

Marcin Czapliński

The HCNM's Engagement in Macedonia: From Independence to the Ohrid Framework Agreement

Introduction

For a whole decade after Macedonia gained independence in 1991, it was considered a “success story”. The view long prevailed that, in contrast to other countries in the region, no major inter-ethnic tensions would develop, despite the fact that minorities represent approximately one third of Macedonia's population. The fact that the largest minority – the ethnic Albanians – had been represented in every cabinet formed since independence, and were well represented in parliament seemed to be a guarantee of stability. In reality, however, there were far more inter-ethnic tensions than was often assumed. There was an alarming shortage of contacts, a lack of trust, and segregation between the two communities. Many Macedonians feared that the real objective behind Albanian demands to improve their rights was, following the example of Kosovo, to create parallel structures as a first step towards separation. Albanians, for their part, often felt that they were treated as second-class citizens, who did not have sufficient constitutional guarantees for their position. They also faced problems in using their language in public life and were heavily under-represented in public services and education, particularly at university level.

Against this background, few actors were actively involved in conflict prevention efforts in the country in the early years of its independence. Among them was the OSCE High Commissioner on National Minorities (HCNM) who fully realized the complexity of the situation in Macedonia and the existing conflict potential, and therefore singled out the country as one of the priorities in the implementation of his mandate. In this way, Macedonia serves as a perfect example to illustrate how the HCNM works in practice when he deals with so many dimensions of minorities' problems. The watershed point for the history of Macedonia and for preventive activities undertaken by the international community is represented by the 2001 conflict and the signing of the Ohrid Framework Agreement. While the HCNM was the only institution undertaking serious prevention activities in Macedonia up to 2001, the conflict in that year marked a turning point, and the US and the EU, in particular, started to realize the importance of the situation in Macedonia for the stability of the entire region. This contribution therefore focuses on

Note: Marcin Czapliński was the Senior Political Adviser to the High Commissioner on National Minorities from 1999 to 2005. This article is contributed on a personal basis. The views presented by the author are his own and therefore do not necessarily reflect the views of the organizations he has worked for.

developments between 1993, when the HCNM started his engagement in Macedonia, and 2001, when the Ohrid Framework Agreement was signed, coinciding with the end of the mandate of Max van der Stoep, the first High Commissioner.

The High Commissioner pursued his mission in Macedonia in two mutually reinforcing ways. On the one hand, he conducted quiet diplomacy in the form of numerous visits to the country – more than 50 between 1993 and 2001 – and consultations with representatives of both communities with a view to building bridges, encouraging dialogue and defusing existing tensions. On the other hand, he formulated a number of recommendations to the Macedonian authorities which were aimed at introducing necessary changes in relevant legislation and their proper implementation and, in some cases, he took concrete steps to help implement those recommendations.

Inter-ethnic Dialogue

The early years of Macedonia's independence were characterized by economic difficulties and the impoverishment of a considerable proportion of the population. This created fertile ground for growing ethnic dissatisfaction, especially among the Albanian community. Ethnic Albanians boycotted the 1991 referendum on independence, claiming that their basic human rights were not properly respected. In November 1991, Albanian members of parliament abstained from ratifying the constitution on grounds that its preamble mentioned ethnic Albanians as a minority and not as a constituent nation with rights equal to those of Macedonians. Albanians regarded this action as an attempt to create a purely mono-ethnic and not a civic state. As a response, on 11 January 1992, they organized a referendum among the Albanian population, in which 99 per cent of participants allegedly voted in favour of political and territorial autonomy for majority Albanian territories in Macedonia. That led to fears that it might be a first step to secession and the creation of a Greater Albania. Some inter-ethnic violent incidents took place, the most serious one being a riot at the uncovered market in Skopje on 6 November 1992, when three Albanians and one Macedonian were killed. As a result, inter-ethnic relations were characterised by unease and deep mistrust.

In his letters to the Macedonian minister of foreign affairs of 1 November 1993 and 16 November 1994, the High Commissioner advocated more effective use of a constitutional body – the Council for Inter-Ethnic Relations – as an instrument for inter-ethnic dialogue. The HCNM believed that the Council could play a more active role in promoting inter-ethnic harmony and, when necessary, could even initiate an investigation of events triggering inter-ethnic tensions. On a number of his visits, the HCNM encouraged leaders of the country to pursue a dialogue on issues dividing the two main communities. Among other initiatives, the High Commissioner organized a

round-table discussion on “building harmonious inter-ethnic relations in Macedonia” in The Hague on 17-18 December 1996, thereby bringing together representatives of the political parties, the academic community, and local NGOs in order to discuss the most relevant inter-ethnic issues facing the country, among them the role of local self-government, the participation of minorities in public affairs and minorities’ education.

