusive state of Macedonians, while ignoring the multiethnic reality.”⁴⁷¹ This view reflects the opinion shared by many Albanians. Up until today, ethnic Macedonians speak about the conflict as an attempt to undermine the sovereignty and territorial integrity of the country, conducted by forces with strong Kosovo roots, with the ultimate goal of building a “Greater Albania”. It seems impossible to reconcile the positions of both parties regarding the nature of the conflict. However, it is more important that eventually both sides, with the assistance of international mediators, were prepared to reach an agreement to end the conflict at the negotiating table.

The question should be raised whether the international community had shown itself as having learnt its lessons from previous conflicts by acting in timely manner and in a unified way, and whether, at an early stage, everything possible had been done in order to prevent an outbreak of violence. As already mentioned, many indicators of the conflict potential had been overlooked. In addition, when the violence erupted the international community could have reacted much earlier, in particular since the previous bitter experience from the Balkans showed that without external involvement it would be virtually impossible to reach any compromise. The protracted hesitation of the international community was a very risky strategy and it could have been very damaging. Already in early spring of 2001, local stakeholders, especially ethnic Albanians, would have welcomed more active engagement from the international community, and one not limited to verbal declarations. The strategy of monitoring the situation and insisting that local politicians should be able to achieve a compromise themselves proved to be a mistake. Certain political and economic tools of conflict prevention used by the international community while the conflict was escalating, such as providing technical experts, accelerating the signing of the EU Stabilisation and Association Agreement, increasing financial assistance or promoting the creation of the Government of National Unity, were simply not enough and were no substitute for active diplomatic engagement. In practical terms, it was only at the end of June that the EU and the US finally became alarmed about the new armed conflict

⁴⁷¹ Speech on the Occasion of the Second Anniversary of the Signing the Ohrid Agreement, Fakti, 14 August 2003.

developing in Macedonia and its possible negative repercussions for the whole Balkans. By that time it became obvious that the parties themselves would not be able to reach any agreement without external assistance. Therefore, the international community was practically forced to move from its policy of passively monitoring the situation, through eventual facilitation of negotiations under local auspices to proactive mediation and even putting on the table concrete proposals for consensus, prepared by international experts.

The international community also failed in terms of the wider aspects of conflict prevention in Macedonia. Not enough was done to provide professional training and support programs for the Macedonian security forces, to reduce the proliferation of weapons and the flow of people through the region. More should have been done as far as the illegal funding of guerrilla movements in Macedonia and in the region were concerned. Wider international action was lacking to combat cross-border criminal links. Not all avenues for addressing the grass-roots of the conflict were explored and not enough was done to build trust and tolerance between various communities through a variety of programmes especially in the field of education.

Nevertheless, the international community played a positive role in the Macedonian crisis and its mediation had a decisive impact on brokering inter-ethnic negotiations which led to the signing of the Ohrid Framework Agreement. Without a doubt, the international diplomatic offensive and the Ohrid Framework Agreement prevented the escalation of the conflict into a civil war. The year 2001 also marked a complete change in the conflict prevention strategy of the international community, both as far as the intensity of its involvement was concerned, as well as in terms of the mechanisms and instruments it applied. While, as already mentioned in Chapter 7, up until 2001 the activities of the international community had mostly focused on early preventive tools (e.g. quiet diplomacy, capacity building, humanitarian and economic assistance) and structural prevention, after the 2001 conflict, the international community was virtually forced to enter operational prevention becoming preoccupied with containing the possible expansion of conflict into full scale violence and applying

such diplomatic and military instruments like mediation, good offices or preventive deployment of troops.⁴⁷²

At the same time, one could ask why the involvement of the international community was needed at all? Why could Macedonian politicians not deal with those issues themselves? Richard Holbrooke has pointed out that leaders from the region "needed outside supervision to stop themselves from self-destruction."⁴⁷³ This might be a partially unfair statement, but, as a matter of fact, the Macedonian Government ignored for a long time the need to address existing problems and did not consider the country's inter-ethnic relations to be a legitimate subject of international concern. At the same time, representatives of minorities, above all ethnic Albanians, sought external mediation as a result of their lack of trust in any initiatives suggested by authorities.

Coordination among the main international actors was the key to success. The advantage of the EU was that in the wider context of European integration, through the combined efforts of the High Representative for CFSP Javier Solana and the European Commission, represented by Chris Patten, it could apply a policy of sticks and carrots which led to a successful outcome. However, the EU fully realised that this could not be achieved without the direct engagement of the US, especially since the American administration enjoyed significant leverage on the ethnic Albanians. In addition, NATO and the OSCE played supplementary roles focusing on their strength and specialities. There was a real danger that the sudden involvement of so many international actors in the situation, some of whom had previously remained passive and had had little direct experience, would lead to confusion and disagreement about the distribution of roles. However, as noted by the International Crisis Group, the policy consensus among EU member states, the US and NATO contrasted favourably with the often bitter divisions that marked international efforts over Bosnia and, to a

⁴⁷² Although NATO operation "Essential Harvest", which was already agreed upon during Ohrid negotiations, had a primary task of collecting arms from Albanian rebels, it was understood that it would also have a mitigating role of preventing the resumption of violence.

⁴⁷³ Holbrooke, Richard, *To End a War*, Random House, New York, 1999, p. 115.

lesser extent, over Kosovo.⁴⁷⁴ The success achieved in Ohrid was possible due to the fact that the various international players not only succeeded in agreeing on a concept for solution, but also worked hand in hand with others and these orchestrated efforts helped to prevent the worst - civil war. It represents a positive example of conflict prevention activities and demonstrates that the international community is capable of addressing conflict situations and contributing to the stabilisation of a country.

In the Macedonian case, the EU was virtually forced to test its capacities in the area of conflict prevention practically for the first time. Javier Solana even admitted that its involvement in Macedonia and the setting in motion of negotiations for the Framework Agreement was “the biggest test yet of our capabilities for preventive diplomacy.”⁴⁷⁵ The US abandoned its policy of withdrawing from the region and leaving the entire responsibility with the EU. While initially NATO hesitated to get militarily engaged, it was eventually willing to send in troops after agreement was reached between the parties. The above-mentioned level of involvement was mainly due to the realisation that agreement on the domestic Macedonian agenda had become an inevitable condition for the stabilisation of the entire region, as failure could *inter alia* stand in the way of a final solution to the Kosovo conflict.

The agenda for negotiations in Ohrid was not a surprise to anyone. The same issues had been put forward by the Albanian side for quite some time. Many of them could have been resolved much earlier had the Macedonian authorities shown more good will. However, the issue of access of minorities to higher education in their mother tongue was hardly addressed in the negotiations in Ohrid, despite the fact that it had occupied a prominent place among Albanian demands for a whole decade. On the one hand, it seems that parties engaged in negotiations recognised the progress that had been made. On the other hand, Albanians hoped that with changes to the Constitution and the official recognition of the Albanian language, it would be possible in the future to move on the issue of the use of the Albanian language in state institutions of

⁴⁷⁴ International Crisis Group Balkans Briefing, 27 July 2001.

⁴⁷⁵ Balalovska, Kristina & Silj, Alessandro & Zucconi, Mario, 2002, p. 96.

higher education. Thanks to this approach, an important potential stumbling block was overcome, indirectly contributing to the success of negotiations. It could be argued that the 2001 conflict did not in fact directly relate to educational issues, in particular to the issue of access of Albanians to higher education in their mother tongue.

There is also no doubt that the 2001 conflict and the OFA have left behind a bitter legacy. Firstly, old wounds were reopened and rifts between the two main communities of the country were deepened. Ethnic Macedonians were left with a feeling of having been betrayed by the international community. They were bitter about the fact that when Macedonia was used as an operational base for the NATO operation in Kosovo in 1999, the country was assured of the full support of the international community. Many saw a striking contrast between the initial condemnation of rebels, labelled by western leaders as “terrorists”, and the subsequent official negotiation which took place with them, including the concessions which they were eventually granted. Many ethnic Macedonians felt that they had been defeated, unjustly treated and disgraced and that the Ohrid Framework Agreement had been unfairly imposed on them as a result of the international community’s bias towards the Albanians.⁴⁷⁶ No doubt the international community failed to address this perception and not enough was done in the field of public diplomacy. This hampered its efforts to be perceived as a fully impartial mediator and later on it significantly complicated efforts, aimed at full implementation of the Agreement. However, the OFA was a compromise which left neither side totally satisfied. In general, the changes to the Constitution and several important pieces of legislation led to considerable shifts in the power structure of Macedonia in favour of the Albanians. Without these changes, Macedonia would inevitably have slipped into full scale war. At the same time, not all of the original Albanian demands were eventually incorporated in the Agreement, which first and foremost maintained the unitary character of the state.⁴⁷⁷

⁴⁷⁶ Part of the problem was that among ethnic Macedonians the dominant view was that Macedonians should “give” rights to Albanians and that Albanians want to “take” something from Macedonians.

⁴⁷⁷ Asked whether he regretted the signing of the OFA, the former president of the PDP Ymer Ymeri stated that “the only regret is the lack of opportunity to continue the negotiations in few more days in order to complete them, since in our agenda, we had much more to add and to discuss”. He obviously implied that

There are a few reasons for optimism. A recent UNDP survey showed that the number of Albanians who identify themselves with Macedonia has grown since the Ohrid Framework Agreement was signed, from 17% in 2001 to more than 80% in 2006.⁴⁷⁸ Obviously ethnic Macedonians are still less optimistic about the country's inter-ethnic relations and the Agreement but they also increasingly see positive aspects of the OFA and are at least less hostile to the Agreement which had earlier been seen as "a fatal concession to terrorism". The once loud calls for Ohrid to be revised or abolished have now faded. At the reception on the fifth anniversary of the signing of the OFA, President Crvenkovski said: "I often hear the thesis that the Ohrid Framework Agreement was imposed from the outside, by the international community. Even if this was the case, then I am certain that if the international community had reacted in time, there would not have been bloodshed in Bosnia, Croatia or Kosovo, nor there would be so many still unresolved conflict and crisis areas throughout the world."⁴⁷⁹ Today the Ohrid Framework Agreement is, together with the EU perspective, increasingly recognised as an important factor contributing to the stabilisation of the country. It ought not to be forgotten that in a relatively short period of time, Macedonia has come a long way from being a country facing almost imminent civil war to becoming a candidate for membership of the EU and NATO.

Albanians could achieve even more should negotiations and conflict continue (Source: Lajm, 19 August 2006).

⁴⁷⁸ Causidis, Tamara, Nationalist Politicians Keep Playing with Fire, BIRN Bulletin (Balkan Insight), Skopje, 3 August 2006.

⁴⁷⁹ Dnevnik, 18 August 2006.

Chapter 10: The Ohrid Framework Agreement and its Implementation

10.1. Main Elements of the Agreement

The main elements of the Agreement consisted of changes to power sharing arrangements to be achieved by increasing the rights of minority communities in decision making, the recognition of Albanian as an official language of the country (in strictly defined situations), the allocation of special rights to other community languages at a local level, the introduction of mechanisms contributing to the equitable representation of minorities in the public sector, increased decentralisation and the building of a modern system of local self-government. The Agreement is composed of a core part identifying its basic principles and three Annexes concerning A) Constitutional Amendments, B) Legislative Modifications and C) Implementation and Confidence-Building Measures, in particular the role envisaged for the international community.

The OFA confirmed Macedonia's sovereignty and territorial integrity as well as the multi-ethnic but, at the same time, unitary character of the state (para 1.2 and 1.3).⁴⁸⁰ The Agreement foresaw a complete cessation of hostilities as well as voluntary disarmament and the disbandment of rebels (para 2.1).

As far as key reforms in the country were concerned, it stressed that a package of various laws regarding decentralisation, in particular a revised Law on Local Self-Government, would be adopted that would reinforce the powers of elected local officials and enlarge substantially their competencies (para 3.1). The process of decentralisation should be accompanied by the revision of boundaries of municipalities, to be conducted following the new census of population (para 3.2). In addition, it was decided that the Law on Local Self-Government, as well as Constitutional amendments concerning the change of the Preamble and any provision relating to the rights of members of communities, could not be approved without a

⁴⁸⁰ Although the question of the introduction of federalism was not discussed in Ohrid, it continued to be on the list of demands of some Albanian parties and their leaders, despite the widely shared opinion that it would have marked the beginning of a process of disintegration of Macedonia.

qualified majority of two-thirds of the votes, within which there would have to be a majority of the votes of Representatives declaring themselves as belonging to communities not in the majority in the population of Macedonia (para 5.1). Para 5.2 and Annex A of the OFA (Article 69 para 2 of the Constitution) envisaged that, with regard to laws that directly affect culture, use of language, education, personal documentation, and use of symbols, as well as laws on local finances, local elections, the city of Skopje, and boundaries of municipalities, the Assembly would make decisions by a majority vote of the Representatives attending, within which there must be the majority of Representatives declaring themselves to be members of those communities not in the majority in the population of Macedonia. In the event of a dispute within the Assembly regarding the application of this provision, the Committee on Inter-Community Relations shall resolve the dispute.⁴⁸¹ This formula of the so-called “Badinter majority” became the key element of the new power sharing mechanism in the country. Against this background, it could be argued that the OFA introduced elements of consensual democracy, a long standing demand of ethnic Albanians in Macedonia.

