



Report

International Conference on “New Generations of Policy Documents and Laws for Higher Education: Their Thrust in the Context of the Bologna Process”

4 - 6 November 2004, Warsaw, Poland

1. Under the high patronage of Mr. Aleksander Kwaśniewski, President of the Republic of Poland, the conference was organized by UNESCO-CEPES in co-operation with the Institute of Knowledge Society and in collaboration with the Polish Ministry of National Education and Sport, the European University Association (EUA), the Council of Europe, and the Conference of Rectors of Academic Schools in Poland (*KRASP*). The Conference constitutes one of the Bologna Follow-Up Group Seminars within the Follow-Up Group's 2003-2005 Work Programme.

The main sponsor of the Conference was Orbis, SA, with additional support provided by the following institutions and organizations: the Conference of Rectors of Academic Schools in Poland (*KRASP*), TP SA (*Telekomunikacja Polska SA*), *Pałac Królewski w Warszawie* (The Royal Castle in Warsaw), the Warsaw University of Technology, the Warsaw University, and the Polish Rectors Foundation (*FRP*).

2. The objectives of the meeting were:

- To analyse how policy documents, in particular laws on higher education, are reflecting a general thrust in, and contribution to, the realization of the objectives of the Bologna Process; these objectives are formulated in the Bologna Declaration of 1999, and in the Prague and Berlin Communiqués of 2001 and 2003.
- To identify, on the basis of the above analysis, new approaches and developments and to formulate conclusions and recommendations for further implementation, in particular at the Bergen Meeting of Ministers of Education in 2005.

3. The conference was attended by 40 international participants from 22 different countries, 20 participants from Poland, and two observers (from the United States of America).

4. The conference programme opened with the reading of a Special Message from the President of the Republic of Poland, and opening remarks from Mr. Mirosław Sawicki, the Polish Minister of Education and Sport; Professor Eric Froment, the President of EUA; and Professor Franciszek Ziejka, the President of *KRASP*. Professor Bronisław Geremek, former Minister of Foreign Affairs, Member of the European Parliament and Chair on European Civilization at the College of Europe, gave an opening keynote lecture on “*Education and Knowledge as a Carrying Force for United Europe*”.

5. In four sessions, presentations were made on the theme of the conference from 11 different national perspectives: Austria, Croatia, the Czech Republic, France, Germany,

Hungary, Italy, the Netherlands, Norway, Poland, and the United Kingdom. These presentations were followed by a session featuring comparative perspectives on policy and legislative initiatives for higher education. Dr. Dennis Farrington presented his draft report on such a comparative analysis, and Mr. Cristian Tauch acted as respondent. Dr. Hans de Wit, who served as the General Rapporteur of the Conference, presented in the final session his draft oral version of the present written report of the conference. His draft conclusions and recommendations were also discussed by the participants, who accepted them and invited the General Reporters to develop them in writing as follows.

6. The discussions during conference sessions were interactive, and resulted in the identification of a variety of issues and topics that require further attention; these will be highlighted here. It became clear that the theme of the Conference was quite timely, and that the presentations and comparative structure provided a lot of relevant information on higher education legal reform in Europe in the context of the Bologna Process.

7. Notwithstanding the fact that different countries involved in the Bologna Process are at different stages in its implementation, there was agreement among the participants with Dr. Farrington's conclusion that "... most countries have adopted, or are in the process of adopting, new primary legislation or are enabling achievement of the Bologna goals in the agreed timeframe." At the same time it was recognised that national sovereignty overrides higher education legal reform, and that national agendas play a key role in the implementation of the Bologna objectives and in the elaboration of new higher education legislation. It was also acknowledged that current reforms in national higher education policies and legislation cannot be attributed solely to the Bologna Process. Some were already initiated prior to 1999; in other cases the Bologna Declaration is used as a 'lever' for national policy and to solve national problems; and other external factors influence the reform of higher education policy and legislation, such as the Lisbon Agenda, GATS, etc.

8. It was recognised that countries implement the Bologna objectives in their national policies and higher education legislation in different ways:

- In some cases, legislation was already in accordance with the Bologna Process, such as the two-cycle system, the introduction of national QA systems, and the ratification of the Lisbon Recognition Convention in some of the Scandinavian countries.
- In one specific case, the United Kingdom, no change in higher education legislation is needed as the goals of the Bologna Process are not regarded as a legislative matter; the implementation is mainly the responsibility of institutions. This does not necessarily imply that there is no commitment at the national and institutional level to the Process.
- In countries like Italy, Norway and The Netherlands, the Bologna Process has resulted in relatively rapid changes in legislation to adapt the higher education system.
- In yet other countries parallel structures were put in place, either as a transition phase as in Germany, or as a more permanent system in France (though this option is under review).
- Some countries are still in the preparatory stages of higher education legislation regarding the Bologna goals. Poland for instance is in the final stage of approval for its new legislation.