Census

In the early years of Macedonian independence, one of the main issues on the inter-ethnic agenda was the planned census of population and households in the country. At that time Albanians claimed that the real number of ethnic Albanians in the country’s population was actually higher than that indicated by official statistics from the period of the former Yugoslavia. They believed that a more accurate reflection of their numbers would help to enhance their rights in fields such as education, the use of language, and participation in public services. Given the controversies surrounding the conduct of the census, including the number of enumerators belonging to national minorities, specific questions to be asked and the general lack of trust in the integrity of the census, the High Commissioner formulated a number of recommendations that he communicated to the Macedonian minister of foreign affairs in a letter dated 1 November 1993. He focused, in particular, on the importance of holding a census under international supervision. The census was finally conducted in June and July 1994 with support from the European Union and the Council of Europe and was monitored by representatives of the international community. The High Commissioner paid a special visit to the country during this period in order to contribute to the international supervisory efforts. The census revealed that ethnic Albanians constitute nearly 23 per cent of the entire population, although some Albanian radicals continued to claim that the real proportion is much higher.

Employment of Albanians in Public Services

Both main communities were nurturing damaging prejudices. Albanians felt that the Macedonian policy of discrimination made them second-class citizens and cited data, in particular regarding their participation in public life, to confirm their view. Indeed, official statistics clearly indicated that Albanians had been heavily under-represented in public administration, the judiciary, the police, the army, etc. At the same time, representatives of the majority community drew attention to the fact that Albanians are predominantly rural dwellers who are traditionally not interested in badly-paid jobs in public services. Indeed, the paradox of the situation was that the Albanians were doing

better economically than others. 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. Nevertheless, the problem had to be addressed. In his letter dated 1 November 1993, the HCNM recommended that the authorities should increase the number of persons belonging to minorities in public administration, the military and the police. He repeated his recommendation in his letter dated 16 November 1994. On 6 November 1998, after the conclusion of parliamentary elections, the High Commissioner issued a comprehensive statement on a number of inter-ethnic issues in Macedonia focusing, *inter alia*, on steps to increase the number of ethnic Albanians in public services.

Albanians had often referred to their substantial under-representation in public services in arguing for Albanian-language higher education. They stressed that one of the main obstacles to their increased employment in those fields was a shortage of candidates with the relevant level of education. The participation of the Albanian minority in higher education was indeed disproportionately low, and this situation had led, among other things, to the under-representation of Albanians in public services and in leading positions in society in general, which in turn resulted in increasing frustration within the community. This was another argument confirming the HCNM's assumption that the question of higher education in the mother tongues had to be treated as a matter of priority.

Local Self-Government

The High Commissioner believed that a number of problems affecting minority communities could be addressed by increasing their rights at local level. In his letter dated 1 November 1993, the HCNM advocated clarity about the role and competencies of local government and encouraged authorities to adopt the new law on local self-government as soon as possible. In his letter dated 16 November 1994, the High Commissioner recommended that the draft law on local self-government should be re-submitted to the newly elected parliament. He underlined the importance of articles concerning the official use of the languages and alphabets of the country's various ethnic groups in local self-government units where they constituted a majority or a significant part (20 per cent, according to the law) of the population. The law was finally adopted in 1995. Further enhancement of the role of local self-government was also a subject of the HCNM's recommendations of 6 November 1998.

Use of Minority Flags

Although the involvement of the High Commissioner mostly addressed the root causes of ethnic tensions and was aimed at building harmonious inter-ethnic relations in the longer term, there were cases which prompted him to act as a “fireman” in response to serious inter-ethnic incidents which were in danger of escalating further. One of the problems was the displaying of national minorities’ flags on public buildings. The problem was aggravated by the fact that the flag of the Albanian minority is identical to the national flag of neighbouring Albania. Following local elections in the country, the newly elected mayors of Tetovo and Gostivar, both ethnic Albanians, decided to fly the Albanian flag next to the Macedonian flag in front of their town halls. The question was brought to the Constitutional Court, which ruled that this was a violation of the law on flags. The law allowed various nationalities to use their flags in municipalities where more than half of the population belonged to the nationality in question, but only during sporting and cultural events. The flag of the respective nationality could also be hoisted on official public holidays. On 9 July 1997, after both mayors had refused to implement the decision of the Constitutional Court, the police tried to remove the flags by force, which resulted in clashes with the Albanian population. As a result two Albanians were killed and several policemen and civilians were wounded.