The OFA adopted the principle of Non-Discrimination and Equitable Representation, in particular with respect to employment in public administration and public enterprises, and access to public financing for business development (para 4.1). This provision was eventually incorporated in Article 8 of the Macedonian Constitution. The OFA obliged the authorities to take action to correct existing imbalances in the composition of the public administration, in particular through the recruitment of members of under-represented communities (para 4.2). Special attention was also given to the police service with a view to ensuring that it would better reflect the composition and distribution of the population of Macedonia. In addition, it was agreed that local heads of police would be selected by municipal councils from lists of

⁴⁸¹ According to Article 78, para 2 of the Constitution, the Committee on Inter-Community Relations consists of seven members, each from the ranks of the Macedonians and Albanians within the Assembly, and five members from among the Turks, Vlachs, Roma and two other communities. The five members each shall be from a different community; if fewer than five other communities are represented in the Assembly, the Public Attorney, after consultation with relevant community leaders, shall propose the remaining members from outside the Assembly.

candidates proposed by the Ministry of Interior, and that they would communicate regularly with the councils (para 3.3). In order to enhance ethnic representation in the Constitutional Court, one third of its judges (three out of nine) should be chosen by the Assembly by a majority of the total number of Representatives that includes the majority of the total number of Representatives declaring themselves as belonging to communities not in the majority in the population of Macedonia. This procedure also applied to the election of the Ombudsman, three members of the Judicial Council (para 4.3) and the Public Attorney (Article 77, para 1 of the amended Constitution). Article 86 of the Constitution, as amended by the OFA, stipulated that the Security Council of the Republic of Macedonia is composed of the President of the Republic (who chairs its work), the President of the Assembly, the Prime Minister, the Ministers heading the bodies of state administration in the fields of security, defence and foreign affairs and three members, appointed by the President of the Republic. In appointing the three members, the President shall ensure that the Security Council as a whole equitably reflects the composition of the population of Macedonia. It was therefore understood that if none of the above-mentioned officials belonged to communities not in the majority, as has been the case so far, those three seats should be filled by two Albanians and one representative of smaller communities.

As already pointed out in Chapter 9, the field of education occupied a rather marginal place in the OFA and related provisions were included in para 6.1 - 6.3 of the Agreement. Para 6.4 to 6.8, concerning the use of languages, were considered the most controversial at the time of negotiations in Ohrid. This was reflected by the rather complex formula which was eventually found and which from the very beginning led to a number of disputes regarding its interpretation and effective implementation. First of all, it stipulated that the official language throughout Macedonia and in the international relations of the country is the Macedonian language (para 6.4). However, the next para noted that any other language spoken by at least 20% of the population is also considered an official language, as envisaged by the Agreement. Obviously this condition was only fulfilled by the Albanian language. It was agreed that any person living within a specified unit of local self-government in

which at least 20% of the population speaks an official language other than Macedonian, may use that official language to communicate with the regional office of the central government with responsibility for that municipality; the regional office would reply in that language in addition to Macedonian. In addition, any person may use any official language to communicate with a main office of the central government, which would reply in that language in addition to Macedonian (para 6.5). As far as the use of languages in local self-government is concerned, the formula which was eventually found was even more liberal: para 6.6 stipulated that in municipalities where a community comprises at least 20% of the population of the municipality, the language of that community would be used as an official language in addition to Macedonian.⁴⁸² The OFA also opened up the possibility of using other minority languages at the municipality level, even if the language concerned was spoken by less than 20% of the population of the municipality. It authorised local authorities to decide for themselves in this regard. In addition, it was agreed that any official personal documents of citizens speaking an official language other than Macedonian would also be issued in that language, in addition to the Macedonian language, in accordance with the law (para 6.8). No changes were made as far as the question of the use of minority languages in criminal and civil judicial proceedings was concerned, as these were decided to be considered “in accordance with relevant Council of Europe documents” (para 6.7). As stipulated by Annex A of the Agreement, the above-mentioned language provisions were directly incorporated into Article 7 of the Macedonian Constitution. In addition, the OFA envisaged that Albanian MPs should be entitled to address plenary sessions and working bodies of the Assembly in their mother tongue.

Annex A of the OFA provided a number of Constitutional amendments to be adopted, to reflect the line applied in the core text of the Agreement. Article 8.1 stipulated that those amendments attached in Annex A would be presented to the Assembly

⁴⁸² Today this applies to 16 municipalities where the Albanian language may be used, two municipalities with more than 20% of Turks and one municipality with a sufficient percentage of Roma.

immediately and that the parties would take all measures necessary to assure adoption of these amendments within 45 days of signature of the OFA.⁴⁸³

Annex B of the OFA included the list of laws that should be changed as a result of the adoption of the OFA and amendments to the Constitution, as well as deadlines by which those laws should be adopted or amended. It also described general outlines of what should be included in the texts of those laws. This list included, first of all, laws related to decentralisation (Law on Local Self-Government, Law on Local Finances and Law on Municipal Boundaries), increased representation and participation of communities in public life (Laws on Police, the Civil Service and Public Administration and on the Public Attorney), the use of languages (described in general terms as “the new legislation regulating the use of languages in the organs of the Republic of Macedonia”), the new Rules of the Assembly, as well as the Law on Electoral Districts which should take into account the results of the census and the principles set forth in the Law on the Election of Members of Parliament of the Republic of Macedonia.

Annex C of the OFA on Implementation and Confidence-Building Measures not only confirmed the role played by the international community in the country, but it actually extended it and called upon various actors to act as guarantors of the Agreement and the process of its implementation. Indeed the core text of the OFA in its para 8.3 invited the international community to convene at the earliest possible time a meeting of international donors to discuss ways to address macro-financial assistance to the country and support for the financing of measures to be undertaken

⁴⁸³ The most disputed part of Annex A was that concerned with amendments to the Preamble of the Constitution. In many countries, it has mostly symbolic value but to a certain extent it also reflects the character of the state and obviously might have an impact on the way other provisions of the Constitution are implemented. The Preamble of the 1991 Constitution of the Republic of Macedonia was criticised by Albanians as promoting the mono-ethnic and national instead of the civil concept of state. Against this background, its new text led to a number of disputes between the parties in negotiations conducted in Ohrid. Finally, a rather neutral text was agreed upon which made a number of historic references and described the Republic of Macedonia as “an independent, sovereign state ... guaranteeing human rights and civil liberties, providing peace and coexistence, social justice, economic well-being and prosperity in the life of the individual and the community”. Contrary to the text of the 1991 Constitution, it did not include any references to the Macedonian people or any other ethnic groups.

for the purpose of implementing the OFA. Annex C constituted an invitation by the signatory Parties to the international community “to facilitate, monitor and assist in the implementation of the provisions of the Framework Agreement and its Annexes” while adding that such efforts “be coordinated by the EU in cooperation with the Stabilization and Association Council” (para 1.1). The very first sentence of the OFA stressed that the objective of the “agreed framework” is to permit “the development of closer and more integrated relations between the Republic of Macedonia and the Euro-Atlantic Community”. It thus clearly established a relationship between the acceptance of reform by Macedonia and its acceptance as partner in the Euro-Atlantic community.

Para 2.1 of the core text of the Agreement stressed that the “parties underline the importance of the commitments of July 5, 2001” (meaning agreed by the NATO cease-fire). It envisaged a complete cessation of hostilities, voluntary disarmament of the ethnic Albanian armed groups and their voluntary disbandment. At the time the OFA was signed, it was already agreed that NATO would assist authorities in implementing the Agreement in this regard. In addition, the UNHCR was called in to assist the Government’s efforts in ensuring the return of refugees (para 3.1).

Annex C specifically requested the OSCE to commit itself to a number of tasks. Para 2.2 invited the Organization to observe parliamentary elections. One of the key aims of the OFA was also to achieve equitable representation of communities in the public service, including in the police forces. Against this background, the OSCE, the European Union, and the United States were asked to support the implementation of those commitments, in particular by increasing training and assistance programs for police (para 5.2 and 5.3). A role for the OSCE was also envisaged in the provision of increased assistance to projects in the area of the media, including Albanian language and multiethnic media. The OSCE was also requested to continue its efforts on projects designed to improve inter-ethnic relations (para 6.1). Last but not least, the OFA also foresaw a major role for the IC in providing assistance for the implementation of the Framework Agreement in the area of higher education (para

6.2). The OSCE expertise in this field in Macedonia was at that time largely recognised.

10.2. Implementation

The first issue on the agenda and a precondition for the implementation of the OFA was the complete, voluntary disarmament and disbandment of the NLA. Part of the problem was that Albanian rebels made their voluntary disarmament conditional on the declaration of an amnesty and the adoption of the amendments to the Constitution. At the same time, Macedonians insisted that Parliament should not progress on the issue of the Constitution until the NLA had laid down its arms and had fully dissolved. In order to assist the process of NLA disarmament, NATO established a special operation code-name “Essential Harvest”. Despite the fact that the NLA was eventually disbanded on 27 September 2001, at least officially, this operation of weapon collection produced limited results.⁴⁸⁴ Considering the large number of arms in the country, the collected number (approximately 3,300 pieces) should be considered of symbolic value only. These were predominantly old rifles, more of historic than of combat value. The fact that one of the main parties of the 2001 conflict - the NLA - was not a signatory of the Agreement called into question the sincerity of its efforts to implement the OFA. For a considerable time, there was a fear that it would continue to endanger the stability of the country. The situation changed only when the NLA was finally dissolved and a newly created party - the Democratic Union of Integration (DUI) - was included in the political process of the country. The amnesty for rebels represented an even more complicated issue, in particular in light of the Government’s fears about how the general public would react to the possible non prosecution of “terrorists”. On 9 October 2001, the President of Macedonia issued a decree on an amnesty for rebels who were prepared to give up their arms and who had not committed war crimes. However, it fell short of the expectations of Albanians who did not feel a mere decree would provide sufficient guarantee of compliance. The

⁴⁸⁴ At the same time, the notorious special police unit “Lions” was dissolved only in spring 2003. It did not contribute to the feeling of security among the local Albanian population. In addition, since there were fears that disbanded members of Lions could become a serious factor leading to the destabilisation of the country, a settlement was eventually reached with its leadership envisaging that 600 of its 1,200 active members would remain in the police.

issue was finally solved only on 7 March 2002 when the Parliament passed a broad Amnesty Law, ending for most former Albanian rebels the fear of arrest and trial as a “terrorist.”⁴⁸⁵

The OFA called for the passage of 15 Constitutional amendments, and the revision or adoption of at least 32 laws. However, despite a clear provision envisaging that the changes should be adopted within 45 days after the OFA was signed, and despite the clear language of specific amendments proposed in Annex A, the parties could not agree on the final text. One of the most controversial issues proved to be again the text of the Preamble, especially since ethnic Macedonians started to object to the language agreed in Ohrid alleging it undermined the very foundation of Macedonian statehood, since it did not refer to the Macedonian people or any other communities living in Macedonia. Some Macedonian politicians manipulated widespread fears among ethnic Macedonians about their national identity. Opponents of the OFA claimed that the OFA was a fatal concession to “terrorists” which would put the country’s existence at risk since the real goal of rebels was to split the country. As a consequence, opposition arose mainly to those provisions which dealt with the identity of the state and had a more symbolic character.⁴⁸⁶ In addition, opponents of the OFA started to promote the idea of calling a referendum on the ratification of the Agreement. This would have only further complicated the already fragile security and political situation of the

⁴⁸⁵ Nevertheless both sides have continued to interpret the law differently which could again seriously affect the stability of the country when the so-called four ICTY cases are returned from The Hague. The 2002 Amnesty Law envisaged that the ICTY would be responsible for cases connected with the 2001 conflict. Initially the ICTY investigated 5 cases, but eventually decided to start proceedings only in one of them - against the former Interior Minister, Ljube Boskovski and police officer, Johan Tarculovski, accused of killing Albanian civilians in Ljuboten on 12 August 2001. All four remaining cases involving acts committed by members of the NLA (the torture of five workers of the Mavrovo Construction Company, the sabotage of the water supply to Kumanovo, the involvement of the NLA leadership in a series of violent incidents and the kidnapping of Macedonians in the Tetovo area) were to be returned to the Macedonian judiciary. It has already led to an emotional reaction among Albanians as these cases involve top politicians, first of all from the DUI, who are regarded as “heroes” within the Albanian community.

⁴⁸⁶ Brunnbauer, Ulf, *The Implementation of the Ohrid Framework Agreement: Ethnic Macedonian Resentments*, Center for the Study of Balkan Societies and Cultures (CSBSC), University of Graz, Austria, *Journal on Ethnopolitics and Minority Issues in Europe*, Issue 1/2002, p. 7.

country.⁴⁸⁷ Strongly opposed by representatives of the international community, the idea was eventually dropped, although it was re-activated at a later stage when the process of decentralisation was entering its decisive phase.

