

**Bologna Process vs. “Vital National Interest”:
Higher education reform
and Euro-integration of BiH**

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TABLE OF CONTENT

1. EXECUTIVE SUMMARY	3
2. INTRODUCTION.....	4
3. INTERNATIONAL CONTEXT: BOLOGNA PROCESS IN EUROPE	12
3.1. Half way there: Findings and messages of the BP Summit in Bergen	18
3.2. Regional context: Bologna Process in BiH, Croatia and SiCG.....	23
4. BiH: EUROPEAN HIGHER EDUCATION AREA vs. “VITAL NATIONAL INTEREST”	30
4.1. New HE legislative framework	38
4.2. New HE financing framework	52
4.3. New policy and strategy framework	57
4.4. New institutional framework	61
5. CONCLUSIONS	71
6. RECCOMENDATIONS.....	75
7. BIBLIOGRAPHY:.....	78

1. EXECUTIVE SUMMARY

The overall objectives of this paper are:

1. to explore and explain the gap between the current situation in the BiH higher education sector and the requirements and standards set by the Bologna Process, that BiH joined in 2003, and
2. to offer viable arguments - based on a detailed analysis of the sector - why and how would BiH benefit most from addressing the problems and shortcomings of its contemporary higher education system as well as the Bologna Process requirements at the state-level.

To be included in the European Higher Education Area (EHEA) by 2010 and to become Euro-compatible and competitive, the higher education system of BiH must urgently start to meet the Bologna Process requirements, and at the same time become sustainable in the long term by overcoming current political, ethnic, financial, institutional, administrative and other constraints.

In order to achieve these goals, the process of higher education reform in BiH needs to be taken forward on four more or less equally important fronts.

Firstly, a new state-level legislative framework, looking forward to the EHEA rather than to the former Yugoslav tradition, needs to be established as a priority. (BiH is currently the only member of the Bologna Process without a new law on higher education harmonized with its requirements.) Secondly, reform and harmonisation of the financial framework of higher education, primarily based on *per student* and *per program* formula is essential, as current mechanisms are unequal, inefficient, lacking transparency and accountability while providing various opportunities for discrimination and resulting in the waste of already minimal resources. Thirdly, policy, strategy and planning should be organised at the state level, with a clear perspective to move it to the regional level, especially in post-graduate studies and research. Finally, a new institutional framework, a restructured and integrated university, in a sense of enhanced democracy, autonomy, governance and management, is also fundamental for bringing the higher education system of BiH closer to EAHE.

HE reform in BiH can be successful only if all these four key elements are put in place together, as pieces of one bigger picture. The failure to adopt and implement the full package would inevitably result in new misunderstandings and differences in BiH HE system.

It is important to bear in mind that the new HE framework is a condition and not a goal of HE reform.

Adoption of a new legislative framework, as one of the CoE post-accession conditions and the European Partnership requirements for BiH, should be the first step and the main policy tool that will directly shape overall reform, but even this most important element is still missing. Namely, after three years and six drafts, not only does BiH still not have a state-level higher education law but it is not clear when and in what form will it be adopted.

The absence of this law was the main reason why BiH ended up last among the Bologna Process members at the 2005 Bologna stocktaking/ mid-term conference.

As “all inclusive” and simultaneous approach to HE reform will currently not work, a possible, but still not certain, way ahead could be a quick adoption by the BiH Council of Ministers and Parliament of the draft HEL from December 2005, that fully meets all Bologna Process requirements, followed by a clear strategy and timeframe on how and when to tackle the remaining three elements.

This realistic step-by-step approach to HE reform would enable BiH to still participate and progress in the BP and improve its HE sector.

However, the fact that 2006 is an election year will unfortunately not help or speed up the HE reform process. But all those who are currently in charge of HE system/s in BiH, whether they are politicians, civil servants, or rectors, deans or professors at HE institutions must not – at any cost - allow that HE in BiH and BiH students, remain outside of the EHEA unable to communicate with the rest of the Europe on an equal basis.

2. INTRODUCTION

With education we directly shape the conditions of our cultural, social and economic growth, and that is exactly why it is necessary for each society and state to determine and agree on core goals and values to be imbedded and promoted by its education system.

The above is even more obvious when it comes to higher education and universities. As the highest and the final level of an education system, they shape and open doors of the “grown-up-world” and labor market for the new generations.

The role of higher education and universities has become a central policy issue in the light of the closely coordinated pan-European movement to meet global education, scientific and research challenges by building the European Area of Higher Education (EAHE), and implementing the numerous requirements of the Bologna Process (BP) by 2010.

In brief, BP is an intergovernmental and political process that represents the greatest and the most comprehensive higher education reform in Europe ever, and targets not only students, teachers and higher education institutions, but also the economy and society.

To provide their young generations with a European future and to symbolically close the vicious circle of isolation and (self)destruction that dominated the region for more than a decade, decision-makers within political and academic circles in countries of the former Yugoslavia must now engage in making the higher education system of the inner Balkans Euro-compatible and competitive.

Translated in BiH-specific terms, this requires replacing the political, ideological and ethnic focus of higher education currently offered by most of the BiH universities with modern, democratic, effective, sustainable, labour-market and Europe-oriented approach to the sector. The prime role of the university - dissemination of knowledge and research and development - has not changed throughout its history, and it should not be subordinated to anyone's so called "*vital national interest*".

In order to achieve the above mentioned goals, the process of the higher education reform in BiH needs to be taken forward on **four** more or less equally important fronts.

Firstly a new state-level **legislative framework** is required, looking forward to the EAHE rather than to the former Yugoslav tradition, and looking after students more than after employees in HE. Secondly, reforming and harmonisation of the **financing framework** of higher education, primarily based on *per student* and *per program* formula is essential, as current mechanisms are unequal, inefficient, providing various opportunities for discrimination and resulting in the waste of already minimal resources. Thirdly, a **policy** and **strategy framework** should also be put in place at the state level, with a clear perspective to move it to the regional level, especially in post-graduate studies and research. Finally, a new **institutional framework**, a restructured and integrated university system, in a sense of enhanced democracy, autonomy, governance and management, is the last key-aspect of bringing the higher education system of BiH closer to EAHE.

