

**Organization for Security and Co-operation in Europe
High Commissioner on National Minorities**

His Excellency
Mr Andrei Plesu
Minister of Foreign Affairs
of Romania
Bucharest

The Hague, 2 March 1998

Ref. 730/98

Dear Mr Minister,

Please allow me to thank you, once more, for the hospitality you offered to me during my recent visit to your country. I should also like to express my gratitude for the effective help the staff of your Ministry provided in arranging my programme.

During the various meetings I had, the question of how to meet requests by minorities for tertiary education in their mother language frequently came up. In this respect I was informed about the progress made at the Babes-Bolyai University in Cluj towards the development of a multicultural structure aiming at the development of three lines of study programmes in Romanian, Hungarian and German. I express the hope that the Government will do what it can to stimulate this process and to ensure that other universities will follow a similar course. It can, however, only come to full fruition if the universities will be granted additional financial resources for this purpose, while it will also be necessary to allow more decentralisation in the system of tertiary education in general.

In the discussion regarding the development of a multicultural structure in the field of tertiary education, the point has frequently been made that the intellectual and cultural development of majorities and minorities should not take place in isolation. In this connection I have noted that the Senate, debating the revision of the Law on Education of 1995, has adopted an article formulated in such a way that it would be impossible to create an independent state-funded tertiary education institution with tuition in a minority language, while in the version of the article laid down in Government Decree 36/1997 of 10 July 1997 such a possibility is kept open.

I should like to make the following comments. In recognizing that the multicultural system being developed in the Babes-Bolyai University in Cluj (and hopefully in future also in other universities) has many advantages insofar as it meets a number of the cultural and educational needs of minorities while, at the same time, ensuring that students following separate courses in their mother language nonetheless study together at the same university, it would in my view not be desirable to include in the revised Law on Education a provision excluding the possibility of a state-funded university with education in a minority language. It would be preferable to create a commission of independent experts which could analyse whether there would be such a need for one or more minorities. If this commission would come to the conclusion

that the preservation of the cultural identity of a minority would require such an institution, it could also analyse the question whether such a separate institution could restrict itself to a limited number of subjects. It might perhaps be of use to ask experts of the Council of Europe to provide information about the way similar problems have been solved in other European States.

In the discussion on this subject, I noted that sometimes insufficient attention has been paid to the fact that, in case the Government would come to the conclusion that a separate state funded institution in a minority language would be needed, a separate law would be needed to create it. If such a system would come into being, it would of course have to be open for any student, irrespective of his or her ethnicity. The development of forms of co-operation with other state universities would in my view also need special attention.

Permit me finally, Mr Minister, to make two remarks about the content of Decree 36/1997 regarding the revision of the Law on Education. Article 120(2) refers to the teaching of the history of the "Romanians". Considering the multi-ethnic character of Romania, I wonder whether it would not be preferable to refer to the history of "Romania". I also should like to recall paragraph 34 of the Document of the Copenhagen meeting of the Conference on the Human Dimension of the CSCE of 1990 to which Romania, like all other OSCE States, has subscribed. It states that in the school curriculum, States will also take account of "the history and culture of national minorities". I would suggest a provision would be added to Article 120 stating that this subject will be taught in the minority language.

I look forward with great interest, Mr Minister, to your reply to these recommendations. I have taken the liberty of sending a copy of this letter to the Minister of Education, Mr Marga.

Yours sincerely,

Max van der Stoel

Ministerul Afacerilor Externe al Românilor

H.E. Max van der Stoel
OSCE High Commissioner on National Minorities
The Hague

March 30, 1998

Dear Mr. High Commissioner,

I am writing to you, in answer to your letter dated earlier this month. It is, indeed, with great pleasure that I recall the visit you paid to Romania in February, and particularly, the fascinating discussions we had over lunch at the Diplomatic Club.

As you certainly are well aware, debates on the revision of the 1995 Law on Education (Government Decree 36/1997) are still under way in Parliament, and for the time being, at least, it is difficult to foresee what the result of these debates will be. In any case, copies of your letter have been sent to the Presidents of the Senate and Chamber of Deputies, and certainly Minister Marga is familiar with your recommendations.

The Ministry of National Education, and Romanian authorities as a whole, attach particular importance to the process of decentralization of administration in general and of education institutions, in particular, which will also mean greater freedom in managing financial resources.

As for creating new opportunities of tertiary education for national minorities, the Government of Romania, within which the political party of ethnic Hungarians (UDMR) plays a considerable role, has most clearly expressed its willingness to look into the most adequate ways and means to achieve this, taking into consideration authentic needs and requests. We are confident that legislation to be passed in the field will make it possible.

Certainly, a commission of independent experts can be useful in defining the specific needs of one minority or another, and it is an option we are generally open to. We would, however, be careful so as not to give the wrong signal within or outside the country, especially since we believe that this is a question that can be solved together with our Hungarian colleagues.

Thanking you once again for your interest and contribution to the issue of national minorities in Romania, and looking forward to continuing the fruitful cooperation with the institution that you represent, I remain,

Sincerely yours,

Andrei Gabriel PLESU

Minister of Foreign Affairs