As a reaction to the disturbances, the High Commissioner undertook an emergency visit from 10-13 July 1997 in an attempt to calm the situation. During meetings with the authorities, the HCNM supported a parliamentary investigation into the alleged misuse of force by the police and also supported an internationally organized training programme for the Macedonian police. After meetings with the representatives of the Macedonian government and 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. The HCNM also noted that the mayors of Tetovo and Gostivar had 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.

Refugee Crisis

Another “emergency” which prompted the High Commissioner to become actively involved was the Kosovo conflict in the spring of 1999 and its repercussions for Macedonia. This involvement was even at the expense of his “regular” engagement at the time when the HCNM was trying to promote his

proposed solution to the problem of Albanian-language higher education. However, the refugee crisis constituted a far more pressing issue that had to be addressed. With approximately 300,000 ethnic Albanians crossing into Macedonia between March and May 1999, the situation led to a sudden increase in tensions, as most Macedonians were afraid that this massive influx of refugees would permanently change the delicate ethnic balance in the country. In addition, cases of mistreatment of refugees on the border only exacerbated the tensions. The HCNM, supported by the OSCE's mission in the country and the UNHCR, was of the opinion that inter-ethnic relations and the stability of the country might be significantly affected if the refugees had to stay in Macedonia for a lengthy period of time. Against this background, for the first time in history, the High Commissioner issued an early warning on 12 May in conformity with Articles 13-15 of his mandate. At the same time, he called for increased international assistance to support the efforts of the UNHCR and the Macedonian authorities. He supported the humanitarian evacuation of Kosovo Albanians to third countries. Eventually more than 70,000 were airlifted to Western countries and many thousands more were transferred to Albania. Fortunately, almost all refugees returned to Kosovo within weeks after the conflict came to an end and the Serb police and military forces withdrew.

Higher Education

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 easily be politically mobilized by its leaders, which in turn could lead to emotional reactions on the part of ethnic Macedonians. It therefore became evident that a solution to this problem would contribute significantly to the strengthening of the country's stability, as it would have a dual positive impact. Firstly, it would remove one of the most serious issues dividing the two communities. Secondly, it would have a beneficial influence on other aspects of inter-ethnic relations between the Macedonian majority and the Albanian minority. Against this backdrop, the High Commissioner increasingly singled out minority-language higher education as a major priority of his involvement in Macedonia.

In many European countries, minorities with the right to primary and secondary education in their mother tongue do not claim this right in the area of higher education. The situation in Macedonia was different, however, thanks mainly to the numerical strength of the Albanian community, their strongly perceived need and right, and their history and tradition. Until 1991, Macedonia's Albanians had access to the Albanian-language University in Pristina (UP). Before the dissolution of Yugoslavia, approximately 1,200 stu-

dents at the UP were Albanians from Macedonia.¹ This 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 UP in 1991 coincided with the break-up of Yugoslavia, which meant that this university effectively became a “foreign” institution for Albanians from Macedonia. Against this background, Albanians bitterly claimed that the right to higher education in their mother tongue had disappeared with the coming of democracy. The real situation was that the “loss” of the UP could not have been compensated for. In 1992 only 51 Albanians completed their education at two state universities in Macedonia – in Skopje and Bitola – compared with 2,862 Macedonians.²

Positive Discrimination

In order to rectify, at least partially, the serious under-representation of national minorities, and to increase the number of students from various nationalities, the Macedonian government decided as early as 1992 to introduce a special quota for enrolling members of minorities at the universities in Skopje and Bitola. From 1992 to 1995, this quota amounted to ten per cent for all minorities, with the exception of the faculties providing teacher training, where the quota was 20 per cent. However, the results proved to be far from satisfactory. Against this backdrop, the HCNM encouraged the authorities to introduce a quota system based on the numerical strength of each of the minorities, which eventually came into force at the beginning of the 1996/1997 academic year. However, the practical implementation of this principle differed from faculty to faculty. Some of them, citing their autonomy, were reluctant to admit students belonging to national minorities.