Due to the deadlock over the adoption of amendments to the Constitution, the international envoys, out of fear of the risks posed to the stability of the country, had to intervene and mediate between parties. Albanians were eventually persuaded to re-open the discussion on the Preamble of the Constitution and agreed to include the reference to “the Macedonian nation” in the new Preamble.⁴⁸⁸ Finally, on 16 November 2001, the Macedonian Parliament ratified the Constitutional amendments despite attempts by Minister of Interior Ljube Boskovski to sabotage the process when it reached its decisive point.⁴⁸⁹ The public reaction was predominantly negative. An MP from the VMRO-DPMNE even called the new wording of the Constitution “treason” and “genocide against the Macedonians.”⁴⁹⁰

The adoption of amendments to the Constitution unblocked the process of OFA implementation. Throughout 2002, the Macedonian Parliament passed or amended 21 out of 32 laws. The package of laws concerning decentralisation proved to be among the most controversial.⁴⁹¹ As in the case of the changes to the Constitution, the process

⁴⁸⁷ According to a poll conducted in December 2001, 51% of the ethnic Macedonians opposed the Agreement, while 44% approved it. At the same time 78% of the ethnic Albanians supported the OFA (after Brunnbauer, Ulf, 2002, p. 8).

⁴⁸⁸ The text finally said: "the citizens of the Republic of Macedonia, the Macedonian people, as well as citizens living within its borders who are part of the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Romany people, the Bosniak people and others..." In addition, the Macedonian Orthodox Church and Archbishop Stefan objected to the new wording of Article 19 of the Constitution which gave other religions parity with the Macedonian Orthodox Church. Finally an insertion of “as well as” was added between the Macedonian Orthodox Church and the Islamic Community (the Catholic Church and other denominations) in order to address those concerns.

⁴⁸⁹ On 12 November 2001, he sent Lions to the village of Trebos in northwest Macedonia where seven, allegedly armed, men suspected of being local commanders of the NLA, were arrested. As in previous cases, the Albanians responded - in an ambush outside the village three policemen were killed. Fortunately, the mediation by representatives of the EU and the US prevented further escalation.

⁴⁹⁰ Balalovska, Kristina & Silj, Alessandro & Zucconi, Mario, *Minority Politics in Southeast Europe: Crisis in Macedonia, the Ethnobarometer Working Paper Series, Rome, 2002* (www.ethnobarometer.org), p. 61.

⁴⁹¹ Decentralisation was a key element of the OFA as it was believed it would better accommodate demands of local communities, first of all minorities. However, the decentralisation cannot be seen as a panacea for all problems, especially of an inter-ethnic nature. There was a general assumption that the reform of local self-government would increase the effectiveness of the authorities since it is on the local level that authorities are better equipped to deal with matters affecting local communities. However, as argued by *inter alia* Engstrom decentralisation in an already weak state can be a very destructive approach, which

was affected by a number of delays. Macedonians feared that giving more rights to municipalities (many of them with an Albanian majority) would endanger the future existence of the state, as Albanians might sever their links to central government, eventually willing to split the country. Finally, after two months of heavy debate and thanks only to strong intervention of international envoys, the framework legislation - the Law on Local Self-Government - was passed on 24 January 2002. However, in order to set in motion the whole decentralisation process, the Law on Local Self-Government required amendments to approximately 80 laws, including the Law on Municipal Boundaries, aimed at drawing new borders of municipalities with a view to making them more financially self-sustainable and reducing their number. This could only be achieved by merging existing municipalities and creating bigger units with either a Macedonian or Albanian majority. The discussions in this regard clearly reflected ethnic gerrymandering and a final decision hinged on a number of issues, including the final results of the November 2002 census.⁴⁹² The Law on Municipal Boundaries was adopted on 11 August 2004 in a very tense atmosphere, with both opposition parties, VMRO-DPMNE and DPA, boycotting the vote. They mainly objected to the fact that some smaller majority Macedonian municipalities were incorporated into larger majority Albanian ones and vice versa. According to the law, the number of municipalities in the country was reduced from 124 to 84, and eventually to 80 in 2008, through the merging of four municipalities with the Kicevo municipality. Public reaction to the decentralization package was hostile, especially among ethnic Macedonians. It brought to the surface radical nationalistic tendencies and created a fertile ground for the action of some radicals. A group of nationalistic

might lead to a further weakening of the state (Engstrom, Jenny, *Multiethnicity or Binationalism? The Framework Agreement and the Future of the Macedonian State*, European Yearbook on Minority Issues, Vol. 1, 2001/2002, Kluwer International, 2003, p. 344). Indeed there was a fear that existing problems like corruption, nepotism, etc. would merely be transferred from the central to the local level. Unfortunately, many of those fears have materialised and discrimination on ethnic grounds was often transferred to a local level. There were cases when representatives of minorities, who happen to be in the majority on the local level, discriminated against representatives of the majority group.

⁴⁹² The census of population and households in Macedonia was not only related to the issue of decentralisation but also some other provisions of the Ohrid Agreement and its implementation, e.g. division of jobs in the public sector and the use of language. The census was originally scheduled for the second half of May 2001. It was postponed three times and finally took place only in November 2002, as in the meantime the situation in the country had dramatically deteriorated and preparation of the census had also been inadequate. Its official results were only released at the end of 2003 which contributed to a delay in the OFA implementation.

Macedonian organisations, supported by the opposition VMRO DPMNE managed to gather a sufficient number of signatures to force the calling of a referendum in an attempt to prevent the entry into force of the Law on the Municipal Boundaries.⁴⁹³ The final goal of the initiators was not only to stop the new territorial division of the country. In actual fact, they wanted to undermine the process of implementation of the Framework Agreement. That was very clear to the Albanians so they decided to boycott the referendum and labelled it as mono-ethnic.⁴⁹⁴ Finally, the referendum which took place on 7 November 2004 failed because of the low voter turnout. Several factors contributed to this end, including outdated voter registers, boycotting by the Albanians and abstention by most of the smaller minorities and the ruling SDSM.⁴⁹⁵ In addition, representatives of the international community more or less openly criticised this initiative, which played its role as well. Finally, the package of laws - a precondition for the beginning of the decentralisation process, an important element of the Ohrid Framework Agreement, entered into force on 1 July 2005, after the local elections which took place in March 2005.

The language of the OFA concerning the use of language at the local level was translated into the relevant legislation of the country. Laws on the use of Albanian language on identification cards and in passports, as well as the Parliament Rulebook with a view to allowing the use of the Albanian language in the plenary sessions in the Parliament were adopted. However, both sides continued to interpret the formula of “the second official language in the country” in different ways, not only because of the ambiguity of the relevant provisions. Macedonians, in particular, feared that the interpretation which allowed the possibility of recognising Albanian as the second official language would, in the short term, have serious consequences in a number of fields, including access to Albanian language higher education and, in the long term,

⁴⁹³ Organisers collected 180,000 signatures - 30,000 more than the minimum required by the law - an impressive number in a country of 2 million inhabitants.

⁴⁹⁴ Albanian leaders *inter alia* objected to the fact that the Parliament took the decision regarding the calling of the referendum without applying the Badinter formula which, according to them, it should have done.

⁴⁹⁵ Only approx. 435,000 (26%) of a total of 1,709,536 registered voters cast their votes and the turnout was even lower than anticipated. For the referendum to be successful 50% plus 1 of registered voters should participate. See also in: Van Hal, Albert, Back to the Future: the Referendum of November 7th in Macedonia, Helsinki Monitor 2005, Vol. 16, Issue 1.

might even be the first step towards federalisation and, as an ultimate consequence, might lead to the country's division along ethnic lines. An equally controversial issue, especially bearing in mind past incidents of violence over the display of Albanian flags in Macedonia, was the legislation on flags and community symbols. The law that was adopted on 15 July 2005, due to the pressure of Albanian political parties, applied a permissive and tolerant approach and therefore met huge opposition among ethnic Macedonians.

The implementation of the legislative reform envisaged in the OFA was practically concluded in summer 2005 as by then the Macedonian Parliament had adopted 15 Constitutional amendments and approximately 70 new or revised laws. However, practical implementation of certain provisions of the Agreement was equally important. For instance, as far as the issue of equitable representation of minorities in the public service was concerned, achieved results were far from satisfactory. Thanks to the OSCE-organised training of 1,000 non-majority cadets, considerable progress was made as far as the training of police forces was concerned. In other fields, despite the Government programme for the improvement of equitable representation in public administration and public enterprises, progress was uneven.⁴⁹⁶ However, one should not forget that progress in this respect can not be achieved overnight, as it is hampered by an insufficient number of candidates from minority communities, due to the under-representation of Albanians and some other minorities in education at the secondary and especially the University level. Progress in this area requires a step by step approach and further improvements in the access of minorities to education, in particular at the higher level.

⁴⁹⁶ Between December 2002 and December 2005, the percentage of ethnic Albanians employees paid from the State Budget increased from 11,65% to 16,12%, Turks from 1,18% to 1,42% and Roma from 0,51% to 0,55% (Government of the Republic of Macedonia, Draft Strategy for Equitable Representation, Skopje, August 2006, p.7). It should also be noted that this data included a significant number of employees in the educational sector (primary and secondary schools), where Albanians and other minorities are in principle proportionally represented. The official statistics of August 2006 shows that only 8,93% of all employees in public administration (ministries and other state institutions), judiciary and public enterprises were Albanians. This percentage for Turks and Roma was 0,93% and 0,42% respectively (Source: the website of the Sector for the Implementation of the Ohrid Framework Agreement at: <http://www.siofa.gov.mk>).

Although the Framework Agreement addressed the issue of education only in a marginal way, it nevertheless contributed to some changes in this area. The OFA provision envisaging a possibility of State funding for minority language institutions of higher education (in languages spoken by at least 20% of the population of Macedonia, i.e. in Albanian) was largely interpreted by ethnic Macedonians as no more than opening a possibility for partial state funding of the SEE University. However, some Albanians were of the opinion that a new State University in the Albanian language should be opened or that the existing Tetovo University should be recognised. In this respect, para 6.2 provided another example of how both main communities interpreted various provisions of the OFA differently. At the same time, the Framework Agreement contributed to significant changes in primary and secondary education. The 2002 Law on Local Self-Government stipulated that the municipalities would be responsible for the establishment, financing and administration of primary and secondary schools in co-operation with central government. As a result, in July 2003 the Parliament adopted amendments to the laws on primary and secondary education.

10.3. Role of the International Community

The active role of the international community in Macedonia did not come to an end with the conclusion of the OFA. On the contrary, its continued engagement was a precondition for the implementation of the Agreement and as means to ensuring that the country did not slip back into violence. In order to achieve this goal, a combination of various instruments of conflict prevention was applied. Annex C of the OFA envisaged a number of tasks for various international organisations. They largely responded to this call. However, there were no tasks allocated to the international community as a result of various provisions of the OFA which represented the most important element of international engagement in the country. It was rather direct mediation, exercised by representatives of the international community, the so-called Principals, including first of all EU Special Representative and US Ambassador as well as the Head of the OSCE Mission and the Head of the NATO Office in the country, which was a decisive element in pushing forward the

process of OFA implementation. They mainly facilitated communication between both communities, creating “an enabling environment” for the OFA implementation.⁴⁹⁷ In this regard, representatives of the international community continued to use diplomatic instruments, actively mediating between parties, proposing concrete solutions, encouraging both sides to show flexibility or even resorting to strong pressure to force parties to make painful decisions. One of the elements of such pressure were the so-called “black lists” which included persons from both main communities, accused of obstructing the implementation of the OFA, who were *inter alia* banned from entering the EU and US. In addition, the international community played a decisive role in overcoming serious crises in the implementation of the Framework Agreement. Immediately after the OFA was signed, international mediators, being fully aware of the risks involved, strongly objected to the idea of a referendum on the ratification of the Agreement. The international community made another controversial issue - amendments to the Constitution - conditional for the release of further international assistance for Macedonia, as it did the approval of the continuous presence of a NATO force in the country. The policy of shuttle diplomacy was re-established when Javier Solana and George Robertson visited the country in October and November 2001 in order to break the deadlock over a compromise text of the Constitutional amendments and the issue of amnesty. After the Constitutional reforms package was adopted in November 2001 and the new Law on Local Self-Government in January 2002, the donors’ conference took place in Brussels on 12 March 2002.⁴⁹⁸ In the autumn 2004 crisis over the issue of a referendum on the Law on Municipal Boundaries, the EU, US, NATO and the OSCE, fully realising the risks involved, tried more or less openly to discourage voters to participate. They sent a very clear signal to the general public that the European perspective of the country would be hurt if the referendum succeeded.⁴⁹⁹ However, perhaps the most significant impact was made by the decision of the US

⁴⁹⁷ Project on Ethnic Relations, Macedonia’s Interethnic Coalition, the first Six Months, Report from the Conference which took place in Mavrovo on 10 - 11 May 2003.

⁴⁹⁸ Donors pledged more than a quarter billion U.S. dollars to finance reconstruction and reform process. A separate question is what percentage of those pledges has actually materialised in actual assistance.

