

REF.HC/3/95
10 July 1995
ENGLISH only

C S C E

High Commissioner
on National Minorities

His Excellency
Mr Stevo CRVENKOVSKI
Minister for Foreign Relations
of the FYROM
4 Dame Gruev Street
91000 SKOPJE
Former Yugoslav Republic of Macedonia

Reference :
No 448/95/L

The Hague
28 April 1995

Dear Mr Minister,

May I thank you and other members of the Government I met during my recent visits for their openness and their willingness to help me in performing my mission. I am very much aware of the enormous difficulties your Government has to face in overcoming a great variety of problems.

You will have noticed that the Permanent Council of OSCE, during its meeting on 23 February 1995, reaffirmed its support for the territorial integrity, the sovereignty and the stability of your country. Regarding minority issues, it called upon all parties to exercise restraint, to strengthen the dialogue and to maintain an open minded attitude in order to facilitate the overcoming of the problems in accordance with the constitutional order of your country and respect for OSCE principles and commitments. It furthermore encouraged your Government to implement the recommendations I have made. In this respect I note that in your letter to me of 30 October 1994, you indicated willingness of your Government to accept some of them, while I assume that other recommendations are still under consideration. Furthermore, I have noted with satisfaction that during my most recent visit I once

again received the explicit assurance that your Government intends fully to respect OSCE principles.

In this letter I intend to concentrate mainly on the tensions concerning issues of higher education which have arisen in your country. Let me state at the outset that in my view the solution of these questions have to be found in full respect for the constitutional order of your country and that a dialogue on these subjects can best take place in the framework of the preparation of the law on higher education.

As far as the constitutional and legal aspects of this question are concerned I have noted with special interest Article 45 of your Constitution which says "citizens have the right to establish private schools at all levels of education, with the exception of primary education, under conditions determined by law." The OSCE Copenhagen Document of 1990 also pronounces itself on this subject (without making an exception for primary education). Para 32.2 of this Document 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. Both your Constitution and the relevant OSCE principles open the option of private educational institutions; both equally stress the need of conformity with the relevant national law.

I am of course aware that your Government has tried to give Albanian students more opportunities to enter Skopje and Bitola universities. The system of quotas from the Albanian and other population groups (10% of the total number of newly enrolled students) was introduced. The percentage of Albanian students grew from 2,4% of the total number in the academic year 1991/1992 to 5,2% in the academic year 1994/1995. But on the other hand this percentage is still far lower than I would expect considering the percentage of Albanians in the total population, which, according to the 1994 census, is nearly 23%.

It is also my understanding that the four year Pedagogical Faculty within Bitola University which is now being planned, will introduce courses in Albanian and in the languages of other national minorities. In addition, courses in the Albanian language at the Pedagogical Academy in Skopje, which started in February this year, will continue after the transformation of this Academy into a four year Pedagogical Faculty at the beginning of the next academic year, and that, furthermore, courses in languages of other minorities, for instance in Turkish, can also be introduced.

Especially the steps presently being undertaken regarding the Pedagogical Faculties are going a long way towards meeting what has been a main demand of the Albanian population group in your country. On the other hand, I have noted that various Albanian parties and organizations, even though their views are not identical, do insist on the need of further steps to ensure Albanian language courses at the level of higher education.

It is my view that the continuation of the dialogue on this subject is desirable. A compromise formula is not easy to find, but might be achievable on the basis of the

following premises :

1. Any further step towards creating a new institution of higher education must be in accordance with the constitutional order and has to be in conformity with OSCE principles;
2. Such an institution would also have to have the purpose to contribute to inter-ethnic harmony;
3. Such an institution would have to respond to specific educational needs;
4. All population groups in the country ought to benefit from its creation.

Regarding specific educational needs, special attention should in my view be given to, in particular, the area of public administration and economics, where a special need exists for the application of scientific knowledge in practical life. A further improvement in university teaching in the area of public administration would greatly enhance the availability of qualified human resources, including representatives from national minorities, for local and regional administrations. In addition, economic life in your country could greatly profit from highly qualified students in business administration. It is obvious that the economy of your country would benefit from an expansion of small and medium sized business enterprises which could be the result of such high-level trainings. A need to add a stronger element of international cooperation to the process of higher education has also to be mentioned.