In order to support the quota system, the High Commissioner initiated the so-called Transition Year Programme (TYP) in 1997. The aim of this project was to provide Albanian secondary-school students with specialized courses in preparation for university entrance examinations, thus increasing their chances of passing them successfully.

Establishment of the University of Tetovo

The dispute about the lack of opportunities for ethnic Albanians to have access to university education in their mother tongue had led to an increase in tensions. In 1994, a group of Albanian intellectuals from Macedonia and Kosovo decided to take some unilateral steps in this regard. On 17 December

1 Cf. Vladimir Ortakovski, *Minorities in the Balkans*, New York 2000, p. 299.

2 State Statistical Office of the Republic of Macedonia, *Basic Statistical Data*, Skopje, December 1992, p. 28.

1994, representatives of Albanian political, religious, and cultural organizations in Macedonia signed the act to establish the University of Tetovo (UT). On 15 February 1995, the public ceremony for the opening of the university took place in Mala Recica (a suburb of Tetovo). When the 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. Many organizers of this initiative were arrested.

From 19-21 February 1995, the HCNM undertook an emergency visit in order to calm down tensions connected with the aforementioned developments. In his public statement after the meeting with President Kiro Gligorov, 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. However, although Max van der Stoep was instrumental in temporarily easing the tensions, it was made clear that the issue of minorities having access to higher education would occupy a central position in the HCNM's engagement. The Macedonian authorities decided to completely ignore the classes conducted at the UT. They continued to be held but the university's diplomas were not recognized in the country.

Pedagogical Faculty

One of the results of the substantial under-representation of Albanians in higher education was a growing shortage of Albanian-language teachers. It resulted in further deterioration in the quality of teaching in minority-language schools and affected the chances of persons belonging to minorities passing university entrance exams. The High Commissioner addressed this issue promptly in his letter to the Macedonian minister of foreign affairs dated 1 November 1993. He put it in the context of promoting greater access to secondary schools for Albanians and added that an adequate number of Albanian teachers should receive proper training up to the required level. As the government was initially reluctant to pursue this issue, the HCNM returned to it in his letter to the foreign minister dated 8 April 1994, and again on 16 November 1994, when he noted that this problem had still not been resolved. The government was finally forced to 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 UT. In February 1995, courses in Albanian for primary school teachers started at the Pedagogical Academy in Skopje. However, given the fact that the Pedagogical Academy was preparing teachers only for the first four grades in primary schools and the Albanian community also needed teachers for higher grades in primary schools, as well as for secondary-level education, the HCNM, in his letter to the minister of foreign

affairs dated 28 April 1995, supported the transformation of the Pedagogical Academy into a four-year pedagogical faculty with courses provided in the Albanian language. 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 materialized). Government plans to create a pedagogical faculty with courses in minority languages met with strong opposition from the Macedonian academic community. Macedonian student protests and boycotts of the lectures were organized. This led to a radicalization of the Albanians and growing support for the UT. In order to break the deadlock on this issue, a new special law governing the languages in which lectures would be given at the pedagogical faculty in Skopje was adopted on 30 January 1997. After the Constitutional Court confirmed on 7 May 1997 that this law was in conformity with the constitution, a completely new Faculty of Pedagogy was created in Skopje which would also conduct curricula in the Albanian and Turkish languages.

Law on Higher Education

No comprehensive solution to the problem of Albanian-language higher education could be possible without addressing the issue of its legal basis. When Macedonia became independent, the legislation on higher education it inherited from Yugoslavia was at variance with international standards in several ways, as well as contradicting the newly adopted constitution. In his letter dated 28 April 1995, the HCNM recommended that a new law on higher education be prepared. When the Macedonian authorities entered into dialogue on the issue with the Council of Europe's Higher Education and Research Committee, the High Commissioner decided not to duplicate the efforts. However, the High Commissioner was disappointed with the approach to language provisions applied by the Council of Europe's experts, which could endanger any possible compromise on the solution to the problem of Albanian-language higher education. On 30 March 1998 he again addressed the Macedonian minister of foreign affairs 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 were concerned.

