

# Language Rights in the Republic of Macedonia (2005)

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## 1. Background

The Republic of Macedonia (recognised by EU and UN as FYROM), has a population according to the 2002 census of just over 2 million, of which about 65% have stated Macedonian ethnicity, 25% Albanian, ca. 4% Turkish, ca. 3% Roma and 3% others.<sup>1</sup> Use of 'mother tongue' language follows the same general pattern. In pursuance of the theme 'no one shall be discriminated against by any public authority on the ground of language,' the principal issue is to try to provide equal rights in access to education to citizens speaking two entirely different languages: the official state language Macedonian (a language of the South Slavonic group written in the Cyrillic alphabet) and Albanian (a unique Indo-European language written in the Latin alphabet.) In practice most urban and many rural-based citizens with Albanian mother tongue also speak Macedonian, having learned it compulsorily at school, but relatively few of Macedonian mother-tongue speak Albanian. The western regions of Macedonia are dominated by Albanian-speakers and have close historical, family and related ties to Albanian-dominated Kosovo, in which between 1991 and the conclusion of the conflict in 1999, was officially dominated by the Serbian language. Macedonian-speakers, on the other hand, often have close links with Serbia and Montenegro or with Bulgaria: the Macedonian language has many similarities with the other South Slavonic languages Serbian (and Croatian and Bosnian) and Bulgarian but none with Albanian.

Macedonia is a complex, and perhaps unique, society which has developed out of hundreds of years of conflict including 500 years of Ottoman rule. Various attempts have been made to compare the demographic problems of the country with Moldova<sup>2</sup> and with Northern Ireland,<sup>3</sup> the former has experienced problems with two languages written in different alphabets and the latter has provided material for study of segregated education although along religious/community lines rather than on linguistic lines. The view is often expressed that in contrast to the techniques used by ethnic groups in the nineteenth century to form national states, ranging from assimilation to expulsion to genocide, the Macedonian approach was one in which the state was established through a policy of integration without assimilation, through tolerance. The Macedonian language is said to integrate society as a whole, permitting communication between local communities. At the same time, ethnic identity and distinctiveness on the local level involves the use of each group's mother tongue in self-government and local communication, thereby guarding against cultural assimilation. This dichotomy is often quoted as what makes Macedonia a successful example of multiethnic democracy which has in fact survived a quite difficult period between the independence of the state in 1991 and the present day. Such a democracy can function only when ethnic rights are de-territorialized. In contrast, recognition of collective rights would, it is said, lead to the establishment of parallel institutions, as we shall note in the context of the long-running dispute over recognition of an Albanian-speaking institution of higher education, and in turn to secession, disintegration, and the destruction of the state.<sup>4</sup> The tension between the integrationist view of Macedonian society and the deeply-held views on the common cultural identity of Albanian speakers is an extraordinarily difficult issue to deal with in the context of education, particularly higher education.

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1 CIA World Factbook 2005: Macedonia.

2 Maleska, M.(2001) Confidence Building and Democratic Conflict- Solving Strategies in Divided Societies- a comparative view: Macedonia and Moldova New Balkan Politics [http://www.newbalkanpolitics.org.mk/OldSite/Issue\\_2/moldova.eng.asp](http://www.newbalkanpolitics.org.mk/OldSite/Issue_2/moldova.eng.asp)

3 von Tangen Page, M. (2002) The Peace Settlement in Northern Ireland – Lessons for Macedonia? DCAF Conference [www.dcaf.ch/news.post-conflict%20Macedonia\\_0602/page.pdf](http://www.dcaf.ch/news.post-conflict%20Macedonia_0602/page.pdf)

4 Adapted from views expressed in Project on Ethnic Relations State Policies towards the Roma in Macedonia New York: PER 2000.