It is against this background that I suggest the creation of a Higher Education Center for Public Administration and Business, working in close cooperation with the universities of Skopje and Bitola. It would have to be a private institution with its own board, composed of representatives of the Government and a number of leading personalities from the various population groups. In conformity with the practice in other states, its curriculum would have to be approved by the Government. Lectures could be given in the Macedonian and Albanian languages, while the international orientation of the new institution would be accentuated by having a number of lectures in English. In this connection, it would also be useful to add a language training center to the university. As this project, which according to a rough estimate, would cost about 1,8 million dollar annually, would impose too heavy a burden on the finances of your country, international assistance ought to be asked for its financing. I have reasons to hope that donors can be found.

It is my view that this plan is in conformity with the basic elements for the compromise which I mentioned above. It is on the one hand of importance for the country as a whole, but it could also help to find a compromise with especially the Albanian population group, because it also has aspects which meet their wishes.

I am of course aware that in this matter I only provide a rough sketch of the proposal I am submitting to you. Of course I am at your disposal to provide a more detailed outline.

I express the hope that your Government will give serious consideration to these suggestions. I have sent a copy of this letter to the Minister of Education. I am looking forward with great interest to your reply.

Yours sincerely,

[signature]

Max van der Stoel
CSCE High Commissioner
on National Minorities

Republic of Macedonia
MINISTRY OF FOREIGN AFFAIRS
Minister

To: Mr. Max van der Stoel
OSCE High Commissioner
on National Minorities
The Hague - The Netherlands

Skopje, 30 June 1995

Dear Mr. High Commissioner,

I am writing to you in connection with your letter of 28 April 1995 in which you present, inter alia, your proposal for establishment of a private Higher Education Center for Public Administration and Business, as a "compromise formula" for resolving the tension that arouse over the attempts at illegal establishing of the Albanian language University of Tetovo. I would like to point that my Government greatly appreciates your efforts aimed at overcoming inter-ethnic difficulties in my country, in accordance with the OSCE principles and the national legislation of my country. In this respect, my Government welcomes in principle your initiatives and endeavours to incorporate them into the laws of my country.

The Government holds that your suggestion for the establishment of a private higher education establishment is not only in harmony with the Constitution, but is a follow-up to the intensive activity of the Government aimed at the privatization of all spheres of life including the education. In this regard, the Government accepts your idea and considers that in our further discussion it could be elaborated and adapted to the existing legislation in force and to the laws to be passed. As you may know, there is still no new law regulating these issues. The Law on Higher Education which is

currently being prepared, covers this problem, and what remains to be done is that essential aspects of private education such as financing, harmonization of programmes and alike are regulated by a special law. Your initiative will undoubtedly represent an encouragement for speedy legal regulation of this sphere.

The Government agrees with your observation that Article 45 of the Constitution of the Republic of Macedonia is almost identical to Para 32.2 of the CSCE Copenhagen document of 1990. You rightly point out that both.... open the option of private educational institutions; both equally stress the need of conformity with the relevant national law .

However, there are certain substantial differences between the two provisions. Namely, whereas according to the mentioned Copenhagen Document the only option for persons belonging to national minorities is private education, the laws and practice of the Republic of Macedonia are at a rather higher level in regard to the education of national minorities in elementary and secondary education, rendering it a duty of the state. As you may know, the fundamental issues pertaining to the rights of national minorities are regulated by Article 48 of the Constitution; hence we would like to suggest that Article 45 be read together with the said Article of the Constitution. On the basis of Article 48, there is a legal provision having existed in the law we have had thus far and incorporated in the new Law on Higher Education, prescribing that tuition in higher education is conducted in the Macedonian language exclusively, naturally with the exception of subjects most closely linked with fostering ethnic identity and culture of persons belonging to national minorities, what is foreseen by the new Law on Higher Education.

Any solution regarding a private university in the Republic of Macedonia has to take into account that such an establishment can be founded in the constitutional and legal framework, meaning in the Macedonian language or under specific conditions in one of world languages. Your initiatives for assisting the Republic of Macedonia in this sphere should have this fact in view.

I would like to inform you that the above-mentioned issues and other issues linked with higher education belonging to national minorities are intensively discussed in the country. As you may know, some international factors are included in these discussions. As thus far the Government counts on your contribution to these discussions, including your initiative for establishing private higher education establishment.

Awaiting to meet you soon, please accept my most sincere regards.

Stevo Crvenkovski
Minister
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