The elections in Macedonia in the autumn of 1998 and the conflict in Kosovo pushed this issue down the agenda. For that reason it could not be readdressed until the end of 1999. By that time, the HCNM had already developed an initial proposal for a new private institution of higher education that would also provide teaching in the Albanian language. He therefore concentrated his efforts on "tailoring" some provisions of the law to his new proposal with the special focus on the most flexible procedures possible for establishing private educational institutions, wider use of minority languages

in higher education, no language limitation in private institutions and, last but not least, the possibility of transferring students from the UT to the legally established institutions. While the Council of Europe considered his mission to be complete with the issue of the recommendations, the High Commissioner decided to pursue a dialogue with the Macedonian authorities. Accompanied by his experts, he visited the country from 27-29 February 2000 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. 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 but also underlined a need to finalize discussion on the most sensitive points of the draft new law. The reply dated 16 May 2000 from the minister of education, on behalf of the government, was the first indication of a possible breakthrough. Against this background, the High Commissioner called a meeting in Vienna on 29-30 May 2000 during which his experts discussed the draft law with the Macedonian delegation headed by the minister of education. After lengthy discussions, the key linguistic question, alongside several smaller issues, was finally resolved. The Law on Higher Education was finally adopted by the country's parliament on 25 July 2000 and entered into force on 11 August 2000. As the High Commissioner said, "the new law would not win a beauty prize". However, it was seen domestically and internationally as an important milestone towards securing political stability in Macedonia. Fears of a constitutional challenge did not materialize. After the law was adopted, 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 South East European (SEE) University

The creation of the UT at the end of 1994 changed the whole perspective because other "moderate" ideas could no longer satisfy Albanian demands. In addition, the experience gained in the establishment of the Pedagogical Faculty was rather discouraging as it revealed that any, even limited, steps and concessions in this field met with significant opposition in the predominantly conservative Macedonian academic community. Against this backdrop, the HCNM began as early as 1995 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. Secondly, it should be aimed at the integration of minorities instead of their full segregation. Finally, it should benefit all ethnic groups in the country. In his letter to the Macedonian authorities dated 28 April 1995, the HCNM suggested the creation, with support of the international community, of a multilingual (English, Macedonian,

and Albanian) private Higher Education Centre for Public Administration and Business. He envisaged that all population groups ought to benefit from its creation and that the centre should work in close co-operation with the universities in Skopje and Bitola. He expressed the hope that international donors could be found to contribute to this end. In the letter of reply dated 30 June 1995, the minister of foreign affairs expressed an interest in the HCNM's proposal but insisted on following an extremely narrow interpretation of the constitution to the effect that tuition in higher education in Macedonia was conducted exclusively in the Macedonian language.

Against this background, the HCNM decided to adopt a slightly different approach and continued 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. Another important concern was to find an appropriate moment for tabling such a proposal. This came at the end of 1998 after the parliamentary elections conducted in October 1998 which resulted in a new coalition coming to power. 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. In fact, the statement had the character of recommendations and was immediately sent to all the relevant political parties in Macedonia. He listed a number of inter-ethnic issues which, in his opinion, should be resolved in Macedonia, but the priority was clearly given to the issue of Albanian-language higher education. The HCNM recommended the creation of a new higher-education institution for training teachers in Albanian primary and secondary schools. It would be called the Albanian Language State University College for Teacher Training and, although fully independent, would be linked to Skopje University through an agreement of co-operation. The second part of the 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 to students of all ethnicities, and the teaching would predominantly be in English in order to underline the school's international orientation, but lectures in both the Macedonian and Albanian languages would be needed to ensure maximum access to the tuition provided. In a series of visits to Macedonia and meetings with authorities and representatives of minorities, the High Commissioner tried to explore fully the momentum that had been created and to discuss his recommendations and how they could be implemented. Virtually all parties were prepared to continue the discussion with the HCNM, subject to certain conditions. However, the Kosovo crisis affected any possibility of further progress.

Over time it became clear that while the HCNM should focus his attention on dialogue with political leaders and, at a later stage, on fund-raising efforts, he would need external expert assistance to pursue this project, in particular in deciding which specific practical steps should be taken in order

to establish a new institution of higher education. With this in mind, the High Commissioner commissioned international experts to conduct a feasibility study on the outstanding issues to be resolved and on the modalities and financial implications of the project. The High Commissioner visited Macedonia from 17 to 20 April 2000 in order to outline the main features of his proposal to the government and to representatives of the Albanian community.³ The formula suggested was based on his recommendations from November 1998, although it was further elaborated and adjusted in conformity with information gathered by educational experts. He proposed the creation of a private institute of higher education consisting of two sections: one dealing with the training of teachers for the higher age groups at 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.