## 2. Macedonia's international obligations

In 1988, prior to the independence of Macedonia, the Parliamentary Assembly of the Council of Europe adopted Recommendation 1353(1988) on access of minorities to higher education: education is a fundamental human right and therefore (sic) access to all levels, including higher education, should be equally available to all permanent residents of the states signatory to the European Cultural Convention (ECC). Macedonia acceded to the ECC in 1995, ratifying the ECHR in 1997. The need to assist the states emerging from the collapse of Soviet communism and Yugoslav socialism was recognised by the Council of Europe Parliamentary Assembly in Recommendation 1123(1990) on practical educational assistance to Central and Eastern Europe, which gave birth to the Legislative Reform Programme for Higher Education and Research (LRP). As we recall, the 1988 Recommendation says that member states with minorities should avoid prescribing the exclusive use of the official language. It also recognises the fundamental liberty to engage in higher education activities and to establish institutions for that purpose. Such institutions, it says, should be officially supported once their satisfactory quality has been established – on a non-discriminatory and fair basis – and a genuine demand has been demonstrated; language should not be a criterion for recognising institutions or qualifications. Albanian fits the definition of a regional or minority language in the European Charter for Regional or Minority Languages (ECRML) (1992), which entered into force in 1998. ECRML was signed by Macedonia in 1996 but by 2005 had not been ratified so the state is, at the time of writing, not obliged by the Charter's terms to promote and protect the use of Albanian in education. However, Macedonia ratified the more comprehensive Framework Convention for the Protection of National Minorities (FCPNM) (1995) in 1998, which obliges Parties to promote equal opportunities for access to education at all levels for persons belonging to national minorities. Parties are obliged, within the framework of their education system, to recognise that persons belonging to national minorities have the right to set up and manage their own private educational and training establishments, not in itself entailing any financial obligation for the state. In view of the subsequent lead role taken in Macedonia by the OSCE High Commissioner for National Minorities (HCNM), reference should also be made to the OSCE recommendations on educational rights of minorities (1996) and statements on linguistic rights (1998).<sup>5</sup>

## 3. Statistics

Reliable statistics are difficult to obtain and in this chapter I have adhered to figures produced in official reports by UNESCO and OECD, as up to date as possible. The figures in Table 1 for participation rates in education by ethnic group for the years 1998/99 (primary), 2000/2001 (upper secondary) and 2001/2002 (tertiary excluding the newly-founded SEE University and the unrecognised Tetovo University) illustrate some of the discrepancies.<sup>6</sup>

TABLE 1: PARTICIPATION IN EDUCATION

Ethnic Group	Primary 1998/99	Upper secondary 200/2001	Tertiary 2001/2002
Macedonian	142116 (57.7%)	699991 (77%)	39765 (88.9%)
Albanian	76225 (30.9%)	15718 (17.3%)	2192 (4.9%)
Turkish	10453 (4.2%)	1665 (1.8%)	546 (1.2%)
Roma	7970 (3.2%)	499 (0.5%)	126 (0.3%)
Vlach	435 (0.3%)	128 (0.3%)	417 (0.9%)
Serbian	2757 (1.1%)	1217 (1.3%)	822 (1.9%)
Other	6534 (2.6%)	1652 (1.8%)	707 (1.7%)
TOTAL	246490	90980	44575

<sup>5</sup> See Alcock, A.E.(2000) A History of the Protection of Regional and Cultural Minorities in Europe: From the Edict of Nantes to the Present Day Basingstoke: Palgrave-Macmillan, place, p.182.

<sup>6</sup> OECD: Higher Education in Transition in FYROM (2004), p.27.

Although these figures represent ‘snapshots’ at different times up to 2001, the major and obvious discrepancy is in the number of students of Albanian ethnicity reaching tertiary education at the recognised state universities up to 2001/2002 and the lower transition rate in the same group from primary to upper secondary. UNESCO reports<sup>7</sup> that by academic year 2003/4, the number of students in recognised tertiary education had increased from 44575 to 46484 including 4287 in the recognised private sector (mainly the South East European University, SEEU). The figure for participation in tertiary education per 100,000 population at 2537 is still the second lowest in the 16 Central and Eastern European (CEE) countries for which figures were available: Macedonia has consistently been among the lowest two or three in this group over the past few years and would need an increase of about 25% in its tertiary education student population to come up to the CEE average.<sup>8</sup> However, the success of SEEU, the creation of the State University of Tetovo and the growing number of private providers of higher education suggests that this figure will gradually increase.