⁴⁹⁹ The sensitivity of the problem was confirmed by the fact that the OSCE ODIHR, which had so far argued that its methodology could only be used for the monitoring of elections, sent, for the first time in its history, observers to monitor a referendum .

administration to recognise Macedonia under its constitutional name which was taken on 4 November 2004, after presidential elections in US and immediately prior to the referendum in Macedonia. No doubt it was a strategically well planned decision giving opponents of the referendum a boost and self-confidence to the Macedonian general public which had so far perceived foreigners, in particular the US, as biased towards Albanians.⁵⁰⁰

Military instruments were an indispensable element of successful conflict prevention operations of the international community in Macedonia. By 26 August 2001, NATO had already started the operation “Essential Harvest”, collecting arms from the NLA. When the NLA was dissolved on 26 September 2001, the operation “Essential Harvest” was replaced by another NATO operation “Amber Fox” which was tasked to provide additional security to international monitors from the OSCE and the EU in the crisis areas.⁵⁰¹ However, it was understood that, when needed, it would intervene to prevent violence between Macedonian security forces and Albanian rebels. In addition, the European Union Monitoring Mission, consisting mainly of military officers, continued its presence providing valuable reports on the security situation in the country.

The EU, besides active mediation by the EU Special Representative, focused mainly on financial assistance. In October 2001, for instance, the EU Commission decided to

⁵⁰⁰ In order to understand the symbolic importance of this issue for Macedonia, it is worth recalling that one of the Macedonian newspapers called this decision “the most important event after Macedonia gained independence and became a UN member” (“This is America” in *Utrinski Vesnik*, 5 November 2004).

⁵⁰¹ On 15 December 2002 “Amber Fox” was replaced by a new mission called “Allied Harmony”. NATO direct involvement was terminated on 31 March 2003 when the responsibility for the operation was handed over to the EU, while NATO kept its advisory role in the country. The strength of the NATO Mission gradually decreased from 3,500 soldiers in August 2001 to 1,000 at the end of the mission in 2003. On 1 April 2003, the EU launched in Macedonia its first ever military mission - operation “Concordia”. It consisted of 400 soldiers, tasked to assist with the stabilisation of the situation in Macedonia, in particular the implementation of the OFA. This was the first operation that provided the EU with access to NATO assets and capabilities under the so-called Berlin Plus agreements. On 15 December 2003, Concordia was replaced by the first ever EU police mission code-named “Proxima”. It consisted of approximately 200 police experts with the mandate to monitor, guide and advise the local police in creating and developing an efficient multiethnic and democratic police service, based on European and international standards. On 15 December 2005, it was replaced with an EU police advisory team (“EUPAT”) with the mandate to further support the development of an efficient and professional police service. Its personnel consisted of 30 international advisers and its mandate expired on 14 June 2006.

provide an additional 10 million Euro to assist the implementation of the OFA, primarily in the areas of police reform, the return of displaced persons, improvements to facilities in local communities, de-mining and confidence-building initiatives. Part of the assistance was conducted within the framework of the association and stabilisation process with the European Union. EU support to Macedonia in 2001 reached almost 70 million Euros. At the same time, US bilateral assistance in 2001 increased from an initial 32.9 million USD to 41.65 million USD and it reached 45 million USD in 2002. In both cases financial assistance was conditional on the progress achieved in the implementation of the OFA. One should also not forget about the EU and the US financial assistance in the field of education, including contributions to the launching of the SEE University. In order to support the implementation of the principle of equitable representation, the EU funded special training programmes for minority candidates to the civil service of the country.

Political tools of prevention were mainly, but not exclusively, the responsibility of the OSCE. Its Spill-over Monitor Mission was mostly involved in the monitoring of the inter-ethnic situation, but also in projects aimed at supporting the return of refugees, decentralisation and strengthening local self-government, media development, rule of law, and last but not least education.⁵⁰² The Mission has also continued to support the engagement of the HCNM in the field of education initially limiting itself to assisting in the preparation of the High Commissioner's visits and providing him with information. However, facing the growing tendency towards an ethnic split in the educational system, the Mission became aware of the potential negative effects of the existing situation on the stability of the country. Against this background, the Mission established in 2004 the post of educational co-ordinator with particular responsibility for the reform of primary and secondary level education, mostly with a view to depoliticising the educational sector and assisting the government in developing a

⁵⁰² Since the crisis started, the number of OSCE personnel has increased on a number of occasions - from 16 international staff members in March 2001 (Permanent Council Decision No. 405, 22 March 2001, PC.DEC/405) to 26 in June 2001 (Permanent Council Decision No. 414, 7 June 2001, PC.DEC/414), 51 on 16 September 2001 (Permanent Council Decision No. 437, PC.DEC/437/Corr., 16 September 2001) and finally to 210 internationals on 28 September 2001 (Permanent Council Decision No. 439, PC.DEC/439). Since then, the OSCE has started to gradually decrease its staff. On 1 January 2007, it had 71 international and 188 national staff.

strategy to deal with inter-ethnic issues in education. In addition, the Mission followed the process of the transformation of Tetovo University into a state University. Last but not least, the OSCE Office of Democratic Institutions and Human Rights (ODIHR) played an important role in monitoring numerous elections in the country.

One of the priorities of the OFA was to ensure equitable representation in the field of policing.⁵⁰³ The OSCE, through its Mission, together with the European Union, organized the training of police. The important benchmark of providing training for 1,000 non-majority cadets at the OSCE-run Police Academy was reached by 2004.⁵⁰⁴ Afterwards, the OSCE continued its involvement in the Police Academy focusing on ensuring proportional representation in managerial positions. The issue of equitable representation was also on the agenda of the HCNM Office. In February 2005, the High Commissioner prepared a so-called Road Map with a number of recommendations regarding action to be taken to improve the situation, including urging the Government to make full use of the opportunities for recruitment which existed among the increasing number of Albanian university graduates. The international community also provided technical and expert advice in the preparation of relevant Ohrid-related legislation. For instance, the EU experts got engaged in the drafting of the language law and the law on the use of minority symbols.⁵⁰⁵

On the subject of the implementation of the OFA and the role of the international community, one should not forget the issue of the census of population and households. Being aware of the sensitivity of the census operation, and of the fact that in the past the question of the number of various communities in the country had led to inter-ethnic tensions, the EU (the Commission and the EUROSTAT), in close co-operation with the Council of Europe, the UN and the OSCE (HCNM and the Mission), became directly involved in the international monitoring of the census, at

⁵⁰³ In 1998, non-majority communities represented less than 8% of the uniformed police employees, with ethnic Albanians representing only 3%.

⁵⁰⁴ However, statistics showed that, by the end of 2004, the uniformed police still comprised an excess of 13.53% ethnic Macedonians, as opposed to a shortage of 8.31% ethnic Albanians, 3.11% ethnic Turks, 1.72% Roma, and 0.59% other non-majority representatives (OSCE Spill-over Monitor Mission to Skopje, Special Report on Policing, Vienna, 16 September 2004, pp. 10-11).

⁵⁰⁵ The first, together with the Council of Europe, the second, with the OSCE HCNM.

the request of the Macedonian authorities. A Steering Committee was established to oversee the monitoring of the census and to provide political guidelines on the process.

The key to success was the unprecedented co-operation between NATO, EU, US and OSCE which continued during the process of the OFA implementation. At the same time, the international community had to be extremely careful about the extent of its involvement as the Macedonian authorities were anxious to avoid the impression that another “international protectorate” was being created in Macedonia, as had been *de facto* the case in Bosnia and Herzegovina and Kosovo. However, there was obviously a sharp contrast between the role of the EU Special Representative and US Ambassador in Macedonia (in the OFA implementation) and the powers enjoyed by the High Representative in Bosnia and Herzegovina or the Special Representative of the UN Secretary General in Kosovo. The leverage of international envoys in Macedonia was based on a continuous dialogue with authorities, supported by a policy of stick and carrots - above all the prospect of Euro-Atlantic integration - rather than direct executive powers, including measures such as the replacement of officials or the invalidation of adopted legislation.

While the ethnic Albanians perceived the direct involvement of the international community as the main, if not the only, guarantee that the process of the OFA implementation would continue, many Macedonians were critical, accusing foreign envoys of being biased and forcing authorities to make further concessions to Albanians. Therefore, anti-Albanian and anti-Western feelings often overlapped and became indistinguishable.⁵⁰⁶ At the same time, many understood that without western involvement, the country would have most probably slipped into a civil war. The general view was that this involvement was necessary, but the scope of action and, in particular, the behaviour of foreign envoys was often unacceptable. Notably, Ethnobarometer’s interviews showed that what upset many citizens of the country was

⁵⁰⁶ Balalovska, Kristina & Silj, Alessandro & Zucconi, Mario, 2002, p. 65.

the form, rather than the motivations and objectives of foreign interventions.⁵⁰⁷ It was clear that the Macedonian Government was growing increasingly impatient with “orders” from international envoys and their positions were often perceived as attempts to patronise Macedonians, which obviously irritated many citizens of the country. This general feeling could be summed up by the opinion of one local expert who said that “because of the wars we needed help, but it is a fact that the help and the involvement of the foreign factor last too long. The foreign representatives should be more discreet when putting pressure, but the Macedonian politicians should know how to take matters in their own hands.”⁵⁰⁸

10.4. Application of the Ohrid Framework Agreement in Other Situations

Since the OFA was signed, there have been numerous voices, especially among various minority groups in Europe, who have referred to the Ohrid Framework Agreement as a precedent which could be potentially applied to other situations. Some wanted to perceive the Agreement as a new norm setting instrument in the field of minority protection. Others observed that the OFA and the circumstance which surrounded its conclusion were the best testimony to the fact that violence pays off. In addition, one should also consider to what extent the content and the way in which the OFA was negotiated could be seen to create a precedent as an instrument of conflict prevention.

When discussing the possible application of certain provisions of the OFA to other situations, one has to keep in mind the fact that the policies applied in the Agreement were developed for the specific case of Macedonia. Each country has a different, very often unique, relationship between the majority population and the minorities and therefore each requires a different approach. In this respect, policies must reflect the needs of a particular country and its communities. At the same time, the provisions of the OFA did not introduce a new set of norms but applied existing international standards to a particular conflict situation. The Agreement, albeit to a lesser extent,

⁵⁰⁷ Ibid, p. 63.

⁵⁰⁸ Vreme, 19 May 2004.

used existing practice in other countries as a model, adjusting it according to the particular circumstances in Macedonia. In this sense, the elements that constitute the OFA are neither new, nor do they necessarily set a precedent. Therefore, each Government, while applying at least the minimum standards required by international law, should be free to expand and to adjust these standards according to their specific situation. Against this background, the application of the Ohrid Framework Agreement to other conflicts, as a precedent, is inappropriate. Especially in view of the fact that the Agreement was tailor-made to address the specific situation in Macedonia, an attempt to automatically apply it to another situation might be counterproductive. Equally, policy makers should not be encouraged to use the OFA as the point of departure when seeking solutions to other conflict situations.

Despite the fact that the OFA was in a way an unique adventure and should not automatically be applied to other situations, certain parallel conclusions could be drawn for the benefit of addressing specific problems in other situations. Being very selective and keeping in mind the different contexts, one might wish to pick up certain elements of the Agreement as practical tools for addressing minority problems in other countries. For instance, there has been already discussion about some elements of the OFA regarding the position of minorities in Macedonia being applied vis-à-vis the position of the Serbs and other minorities in Kosovo. As a matter of fact, the draft Status Document, presented in early 2007 by the UN Special Envoy on the future status of Kosovo Martti Ahtisaari, has extensively drawn from the OFA.

There are certainly lessons to be learned from the conflict in Macedonia, especially bearing in mind the fact that the OFA represents an important initiative in the field of conflict prevention. The Agreement is clear testimony to the fact that addressing the roots of conflict through early warning and early action is of vital importance. In addition, it illustrates that only orchestrated efforts and close cooperation between various international actors can produce desirable results. Moreover, the conflict in Macedonia has above all demonstrated that it is in the self-interest of governments to

deal with the sort of concerns addressed in the Ohrid Agreement before a conflict develops.

10.5. The Transformation of the Tetovo University into the New State University in Tetovo - SUT (2004)

10.5.1. Political Decision

After the SEE University was opened in 2001 and there were increasingly clear signs that over time it could become a viable institution of higher education, a new momentum was created for the final solution of the problem of the Albanian language higher education in Macedonia. There were some indications of a growing crisis at the UT. Although the number of students who transferred to the SEEU remained low, the new enrolment at the UT in 2001 and 2002 was very small and increasingly included students from abroad, mostly from Kosovo. There was a fear that if stalemate continued, a growing number of its students might become interested in a transfer to the SEE University. At the same time, the UT started to face serious financial problems as contributions from the Albanian Diaspora were drying up. In addition, many Albanian leaders, professors and students took note that the UT leadership was completely marginalised in the discussion on the solution of the issue of Albanian language higher education and the establishment of the SEE University. They realised that a new leadership could create the chance of a political compromise, especially bearing in mind the possibility of a new inter-ethnic and political situation, created as a result of the OFA conclusion.