9. Following the presentations and discussions, one could observe on the one hand a *growing convergence* in line with the Bologna goals (regarding degree systems, credits and accreditation in particular), and on the other hand a *continuation of diversity* that will remain. The latter might even be reinforced, in that higher education is still a national responsibility and is defined foremost by national contexts, constraints and priorities. This balance between Bologna **convergence** and national **diversity** was for instance expressed in the presentation by the Hungarian Minister of Education, regarding the debates in Hungary in anticipation of legislative reform.

10. When analysing the adaptation of national policies and legislation in different countries, one cannot isolate this from specific **national contexts**. This national context has an influence, for example, in the following respects:

- The degree of reform needed, overall and/or for specific Bologna goals, depending on existing policy and legislation in the country.
- The overall national context in which educational reform is taking place: for instance the existence of binary systems, the length and structure of primary and secondary education, policies with respect to life-long learning, etc.
- The national approach to reform: top-down, involvement of different stakeholders, institutional autonomy, etc.
- The way in which higher education reform and legislation is articulated, and the time it involves; this process can take 2-3 years.
- The way in which higher education is funded.

11. Some critical areas were identified as requiring increased attention and action, in order to effectively adapt legislation to the Bologna goals. Dennis Farrington in his comparative report and Christian Tauch in his response both emphasised ***the need for further action on joint degrees, trans-national quality assurance and life-long learning***. Although it was recognised as an important step that several countries have ratified the Lisbon Convention, several countries have not and should be urged to do so. Higher education legislative reforms should pay particular attention to introducing legislative changes where necessary to ensure that joint degrees may be awarded, and to deal with the growing provision of cross-border education, and the emergence of new foreign (non-European and internet-based) providers. **Qualification frameworks** at the national and European level should also be regarded as an issue of key importance to be addressed in legislation. As far as quality assurance is concerned, there seems to be a move into the direction of a ***convergent European understanding of quality and quality assurance***. Most countries see quality assurance as a national responsibility, not to be given away to any supranational body. More attention should be also paid to the question of trans-national quality assurance.

12. Positive developments were noted with regard to the introduction of ECTS and the *Diploma Supplement* in order to facilitate academic and professional mobility. Most countries have adopted or are in the process of adopting the two- or three-cycle system, but during the presentations and discussions it became clear that there is wide variation in the degree of reform and incorporation. This is another expression of the trend of general convergence and reinforced diversity, evident in the adaptation of the Bologna goals to national needs and institutional choices. Is this trend a challenge to the process? Diversity has always been mentioned as a key component of the Bologna Process. It is important though to keep an eye on the way the Bologna

goals are implemented under the pressure of national constraints and priorities, and to avoid too diverse a road map to 2010. This is not a question of central control, but rather of an exchange of experiences about how the Bologna goals can be implemented by legislative reform in a balanced way. The Conference participants were of the opinion that the development of an overarching framework of qualifications may be of great assistance in this respect.

13. Two important issues came to the forefront during the Conference:

- i) There has to be a balance between the **three levels of the Bologna Process**: the voluntarily agreed goals of the Bologna Process at the European level, involving governments, institutions and students; the central role of higher education institutions in the implementation of the Process; and the role of national policies and legislation in bridging the first two levels and facilitating the Process in each country. A new dialogue between governments and institutions at national level has arisen in many countries for better coping with the needs for reform brought about by the Bologna Process.
- ii) National legislation plays a critical role, and is used in different ways to implement the Bologna goals: **no legal reform** at all (the case of the U.K.); **detailed laws** to regulate every aspect (in some of the CEE countries); or simply a **general framework** (for instance in France).

The participants at the conference agreed that the latter approach to higher education legislation reform, i.e. **by general framework laws, is most appropriate**. Regulating everything in detail not only results in inflexibility, it is also in contradiction with the trend in higher education policy to deregulate and provide more autonomy – to the higher education sector as well as individual institutions. As the Dutch case makes clear, amendments can be used correctively and to adapt to requisite changes, but they will be kept at a minimum through the use of more general framework legislation.