As approximately 80% of the SEEU students were of Albanian ethnicity in 2003/2004, the percentage of Albanians attending tertiary education had increased substantially by that date. Without adequate state statistics it is not possible to be precise, since some students of all ethnicities may have switched from the state to the ‘private’ sector. However, SEEU itself estimated an increase in age participation rate from 4.9% to 14.9% Albanian enrolment by 2004.<sup>9</sup> This is still well below the age participation rate for those of Macedonian ethnicity, but the opening of a new State University in Tetovo providing higher education almost exclusively in the Albanian language should bring the two APRs into the correct proportion by 2006/7.

#### **4. Developments in Macedonia post-1999**

The EU and OSCE- mediated ‘Ohrid’ Framework Agreement of 13 August 2001 brought an end to hostilities in the country which arose following the conclusion of the Kosovo conflict and a renewed interest in securing equal rights for Albanians including access to recognised tertiary education in their own language . It prompted a new agenda for the public sector with a plan to decentralise government, including education governance, special measures to provide primary and secondary education for all ethnic groups in their language with uniform standards, providing state support to higher education for all ethnic groups with a size of at least 20% of the total population in their mother tongue and some positive discrimination to provide equal access to higher education for all ethnic groups. In practice the Agreement provided for equal status of the Albanian language with the Macedonian language in areas where more than 20% of the population are Albanian-speakers.

The Constitution of the Republic of Macedonia states that parents have the right and responsibility to ensure their children’s education (Art. 4); that all citizens have an equal right to education; and that basic education is compulsory and free (Art. 44). Private education institutions may be established at all levels except basic education (Art. 45). The Constitution was amended following the Framework Agreement. Article 7(6) of the Constitution provides that ‘In the units of local self-government where at least 20 % of the population speaks a particular language, that language and its alphabet shall be used as an official language in addition to the Macedonian language and the Cyrillic alphabet. With respect to languages spoken by less than 20% of the population of a unit of local self-government, the local authorities shall decide on their use in public bodies.’ Article 48(4) of the Constitution provides that ‘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.’ Among other changes in legislation to accommodate this provision, changes in the higher education law in 2003 have permitted publicly-funded institutions to

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<sup>7</sup> [http://www.cepes.ro/information\\_services/statistics.htm](http://www.cepes.ro/information_services/statistics.htm) as at 25 August 2005.

<sup>8</sup> Albania was the lowest (2200); others range from Slovak Republic (2756) to Latvia (5504). Neighbouring countries to Macedonia apart from Albania are Bulgaria (2929) and Croatia (3341). No figures were available for Serbia and Montenegro.

<sup>9</sup> SEEU (2004) Strategic Plan 2004-2008, introduction.

offer courses taught in the Albanian as well as in the Macedonian language. Prior to that, only private (i.e. non-state founded) institutions could do so, which was a cause of major concern in the country. It is still prohibited to offer private basic education.

## 5. Language rights in compulsory education

Compulsory education is regulated by two Acts of 4 and 10 July 2002 on secondary and primary education respectively: these Acts repealed two Acts of 13 September 1995 which had already been supplemented and amended by two Acts of 16 July 1997. An Act of 14 September 2004 amended and supplemented the Act on primary education principally in relation to the duration of compulsory education by extending it by one year at the pre-primary/primary interface.<sup>10</sup>

In regards to primary and secondary legislation, provision of publicly-funded education in Albanian, or indeed minority languages other than the official state language of Macedonian, has been part of the education system for many years although standards have been variable, as illustrated in part by the lower progression of Albanian speakers to the post-compulsory education institutions. Under the legislation governing compulsory education, teaching must be provided in the mother tongue of the children (Macedonian, Albanian, Turkish, Serbian), and curricula, textbooks and tests must be provided accordingly. Most schools operate on a two- or three-shift system to accommodate numbers and languages of instruction.<sup>11</sup> The structure of education is, since 2004, 9 years of compulsory education from the age of 5, plus 4 years (or in some cases in vocational schools 2 or 3 years) of post-compulsory school education. In all cases in which the student's mother tongue is not Macedonian, compulsory education and testing in the Macedonian language is required.<sup>12</sup>

