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Higher Education and GATS. The European approach

Important elements in what I consider to be the European approach to higher education can be read from the Lisbon Convention:

The Parties to this Convention are conscious of the fact that the right to education is a human right, and that higher education is a cultural and scientific asset for both individuals and society.

The great diversity of education systems in the European region reflects its cultural, social, political, religious and economic diversity, an exceptional asset which should be fully respected.

Since 1997, this convention has been ratified by 31 states and signed by another 12. The ratification certainly is a manifestation of the national responsibility.

The Lisbon Convention builds on the assumption that each country has a higher education system:

Each Party shall provide adequate information on any institution (public and private) belonging to its higher education system, and on programmes operated by these institutions.

The description of the higher education system, the framework within which higher education is delivered, regardless of by whom, must be a public responsibility. In European states, the most central framework conditions and basic concepts will be included in a law on higher education. Autonomous institutions, equal access, financial issues and student support are central elements in a national higher education system.

It is implicit in the Lisbon Convention that the institutions and programmes in the national higher education system have a certain quality, as they in some undescribed way are recognised by the national authorities. This is also the basis for the central element of the Convention:

Each country shall recognise qualifications as similar to the corresponding qualifications in its own system unless it can be shown that there are substantial differences.

Since the Convention was agreed in 1997, the requirement for quality has become more explicit. This is reflected in the UNESCO / Council of Europe Code of Good Practice in Transnational Education, a subsidiary text to the Convention:

Academic quality and standards of transnational education programmes should be at least comparable to those of the awarding institution as well as to those of the receiving country.

The Lisbon Convention and its subsidiary texts regulate relations between national higher education systems. The Bologna Process has a more ambitious goal: To develop a European Higher Education Area. We can already see the outlines of this area: It will be made up of a diversity of national systems within a common framework. Adoption of a system of comparable degrees, based on two main cycles and mutual recognition of credits and degrees between the

many national systems will be a basis for increased mobility. A transparent scheme for quality assurance will be part of each national system.

Significant characteristics of the Lisbon Convention and the Bologna Process are co-operation and trust between national educational systems and between higher education institutions. Without such mutual trust, the goal of the Bologna Process, - a European Higher Education Area - cannot be realised.

Building a European Higher Education Area is not to build barriers to the rest of the international community. On the contrary, the external dimension and co-operation with other regions is an important element in the Bologna Process.

In parallel to this European process of increased co-operation, global trade in educational services is being developed through the General Agreement on Trade in Services (GATS) under the World Trade Organisation (WTO).

Can the Bologna Process based on co-operation and GATS based on competition co-exist in the sector of higher education?

Little is yet known about the consequences of GATS for quality, access, and equity of higher education. There is in the university sector a fear that GATS may influence the national authority to regulate higher education systems, and have unforeseen consequences on public subsidies for higher education. Both the European University Association (EUA) and the National Unions of Students in Europe (ESIB) have taken a critical stand on trade in educational services. Also American university organisations are critical to GATS.

Some national governments have taken a stand against market access under GATS in the education sector. On the other hand, a number of countries have already opened up for trade in postsecondary educational services. Bilateral negotiations on extended market access are presently taking place. Very little is known from these negotiations. Spokesmen for the higher education sector have repeatedly pointed to the need for greater transparency and open dialogue. In my home country, Norway, we have been able to establish a dialogue with the relevant ministries, I shall come back to this later.

Only a few general proposals were submitted to WTO before last year's deadline. It is interesting to note that all proposals (from Australia, Japan, New Zealand and the United States) underline the need for governments to retain their sovereign right to determine their own domestic educational policy, a right which is also confirmed in the provisions of WTO. As most countries permit private education to coexist with public education, the proposals envision private education and training to continue to supplement, not displace, public education systems.