All these elements must be addressed in a “package” and not as a set of unconnected instruments. Failure to adopt and implement the full package would inevitably result in series of new misunderstandings and differences. And, although it became clear that all elements could not be put in place at the same time, it would still be necessary to at least adopt a timeframe and sequence for their implementation.

Based on the existing experiences and practice, existing and draft or working documents, recent conferences on HE reform in BiH and region, as well as interviews with competent political authorities, university and IC representatives, these four elements and their relevance for the overall HE reform will be presented and analysed in detail throughout this study, while the emphasis will remain on the new HE legislation.

As the first formal step in the right direction, BiH signed the Bologna Declaration and Lisbon Recognition Convention¹ in 2003, officially becoming a full member of the Bologna Process. Thus, a door was opened for BiH to join EAHA, and it was up to BiH to move as quickly and as effectively as possible to make up for lost time.

Since then, many goals and many deadlines were set and missed, including the early adoption of a state-level Higher Education Law (HEL) as a key policy tool for overall higher education reform. As will be elaborated later, the absence of this vital element caused BiH to be placed at the very bottom of 40 members of the Bologna Process at the mid-term stock-taking conference held in May 2005 in Bergen.

Last year's fellows in the study on examination policy and practice at BiH universities disputed the crucial importance of a state-level law for the overall success of the higher education reform, arguing that some of the key reform features could and should be done through already existing legislation².

¹ Ratified in 2004.

Even if this approach can be justified in some aspects or to a certain degree, this study will try to prove and explain why in BiH of today only a state-level higher education law - properly harmonised with the Bologna Process requirements - remains the first and the most important pre-requisite for the successful reform of the sector and its integration in the EHEA by 2010.

The goals of the Bologna Process and EAHE could probably be reached without putting appropriate legislation in place, by formal and even informal agreements of the various higher education stakeholders, but it could only be done in a situation of commonly accepted and shared values and goals by all interested parties, i.e. within completely different political, legal and institutional culture, for example in Scandinavia but not in BiH of today.

All previous experience in education and other vital reforms in BiH support the position that consistent and mandatory implementation of a single standard in any area, including higher education reform³, throughout BiH can currently only be achieved by the state-level law that must also include an appropriate enforcement mechanism.

The work on this law – in line with the specific CoE’s post-accession requirements for BiH and Bologna Process elements, started in December 2002 in Vienna, with CoE

² Djipa Dino et al: “Policy of student examination at BiH universities: Testing discrimination – A case for reforms?”, OSF BiH, Policy Development Fellowship Program 2005

³ This, among other, includes financing, quality assurance, integration of universities, introduction of 2-cycle system and ECTS...

expertise and assistance. More than three years have passed since then, but BiH still does not have Higher Education Law (HEL) in place.

Unfortunately, as it looks now⁴, based on its short history and publicly expressed political and institutional positions of the majority of the political parties and few universities, we can almost be sure that BiH will not get a higher education law in place before the beginning of the next academic year⁵, or what will be the final content and scope of that law.

After the *first* draft Higher education law was rejected by the BiH Parliament in July 2004, the Ministry of Civil Affairs established a working group to work on the new draft. The work was completed in December 2004, but the *second* draft, described as a “soft law⁶”, did not get initial political support and was never introduced or discussed outside the working group. An individual Parliamentarian introduced the *third* draft directly to the Parliament in spring 2005. This draft is currently *de jure* still before BiH Parliament, but it has *de facto* already been rejected, as insufficient and inadequate. In parallel with the third draft, the *fourth* one has existed in the form of an internal working document of the Ministry of Civil Affairs since spring 2005 and according to the announcement by the Minister was supposed to be introduced to the BiH Parliament in autumn 2005.

Instead, a new approach to development and adoption of HEL was suggested mid-October 2005, when BiH Prime Minister offered his leadership in the establishment and

March 2006.

⁵ Beginning of the next academic year, October 2006, is unfortunately also a time of the next general elections in BiH.

work of a special **HEL task-force** with a main task to produce a new, *fifth* draft HEL with focus on the Bologna Process and Lisbon Convention requirements that could be adopted quickly and would be acceptable for all interested parties. On 16th December 2005 the first working version of such a law was presented and endorsed by the PM and other members of the extended BiH Coordination Board for Economic Development and European Integration⁷.

This version of the HEL deals with some but not all necessary aspects of the HE reform: It appropriately addresses the legislative and institutional aspects, touches policy and strategy aspect, but does not address the financial aspect.

Rather obvious conclusion in regards to the agreed limits of this draft was that a BiH-wide political compromise was reached to quickly move forward in implementation of the Bologna Process and Lisbon Convention requirements, thus leaving financing, research and some other important aspects of HE to be regulated by separate laws and at the later stage. But, in spite of general expectations, three months later, this draft has still not been presented to the Council of Ministers.

Finally and unexpectedly, in the late February 2006, Mostar Sveuciliste sent their own “all inclusive” *sixth* version of draft Law on Higher Education and Science to a number

⁶ “Soft law” usually means law that sets standards and criteria, but without powers to proscribe and enforce them.

⁷ Extended by the two entity ministers of education, who normally do not participate in the work of this body.

of addresses including BiH Council of Ministers and Parliament, and international organisations.

Due to the possibly far reaching influence on the society and economy, together with some other burning issues like police reform or constitutional changes, higher education reform has been at the top of political, academic and public agenda of BiH for some time now⁸.

Political and national (ethnic) obstructions and obstacles, as well as lack of political good will have constantly been mentioned as reasons for the failure to make necessary changes. And there is no doubt that they are. However, one of the findings of this study, confirms the existence of another underlying reason (that has up until now remained hidden behind political rhetoric): institutional obstruction by individual faculties and even by individual professors.