A strategy for reform of the education system was developed for the period 2001-2010.<sup>13</sup> A World Bank funded project for modernisation of the education system started in 2003 and will run until 2009.<sup>14</sup> The government's objectives are: (i) the Framework Agreement (including the rights for equal access to 'uniform' quality of education, some extra support to ethnic minorities in terms of access); (ii) the Government Education Strategy of preserving or improving the quality of education; and (iii) the ongoing process of decentralisation of public administration, including a Law on Local Self-governance, empowering the new municipal governments elected in 2005 to establish, administer and finance public education at pre-tertiary level. The project has the following three components: improving the quality of learning and education participation at the targeted schools through strengthening school level planning and management, and through the implementation of a school grants programme; building capacity for the central and local governments to operate in a decentralised education system; providing overall coordination and supervision of project activities, and ensuring the highest quality through monitoring and evaluation of project indicators.

The rationale for the modernisation project, so far as it relates to linguistic rights, is clear. As the table above illustrates, the rate of success in education has varied dramatically between the different groups. In the justification for World Bank support of the modernisation project in 2002, it is stated that 'survival rates' of Albanian, Turkish and Roma students were at that stage unsatisfactory beyond grade 8. Participation in pre-primary education varied greatly by ethnic group (90% among Macedonians, 54% among Albanians, 37% among Turkish), by region, by urban versus rural area and by income level. Because of the variations and the fact that many children entering grade 1 had limited or no pre-school experience, student achievement during the first years of basic education was very uneven. Consequently, a few children gained an advantage at the start of the otherwise competitive and selective system, an advantage which the dominant pedagogical approaches further reinforced

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10 Source: ILO NATLEX database [http://www.ilo.org/dyn/natlex/natlex\\_browse.country?p\\_lang=en&p\\_country=MKD](http://www.ilo.org/dyn/natlex/natlex_browse.country?p_lang=en&p_country=MKD)

11 OECD (2001) Thematic Review of National Policies for Education: FYROM CCNM/DEELSA/ED (2001)7 page 7.

12 Article 8.2 Law on Primary Education; Article 4.2 Law on Secondary Education.

13 See the full text at [http://www.see-educoop.net/portal/id\\_fyrom.htm](http://www.see-educoop.net/portal/id_fyrom.htm).

14 World Bank Project Information Document PID 11309 of 3 July 2002:

[http://www-wds.worldbank.org/servlet/WDS\\_IBank\\_Servlet?pcont=details&eid=000094946\\_02062704164812](http://www-wds.worldbank.org/servlet/WDS_IBank_Servlet?pcont=details&eid=000094946_02062704164812)

rather than balanced out. Primary school coverage went down to 85% in 1993 since 1990 and has since come up slowly to what is now estimated by UNICEF as 93%.<sup>15</sup> Since both dropout and repetition is minimum (less than 1% each), the cause of less than adequate coverage is likely to be limited access by some ethnic groups and children from the poorest backgrounds. Overall secondary school enrolment rates (around 65 %) in Macedonia are low by both regional (South-East Europe) and international standards. Low enrolments result from both demand and supply factors. The decline in enrolments reflects a decline in real household income, an increase in indirect income (in terms of foregone income for higher ages), and an increase in direct costs of obtaining an education (as a result of the increased fees and reduced subsidies on textbooks). Supply has also diminished and the programmes offered appear increasingly inadequate to the needs of a market economy. Low enrolment rates at the overall secondary level (general and technical/vocational) signal emerging and important inequalities.

Differences emerge across ethnic groups, gender, location, and income groups. While, for instance, as the Table illustrates, Albanians represent a higher proportion among pupils participating in basic education relative to their proportion in the overall population (indicating higher live birth rates), their participation in secondary education, though growing, is significantly lower than their proportion within the cohorts or even lower than their proportion within the overall population.