Politics again overshadowed other aspects of higher education in the Albanian language. The above-mentioned developments at the UT coincided with significant changes on the Albanian side of the country's political stage. On 5 June 2002, a new Albanian political force was created - the Democratic Union of Integration (DUI). After the 2002 parliamentary elections, it joined a new ruling coalition and the party undertook a serious campaign to become the main political force of the Albanian community in Macedonia. Since the establishment of the SEEU was considered one of the main successes of the DPA, the DUI desperately needed a similar success of its

own. The party even created a special Working Group on Higher Education. At the same time, the UT remained an important symbol for a significant part of the Albanian community and political pressure for the legalisation of the University continued to be strong. Against this background, the party began, on the one hand, to pressure the Government for a solution regarding the status of the UT and, on the other hand, to push for necessary changes at this University.⁵⁰⁹

On 17 March 2003, the DUI reached an agreement with the management of the UT on the formation of an (informal) Initiative Committee for the legalization of its activities. The DUI initiative was *inter alia* supported by the Albanian Diaspora. The Committee had undertaken steps to at least assess the situation at the UT.⁵¹⁰ Finally, in autumn 2004 the UT Rector Fadil Sulejmani resigned from all the official positions which he had held at the UT. The process was facilitated by the arrest in August 2004, in connection with his criminal past, of the UT Chief of Security, Commander Baci.⁵¹¹

10.5.2. Legal Steps

In parallel with initiating some changes at the UT, the DUI forced the SDSM to accept a difficult concession and to accept the creation of a new State University in Tetovo (SUT).⁵¹² This was not possible without changes to the relevant legislation, namely the Law on Higher Education. Relevant amendments were prepared by the Minister of Education (an ethnic Albanian) in June 2003 and adopted by Parliament on 17 July

⁵⁰⁹ One should keep in mind that the UT leadership always strongly resisted any changes at the UT, which would mean, among other things, independent external control over enrolment and funding. What it wanted was “official” status and Government funding, but not any control by state structures. In addition, it was concerned that what was discussed was *de jure* a new state University and not a simple recognition of the UT.

⁵¹⁰ As a result, the UT reduced its alleged student numbers and admitted that its strongly inflated data regarding the official number of students could not be fully verified (Kwiek, Marek, (*unpublished*) Report for the OECD Team, 8 June 2003, p. 7).

⁵¹¹ Before his arrest, Commander Baci managed to create another conflict in the country over the issue of the Albanian language higher education. In October 2003, he started to occupy premises of a local tobacco company (Tetovo Tabak) with a view to moving some faculties of the UT there. This was followed by series of encroachments into other buildings in Tetovo, also allegedly for the needs of the university. The Macedonian Government, out of fear of inciting violence and endangering the stability of the coalition, was not prepared to take any action. Finally, due to consistent criticism by the international community and following lengthy legal procedures, Tetovo University vacated the Tetovo Tabak buildings in 2005.

⁵¹² It is likely that this decision eventually contributed only further to the declining ratings of the SDSM as it was seen as another concession to Albanians and testimony to the weakness of the SDSM on issues of “national interests”.

2003.⁵¹³ In September 2003, the Macedonian Government prepared a draft law on the creation of the new State University in Tetovo and decided to allocate about 2 million Euro per year to finance its operations. The Law was adopted by Parliament on 20 January 2004.⁵¹⁴

The Macedonian opposition heavily criticised this law stressing the political dimension of the decision, claiming that the quality of higher education in the country would deteriorate and that the law failed to promote integration of Albanians. Instead it suggested further expansion and partial state funding of the SEE University and even its subsequent recognition as a state University in the future. The DPA, although critical towards the DUI initiative, had to be extremely careful in its reaction to the project which was considered as belonging to that category of issues considered to be of “vital interest to Albanians in Macedonia”. Therefore, the DPA claimed that the DUI had manipulated public opinion because, instead of the legalisation of the UT, a new University would be created. In addition, the DPA drew attention to a possible duplication in the activities of the SEEU and those of the new state University in Tetovo.

Indeed, the law on the establishment of the SUT made it clear that a new institution would be created and that no legalisation of the existing University in Tetovo (UT) would take place. However, locally this step was seen as *de facto* legalisation of the UT. This distinction made sense not only juridically, but also politically. It served the purpose of eliminating old forces at the University and partially also helped the SDSM to “save face” in front of its electorate. However, this idea of a new beginning was not explored sufficiently to marginalise the old UT guard.

⁵¹³ On details see Chapter 5.

⁵¹⁴ Law on the Tetovo State University, Official Gazette of the Republic of Macedonia, No. 8/04. Minister of Education and Science Aziz Polozhani argued that the OSCE-sponsored University in Tetovo had not resolved the Albanian community's higher education problems and that therefore the Government had to move on with the legalisation of the UT (RFE/RL Newswire, 30 June 2003).

10.5.3. SUT Structure

The SUT started operating in October 2004. It consisted of four faculties: Law, Economy, Arts and Humanities (including: history - geography, philosophy - sociology, pedagogy - psychology, languages and music and arts) and Natural Sciences (including the following study programs: pharmacy, biology, physics - chemistry, mathematics - computer sciences) as well as a Centre for poly-technical studies, as a high vocational school. This structure allowed the incorporation of 9 out of the 12 faculties of the old UT into the new SUT. The three faculties left out were physical education, pharmacy and medicine. The leadership of the University especially insisted on retaining medical students and justified its request on the basis of students' opposition to transfer to other institutions and its fear of demonstrations. Eventually UT students, with the support of the leadership of the University, began a strike and organised frequent demonstrations demanding the recognition of the SUT Medical Faculty.⁵¹⁵

Even though the structure of the new SUT was much smaller than that of the old UT, and bearing in mind the fact that the real number of students did not exceed 3,000 at the time of the establishment of the SUT, the University continued to face the problem of how to accommodate its students. In autumn 2004, when the SUT opened its new enrolment and provided 1,550 places for the 2004/2005 academic year, only 547 students initially enrolled. Additional enrolment had to be organised in August which resulted in a further 346 candidates being registered. The SUT also declared that 673 students had graduated from the old UT and had started procedures for the recognition of their diplomas.⁵¹⁶ Although in principle the SUT is open to students of all ethnicities, only a small number of non-Albanians enrolled. They complained that "national hatred" existed in this institution and that they were treated differently from

⁵¹⁵ Finally, with financial assistance offered by the Dutch Government (which by the way considered its contribution in the context of conflict prevention), the majority of students were transferred to Priština University and smaller numbers to Skopje and Tirana Universities.

⁵¹⁶ Kwiek, Marek, OSCE HCNM Expert to the Maticna Commission, Notes after Third Visit (21 - 25 June 2004). However, Prof. Marek Kwiek also argued that the recognition of diplomas of the "old UT" concerned about 400-450 acceptable cases (70%). 30% of them were dubious and he suggested additional procedures for their verification.

Albanian students.⁵¹⁷ In addition, the University continued to admit a significant number of foreigners, almost exclusively ethnic Albanians; they could make up more than 50% of student numbers in some faculties. Undoubtedly, Macedonia, with its limited public funds, should not be subsidising places for students from outside the country.

10.5.4. Position of the International Community

The establishment of the SUT was never the centre of attention of representatives of the international community in Macedonia. This was partially due to the fact that its establishment was overshadowed by many other issues, considered to represent greater threats to the stability of the country. The international community's main consideration was to "limit the damage" which the establishment of the SUT could cause in terms of the implementation of the OFA and as a potential source of conflict in the country. It comes therefore as no surprise that the position of the international community was rather ambiguous. While it fully supported the establishment of the SEEU and was well aware of the fact that the UT was a low quality institution established for political reasons, it could not ignore the fact that its legalisation represented an element of compromise between coalition partners. The EU and the US were understandably anxious to prevent a break-up of the coalition over the UT legalisation. However, the international community was especially concerned with a possible duplication of efforts - at least two of the faculties existing at the UT (law and economy) had curricula similar to those at the SEEU.⁵¹⁸ A further problem was the presence of radicals at the UT whose departure became the main pre-condition for any direct involvement of the international community in the solving of the UT problem.

Eventually, in March 2004, the international representatives in Macedonia extended their conditional support but warned that the six points should be taken into consideration before any support would be granted. They included: no politicization;

⁵¹⁷ Fakti, 2 March 2006.

⁵¹⁸ The key problem was that more than 50% of UT students were enrolled at those two faculties which, in addition, were considered to be the most attractive and prestigious. It was believed that they had higher standards of education than other faculties of the UT and without them the UT would stand no chance of recognition.

no links with criminal elements; no use of illegal premises; clear distinction between the old UT and the new SUT; focus on academic standards and co-operation with other universities, in particular with the SEE University. However, the international community lacked consistency in enforcing the practical implementation of these points. At the same time, it hesitated in getting more directly involved, leaving the whole process almost entirely in the hands of the Minister of Education and Science in the hope that he would be able to eliminate or at least significantly limit the influence of radical forces and initiate necessary reforms. Finally, the HCNM, given its long history of involvement in the issue of Albanian language higher education, decided to get involved. On the one hand, he had in mind the fact that the UT had for many years been a centre of Albanian extremism and was controlled by people who openly declared themselves hostile to Macedonia. On the other hand, he was concerned about low academic standards at this institution. In April 2004, the High Commissioner designated an international educational expert to assist in the preparatory work of the founding of the SUT. The HCNM was particularly concerned with the role some extremists might play in the process of establishing the new University and the possible consequences of a new centre of radical nationalism being established in the Balkans. Another important element was to ensure a multiethnic and multilingual approach to the teaching process at the new University, and its future relations and complementarity with the SEE University. Therefore, the main task of the expert was to act as an early warning mechanism if the process of establishing the university went in the wrong direction.⁵¹⁹ This would enable the international community to exercise the necessary political pressure. Obviously, the HCNM expert was not in a position to prevent the main problems, which were of a political nature - first of all the marginalisation of radical elements at the UT. However, his involvement allowed at least a partial de-politicisation of the process due to the considerable emphasis which he placed on the need to meet basic academic standards.

⁵¹⁹ HCNM Office, Terms of Reference for the HCNM Expert to the Maticna/Founding Commission to create a new state University in the F.Y. Republic of Macedonia, The Hague, 1 April 2004.

10.5.5 Position vis-à-vis SEE University

The establishment of the new state University in Tetovo significantly changed the situation in the field of Albanian language higher education. First of all, the SEE University was no longer the only accredited institution of higher education in Macedonia providing teaching in the Albanian language. The individual circumstances surrounding the founding of both Institutions led to competition between both Universities, as was to be expected. While the SEE University was concerned less with its academic position and more with political support and the SUT “state status”, the SUT had other fears and hoped very much to at least partially rely on SEEU academic credentials. The SUT faced the problem of a lack of qualified professors which meant that it therefore had to rely on staff of other existing institutions of higher education. Due to reasons of language and location, the professors of the SEEU were considered to be the most obvious choice. The SEEU’s policy regarding the SUT could be described as neutral. Its Management noted that the SUT should meet the same standards in terms of governance and transparency and a commitment to academic freedom which applied to other newly established institutions of higher education in Macedonia. In addition, it stressed that it would refuse to cooperate with institutions that make academic freedom impossible for the students and which are protected by illegal armed guards.⁵²⁰ However, the SEE University applied a pragmatic approach and allowed some of its professors to teach at the SUT.⁵²¹

As a direct consequence of this situation, the idea of a merger between both institutions started to be promoted, especially by the DPA. While the SUT has never officially responded to this proposal, the SEE University underlined that the proposal of a merger ignored the academic reality and the discrepancy in standards achieved at the two institutions. It was argued that the SUT lacked infrastructure and qualified staff and that its position depended on political circumstances. Therefore, the SEEU,

⁵²⁰ Nova Makedonija, 21 November 2003.

⁵²¹ However, as a matter of principle, the SEE University did not grant permission for members of its staff to work in premises illegally occupied in Tetovo.

opposing the merger, launched the idea of the complementarity of the two institutions.⁵²²

10.5.6. Way Forward

Tetovo University once again became an element of political struggle in the country in 2006. After the national election of that year, the DPA joined the new coalition government and soon afterwards initiated some personnel changes at the SUT (including its Rector). This move, which was officially justified by a number of irregularities at the SUT, discovered by the Education Inspectorate, contributed to an increase of tensions in the country, but this time of an intra-ethnic character. The conflict clearly had a political background and was another element in the open struggle between the two main Albanian parties - the DPA and the DUI. The dismissal of the SUT Rector by the Minister of Education and Science was no doubt a controversial step and certainly was a violation of the Law on Higher Education, which provides for the election of the Rector by the Senate. However, it has to be admitted that the introduction of external oversight of the activities of the SUT opened a Pandora's box. According to the assessment of one of its professors, the SUT was a "print house" for diplomas for the students, especially from Albania and Kosovo.⁵²³ Apparently, several professors left the SUT in the recent past because they experienced pressure from former NLA rebels to hand them grades.⁵²⁴ In addition, the State Inspectorate concluded that the former Minister of Education and Science, Aziz Polozhani, prematurely provided the SUT with a licence for work without verifying the academic credentials of its professors. The assessment showed that only the Faculty of Natural Sciences and the Faculty of Humanities fulfilled the terms for

⁵²² It *inter alia* suggested having one Faculty of Law at the SEE University and Teacher Training facilities to be completely located at SUT (while the SEEU programme in this field would become a Philological Faculty with special focus on studying languages). However, the SUT rejected this proposal. It was clearly realised that the faculties of business administration and law were the most attractive in terms of number of potential students and that therefore institutions without those programmes might be considered second class.