This is not specific BiH problem, and could also be found at our west and east neighbors, Croatia and Serbia⁹ and Montenegro. It is important to know that, when we eventually overcome political obstacles, we will have to deal with institutional and professional obstruction to the HE reform, hopefully more at the implementation than at the legislative phase.

⁸ The best proof for this statement is the fact that, including this one, there are three policy studies under OSF BiH Policy Development Fellowship Program for 2004 and 2005 dealing with higher education reform in BiH.

3. INTERNATIONAL CONTEXT: BOLOGNA PROCESS IN EUROPE

Although there is still no common education policy in European Union, in the last decade of 20th century it was recognized that in higher education, if the EU and Europe wanted to stay competitive in science and research, and respond adequately to increasing global challenges in these areas, the only way ahead was comprehensive and harmonised structural and systemic reform of the higher education sector, now known as the Bologna Process (BP). Its history is short but very dynamic and far-reaching.

The concept of the Bologna Process was officially introduced to the wider BiH public in the Education Reform Strategy Paper¹⁰, prepared together with the local education authorities and other stakeholders and international community representatives, and endorsed by BiH Ministers of Education and the Peace Implementation Council for BiH in November 2002.

Since then there were many activities aiming at better understanding, acceptance, participation and implementation of BP in BiH. Although it became a popular topic of many academic and not-so-academic discussions, the Bologna Process and its elements have too often been (mis)interpreted to fit specific political, national/ ethnic, academic and other local agendas.

⁹ In a case of Serbia this kind of obstruction had huge negative influence: More details will be introduced/ explained later.

¹⁰ “Five Pledges on Education: BiH Education Reform Strategy Paper”, OSCE BiH, Sarajevo, November 2002 (available at <http://www.oscebih.org>)

As BP is at the same time an international context and a goal of HE reform in BiH, this study will, as briefly as possible, present its development and elaborate its key elements, as they present important benchmarks for the overall success of the higher education reform in BiH.

As one of its fathers, Dr Per Nyborg¹¹ briefly summarised it at the conference on *Higher Education Governance and Reform in BiH* held in Sarajevo in September 2005, as the final goal of the Bologna Process:

“EHEA is not a single, unified higher education system, but a group of national systems developing according to jointly agreed principles and structures, based on mutual trust and transparency between participating countries and higher education institutions.”¹²

The Process takes its name from the Bologna Declaration, which was signed on 19 June 1999 by the Ministers of Education of 29 countries in Europe¹³, as a final part of a meeting on European-wide higher education reform that also involved a large number of representatives of the academic community, international governmental and non-governmental organizations.

¹¹ Head of the Bologna Secretariat Berlin- Bergen, and the Higher Education Division of Council of Europe.

¹² Nyborg, Per: from the key-note presentation: "Higher Education Reforms – What is as stake? *Background: The Bologna Process*", given at the conference "Higher Education Governance and Reform in BiH", 14&15 September 2005

¹³ Slovenia was among 29 countries that signed original Bologna Declaration, as the only one from the Former Yugoslavia.

The ultimate aim of the Process is to establish by 2010 a European Higher Education Area, based on the principles of quality and transparency, in which staff and students can move with ease and have fair recognition of their qualifications (previously the Lisbon Recognition Convention was signed on 11 April 1997).

The overall initial goal of BP is reflected in the six main goals/ action lines defined in the Bologna Declaration:

1. a system of easily **readable and comparable degrees**, including the implementation of the **Diploma Supplement**;
2. a system essentially based on **two main cycles** (a first cycle relevant to the labour market; a second cycle requiring the completion of the first cycle);
3. a system of accumulation and transfer of credits (**ECTS**);
4. the **mobility** of students, teachers, researchers, etc;
5. cooperation in **quality assurance (QA)**;
6. the **European dimension** of higher education.

An important goal of the Process is to move higher education in Europe towards a transparent and mutually recognized system which would place the diversified national systems into a common frame based on two main cycles – undergraduate and graduate - and recognise different paths according to which they were achieved.

It also underlines the importance of higher education for the development of democratic values and the value of the diversity of cultures and languages as well as of higher

education systems, leading towards specific “**democratic culture**”, which promotes the need for student participation.

This “democratic culture” is also reflected through a general trend to increase the autonomy of universities and reduce state intervention. The modern European understanding of the autonomy of the publicly funded universities is based on the concept of an integrated and open university, empowered to act as one legal body, with transparent internal rules and mechanisms necessary to fulfill all the BP requirements for a competitive higher education institution within EHEA.

In order to develop the European dimensions of higher education and graduates’ employability throughout Europe, the higher education sector was tasked to increase the development of modules, courses and curricula at all levels with “European” content, orientation or organisation. This particularly concerns modules, courses and curricula offered in partnership by institutions from different countries and leading to a recognized joint degree.

Strengthening of European dimension also meant the systemic creation of a **European identity** through higher education, as a sub- or a supra-identity, that would exist together with the national identity of all citizens of Europe.

An important step forward was also the actual recognition of students as “competent, active and constructive partners” and the emphasis on cooperation of different stakeholders within higher education. For example, it was recognized that the students

were instrumental in bringing in the **social dimension** of the Process and for the recognition of education as a public good and a public responsibility.

After Bologna, three stock-taking and policy-making follow up meetings at the level of ministers of education, with participation of all relevant stakeholders, were organised in Prague¹⁴ (2001), Berlin¹⁵ (2003) and Bergen¹⁶ (2005). The next one is planned for 2007 in London.

At the outset, no rules or plans were laid down for the follow-up activities of the Bologna Declaration of 1999. Ministers only agreed to meet again in two years' time.

But when Ministers met in Prague in 2001, they confirmed the need for putting in place a structure for the follow-up work. The **Bologna Follow-up Group (BFUG)**¹⁷ was established and composed of representatives of all participant countries and the EU Commission¹⁸ and chaired by the rotating EU Presidency.

The BFUG was to be a necessary *link between national implementation and international co-operation*. The Ministers entrusted the follow-up group with the task of stocktaking before a new summit, and of preparing detailed progress reports on implementation of the interim priorities for the period between the meetings (every two years). A Board was

¹⁴ Croatia became a full member of BP at the inter-ministerial conference in Prague.