There have been no applications to the European Court of Human Rights relevant to legislation in compulsory education and no reported domestic litigation in the area. However there has been significant political activity designed to equalise provision.

## **6. Non-compulsory education**

By the time students reach the end of grade 12, the vast majority of those continuing into higher education were, until the recent changes, Macedonian. Prior to the conflicts of the 1990's, Macedonian Albanians graduating from high school nearly all attended Prishtina University in Kosovo; (in 1991/92, out of 22 994 registered students in Macedonian higher education only 386 were ethnic Albanians, 172 Turks and 14 Roma: by 1998/99, the figures were only slightly better out of a total of 34 850, 1 916 were Albanian, 371 Turks and 48 Roma.)<sup>16</sup> The highest numbers of young unemployed persons are those with only basic or secondary education. Consequently, those coming from ethnic minority groups and have low education attainment also have the highest risk of becoming unemployed, one reason for starting the South East European University (SEEU) Project.

In SFR Yugoslavia, higher education was organised in the constituent Republics by the Law on Directed Education of 1985 (amended in Macedonia eight times to 1995) and the Law on Expert Titles and Academic Degrees of 1963 (amended twice to 1985). The disintegration of the SFRY into constituent republics, some seceding relatively peacefully, others with notorious and on-going violence, was accompanied by a decision of the rump FRY (Serbia and Montenegro), after revoking the quasi-autonomy of Kosovo within Serbia, to turn the previously bilingual (Serbian and Albanian) University of Prishtina into a monolingual (Serbian) institution. Higher education in their mother tongue for those of Albanian ethnicity in both Kosovo and Macedonia became an extremely hot political issue as Albanian speakers could no longer attend the University of Prishtina and movement to other successor republics became much more difficult.

In Kosovo, as part of the campaign of peaceful resistance to the Serbian authorities, the Albanian University of Prishtina went 'underground' when the campus of the University of Prishtina was taken over by Serbs<sup>17</sup>. Finally at the beginning of academic year 1991/1992 nearly 30,000 Albanian students were denied access and 863 Albanian staff were dismissed for refusing to co-operate with the 'emergency' authorities. The self-proclaimed Republic of Kosovo passed its own Decree- Law,

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15 <http://www.unicef.org/infobycountry/fyrom.html>

16 OECD (2001) Thematic Review of National Policies for Education: FYROM CCNM/DEELSA/ED (2001)7 page 17.

17 Pursuant to a Law on Universities and various emergency measures adopted by the Assembly of SR Serbia in 1990-1.

establishing special curricula and study programmes in the Albanian University of Prishtina<sup>18</sup>: the ‘underground university’ re-hired many of the displaced staff. In 1994 in Tetovo, the unofficial capital of the Albanian community in Macedonia, an initiative was launched in conjunction with staff of the underground, and technically illegal, Albanian University of Prishtina to create a new institution, the self-styled ‘Tetovo University’ (hereafter UT), a ‘citizen’s initiative’ with the ambition of becoming Macedonia’s third state university, but teaching in the Albanian language, then forbidden by the law. There is good reason to believe that at that time the type and quality of education in UT was at least on a par with that in the Albanian University of Prishtina, based on principles applicable across the former SFRY and to a large extent still present in the state sectors today.<sup>19</sup> However, it is also clear that the initiative was developed spontaneously as a political response to a particular situation arising in the early stages of transition of Macedonia from communism to a pluralist democracy. It remained illegal and unrecognised not only because it was developed in an unplanned way outside mainstream higher education but there were major concerns about the way it was managed.<sup>20</sup> The government of Macedonia determined that the establishment of UT was illegal and inciting unrest – and of course potentially destabilising the country as a strong link was made with Kosovo - and in 1994 attempted to close the initiative down by force, resulting in fatalities.<sup>21</sup> In the same year, when UT began to take shape, a multilateral international delegation including Council of Europe, OSCE, UNESCO and other UN agencies warned the Macedonian government of the danger posed by the increasing radicalisation of the issue of higher education. Having failed to achieve the closure of UT by force, in 2003, the government and its successors took the position that it would allow the activity to continue but would not recognise the ‘University’, its teachers, its students or its diplomas (thus leaving several hundred young people with technically worthless qualifications by the time the issue was resolved in 2004/5). Not only was the view taken that higher education should be available only in the state language (Macedonian), as indeed provided by the Constitution – apparently even after signing the FCPNM - but also that the education offered was of low quality and unlikely to be recognised internationally. As a result, before SEEU opened its doors in late 2001, the age participation rate for access by those of Albanian ethnicity to recognised higher education compared to that expected on the basis of population was extremely low by comparison to those of Macedonian ethnicity.<sup>22</sup>