⁵²³ Dnevnik, 12 October 2006. For instance the son of the UT Rector Fadil Sulejmani apparently acquired a BA degree within barely four months after enrolling at the University (Utrinski Vesnik, 31 October 2006). Even the DUI leader Ali Ahmeti was accused of receiving a degree in philosophy at the SUT without even attending the lectures. Around 30 functionaries, some of them MPs, have received salaries for several months from the SUT even though they never showed up (Vreme, 14 November 2006).

⁵²⁴ Vreme, 23 August 2005.

work.⁵²⁵ Eventually, it was decided not to close the SUT but that the Ministry of Education and Science would “undertake all measures necessary for avoiding the inconsistencies.”⁵²⁶ In particular, the University was given extra time to complete documentation and rectify the situation.

One might ask why only a few years after any compromise on the issue of Albanian language higher education was almost impossible to achieve, the legalisation of the Tetovo University went so smoothly? First of all, the situation completely changed after the crisis of 2001 and the signing of the Ohrid Framework Agreement. Following the OFA, the political and social aspirations of the Albanian community were higher and the opportunities open to it greater than at the end of nineties or even in early 2001. No doubt the legalisation of the UT was, in Albanian eyes, a matter of „national pride” and a political gesture in the new atmosphere created after the Ohrid Framework Agreement was adopted. The question remains whether the legalisation of the UT was consistent with the OFA. Opponents claimed that the establishment of the SUT was clearly an example of “one of the abuses of the OFA” and that para 6.2 of the Agreement was simply met with the creation of the SEEU. What this paragraph envisaged was some form of state funding for the SEEU. On the other hand, others, in particular the DUI, admitting that UT legalisation had not been directly envisaged by the OFA, stressed that the establishment of the SUT was clearly consistent with the underlying goals of the Framework Agreement. Secondly, the establishment of the SEE University created a new momentum and broke a certain taboo, thereby indirectly contributing to this process. There are views that the UT legalisation would not have been possible without the SEEU and its standards and achievements, which changed the whole dimension of Albanian language higher education.⁵²⁷

With the establishment of the SUT, Albanians finally gained access to a publicly funded institution of higher education in their mother tongue. Unfortunately, the way it was done only contributed to a further politicisation of the issue of Albanian

⁵²⁵ Vreme, 11 November 2006.

⁵²⁶ Fakti, 13 November 2006.

⁵²⁷ Teuta Arifi in her interview with the author on 17 March 2003.

language higher education and increased the local perception that the SEEU “belongs” to the DPA and the SUT is a “baby” of the DUI. The focus now should be on ensuring that all deficiencies identified at the SUT are addressed over time and that it becomes a viable institution of higher education. This requires vigorous action by the Ministry of Education and support by the international community. No doubt, sooner or later co-ordination and co-operation with the SEEU will have to be established.

10.6. Further Inter-Ethnic Segregation in Education

Unfortunately, the progress achieved in the field of higher education was accompanied by some negative trends in the field of primary and secondary level education. As a matter of fact, the situation since 2001, in particular as far as inter-ethnic relations are concerned, has deteriorated to the extent that it has become one of the major issues affecting the prospect of stabilisation of the situation in the country. These negative developments had been used by both ethnic Macedonians and ethnic Albanians as evidence of the other’s poor intentions, which in turn has contributed to the radicalisation of their respective communities. In addition, political parties have often opportunistically exploited these tensions for their own benefit including engaging in direct political manipulation of students.

Perhaps the biggest problem is growing inter-ethnic segregation. The policy of the country which could be described as “two schools under the same roof”, envisaged that a common curriculum be available in all “constitutional languages” and should be taught in a common facility, i.e. schools should not be separated by language. This policy had many shortcomings as students attended different language lines and often in different shifts. However, it meant they had at least limited contacts. During the conflict in 2001, the disintegration of this model started in many areas, the pattern usually being one in which ethnic Albanian children left schools in the Kumanovo region and ethnic Macedonian children left schools in Tetovo and the surrounding villages – allegedly on the grounds of lack of space, discrimination or fear - and

started classes in separate locations.⁵²⁸ This physical separation was followed by attempts to establish separate school administrations. This segregation could lead to a *de jure* institutionalisation of the *de facto* situation, thus creating parallel educational systems. As the problem was not properly addressed by authorities for quite a long time, the situation continued to deteriorate even further.

These events were accompanied by the politicisation of the administration of schools and attempts to change the names of the schools, resulting in an additional increase of inter-ethnic tensions. In a number of cases, provocative requests had been made for the renaming of the schools, the pattern being to change the name from the national hero of one ethnic group to a hero of another ethnic group.⁵²⁹ In addition, there were problems with poor infrastructure, overcrowded classrooms, insufficient teaching materials and an outdated curriculum. The selection of the schools' directors was extremely politicised and in most schools their heads were party members or at least party "sympathisers".

Some of the above-mentioned problems could have been at least partially addressed through the general process of decentralisation taking place in the country. The new Law on Self-Government, followed by amendments to the Laws on Elementary and Secondary Education, shifted the competence for establishing, financing, and administering primary and secondary schools, including appointments of directors, from the Ministry of Education and Science to a Municipal School Board (consisting of representatives of parents, teachers, municipality, and Ministry) and the Mayor. However, in the extremely politicised environment, it soon became clear that that this would not solve all the problems. On the contrary, politicisation and nepotism from the central level shifted to the local level. This clearly demonstrated that the process of decentralisation could not be seen as a panacea for all inter-ethnic problems in the country and that some extraordinary steps should be taken.

⁵²⁸ Indeed numerous physical fights between ethnic Albanians and ethnic Macedonians students broke out in many places. Needless to say, almost all schools in the country are overcrowded and they face problems of capacity - most of them work in 2 or even 3 shifts.

⁵²⁹ It has to be admitted, though, that those requests almost exclusively concerned replacing the "Macedonian" names with "Albanian" ones.

One might wonder about a possible link between the above-mentioned deterioration of inter-ethnic relations at schools and the signing of the Ohrid Framework Agreement, as indeed the timing of these developments would suggest. However, the causes are to be found in the context of the 2001 conflict and the overall deterioration of inter-ethnic relations, rather than in the Agreement itself. Initially, security concerns in the light of growing inter-ethnic tensions in the country in spring 2001 were the primary reason behind the ethnic segregation of schools. The authorities were occupied with much more serious threats to country security and could not agree on a unified response, and, as a consequence, their lack of a timely reaction only contributed to further escalation. Despite the fact that the Ministry of Education and Science publicly promoted the reintegration of schools *inter alia* by calling for pupils to return to their original, pre-conflict schools, there was an obvious lack of co-ordination and strategy within the governing coalition regarding its response to the existing situation. As a matter of fact, encouraged by a lack of response from the authorities, more schools followed the pattern of separation. One should also not underestimate the damage done by years of neglect of the growing negative trends as far as inter-ethnic relations in general, and the field of primary and secondary education in particular, are concerned. In addition, schools were also used as a vehicle by some radicals who were interested in maintaining a high level of security alert in the country and were pushing for changes in the Ohrid Agreement. Against this background, the OFA can only be blamed for a number of ambiguities in its text which led to misinterpretations which also had an impact on the situation in education.

The international community remained passive for quite a long time but eventually reached the point when it could not longer ignore a situation which could potentially endanger implementation of the OFA and the stability of the country. The OSCE, in particular, decided to act, having being tasked by the Annex C of OFA to play an active role in the field of education. While the OSCE Mission actively promoted dialogue at the local level, mediating in a number of conflicts, the HCNM provided more general guidance and policy advice to the Macedonian Government. Against this background, the High Commissioner asked two international experts to prepare a

study on the inter-ethnic situation at primary and secondary schools in Macedonia. Their report served as a basis for HCNM recommendations, which were eventually submitted to the Minister of Education on 7 May 2004.⁵³⁰ The HCNM recommendations concerned ways to promote the reintegration of schools, the de-politicisation of education, reform the governance of schools, implement changes in curriculum and textbooks development, improve teachers' qualifications, further efforts aimed at improved access of under-represented groups and, last but not least, reform the system of teaching of the Macedonian language to minority students. The HCNM called for a coordinated strategy and approach to those problems and offered the assistance of the international community in this regard.⁵³¹ However, despite its officially declared support for these recommendations, the Government did very little to address these problems in practical terms. Part of the problem was that the authorities did not sufficiently recognise the importance of primary and secondary education to the stability of the country in the long term. In addition, the Minister of Education and Science, Aziz Polozhani was completely preoccupied at that time with other issues, including the establishment of the new state University in Tetovo. Symbolic issues like the UT legalisation and the use of languages and symbols could be "sold" more easily to the electorate as political successes than patient reforms which were required in the field of primary and secondary education.

10.7. Conclusions

The Ohrid Framework Agreement aimed at putting together as comprehensive package of reforms as possible. However, it was drafted under pressure of time and in the context of a very tense political and security situation which could have potentially developed into civil war. As a result, the OFA was criticised for "many inconsistencies and paradoxes" which appeared in the text.⁵³² No doubt, the Agreement was a result of many compromises. It left many issues open; others were not clearly defined leaving too much space for different interpretations by the parties.

⁵³⁰ HCNM Office, *Ethnic Diversity & Education in the FYR of Macedonia: Challenges and Opportunities for Ethnic Integration*, Report prepared for OSCE High Commissioner on National Minorities by Iveta Silova and Jenne van der Velde, 12 March 2004.

⁵³¹ Letter to the Minister of Education Aziz Polozhani, 7 May 2004, pp. 1-8.

⁵³² Engstrom, Jenny, 2003, p. 348.

The vague wording of some provisions negatively affected the process of its implementation as both parties understood them or preferred to interpret them in different ways. Another shortcoming of the OFA was that, unfortunately, little consideration was given to the interests of ethnic groups other than ethnic Macedonians and Albanians. Despite the fact that many of the provisions of the OFA referred to communities not in a majority, it was perfectly clear that most of them concerned only ethnic Albanians. Engstrom even argues that the agreement practically meant a move towards the creation of a *de facto* bi-national state.⁵³³ Indeed, neither of the main ethnic groups paid attention to the rights of other, smaller minorities.⁵³⁴ On the other hand, it ought not to be forgotten that above all the OFA, effectively being the package of policies developed to counter the escalating conflict in Macedonia, represented an important initiative in the field of conflict prevention and achieved its main goal of preventing a full scale civil war.

Although in general the adoption of new legislation envisaged by the OFA has been proceeding rather slowly and the process has been marked with many delays, the Ohrid Framework Agreement has by now been largely implemented. However, more problematic has been the transfer of its legal commitments into real action. The main factor affecting the process of implementation has no doubt been general mistrust between the two main communities. Decades of growing inter-ethnic alienation, mutual fears, negative memories and neglect of policies aimed at the integration of minorities have left a negative legacy and this situation has only been aggravated by the fresh wounds sustained by the 2001 conflict. The OFA was effectively a new power sharing mechanism rather than a medium for accommodating minority concerns. As such, it inevitably led to tensions and represented “losses” for ethnic Macedonians and “gains” for other communities, above all ethnic Albanians. Combined with the weak international position of the country, including challenges by its neighbours and the lack of broad international recognition of its constitutional name, the Agreement contributed to undermining the sense of security among

⁵³³ Ibid, p. 336.

⁵³⁴ Some Albanian leaders even used the derogatory term “insignificant ethnic groups”.

Macedonians. No doubt the controversy lies mostly in the fact that the Agreement was reached after the Albanian insurgence erupted, creating the impression that violence was being rewarded. Unfortunately, as a consequence, the 2001 conflict could set a dangerous precedent in two ways. First of all, it might suggest that a lot more could be achieved through the use of violence than through many years of peaceful efforts. Secondly, there might be attempts to use the OFA in other, quite different situations as a standard setting model.

Against this background, it could be argued that the Agreement contributed very little to the achievement of another goal: the improvement of inter-ethnic relations through the establishment of a genuinely multi-ethnic state where all ethnic groups could integrate. The new system created by the Agreement did not offer the necessary conditions for building an integrated society; on the contrary, it often contributed to divisions. The 2001 conflict, together with various ambiguities in the Agreement and the way it has been implemented, contributed to tensions and further inter-ethnic segregation. It therefore brought to the surface the Macedonian majority's strong resentment against ethnic Albanians and vice versa and contributed to a further polarisation between the two communities. It was clear that problems like lack of trust, integration and wider social contacts could not be addressed by any agreement and required a different approach. Therefore, the Ohrid Framework Agreement and its implementation should have been accompanied by a set of steps supporting the process of integration and peaceful inter-ethnic coexistence. This could only be achieved through a comprehensive strategy and patient implementation of a number of steps in which education should play the key role. In addition, it seems that the international community still needs to be actively involved in Macedonia as the situation in the country is fragile; the local institutions are still not mature enough to handle developing crises independently and, last but not least, the situation could at any time be affected by regional developments.⁵³⁵

⁵³⁵ In this regard one should not forget that some Albanian politicians did not completely abandon ideas of federalisation of Macedonia or even its separation, with a view to building a so-called "Greater Albania." For instance, the DPA leader, Arben Xhaferi, in an interview for Albanian TV station in Tirana, asked for

Today, the Ohrid Framework Agreement can be considered the breaking point in the history of Macedonia and, together with the process of European integration, the main point of reference for the future of the country. Both issues are actually closely linked. Already in its first paragraph, the OFA underlines Macedonia's European aspirations, while at the same time the progress in the implementation of the Agreement has been one of the main elements of EU Progress Reports. In this respect, the OFA could be considered as the founding document of contemporary Macedonia. Today, the full implementation of the Ohrid Framework Agreement is considered as perhaps the only guarantee for the survival of the unitary character of the state, its sovereignty and stability.