¹⁵ BiH, Macedonia and SiCG became a full member of BP at the inter-ministerial conference in Berlin.

¹⁶ After the latest enlargement at Bergen Conference, BP now includes 45 member-states.

¹⁷ BiH is a member of BFUG since 2003.

¹⁸ EU Commission finances the work of BFUG, as well as number of other activities related to the BP, within the framework of its "Socrates Program". Its main goals include enhancement of the European

also established and also chaired by the EU Presidency with a task to oversee the work of the BFUG between the meetings.

At the meeting in **Prague**¹⁹ in 2001, three specific new goals/ action lines were included as integral parts of the Bologna Process:

1. Creation of **Lifelong Learning** strategies in HE to guarantee lasting employability;
2. **Involvement of universities and other higher education institutions and of students as competent, active and constructive partners** in the establishment and shaping of EAHE;
3. Promoting and enhancing **attractiveness of European higher education** to students from Europe and other parts of the world.

At the meeting in **Berlin**²⁰ in 2003, two more specific goals/ action lines were included in the Bologna Process:

1. **European Higher Education Area and European Research Area** to be developed jointly as the **two pillars of the “Europe of knowledge”**;
2. **Doctoral level** was to be included as the third cycle as a recognition of the importance of research and research training as an integral part of interdisciplinarity and higher education across Europe.

Ministers specifically asked Higher Education Institutions to increase the role and relevance of research to technological, social and cultural evolution and to the needs of society. They also stressed the need to intensify the efforts at **institutional, national and European level.**

dimension at all levels of education within EU, assisting cooperation and mobility of EU citizens through education etc. It consists of 8 sub-programs including “Erasmus”: a program for higher education.

¹⁹ “Prague Communiqué” can be found at <http://www.bologna-prague2001>

²⁰ Berlin Communiqué can be found at <http://www.bologna-berlin2003>

3.1. Half way there: Findings and messages of the BP Summit in Bergen

With a view to the final goal set for 2010, i.e. establishment of the European Higher Education Area, in Berlin Ministers charged the Follow-up Group with organising a stocktaking process in time for their next summit in Bergen in 2005 and preparing detailed half-way/mid-term reports on the progress and implementation of the three agreed intermediate priority areas.

These priority areas were:

- 1. Quality assurance:** In this category four evaluated elements were: Stage of development of QA system, Key elements of evaluation systems, Level of participation of students and Level of international participation, cooperation and networking;
- 2. Two-cycle degree system:** In this category three evaluated elements were: Stage of implementation of two-cycle system, level of student enrolment in two-cycle system and Access from first cycle to second cycle;
- 3. Recognition of degrees and periods of study:** In this category three evaluated elements were: Stage of implementation of Diploma supplement, Ratification of Lisbon Recognition Convention and Stage of implementation of ECTS.

A mid-term stocktaking exercise was to provide reliable information on how the Bologna Process is actually advancing and to offer the possibility to take corrective measures, where appropriate.

The key finding/ conclusion of the Bergen Summit²¹ is that Bologna Process is not only working, but it is working very well (on a scale from 1 to 5, average overall mark is 3.93). Common goals are being pursued and targets met by great majority of countries. European universities and students now enjoy a better and more open higher education, with enhanced mobility, transparency, transfer and recognition of qualifications than it was at the beginning of the Process in 1999.

Explanation of Colour Codes used in Bologna Report

Green	Excellent performance (5)
Light Green	Very good performance (4)
Yellow	Good performance (3)
Orange	Some progress has been made (2)
Red	Little progress has been made yet (1)

The following table gives a summary of the number of countries that scored in each colour category for the three priority action lines: **quality assurance, the two-cycle degree system and recognition of degrees and periods of study.**

²¹ All documents relating to the mid-term review of the Bologna Process and the Bergen Ministerial Conference are available at: <http://bologna-bergen2005.no>

Summary of Average Scores for the Three Priority Action Lines²²

Action lines	Number of countries in each colour category				
	Green	Light green	Yellow	Orange	Red
Quality assurance	15	13	7	8	0
The two-cycle degree system	18	13	4	6	2
Recognition of degrees and periods of study	14	20	9	0	0
Score for all three action lines	10	19	11	3	0

This table also confirms how well the Bologna Process is working. Almost all of the participating countries have embarked upon the reform process along the lines articulated by Ministers in Bologna in 1999. The great majority, two thirds (or 67,44 per cent) of countries fall within the categories of “Excellent performance” or “Very good

²² While there are 40 countries-members of BP, there are two separate scores for three of them: Belgium (for Flemish and French community), Serbia and Montenegro, and the United Kingdom (England, Wales and Northern Ireland together, and Scotland separately).

performance”, one quarter (or 25,58 per cent) in “Good performance” and less than 10 per cent (or 6,97 per cent) in “Some progress made”. In that respect, Ministers as well as other HE stakeholders can be confident that the **European Higher Education Area is beginning to take the desired shape.**

Of the three evaluated priorities, the best progress has been achieved in the area of the **Recognition of degrees and periods of studies**, where the great majority of the countries have made excellent progress, with average mark of 4,1 (this primarily reflects the number of countries that have ratified the Lisbon Recognition Convention).

The second best result, with the average mark of 3,9, has been achieved in the area of the **Two-cycle degree system**, confirming that the great majority of countries have made excellent or very good progress in this area, and that all – but one - have begun implementing two-cycle system by 2005.

At the bottom of the list, but also with the high average mark of 3,8, was progress made in the area of **Quality assurance (QA)**. Although the great majority of the countries have made excellent or very good progress in developing and implementing their QA system, a small number of countries are dangerously lagging behind in this area. The main joint concern is that in many countries students are not involved or not sufficiently involved in QA procedures²³.