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18 Relying on emergency provisions in the Law on Higher Education of the (former) Socialist Autonomous Province of Kosovo of 1989 which it amended.

19 Over the period 1994-2002 UT claimed to have registered more than 10,000 students, either full-time or part-time, in 11 Faculties and to have an active student body in 2003 of about 6000. In that time only 400 students had ‘graduated’ with unrecognised diplomas, an indication of how few students had followed regular programmes within a normal timescale. In essence therefore, shorn of any political motivation or ambition, as explained earlier in this introduction, UT had provided a form of open university or extension college operated by staff of accredited institutions outside the borders of Macedonia, which had given its courses a limited form of recognition in Kosova and Albania. It now sought once again to translate itself into a university able to award diplomas recognised in Macedonia itself and therefore internationally. In a ‘normal’ higher education environment, this was not an unusual route for eventual achievement of university status – several universities in Europe started in this way - although the circumstances were unique. The figures for student enrolment quoted could not be verified and were regularly challenged, not least because they could not be correlated with the number of students leaving high school, nor with the number entering the recognised universities including SEEU. The most reliable estimate was that there were 2500-3000 regular students, the two largest Faculties being Law and Economics, and an unidentified number of part-time students. Many students were understood to be citizens of Kosova or Albania who could not find places at universities in their own countries. Like the student numbers, the figure for staff, said to be about 400, was believed to be exaggerated. According to ‘UT,’ the majority were part-time staff from the state universities in Kosova (50%) and Albania (30%). The remainder were from Macedonia. The number of full-time staff might be small, although it is not easy to understand what was really meant by ‘full-time.’ The main source of funding of UT was believed to be undisclosed donations from Albanians living abroad; student fees were broadly similar to those charged to fee-paying students at state universities, ranging from EURO 200 to EURO 1000 per year, even more for medicine. The tendency of the controlling authorities of UT continually to exaggerate and make spurious claims about student and staff numbers had severely hampered its attempts to gain any form of recognition or support in Macedonia, or sympathy from the international community.

20 This was reflected in a response of the HCNM to a draft report of the OECD-IMHE Feasibility Study, May 2003, which had in his opinion not fully understood the position of UT at that time. The final report was published in 2004 as Higher Education in Transition in FYROM.

21 This was not the only example of force being used to prevent the public display of Albanian symbols and other challenges to the young Macedonian state.

22 The percentage of students of Albanian ethnicity in recognised higher education had risen from an estimated 4.9% in 2001 to an estimated 14.9% by 2004, entirely due to SEEU and with no financial assistance whatsoever from the state beyond the initial assignment of land previously used as a site for secondary education in agriculture.

Redressing the limited opportunities for access to higher education for the Albanian-speaking national minority (until 2001 only 56% of Albanian-speaking school-leavers applied for university places in recognised institutions as opposed to 94% of the Macedonian-speaking majority) was the primary motive for the foundation of SEEU. Indeed it was also the motivation for the establishment of UT. The crucial difference between the two is that UT actively sought to be an almost exclusively ‘Albanian language’ university offering traditional courses taught in traditional ways at relatively low cost, redressing to some extent the disparity between the percentages quoted. By contrast as we shall see, SEEU was planned to be open to all, offering courses taught according to Western models, with a high quality infrastructure and with flexible use of languages, a more expensive option sustainable only through relatively high tuition fees backed by transitional donor support.