The conflict preventive strategy of the international community in the post-Ohrid phase was very simple: to focus on the full implementation of the Agreement with clearly defined roles for various actors. Certainly, like the agreement itself, the implementation of the OFA has been largely achieved thanks to the continued involvement of the international community, above all its unrelenting, heavy diplomatic pressure. This was a crucial factor in calming the agitated spirits that sometimes arose as a result of different interpretations of the Agreement. In addition, without that foreign involvement, it would have been impossible to overcome the mistrust between the two communities regarding implementation of the Agreement. In this respect, the involvement of the foreign envoys was a positive example of international conflict prevention. The signing of the OFA, as well as the application of a combination of diplomatic, military, economic and political tools that followed, proved that the Western countries were able to intervene decisively in Macedonia.⁵³⁶ However, the representatives of the international community had to be extremely careful about their involvement, particularly in regard to finding a proper balance between maintaining the necessary leverage and avoiding unnecessary intrusiveness

unification of the Albanian territories in one state, with the merging of the western part of Macedonia and Kosovo with Albania (Lajm, 14 December 2005).

⁵³⁶ Zucconi, Mario, *The "External Factor": the Macedonian State's Security Deficit and the International Community*, the Ethnobarometer Working Paper Series, Rome, 2002, p. 86.

by refraining from exercising almost executive powers which would create the impression that another “protectorate” was being established in the Balkans. The international community, to a certain extent, was successful in this regard.

The question of minority education, including higher education, occupied only a marginal place in the OFA and, apart from reinforcing already existing arrangements (including *inter alia* the quota system), it only opened the way for state funding for university level education in languages spoken by at least 20% of the population (in practical terms besides Macedonian, only Albanian), at the same time leaving the details to be regulated by separate legislation. Therefore, it comes as no surprise that the issue of minority language higher education was only occasionally addressed in the process of the OFA implementation. Nevertheless, the consequences of the Agreement were also reflected in changes that took place in the field of education. On the one hand, it indirectly contributed to the final solution of the question of Albanian language higher education, *inter alia* resulting in legislation enabling the establishment of the new state University in Tetovo or, in practical terms, recognition of the UT. As the new SUT is still struggling to come to terms with its past, the process of the “healing sick structure” has not yet produced desirable results. On the other hand, the 2001 conflict and, to a certain extent, the Agreement itself opened a Pandora’s Box in the field of primary and secondary education, which was aggravated by the fact that problems in this field have been largely neglected by authorities. In addition, the process of reforms in the field of education aimed at building a modern, integrated system of education could only be successful if they were of a comprehensive character. It remains to be seen what kind of consequences both issues will have for the stability of the country in the long-term.

After the new State University in Tetovo was established, Macedonia has two institutions of higher education providing a curriculum in the Albanian language, sometimes by the same professors, located only a few hundred metres away from each other. Nevertheless, they significantly differ, not only because of their different academic standards. The SEEU is a multi-lingual institution open to students of all

ethnicities. The SUT is practically mono-ethnic and this could have negative consequences for the country's stability, especially in the long term. However, despite the fact that Albanians are still underrepresented as far as the number of University students is concerned, over time the question of duplication of faculties and overproduction of graduates in certain fields will have to be addressed. At the moment, both Universities have decided to continue along their own paths, but this situation cannot be maintained, especially in the long term. Therefore, in the short and medium term, co-operation and division of tasks seem to be the preferable option, while in the long term the merger of both institutions in what would become a mixture of a private and state financed institution should certainly not be ruled out.

Part V

CONCLUDING REMARKS

Chapter 11: Conclusions and Recommendations

The importance of universities in the economic, cultural and social development of countries has been widely recognised. In addition, as a result of the fact that access to higher education in their mother tongue has often been a focus of attention for minorities, universities have continued to play a major role in the field of inter-ethnic relations. History shows that a university may be a source of tensions negatively affecting inter-ethnic relations in the country, as well as the centre of radicalism or even secessionism. At the same time, any dissension in the field of education only serves to radicalise the young generation with possible negative consequences for the stability of the country.

A number of serious internal problems, above all complex inter-ethnic relations, and the difficult situation in the region represented potential for significant conflict in the Republic of Macedonia. One of the most serious issues affecting inter-ethnic relations was the problem of the access of minorities to higher education in their mother tongue and the question of an Albanian language university. The significance of this issue does not lie merely in its symbolism. It was closely related to other aspects of minority rights, first and foremost to the participation of minorities in state affairs and their representation in the public services. The issue at stake was also the status of the Albanian language, and its possible recognition as the second official language in the country. The lack of an early response to the demands of the Albanians led to the radicalisation of this community and initiated a chain reaction. A more prompt response by the authorities by expanding teaching in the Albanian language at Skopje and Bitola Universities and enhancing mechanisms of positive discrimination might have solved the problem or at least made manipulation by some radicals far more difficult. Unfortunately, over time, especially after the founding of Tetovo University, this issue became one of the most explosive topics on the country's inter-ethnic agenda. The majority population was afraid that the UT might become an intellectual centre supporting Albanian nationalism and even secessionism in Macedonia, effectively copying the role played in the past by Priština University in Kosovo. At the

same time, Albanians often raised the issue of their heavy under-representation in higher education as evidence to support their claims of being treated as second class citizens. The lack of positive response by the authorities was a result of legal, including constitutional arguments. It did not, however, take into consideration the fact that Macedonian legislation on higher education and the access of minorities had not conformed to international standards for a long time. Vague those international standards might be, they clearly stipulate that persons belonging to national minorities should, under certain conditions, have access to higher education in their mother tongue, although the state has no obligation to provide this type of education at public higher education facilities.

Against this background, it was clearly important to remove this problem from the inter-ethnic agenda of the country in order to avoid a further escalation of tensions. Several steps taken by the authorities proved to be insufficient and the direct involvement of the international community seemed to be a precondition for any compromise. This was the starting point for the HCNM intervention and the launching of the initiative which eventually led to the establishment of the South-East European University. The proposal was tailor made for the case of Macedonia and all aspects of Albanian language higher education, including its historical, social, cultural and political context needed to be considered. By introducing both a multi-ethnic and a multi-lingual approach, an attempt was made to reconcile two, at first glance, conflicting goals: to provide education in the Albanian language and to avoid the creation of a segregated University. The founding of the SEE University, despite some shortcomings, had several positive effects. Firstly, it produced a significant increase in the number of Albanians pursuing higher education which in the future might improve their participation in public services. Secondly, the project led to a de-escalation of tensions and the gradual elimination of the potentially explosive problem of Albanian language higher education from the political agenda. It could be argued that it was thanks to the launching of the SEEU project that this issue did not become the main cause of the 2001 conflict and did not ultimately affect negotiations in Ohrid. As such, it indirectly contributed to the successful conclusion of the Ohrid Framework

Agreement. Thirdly, the SEE University created an enabling environment for ethnic integration and for building bridges between communities. It has promoted inter-ethnic cooperation and understanding which in turn has contributed to the stability of the country. In addition, it clearly demonstrated that members of both communities could live and work together, thereby challenging the Albanian community's perception of its own alienation and exclusion. Finally, it also had a significant impact on developments in the educational sector of the country. Acting as an impetus for healthy competition, it encouraged changes to be made at existing institutions of higher education. Although it is still too early to draw conclusions, it is hoped that the SEEU graduates will bring their knowledge and unique experience of living and working in a truly multi-ethnic environment to bear on the process of building a stable and prosperous Macedonia and achieving the strategic goals of the country, first and foremost Euro-Atlantic integration.

It was expected that, with the creation of the SEE University, the UT would slowly „wither away”. Although the project did indirectly contribute to the marginalisation of radicals at the UT and broke certain taboos regarding Albanian language higher education, thus providing fresh momentum to the solution of the problem, it ultimately failed to achieve the gradual elimination of the UT completely. This was largely due to the fact that the SEEU project and its potential impact were overshadowed by subsequent developments, in particular the 2001 conflict and the Ohrid Framework Agreement, both of which significantly strengthened the position of the Albanian community. The creation of the new State University in Tetovo, offering a curriculum in the Albanian language, which *de facto* represented the transformation of the existing UT, was the result of a new power-sharing mechanism and changes that took place in the aftermath of the 2001 conflict. Besides the political gains the UT “legalisation” might bring its founders, it was hoped that putting the UT in the framework of state structures would solve most of the problems facing this institution. This, unfortunately, has not yet materialised. The heavy emphasis which the SUT puts on teaching exclusively in the Albanian language and the fact that it has a very low intake of non-Albanians poses a risk of creating another mono-ethnic structure which

could cement existing inter-ethnic divisions in the country. However, the SUT is today a reality and the Macedonian authorities, with the assistance of the international community, should therefore undertake efforts to reform this institution. The rationale for the parallel existence of two Universities, located only a few hundreds yards away from each other, each providing teaching in the Albanian language, also needs to be re-examined. Whilst the short term solution seems to be one in which both organisations work together to overcome their existing differences and aim at complementarity and co-operation, in the long term the most cost-effective formula is likely to be the merger of the SEEU and SUT into an institution which is financed by a mixture of private and state funding.

It is important that any steps taken towards reform in the field of higher education should be consolidated in order to ensure their durability. Bearing in mind the extremely low number of Albanians attending university education in Macedonia in the nineties of XX century, further efforts are still needed to increase this number. In addition, demographic pressure driven by a significantly higher birth rate among Albanians will have far-reaching consequences for future strategies for education at all levels. A further increase in the number of faculties at the SUT and the SEEU should not be ruled out although this might not prove feasible, at least not until real co-operation and cost-effective complementarity between both institutions are established. However, one might, for instance, wish to consider setting the University entrance exams at Skopje and Bitola Universities in the Albanian and other minority languages, even though the teaching itself would continue to be conducted in Macedonian. For many ethnic Albanians, passing entrance exams in Macedonian proves to be a much greater obstacle than subsequently following a course of education in Macedonian and many ethnic Albanians are obviously disadvantaged in this respect, compared with their ethnic Macedonian colleagues. A reform such as this one would go some way to contributing to the integration of minorities in mainstream education. Bearing in mind the fact that the SEEU and the SUT by no means offer an exhaustive curriculum, there might very well be students interested in pursuing studies in other fields not currently offered. In addition, some extra-curricular courses could

be introduced for minority students in order to help them “survive” at the Skopje and Bitola Universities. Lastly, the possibility of introducing more teaching in minority languages at the Skopje and Bitola Universities should be given serious consideration.

It is important that any reforms in the field of education should be as comprehensive as possible. Any progress achieved in the field of minority language higher education should be accompanied by reforms in primary and secondary education. Clearly the problems regarding Albanian language education in Macedonia begin early on in primary and secondary schools. The educational system of the country is probably one of the most obvious victims of inter-ethnic segregation. The practice of segregating children from different ethnicities only serves to widen the gap that has developed over the years and adds to inter-ethnic tensions. In view of the fact that negative tendencies have increased recently, everything possible has to be done in order to reintegrate pupils and to address the problem of schools’ segregation and politicisation. The unsatisfactory level of participation by Albanians and some other minorities at the secondary level, which inevitably is being transferred to higher education, is another problem that should be addressed. Much remains to be done as far as the quality of teaching is concerned, particularly in minority schools. This can only be achieved by increasing the number of qualified Albanian language teachers graduating from teacher training faculties in the country. There is obviously a need for a comprehensive study on whether, and in which timeframe, the shortfall of Albanian language teachers could be compensated by an intake of graduates from existing pedagogical faculties in the country.

However, perhaps the most pressing problem facing the educational system in Macedonia is inadequate knowledge of the state language among minority students. In order to address this problem, the number of compulsory hours of Macedonian language teaching provided at minority schools should be increased and the quality of teaching improved. In particular, there needs to be more teaching not only ‘of’ but also ‘in’ the Macedonian language since research shows that this is by far the most effective way of learning another language. At the same time, it is important to

maintain consistency in teaching in the Macedonian language at institutions where the curriculum is provided in minority languages (first of all at the SEEU and the SUT). Proposals that students attending classes in the Macedonian language should learn at least one other language spoken by the other ethnic communities in the country should be seriously considered. However, this should be a voluntary option, chosen by students based on their awareness of the advantages of such an education as discussed with teachers and parents. The country should also consider increasing the utilisation of English, including as a language of instruction, especially at the higher level.