²³ “Bologna Process Stocktaking: Report (a report from a WG appointed by BFUG to the Conference of European Ministers Responsible for Higher Education)”; Norwegian Ministry of Education and Research & Socrates, Bergen 2005

At the meeting in Bergen in 2005, following new specific goals/ action lines were included in the Bologna Process:

1. adoption of the **overarching framework for qualifications in the EHEA** (including generic description for each cycle based on learning outcomes and competencies) and **elaboration of national frameworks compatible with the overarching one;**
2. making **quality higher education equally accessible to all** (and in that regard including data on the social and economic situation of students in participating countries in a future stocktaking);
3. initiation of the **formal engagement with employer organisations** at national level;
4. enhancement of the awarding and recognition of **joint degrees**, including at the doctorate level.

Preparing for 2010, in more political terms Ministers committed themselves to:

“upholding the principle of public responsibility for higher education in the context of complex modern societies. As higher education is situated at the crossroads of research, education and innovation, it is also the key to Europe’s competitiveness. As we move closer to 2010, we undertake to ensure that higher education institutions enjoy the necessary autonomy to implement the agreed reforms, and we recognise the need for sustainable funding of institutions.”²⁴

²⁴ From Bergen Communiqué (available at: <http://bologna-bergen2005.no>).

The “big picture” of the Bologna Process, as presented at the Bergen Conference, is a rosy one: it is successful, it is good news, and it also shows that this collective and voluntary inter-governmental process has been taken very seriously by its members. It is working well for higher education institutions and students because the BP is creating a better, more competitive and more open higher education area, with already visible effects in majority of the countries aspiring to complete EHEA by 2010.

There is no doubt that the recently agreed new EU budget for period 2007 to 2013, with significantly increased support for higher education and research, as well as the implementation of the Lisbon Agenda, would further contribute to the successful completion and functioning of the EHEA.

Within the European Union and its member-states even more demanding goals were agreed. EU Heads of State and Government agreed at the Spring Summit in Lisbon in March 2000 on the objective of making the EU by 2010 **"the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion"**.

As one of the overall European Union's priorities, this agreement known as **Lisbon Strategy** (or Lisbon Agenda) has been regularly updated and revised, and EU Heads of State and Government meet annually in March to review the progress on this objective and to decide upon future strategies.

2.2. Regional context: Bologna Process in BiH, Croatia and SiCG

As could have been expected, the BP Summit in Bergen in May 2005 only confirmed something that all HE stakeholders knew: BiH is lagging behind in meeting literally all BP requirements, as is Serbia.²⁵ Croatia and Montenegro are doing a somewhat better job.

While the overall mark for Croatia and Montenegro²⁶ was yellow or “Good performance”, BiH and Serbia, together with Andora²⁷, were the only countries within the BP in which overall mid-term result in implementation of the agreed goals was marked in orange or “Some progress made”.

It is interesting to note that in all three cases (although it was not specifically evaluated it could have been seen from the additional comments attached to each country’s score-card) the main reason for this was non-existence of the Higher Education Law properly harmonised with the BP and EHEA requirements.

From the optimistic, light green scenery of wider Europe, we will now move to yellow-orange (in too many aspects even red) scenery of our region: BiH, Croatia and SiCG, thus leaving Slovenia (light green) and Macedonia (yellow) aside.

The main reason for this artificial “division” of the area of the Former Yugoslavia into “inner” and “wider” region is the fact of the **full mutual intelligibility** of the official “languages” of BiH, Croatia and SCG, and its possible advantages.

²⁵ As already explained, Serbia and Montenegro were evaluated separately.

²⁶ In total, overall performance of 11 countries fell into this category.

²⁷ Andora does not even have a university, and that is one of the main reasons for this result.

But before we explore possible favorable preconditions and advantages for closer cooperation in higher education reform between BiH, Croatia and SCG, let us briefly go back to the four national reports prepared for the Bergen Summit by the three countries.²⁸

Without going into details, there is no doubt that HE is both seen and treated very differently from country to country. For Croatia, but also for Serbia and for Montenegro, it is an area of an utmost importance for the development of state and society, and for Croatia of national pride too.

It is an area of responsibility of a single state-level ministry/ minister, and therefore an area in which state-level updated figures and statistics are available and presented, both of which are unfortunately not the case in BiH.

Croatia and SCG had special teams, supported by specialised higher education institutions (agencies and councils) working on the report. In BiH it was pretty much a “one-person-show”, with some IC support and minimal support of NGOs, mainly based on a ghost master document – a draft HE Law that was rejected by BiH parliament in summer 2004, with too many of the set questions of the standard questionnaire unanswered. And although much more detailed report, with all the questions answered did not help Serbia to get a overall better mark than BiH, it has still sent an important message about the treatment and importance of both the BP and HE reform in the two countries.

As a result, following information could be found in reports by BiH, Croatia, Serbia and Montenegro:

BiH	Croatia	Serbia	Montenegro
Responsible authority: No central authority, but RS MoE, Cantonal MoE, MoCA Public universities: 8 (Banja Luka, Bihac, Mostar Sveuciliste, Mostar University, Sarajevo, East Sarajevo, Tuzla and Zenica) Students: approximately 100.000 ²⁹ HE Law: Draft rejected by the parliament ENIC/NARIC: Yes, in rejected draft HEL	Population: 4,5 million Responsible authority: Ministry of education Public universities: 6 (Zagreb, Osijek, Rijeka, Split, Zadar and Dubrovnik) Faculties: 85 Employees: 9.787 Students: 150.000 (12.000 at private HE institutions) HE Institutions: National Agency for Science, National Agency for HE,	Population: 7,5 million (without Kosovo) Responsible authority: Ministry of education Public universities: 6 (2 in Belgrade, Nis, Kragujevac, Novi Sad and Pristina) Private universities: 5 Faculties: 82 Employees: 16.584 Students: 176.339 (10.000 at private HE institutions) HE Institutions: National HE Council,	Population: 650.000 Responsible authority: Ministry of education Public universities: 1 (University of Montenegro) Faculties: 14 Employees: 9.787 in teaching process + 520 in administration Students: 12.200 +500 students from Serbia and BiH (3000 students from MN study outside of MN, mainly in Serbia)

²⁸ Also available at: www.bologna-bergen2005.no

²⁹ It is not quite clear where did this number came from: Other relatively recent sources i.e. EC functional review of Education sector in BiH from March 2005 give significantly lower number of 70.000 students.