The state’s response to the obvious Albanian complaints of under-representation prior to the development of the SEEU concept was to try some positive discrimination by introducing a quota system for entry of students of Albanian ethnicity to the Faculties in Skopje, to be taught of course in the Macedonian language and to establish a small programme in training primary school teachers in the Albanian language by a Law on Languages of Instruction at the Pedagogical Faculty of the University of Skopje (1998).<sup>23</sup>

Higher education is now regulated by an Act of 25 July 2000, substantially amended following the Framework Agreement by an Act of 17 July 2003.<sup>24</sup> The relevant provisions are found in Article 95 of the Act of 2000, as amended by the Act of 2003:

Article 95 (as amended in 2003)

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

In accordance with this Law and the Statute of the higher educational institution, in order to express, nurture and develop their identity and other peculiarities, the members of the communities shall have the right to acquire their education in the State higher education institutions, through 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.

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

Elementary education as well as the education in the didactical and methodical subjects for secondary school teachers may be held in the languages of members of other communities that are not in majority in the Republic of Macedonia.

The lectures in the institutions of higher education can be held in one of the world languages for certain study programmes of foreign languages, for parts of study programmes in which professors-guests from abroad take part and study programmes for which the lectures are held in the Macedonian language and in accordance with paragraph 2 of this Article. The institutions of higher education may offer that the lectures for the complete study programme are held in Macedonian language and in one of the world languages in parallel.

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<sup>23</sup> Feeling among some Macedonians ran so strongly against the latter development that it was unsuccessfully challenged in the Constitutional Court.

<sup>24</sup> [http://www.ilo.org/dyn/natlex/natlex\\_browse.country?p\\_lang=en&p\\_country=MKD](http://www.ilo.org/dyn/natlex/natlex_browse.country?p_lang=en&p_country=MKD)

In the private institutions of higher education, the lectures can be held in the languages of members of the communities, which are not a majority in the Republic of Macedonia or in foreign languages. When the lectures are held in the languages of members of the communities that are not a majority in the Republic of Macedonia or in a foreign language, the Macedonian language shall be studied as a separate subject and the lectures shall be held in Macedonian at least for another two subjects.

When the lectures are held in the languages of members of the communities that are not a majority in the Republic of Macedonia, in accordance with paragraphs 2, 3 and 4 of this Article, the Macedonian language shall be studied as a separate subject and the lectures shall be held in Macedonian language and at least other two subjects of the study programme will be studied in Macedonian. The subjects shall be determined with the statute of the institution of higher education, which will determine the fund of lectures, determined in the Rules of norms and standards for establishing the institution of higher education and realising the activity of higher education. In the state institutions of higher education, as part of determining the conditions at the competition for enrolment of students in the first year of studies, the universities shall provide equitable representation of citizens, who belong to the communities that are minorities in the Republic of Macedonia through an additional quota, determined by the Government of the Republic of Macedonia.

There has been no litigation on these provisions but a great deal of political activity and interest leading up to the 2003 amendment. Essentially this allows teaching in a non-majority language (i.e. in practice in Albanian) provided Macedonian is studied as a separate subject and at least two other subjects in the programme are studied in Macedonian. That is a reasonably flexible provision and without stating so, deals with the problem that there are as yet insufficient numbers of academic staff of Albanian ethnicity trained to a high level.

SEEU was established following the Act of 2000, but on the basis of the more restrictive criteria set out in the original Article 95, itself ‘thrashed out’ in negotiations with the Macedonian government led by the OSCE High Commissioner on National Minorities, Max van der Stoep and experts selected by him and the Council of Europe.<sup>25</sup>

The principal difference was

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 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.

This in effect allowed only non-state institutions to teach in the Albanian language, with the same restrictions on teaching Macedonian and two other courses in the Macedonian language.