An important facet of the Japanese proposal to WTO is its focus on quality, stating that it has become extremely important for each country to improve the quality of education and research. It points out that due consideration needs to be taken to

- *maintenance and improvement of the quality of education activities in each country,*
- *protection of consumers (learners) against services of low quality,*
- *measures to ensure international equivalence of degrees and diplomas.*

I am sure we all agree. However, an international code for quality assurance and mutual recognition, for national information centres and international information networks already exists. In the European region this is the Lisbon Recognition Convention and its subsidiary texts. On the basis of the Lisbon Convention, UNESCO conventions for other regions are now being updated, hopefully leading to a global set of parallel conventions.

The Council of Europe has recently encouraged the ENIC network together with NARIC and ENQA to submit a subsidiary text on the synergies between quality assurance and recognition to the Lisbon Recognition Convention Committee. Hopefully, the connection between quality and recognition will then be more explicit.

To be accepted in the higher education sector, it is essential that GATS respects the international conventions relating to this sector. As we find the four leading exporters of educational services sector among the signatories to the Lisbon Convention, there may be some hope. Australia has recently ratified the Convention and I believe that the United States, the United Kingdom and Canada are in the process of ratification.

Committing to and abiding by the Lisbon Convention – with the full implication of national recognition or accreditation systems, national information centres and the Code of Good Practice in Transnational Education – should be seen as a basis also for trade in educational services relating to higher education.

It has been argued that national quality assurance systems in importing countries could be used as barriers against import of higher education. Ratifying the Lisbon Convention, a country will be bound to recognise qualifications from other parties to the Convention as similar to the corresponding qualifications in its own system. This certainly is *not* to build barriers against higher education from other countries, it is lowering barriers. Of course, all countries should have a quality assurance system and authorities in importing countries should put their foot down if there are significant and negative differences in quality.

My home country, Norway, has already inscribed "no limitations" on market access under GATS. However, the Norwegian government assumes that the Lisbon Recognition Convention and similar conventions for other regions should be the basis for the recognition of qualifications from educational services. Due respect should be paid to national quality assurance systems and transparency in education as resulting from the Bologna Process. Recognition of qualifications from transnational education services should comply with the UNESCO/Council of Europe Code of Good Practice.

Not all countries have reached the same stage of development. In a number of countries, higher education institutions are poorly equipped and may lack highly qualified specialists in many fields. Many countries, among them some of the largest countries in Asia and South America, do not have enough capacity in their higher education systems. Import of high quality educational services may then be a partial solution.

This can be done in different ways. The simplest course would be to allow foreign providers to operate on a market according to GATS, selling educational services to private individuals willing to pay for such services. The minimum requirement must be that such services are quality assessed. This would then be a supplement to the national educational system.

It certainly should not be allowed to develop into a substitute for the national system, nor to weaken the public responsibility for higher education. (I must confess I am afraid public responsibility will be weakened.)

A second course would be to require providers in higher education – national or foreign – to follow principles and practices set down in the national legislation on higher education. I believe such requirements must be met by any operator allowed to award a national degree, as this may be seen as an inclusion in the national system.

One further step could be to include certain elements of traded services in the national system for higher education, paid for not by individuals but by government. In my home country, this has been done for many years – long before GATS came along. Part of this education is delivered by non-profit Norwegian operators, part of it by foreign institutions, which may be public or private universities in the United Kingdom, the United States, Australia or elsewhere. This gives the Norwegian students a wider option than what they would get from the state system alone. If they go to a state institution, they do not have to pay tuition fees. If they go to a private or foreign institution, they usually have to pay part of the costs themselves.

GATS may make the Norwegian Minister of Education more aware of her role as an important buyer in the market. The minister may become a tougher customer, insisting on quality, negotiating on price and quantity. This may improve the system.

On the other hand: GATS may tempt any government to take its national responsibility for higher education lighter, as higher education more easily may be considered to be a *private* good. That is not a European approach and it should not become one. My conclusion is that the appearance of GATS in the sector of higher education should be a cause to strengthen the national responsibility, not to weaken it.