QA agency: Yes, in rejected draft HEL	National Council for HE and Science, National Bologna Promotors Team HE Law: Adopted in 2003, further harmonised with EHEA in 2004 ENIC/NARIC: yes QA agency: yes	National Bologna Process Commission HE Law: Draft (adopted in summer 2005)	HE Institutions: National Council for HE, National Bologna Promotors Team HE Law: Adopted in 2003, fully harmonised with BP and EHEA
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To be fully integrated within EHEA, these countries must develop long-term strategies and programs in so called “generic skills”³⁰, with training in foreign languages for all students being the first priority, as a necessary precondition for mobility of students from this region to the rest of Europe.

But before sufficient linguistic capacity of an average student is developed so that s/he can efficiently spend some time studying in a foreign country³¹ (usually it is a semester), universities of BiH, Croatia and SCG could and should immediately start using advantages of the linguistic intelligibility and offer modules, courses and curricula in **partnership by institutions from all three countries** that would lead to the **recognized periods of study and joint degrees**.

For the reasons of mutual intelligibility and common past, as is the case with the Scandinavian countries, they should also be regional leaders when it comes to **recognition of degrees and periods of studies**. All three countries ratified Lisbon

³⁰ Regardless of the specific field of a study, BP requires development of generic skills (foreign languages, IT, oral and written communication, teamwork, problem solving etc.) as integral part of every module, course and curricula of every HE institution, at every HE level (undergraduate and postgraduate). – from *Stankovic Fuada et al: “Priorities for Integrated University Management”, CoE/ EC, Sarajevo, 2005.*

Recognition Convention, and although Diploma Supplement (to be issued in English, a *lingua franca* of today) and ECTS are in most cases yet to be introduced, the two reasons mentioned before should be sufficient even before the required common BP tools are put in place.

Again, for the same reasons, another area of close cooperation between the three neighbors, as strongly supported by the BP and already functioning in the Scandinavian countries, should be **Quality Assurance**. The QA is relatively new concept and cooperation and networking within as well as outside the region would enhance development of the QA policy and practice in all three countries.

One of the main recommendations of the Bergen Summit in regards to the future development of QA is a need for international participation in national QA structures. As an absolute minimum this should include a representative/s from another country attending meetings, participating in policy making and performing an advisory role. A more active and meaningful form of collaboration is the establishment of a joint QA agency as it is a case between Netherlands and Flemish Community of Belgium (the agency is governed by the two Ministers, with full exchange of practice at all levels of the process).

“This is a model which could be more fully explored by other countries, especially small countries and those that have a shared language”³²,

³¹ It takes a full generation, or 5 years, develop and put in place such kind of strategy and programs.

³² Available at: www.bologna-bergen2005.no

concludes the recommendation on QA.

There are many more good reasons why in HE reform a close cooperation with our first neighbors is desirable:

- Limitations such as the size of the three (or soon four?) countries, their population and their GDP do not allow for “economy of scale” to develop within individual higher education system of each country;
- All countries share similar and complementary developmental needs of the economy and society (transition, democratisation, Euro-integration etc.);
- Possibility to pool all available human/ institutional resources together;
- Common HE legacy of the past and common requirements of the Bologna Process etc.

This all confirms that the higher education and research systems and capacities of BiH, Croatia and SCG would benefit most if they are developed in close coordination and cooperation. Particularly in the area of applied sciences and research and in postgraduate studies, BiH, Croatia and SCG should combine all their intellectual, financial and professional sources if they want to become if not competitive that at least interesting for partners from other European countries.

This could also stop and eventually reverse the brain drain and enhance education and employment opportunities for the younger generation within the three countries and the wider European context.

This would require difficult political decisions by all three countries, that can only be made with the agreement of the political and intellectual elite. However, if the higher education systems of the inner Balkan region are not only to survive (while remaining irrelevant and parochial in relation to the EHEA), but also to serve their countries and citizens in bettering their living standards and prospects, this seems to be the only way forward. As it is the case in all other aspects of Euro-integration, to be properly integrated in Europe, one must always start with the first neighbors and at the regional level.

Also, as a specific area of education, as all documents of the Bologna Process underline it, higher education plays a significant role in enhancing democracy as well as understanding it. In case of BiH, Croatia and SCG it could also play an important role in reconciliation and better understanding between their peoples and citizens, and this unique opportunity that has been opened within the BP should not be missed.

Similar or sometimes even the same arguments that were used to support closer cooperation and coordination of the HE reform in BiH, Croatia and SCG will in the next section be used for supporting closer cooperation and coordination of the HE reform within BiH.

3. BiH: EUROPEAN HIGHER EDUCATION AREA vs. “VITAL NATIONAL INTEREST”

After European and the regional HE context, in this section focus will be on the HE scene in BiH. We will try to explore and explain the gap between the current situation in BiH higher education sector and the concrete requirements and standards set by the Bologna Process.

We will also try to offer arguments - based on detailed analysis of the sector - for why and how BiH would benefit from addressing most of the problems and shortcomings of its contemporary higher education system as well as Bologna Process requirements at the state-level.

The best illustration of BiH’s current position (literally at the bottom) within the BP in regards to the implementation of almost all its requirements is the “Bologna Scorecard”, taken from the report on “Bologna Process Stocktaking” that was prepared for and presented at the Bergen Summit in May 2005.