SEEU set out to help to solve the problem of under-representation of Albanian-language students in higher education in Macedonia while being open to students from all ethnic groups. The concept of a ‘flexible approach’ to language use, adopted by SEEU during 2002-2003<sup>26</sup>, as the policy of ‘flexible use of languages’ dates back to Council of Europe Committee of Ministers Recommendation R(98)6 concerning modern languages. The Recommendation encourages teaching programmes at all levels that use a flexible approach, taking into account the ECRML and the FCPNM. The Recommendation promotes the genuine intercultural outlook encouraged by bilingual and bicultural education, and points to the need for adequate numbers of suitably trained language teachers. The ‘flexible language policies’ are also mentioned in Article 5.3 of Council of Ministers Recommendation R (98)3 on access to higher education. SEEU has faced questions about its policy to develop flexible language use in a cost-effective way, which is in line with these two Recommendations, although it became apparent

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<sup>25</sup> The expert team included the author and Professor Dr Jan de Groof.

<sup>26</sup> This followed meetings between the Rector and other SEEU staff with the relevant officials of the Council of Europe in Strasbourg, February 2002.



over the first four years that some members of the local European diplomatic community were unaware of their contents, indicating the need for a European-wide approach to disseminating information on this subject.

Returning to the requirements of Article 95 of the Law on Higher Education, the teaching of two additional subjects, in addition to the language itself, in Macedonian, was part of the political settlement and accepted by the international experts as the best that could be achieved at the time. Apart from the general constitutional/political principle that the Macedonian language permeates all levels of education, it has no logical academic basis: why 'two subjects' and no qualification as to subject? SEEU has approached the issue in a more constructive and apolitical way and without demur on the part of the Ministry of Education and Science or the Licensing and Accreditation Board which is technically responsible for ensuring that the restrictions in Article 95 are followed. SEEU follows the tenets of Council of Europe policy on regional and minority languages by encouraging all students from Macedonia to learn to communicate well in the two major local languages as well as learning to communicate in English.<sup>27</sup> SEEU believes, backed up in this by the EUA<sup>28</sup> and the OECD<sup>29</sup>, that this is one of its essential strengths and a way in which it can contribute to the stability of society. SEEU believes that beyond this policy the 'language of instruction' in 'two subjects' is an outdated concept and that the other universities, the Ministry and the Licensing and Accreditation Board all recognise this. All want students to learn, as opposed to being instructed, in the best available medium whether that happens to be Albanian, Macedonian or English (and in appropriate cases other modern languages). This means that the institution has to pay attention to the available human and other resources. It is not academically sound to help students to learn in Macedonian if there are no Macedonian-speaking professors and no modern literature in Macedonian. On the other hand there are a number of key subjects, particularly in Computing Science and Law, offered in Macedonian by professors from Skopje University and by SEEU Macedonian-speaking staff with literature provided in Macedonian and, if possible, in Albanian. It is accepted that to openly insist on students of Albanian ethnicity taking subjects in Macedonian for non-academic reasons, or forcing staff to teach in Macedonian for its own sake, would not be in SEEU's interest nor that of the University community. What SEEU wants to achieve is a multi-lingual, multi-ethnic institution based on free consent, not on compulsion.

## **7. Conclusion**

In recent years, the Republic of Macedonia, assisted by international organisations and donors, has made considerable progress in creating equal access for students of minority ethnicities to all levels of education, with particular emphasis on tertiary, or more precisely higher, education. The provision of education in two languages (Macedonian and Albanian) in the relevant communities and institutions is however an additional cost which a state with a relatively poor economic performance cannot readily sustain out of public funds. The insistence on everyone learning some Macedonian at all levels of education is directed towards securing the integrity of the state and inter-community dialogue but at least it is now possible for students in higher education to undertake most of their learning in their mother tongue while experiencing the 'flexible use of languages' culture at SEEU and learning alongside members of different language groups.

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27 There is a different approach in the case of students from outside Macedonia, as SEEU considers itself a regional institution although it still expects them to gain some knowledge of Macedonian.

28 EAU (2005) Institutional Review Programme Report: South East European University p58 (trilingual version).

29 OECD-IMHE (2004) Higher Education in Transition in FYROM, Recommendations.