The official response by the government came on 16 May 2000 when the HCNM received a letter from the minister of education. The main bones of contention were the structure of the new institution, its name, and the problem concerning graduates of the UT. Being obviously concerned about the creation of any precedent that might be repeated in the future, the minister of education challenged the solution to the problem of graduates of the “illegal educational institution in Tetovo” proposed by the High Commissioner, describing it as “regrettably very difficult to legally defend”.⁴ For their part, Albanians insisted on a large number of faculties being established and that this institution should be called “a university”. There were many opponents on both sides. The strongest opposition came from the Macedonian academic community, first and foremost from the Macedonian Academy of Science and Arts (MANU) – one of the most conservative and nationalistic institutions in the country – but also from some professors at Skopje and Bitola universities. They were defending the dominant position of the Macedonian language in the state, arguing that the implementation of the HCNM proposal would undermine the foundations of state. The opposition from the Albanian side was even stronger, especially in consideration of the fact that after so many years of Tetovo University’s existence, any departure from the line of promoting recognition of the UT could be considered as an act of treason. Nevertheless, the HCNM was able to obtain the agreement of the ruling Macedonian and Albanian political parties.

As the next step, which was demanded largely by potential international donors, the HCNM requested experts to prepare a descriptive and financial

3 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.

4 *Letter from the Minister of Education Gale Galev*, 16 May 2000, p. 4.

business plan, which was completed in November 2000.⁵ It was proposed that the new institution would consist of five faculties: a faculty of law, a faculty of business administration, a faculty of public administration, a faculty of communication, science and technology, and a faculty of teacher training, as well as two centres: a language centre and a computer centre. The plan envisaged that the curriculum would be provided in the Albanian language and 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 students' course work should be in English. The financial plan for this institution estimated that the cost of constructing the necessary infrastructure, providing equipment, start-up and capital investments (endowment) would amount to approximately 25 million euros. It was planned that the running costs of the university, apart from the costs of international staff, which for the initial period were to be financed by international donors, would basically be covered by fees paid by the students. The experts also suggested that the new institution might be called the "South East European University", now generally referred to in English as "SEE University". Since the very day the project was launched, however, this institution has been referred to by the local population as "Van der Stoel University". Max van der Stoel was also appointed as Chairman of the Board of the SEE University, which served as a framework for the implementation of the project. The construction of the new university campus began on 11 February 2001 in Tetovo. In addition to initial delays due to bureaucratic obstacles and procedures, the eruption of violence in Macedonia also negatively influenced the implementation of the project. Hostilities in the Tetovo region climaxed in July and August 2001 to the extent that on two occasions when the project site was shelled by Albanian rebels, the construction work had to be suspended and workers had to be sent home. Hostility from the UT leadership in connection with its close relationship with Albanian rebels made some suspect that it was a deliberate act of sabotage, especially since some UT leaders became very aggressive, even raising the possibility of "taking over" the SEE University's facilities for the needs of the UT students.

Parallel to the technical preparations for the project's implementation, 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. In terms of concrete pledges, however, the project's budget was far from being covered. The decisive moment for the fund-raising efforts was the outbreak of violence in Macedonia in the early spring of 2001. Once the situation in Macedonia had hit the headlines in the world's media, the flow of funds accelerated significantly as donors started to realize the importance of inter-ethnic relations for the sta-

5 HCNM Office, SEE University Project, Business Plan (Options Analysis, System Design, Financial Evaluation, Implementation Scenario), The Hague, 23 November 2000.

bility of Macedonia and the entire region. In a relatively short period of time it proved possible to collect more than 90 per cent of the budget envisaged in the business plan.

The SEE University was officially inaugurated on 20 November 2001. Contrary to the HCNM's expectations, the participation of non-native Albanian speakers in the first enrolment was very low. Among 923 registered students, the vast majority were ethnic Albanians (867). There were also 43 Turks, one Bosnian, one Rom and only eleven Macedonians. The unrest in the Tetovo area at the time of the enrolment certainly deterred many applicants, particularly those of non-Albanian ethnicity, who could no longer feel completely safe in a majority Albanian environment. In addition, the SEE University was perceived by many of them as purely an "Albanian University". No doubt the violence in Macedonia represented additional risks for the SEE University, undermining the painstaking efforts to ensure a culturally open, multilingual and internationally-oriented environment for its students and staff. Over time the situation changed, however, and soon the number of non-Albanian students stabilized at approximately 25 per cent.