QUALITY ASSURANCE	
1. Stage of development of quality assurance system	
2. Key elements of evaluation systems	
3. Level of participation of students	
4. Level of international participation, co-operation and networking	

TWO-CYCLE DEGREE SYSTEM	
5. Stage of implementation of two-cycle system	
6. Level of student enrolment in two-cycle system	
7. Access from first cycle to second cycle	

RECOGNITION OF DEGREES AND PERIODS OF STUDY	
8. Stage of implementation of Diploma Supplement	
9. Ratification of Lisbon Recognition Convention	
10. Stage of implementation of ECTS	

TOTAL	
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Bosnia and Herzegovina joined the Bologna Process in 2003. Immediately following the Berlin Ministerial Conference, a draft Framework Law on Higher Education was prepared laying the basis for implementation of the “Bologna” reforms in the country, such as the three-cycle degree system, establishment of a quality assurance agency/ENIC/NARIC and implementation of ECTS and the Diploma Supplement. The law has yet to be adopted.

So, how and why did BiH end up as the least successful member of the BP?

Constitutional and legal context of education in BiH

Due to BiH's unique and controversial constitutional organisation it is necessary to point out some of its main characteristics as they directly influence education system/s in BiH³³.

The RS, the ten cantons within FBiH and District of Brcko all operate as highly centralised administrations within their own respective boundaries. Currently each of these administrative units has full responsibility for all levels of education (pre-primary, primary, secondary and tertiary) that, as a rule, results in over-centralisation and, at the same time, over-fragmentation of the sector. Having in mind that each administration is responsible for passing its own legislation, budget, policy, etc. it is not surprising that there are numerous, although mainly minor, variations in education practice throughout BiH.

The two Entities do not have an even distribution of competencies in education. In the Federation the education system is highly fragmented, and at the same time highly centralised at the level of the cantons. Federation Ministry of Education constitutionally has none and legally only a very weak role to play (it is described in rather vague terms of consultation, cooperation and coordination between the cantons). This means that the cantonal ministries are (according to the Federation/ Cantonal Constitutions) really in charge of education, controlling both **education resources** (currently education is financed through canton-level tax revenue) and **content**, resulting in dramatic inequity and cost-inefficiency from Canton to Canton.

On the other hand, the education competence in the RS is totally centralised at the level of the Entity Ministry of Education and Culture.

In the absence of a state-level authority in education for many years following the DPA, that role was to some extent – providing minimum coordination, cooperation and harmonisation - assumed by the International Community (IC) present in BiH.³⁴

Only after the last general elections in October 2002, BiH Parliament adopted the new Law on (state-level) Ministries, and decided to include the portfolio of education together with all other soft-sectors³⁵ in the newly established Ministry of Civil Affairs (MoCA).

The role and responsibility of the MoCA in area of education do not go much beyond the role of BiH Federation Ministry of Education i.e. coordination, cooperation and international representation of the country. Although instrumental in areas such as development and adoption of state-level legislation and international representation of BiH (in BP for example), this Ministry does not have personnel or financial capacity or

³³But in spite of the highly complex, asymmetrical and fragmented organisation of BiH as a state, and in spite of the highly fragmented nature of education in BiH, the existing system/s still strongly reflect their common *ancient regime* heritage.

³⁴ Due to the streamlining or profiling of the IC presence in BiH, as agreed by all IC major donors and players in the summer 2002, that role was officially taken over by the OSCE mission to BiH.

³⁵ Labour and employment; research; sport; culture; social, health and pension insurance; national heritage; personal records/ documents of citizens etc.

mandate to deal with transfers of authority from lower levels of government to be able to address systemic and structural aspects of much needed education reform³⁶.

But as it can be seen from the problems in implementation of the state-level Framework law on primary and secondary education, for as long as there is no enforcement mechanism and financing at the state-level, in BiH of today laws are simply not automatically binding for lower levels of government.

To conclude, strengthening currently weakest level - the one of the State - as a natural one for creation of the overall education legislation and policy, seems to be the best way forward in order to achieve equitable, fair, transparent and accountable education system.

National/ethnic division of BiH, based and rooted in its chaotic constitutional and legal arrangement, was a very fertile ground for the creation of anarchy in many aspects of everyday life, including education. The consequences can be found at all levels of education, but those in HE are probably the most obvious as well as the most expansive ones.

Paradoxically, but out of all countries of former Yugoslavia, BiH is the only one that increased its number of public universities in last 15 years. It actually doubled since before the war, from **four** to **eight**, while at the same time the overall population, including a number of the qualified teaching staff, decreased. Higher education infrastructure (buildings) was damaged during the war and has still not been completely repaired. Also higher education expenditure (both in relative and real terms) dramatically

³⁶ However, the opportunity to create a state-level MoE with a clear mandate was missed one more time, probably for the period of the next four years (which is the mandate of the new authorities elected in 2002).

dropped, with literally no public investment in research and science³⁷. Having in mind all the above mentioned facts it is really difficult to understand, and even more difficult to accept, that instead of rationalisation BiH has witnessed this unique boom of new public universities.

In some cases, “preservation and development of one’s national/ ethnic identity, language and culture” was put forward as the main reason for establishment of new universities; in others it was justified by a “need for regional and independent development³⁸”. Whatever the official “reasons” were, in reality new universities were created as result of a short-sighted, short-term political reasons and local – sometimes even individual - aspirations, resulting in a major drop of quality of education.

National/ethnic fragmentation of the HE system has been closely matched with the institutional one, contrary to the overall integration direction of the HE reform within the BP.

The most striking examples of this practice are two parallel public universities that exist in Mostar and Sarajevo, in some cases only few streets or few kilometers away from each other, where the teaching is organised at the same parallel faculties, in same parallel disciplines, and even more frequently taught by the same teachers.

³⁷ This apparent contradiction - or a paradox - that only number of universities increased while everything else relevant for higher education in BiH (such as human and financial resources) decreased, deserves to be explained properly and should be subject of further research.

³⁸ Meaning “independent from Sarajevo”.

Given the size of population of about 50.000 and the fact that they are primarily financed by the same budget - of the Herzegovina-Neretva Canton – the Mostar case deserves special attention and analysis, and should be addressed in a separate study.

Small, newly established, post-war universities, such as Bihac and Zenica, with insufficient professional and financial capacity present another kind of problem, as their size and other limitations make it almost impossible for them to fulfill all traditional roles of university (dissemination of knowledge, research, development).