14. The participants at the Conference, as well as different presenters, were clear in their view that legislation is not an end to national policy in the Bologna Process, but rather an instrument that provides the higher education community with implementation directives. The commitment and involvement of different stakeholders are critical, as was expressed for instance in the case of Croatia and in the remarks by Cristian Tauch, who called for a stronger sense of ownership of the Bologna Process by institutions, students and staff. As was stated in the comparative analysis, there is still a long way to go to reach the Bologna goals although quite a lot has been accomplished.

15. Where member countries are dealing with the preparation of new national policies and legislation, it was agreed that **they should not have to reinvent the wheel**. All countries can and should learn from experiences in other countries. Stock-taking of higher education policies and legislation was seen by the participants as an important supplement to the present exercise, as agreed in Berlin in 2003.

16. During the presentations and discussions and in addition to some of the critical issues already referred to above, other points came up that were seen as relevant to higher education legislative reform and the implementation of the Bologna goals. They are mentioned below, because they are considered relevant to the reform process without requiring concrete recommendations from the conference:

- i) **The issue of funding**: funding is relevant because in each country additional funding is needed to help the higher education community implement the Bologna goals; it is also

relevant in that a diversity of funding mechanisms exists in the different countries and these have an impact on higher education reform.

- ii) **The issue of student fees**: the different ways in which countries deal with student fees have an impact on higher education reform, particularly in the way the Bologna goals are implemented.
- iii) **The issue of language**: language is relevant to the Bologna Process, because of its impact on the provision of higher education (i.e. the use of national languages and/or English, or another major language used in the EHEA etc.), and because of its impact on the language skills of students. The development of foreign language skills has been mentioned as part of the Bologna reforms in the case of Italy, and could be recommended to other member countries.
- iv) **The case of specific studies such as medicine, dentistry, and law**, and the implications for the two-/three-tier reform have been mentioned as an issue in several national case studies. The solutions devised or proposed in the different countries seem to imply here also a trend towards diversity rather than convergence, and it might be useful to take a special look at such issues.
- v) **Migration issues**, and the concerns about brain drain versus brain gain, have been mentioned as themes that are linked to the Bologna Process. They should be given separate attention, because they are not only relevant between the EHEA and the rest of the world, but also within the EHEA itself.
- vi) The same applies to the use of “old” vs. “new” or **parallel developments**: this issue has been mentioned for instance in the cases of France, Italy and Norway. In both cases (parallel systems and developments), one can question whether this will result in too much diversity and a potential lack of transparency; for that it should be avoided.
- vii) The move away from calculating the **duration of studies** in semesters/years towards a more credit based approach was mentioned as something that requires attention because of the need to ensure it does not lead to further lack of transparency and to new obstacles to mobility.
- viii) A need was also expressed for a “**Bologna +**” (in Norway for instance). The Process will not stop with the goals reached, or in 2010. While on the one hand there is a need for consolidation, one has to look ahead and prepare for further enhancement as well.

17. Two relevant observations that emerged from the conference can be shared as concluding remarks. The first is that while legislation is an important aspect of implementation, it cannot take the place of commitment, interaction and trust among the different stakeholders. The second observation is that new legislation does not limit itself to the direct implementation of the Bologna goals, but also deals with other important aspects of higher education such as governance, fees, funding, student participation, enhancement of the teaching and learning process, roles of faculties, university autonomy, etc. It also deals with other European and global frameworks such as the Lisbon Agenda, the Lisbon Convention, GATS, etc. These aspects are indirectly related to the Bologna Process as well as to national concerns, but overall are part of the process of innovation in higher education in Europe, of which the Bologna Process is a key component.

Recommendations

Most of the issues addressed in the conference and related recommendations should be directed to the different country members (as opposed to the Bologna Follow-up Group), because they fall within the context of national sovereignty. Three recommendations are made: two to the *member countries*, and one to the *Bologna Follow-up Group*.

1. It is recommended to the member countries in the Bologna Process that they implement general framework legislation for higher education instead of detailed regulatory legislation, regarding the adaptation of higher education legislation to the Bologna goals.
2. It is also recommended to the member countries that they translate their national policy documents and higher education legislation into English and/or one other major language of the EHEA, and thereby allow other member countries and experts/researchers to have access to them as part of the stock-taking exercise.
3. It is recommended to the Bologna Follow-Up Group that it supplements the present stock-taking exercise with one on higher education legislation. This will help to better understand the legal implications of the Bologna Process in different countries, to get a better picture of convergence and diversity in European higher education, to exchange experiences and expertise, and to assist those countries still in the preparatory stage of legislative reforms.