The above-mentioned steps in the field of education are the necessary preconditions of a conflict prevention strategy in the Republic of Macedonia. There is no doubt that diplomacy has an important role to play in conflict prevention - 2001 serves as a very good example in this regard - but more attention needs to be paid to practical steps which can be taken to reduce the risk of tensions, i.e. so-called structural prevention. The costs of conflict prevention through e.g. investments in the field of education are tiny in comparison with the human and material losses of conflicts and post-conflict reconstruction and rehabilitation. With the opening of the SEEU and the SUT, the potential for any serious conflict over the issue of Albanian language higher education in Macedonia has significantly diminished. The time has come to focus on the potentially positive role an inclusive system of higher education could play in building harmonious inter-ethnic relations and preventing the eruption of violence. One of the main conclusions of the study of developments in minority language higher education in Macedonia is that more attention should be devoted to the root causes of ethnic tensions. Education frequently plays a special role here. It is actually in the process of education that young people develop the attitudes which predispose them to the peaceful resolution of conflicts on the one hand or the use of violence on the other. Education is also largely responsible for forming the attitudes of both majority and minority communities towards one another. Schools and universities may promote an appreciation and understanding of the views of other groups and communities or they may reinforce prejudices and stereotypes. Therefore, contacts between students from different communities either through attending the same classes or at least

participating in joint extra-curricular activities are a key element. One should keep in mind the fact that quality education, especially at the higher level, could contribute to breaking a vicious circle of apathy and lack of perspective in Macedonia. In addition, research has shown that inadequate standards of education can lead to deprivation and social exclusion which fuel radicalisation and encourage resort to violence. Education is a powerful tool for confronting radicals and making manipulation of their respective communities more difficult. Raising the standard of education can reduce these risks. Extremism is often based on ignorance; education can break down stereotypes and improve awareness of other cultures. Bearing in mind the limited human resources and the poor level of education of a significant proportion of the population of the country, the promotion of educational reform and an increase in the number of well educated people who could contribute to economic growth and development would have a positive impact on the stability of the country. The above-mentioned elements need to be taken into consideration when shaping policy in the field of education.

It is too early for a comprehensive assessment of the impact of the establishment of the SEEU and the SUT on the stabilisation of the situation in Macedonia. The time element is crucial in this regard. The very limited number of graduates at these institutions makes it difficult to assess their potential input. However, it would be useful to undertake a comparative study of the academic credentials, performance at the job market, attitudes towards other ethnic groups etc. of graduates of the SEE University and SUT at some point in the future.

Developments in the field of higher education in Macedonia offer a good basis for discussion on the application of multi-ethnicity and multilingualism as a means of building an integrated society, preventing an increase of tensions and possible inter-ethnic conflict. Minorities need to find a place where they can integrate with the society and universities provide useful scope in this regard. Higher education is essential to the integration of diversity and at the same time plays an important role in encouraging the development of identity and the transfer of cultural values. A policy

which combines acceptance of the rights of a minority group to maintain its own identity, including its language and culture, with support for the integration of the minority into the wider society is the best way to reduce or avoid tensions. The case of Macedonia shows that mono-ethnic institutions should be avoided. On the one hand, state language university education is often not acceptable to minority communities who stress their need to have access to institutions which promote their language and culture. On the other hand, exclusively minority language institutions should be avoided as they might contribute to ethnic segregation, mutual hostility and the growth of nationalism. This leads us to the obvious conclusion that the multi-ethnic and multi-lingual formula should be sought whenever possible. Universities following this model significantly lower the risk of the development of nationalism, extremism and isolationism from mainstream education. At the same time, they help to promote mutual understanding and encourage the avoidance of stereotyping by offering opportunities for students from different groups and communities to make contact with one another, learn to peacefully coexist and co-operate in the society. If the demands of a minority group are justified in terms of the size as well as the cultural and historic tradition of that minority group, then higher education should take place in integrated faculties where at least part of the curriculum is conducted in the official state language and students of all ethnicities are enrolled. However, sometimes the provision of a bilingual or multi-lingual formula provided at integrated facilities might not be workable for the simple reason that some minorities might be greatly attached to the acquired rights they enjoy in the framework of segregated education and an attempt to forcefully introduce integration might lead to serious tensions or even conflict. In such a situation, the promotion of the state language, culture and tradition should be provided at an appropriate level and contacts between various communities encouraged through e.g. extra curricular activities, sport etc.

The above-mentioned formula is also an important element from a linguistic point of view. Mother tongue education, which is essential in order to retain the identity and culture of minorities, has to be combined with the learning of the State language and the study of the history, culture and tradition of the majority and other communities.

Such a multi-ethnic and multi-lingual approach to teaching and learning at University level education is in full conformity with international standards which, whilst they emphasize the right of minorities to higher education in their mother tongue, also stipulate that this right should not be exercised in a manner which prevents persons belonging to national minorities from achieving proficiency in the state language. Undoubtedly, a sound knowledge of the official language is crucial to full participation in the economic and political life of the State.

The case of Macedonia deserves special attention not only because of the unique way minority language higher education has been addressed, but also from the point of view of conflict prevention. It provides further evidence in support of the “logic of conflict prevention”, i.e. that timely and effective action can help to avert a costly crisis and early response to demands could prevent their radicalisation. In this regard, Macedonia provides both a negative and a positive example. First of all, the negligence by the authorities to address the problem of Albanian language higher education led to the radicalisation of the entire Albanian community and the establishment of the Tetovo University, which in turn became an important centre for growing Albanian nationalism in the country. In general, despite the gradual accommodation of some of the demands of minorities, this process was proceeding at a very slow pace and often only due to pressure exercised by the international community. Even limited concessions were perceived as superficial and as having being made exclusively for international consumption. In addition, the international community was guilty of not having focused enough attention or dedicated sufficient resources to heading off the 2001 crisis in time. Perhaps this was because there were so many other things that demanded attention in the Balkans and elsewhere. It is symptomatic that low level conflicts often do not grab adequate international attention. The failure to detect early symptoms of growing tensions and the initially hesitant intervention by the international community could have been fatal for the stability of the country. This illustrates the need to establish reliable mechanisms for early warning which could help determine the need for conflict prevention activities. In this respect, representatives of the international community, unfortunately, often

neglect the potential role of domestic actors, including local NGOs. The latter could have played a more active role in addressing conflict potential, especially at a grass-roots level, making a valuable contribution to the early identification of growing symptoms of conflict and later on contributing to efforts aimed at preventing any deterioration of the situation.

On the other hand, steps taken with international assistance led to the gradual elimination of the problem of Albanian language higher education from the inter-ethnic agenda of the country. In addition, the international community played a decisive role in brokering the Ohrid Framework Agreement and preventing civil war in the country. The active presence of foreign envoys was also essential in pushing forward the process of reforms, including the OFA implementation. Unfortunately, the case of Macedonia also illustrates the fact that governments frequently only take action to prevent the escalation of tensions when they are induced by international pressure to do so. It could be concluded that the OFA and the process of its implementation were important initiatives in the field of conflict prevention and represent positive examples of the important role the international community can play in conflict prevention.

Successful prevention requires co-operation and co-ordination between the various actors involved and this was also the key to success in Macedonia. Initiatives in conflict prevention need to be comprehensive and to pay attention to all aspects of the problem; key players need to present themselves not merely as passive facilitators but as pro-active mediators, able to come forward with concrete proposals in order to build consensus. A conflict situation frequently requires identifying one “leading” actor who will assume responsibility for a given subject, as in the case, for instance, of the access of minorities to higher education in their mother tongue, drawing from his or her experience and, when needed, calling upon the expertise of specialists. A clear division of tasks is therefore critical. In addition, much depends on the personalities representing those international actors, their commitments and individual approaches. Lastly, Macedonia has also shown itself to be a “testing ground” for many conflict

prevention activities which were undertaken by different international organisations. Various mechanisms that were established and the level of “intrusiveness” deserve special attention. Too large an involvement might increase the “dependence” of countries. The case of Macedonia might actually be more promising than Kosovo or Bosnia and Herzegovina since the international community, without exercising “hard” executive powers, enjoyed considerable influence over parties by playing the role of a moderator, forcing local politicians to take more responsibility and to assume ownership of the process of reforms. It could be observed that when representatives of the international community exercise executive powers, local politicians are reluctant to reach any compromise since they realise that ultimately solutions may be imposed upon them anyway. At the same time, this allows them to blame the “internationals” for the problems facing the country.

The Republic of Macedonia also remains an interesting case study from the point of view of observing how various instruments and mechanisms of conflict prevention (or their combination) were employed at various stages of the conflict. Whilst up until 2001 most actors applied political tools, as a result largely of the relative neglect of conflict potentials in Macedonia, an overall strategy for a comprehensive concept of structural prevention was missing despite the fact that various international actors maintained relatively good co-operation between each other especially as far as the division of tasks was concerned. The 2001 conflict represented a quality change as the international community had to get involved fully in the framework of operational prevention, first of all applying diplomatic tools of prevention and supplementing them with capacity building, economic assistance and military presence. It was no doubt a more organised and better planned intervention due to the fact that it was guided by various provisions of the Ohrid Framework Agreement which remained a reference document not only for internal reforms in the country but also for conflict prevention activities of the international community.

Despite the above-mentioned successful conflict preventive intervention, the situation in Macedonian remains volatile with many existing conflict potentials and as such it

requires the continued involvement of the international community in order to minimise the risk of future conflict. Today, despite the fact that the immediate threat of violence has diminished, both main communities remain deeply divided. In fact, as a result of the 2001 conflict, the distance between them is probably greater now. There remains the fundamental problem that one should never claim success in conflict prevention as conflicts have their own dynamism and they cannot be totally controlled. Therefore, whenever action has been taken it should be followed up by steps aimed at long-term conflict prevention, including in the field of education. In the case of Macedonia, one should not forget the possible impact of regional developments, first and foremost the future status of Kosovo. Until they are addressed, the tensions and uncertainty will continue to affect prospects for lasting stabilisation of the situation in Macedonia. The unstable internal situation, above all the political tensions of both an inter-ethnic and intra-ethnic character, remains a significant destabilising factor. There is political apathy and a lack of positive energy to support reforms. The bad economic situation remains a major threat to stability. One should also not forget the bitter legacy of the 2001 conflict. In addition, the increasing sense of vulnerability and pessimism about the future of the ethnic Macedonians and their perception of Western favouritism toward Albanians could be a dangerous factor that should be taken into account. At the same time, the Albanians have still not completely abandoned the idea of federalisation which would inevitably lead to a split of the country with possibly devastating consequences for the whole region. The maintenance of the unitary character of the state will be crucial therefore for the survival of the country.

In many respects Macedonia is at a crossroads regarding its future. Many of the crises endured over the last fifteen years represented serious challenges for the political elite and tested its ability to prevent conflict. The consistent implementation of the Ohrid Framework Agreement, together with efforts aimed at EU integration, are the main point of departures for building a future strategy of conflict prevention efforts in Macedonia. The EU perspective is absolutely vital not only as a source of financial support but above all as a catalyst for necessary reforms, in particular as EU

integration remains perhaps the only goal on which all mainstream parties are able to agree. Therefore, the EU, in co-operation with other partners, should take the lead in pursuing conflict prevention activities in the country. This immediately raises the question of whether the EU is willing and sufficiently equipped to do so.

The case of Macedonia has also been brought up on a number of occasions in order to discuss the precedent set by both the Ohrid Framework Agreement and the founding of the SEE University. Certainly each situation is different and requires a different approach so both initiatives cannot automatically be applied to other situations. Nevertheless, at least the SEE University project might have more universal application and, as already mentioned, it represents an interesting case when discussing the principle of a multi-lingual and a multi-ethnic approach to higher education. At the same time, the Ohrid Framework Agreement which was a positive example of international community involvement and efforts in the field of conflict prevention is often also recalled as presenting a negative example of winning more rights through violence. Likewise, the case of Macedonia illustrates that despite the international community's rhetoric challenging this interpretation, radical demands by minorities supported by the pressure of violence can produce results. On the other hand, this case study also demonstrates that successful conflict prevention is possible since the OFA prevented inevitable civil war in the country. In addition, although it might be still too early for binding conclusions, the case of Macedonia illustrates that an inclusive system of higher education, including in the minority language, can contribute to conflict prevention efforts and to the building of an integrated society, as well as to the political stability and economic development of a country.

In general, the international community has to be prepared today to adopt and to implement a new policy regarding the Balkans. It needs to consider the role it should play in unstable countries or regions, where it often enjoys large executive powers, but where it also needs to develop a general strategy on how to contribute to general democratisation, strengthening the rule of law, the process of reforms and last but not least on how to prevent possible conflicts. It ought not to be forgotten that in the past

the international community tended to confine its role to responding to emergency situations or even to acting *post-factum* rather than developing any long term strategy on how to contribute to the stabilisation of the situation in a country when a potentially dangerous conflict develops there. The case of Macedonia provides many lessons learned and good practices in this regard.

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