After its difficult start in 2001, the SEE University began to be widely recognized both domestically and internationally as a multiethnic institution with a solid academic spectrum. The European University Association (EUA) stressed that "the SEEU [South East European University] is clearly a model university for Macedonia and the region".⁶ This mirrored the assessment given by the OECD, which stated: "Specifically, SEEU has met, indeed exceeded, its stated aims of contributing significantly to the solution of the problem of Albanian language higher education."⁷ This success was also recognized 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 for Albanians in Macedonia and contributed to a relaxation of existing tensions.⁸

The 2001 Crisis

After the outbreak of violence in Macedonia, the Romanian OSCE Chairmanship decided at the end of March 2001 to appoint the US diplomat Ambassador Robert Frowick as Special Envoy with the mandate to take "an active role to facilitate efforts of indigenous leaders to intensify a political dialogue aimed at reforms". Given the High Commissioner's involvement in the country, this was a decision which totally surprised many observers. With this in mind, Max van der Stoep limited his contacts with the parties almost

6 European University Association Institutional Evaluation Programme, *South East European University in Tetovo Evaluation Report*, February 2005.

7 OECD, *Improving Access and Opportunities for Under-Represented Groups in Higher Education in the Former Yugoslav Republic of Macedonia*, March 2004, p. 11.

8 Interview with Dr. Zoran Matevski, Svedok, May 2003.

exclusively to the issue of higher education. However, Ambassador Frowick's approach and the tactics he applied proved to be very controversial, especially given the sensitivity of this issue. The final blow to his mission came on 22 May when in Prizren, Kosovo, he organized a secret meeting between Albanian political leaders and representatives of the rebels. They signed a declaration which included a number of demands to be met by the Macedonian government. This led to uproar in Macedonia, and public opinion was angered particularly 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. As a result, Ambassador Frowick was recalled "for consultations" with the OSCE Chairmanship and did not return to Skopje. Instead of bringing the conflict closer to resolution, he only contributed to its escalation and at the same time undermined the prestige and credibility of the OSCE in Macedonia as well as its ability to contribute to peace negotiations in the future. The OSCE, which had been an active international player in Macedonia for the whole decade, found itself almost completely marginalized and its ability to contribute directly to peace negotiations was considerably reduced. As a result, the mediation efforts were taken over by EU and US envoys appointed in June 2001. On 1 July 2001, Max van der Stoel, who had just retired from the position of the OSCE High Commissioner on National Minorities, was appointed as Special Representative of the OSCE Chairman-in-Office for Macedonia. This was an attempt to rescue the position of the Organization, relying on 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, his "discreet role of facilitator and source of advice in the internationally-sponsored talks was recognised by the US and EU representatives".⁹ Despite this, the OSCE did not play the central role in those negotiations.

The year 2001 marked a complete change in the conflict-prevention strategy of the international community, not only as far as the intensity of its involvement was concerned, but also in terms of the mechanisms and instruments applied and the main actors involved. Although the Ohrid Framework Agreement envisaged a certain role for the OSCE in the implementation of the agreement, the HCNM was no longer able to play the same role as in the early years of Macedonian independence.

9 Farimah Daftary, Conflict Resolution in FYR Macedonia: Powersharing or the "civic approach"? In: *Helsinki Monitor* 4/2001, pp. 291-312, here: p. 309.

Conclusions

It is of course virtually impossible to measure the extent of the HCNM's success in Macedonia. There is no doubt, however, that a link could be observed between the HCNM's visits and recommendations, and certain policy changes which did indeed follow. Thanks to his commitment, the Macedonian government showed willingness to accommodate some of the Albanian demands and thereby to defuse tensions in the country. Although the High Commissioner addressed a wide range of issues at the beginning of his engagement in Macedonia, the issue of Albanian-language higher education totally dominated the High Commissioner's agenda in the second half of 1990s. On the one hand, the HCNM was discouraged by the inadequate progress made 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.

The High Commissioner's engagement in Macedonia demonstrates that being an instrument of conflict prevention consists of more than just making a number of diplomatic *démarches*, preparing recommendations, and promoting dialogue. It illustrates how complex efforts in the field of conflict prevention can be and how many aspects one has to deal with in order to reach a solution. Besides constant dialogue with local stakeholders and the international community, one needs patience, persistency, flexibility, and the ability to react quickly, to use legal expertise, and sometimes even to pursue fund-raising activities. 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.