The shortage and demographic profile of teaching staff also present some of the main problems of HE in BiH, first resulting in creation of new category of “peripatetic” or “wandering” or “traveling” professors, as quite a number of them do not only teach (and receive pay) on different faculties, but at different universities/ towns in BiH.

The problem is that teaching staff is currently employed by a faculty and not university, their original pay is too low, but so is their work-load (as some universities 4 hours a week!), so they can easily make two or three wages a month if they are lucky enough to teach a more popular subject/ discipline such as economics or law.

When it comes to a generation gap of the teaching staff, addressing the problem has more often been postponed by extending contracts of the professors at retirement age, or “importing” them on a short-term basis from Croatia or SiCG, rather than by strategic investment in new generation of teachers.

To give a few more examples: curricula as well as teaching methods are outdated and overloaded, students' participation in governance and management of universities is symbolic, period of studies is too long, drop out rate too high, different forms of discrimination present throughout HE (ethnic, gender, age etc.), administration is doubled at the level of faculties and of the university and is too big and expensive etc.

All these are findings of the institutional evaluations of the seven universities in BiH³⁹, conducted by the European University Association (EUA) during 2004 within a joint project of the European Commission and the Council of Europe called "Modernising the Management and Governance Capacities of Universities in BiH"⁴⁰.

Therefore it is not surprising that about **two thirds of students would prefer to study abroad than remain in BiH**⁴¹.

Sadly, but it still looks that in a field of higher education, "vital national interest" together with some institutional and private interests is still stronger than both BiH commitment to fulfill its international obligations⁴², and obligation to give its young generations better, European-wide recognised higher education and better chances for employment within both BiH and the EU.

³⁹ The evaluation started before official establishment and registration of Zenica University.

⁴⁰ EUA: "Institutional evaluations of the seven universities in BiH", CoE/EC, Sarajevo, 2004

⁴¹ UNDP BiH Human Development Report for 2000, 2001, 2002, 2003 & 2004 (available at <http://www.undp.ba>)

⁴² Deriving from the Bologna Process and Lisbon Recognition Convention.

So what should and could BiH do to get out of its current practice, up on the BP implementation list and within EHEA by 2010?

In order to achieve these goals, and at the same time improve its sustainability and quality, in the first stage the process of the higher education reform in BiH needs to be taken forward on **four** more or less equally important fronts.

Firstly a new state-level **legislative framework** is required, looking forward to the EAHE rather than to the former Yugoslav tradition, and looking after students more than after employees in HE. (BiH is currently the only European state without a new law on higher education harmonized with Bologna Process/ EAHE requirements, and in that aspect, as in so many others, it is lagging behind even its immediate neighbors.)

Secondly, reform and harmonisation of the **financing framework** of higher education, primarily based on *per student* and *per program* formula is essential, as current mechanisms are unequal, inefficient, lacking transparency and accountability while providing various opportunities for discrimination and resulting in the waste of already minimal resources.

Thirdly, a **policy** and **strategy framework** should be put in place at the state level, with a clear perspective to move it to the regional level, especially in post-graduate studies and research.

Finally, new **institutional framework**, a restructured and integrated university system, in a sense of enhanced democracy, autonomy, governance and management, is the last key-aspect of bringing the higher education system of BiH closer to EAHE.

Based on the existing experiences and practices, existing and draft or working documents, recent conferences on HE reform in BiH and interviews with competent political authorities, university and IC representatives, these four elements will be later analysed in more details.

However, the main point, one that has been made repeatedly by all international experts involved in HE reform in BiH, is that all these elements must be seen as a “package” and not as a set of unconnected instruments. Failure to see the full package would inevitably result in new series of misunderstandings and uncertainties⁴³.

As a frontal approach to any reform in BiH has never been accepted and implemented, an incremental, step-by-step approach could also work provided that there is a clear timetable and a sequence of putting all above mentioned elements in place.

3.1. New HE legislative framework

The major difficulty for comprehensive HE reform in BiH, as well as substantial progress within the BP, is the continued absence of any agreed higher education legislation at the

⁴³“A Prototype Statute for Integrated Universities” (from introduction by Dennis Farrington), CoE & EC, Sarajevo, August 2005

state-level. And until such legislation is put in place, in spite of the attempted harmonisation with the BP at level of few universities, existing incoherent legislation will cause appearance of new and deepening of the already existing differences within BiH HE system/s.

It should be recalled that at the beginning of the HE reform process in late 2002, and especially since BiH joined BP in September 2003, reference was repeatedly made to the framework of competencies for higher education legislation published by the Council of Europe in 2000 in “Final Report on the Legislative Reform Program for Higher Education and Research”.

In the context of that Report and ongoing Bologna Process developments on one hand, and complex constitutional and legal structure of the education sector in BiH on the other hand, it was accepted that the state-level higher education legislation should be developed within a framework law.

It would also fit the general trend in development of modern higher education legislation in a great number of other European countries – members of BP and EHEA, as it was confirmed at numerous Bologna process meetings and seminars.

Although it is almost impossible to discuss common model of higher education legislation in EHEA, as it does not exist, there is a common trend to increase the autonomy of universities and reduce state⁴⁴ intervention.

Modern European understanding of the autonomy of the publicly funded universities is based on the concept of an integrated university, empowered to act as one legal body, with internal rules and mechanisms necessary to fulfill all the BP requirements for a competitive higher education institution within EHEA.

As a rule, state influence is being limited to general strategy, general conditions and rules for allocation of public budget, protection of basic human and citizens' rights, and adherence to international obligations (including recognition, development and promotion of mobility and European dimension and competitiveness)

In process of drafting HE legislation so far in BiH, the main political objections were expressed in regards to a funding model, protection of national/ethnic identity, and a scope and method/s of state involvement (including eventual transfer of some or all competencies from canton to entity, and entity to state).

On the other hand, the following non-controversial elements were included in all previous and current drafts:

1. The integration of university and schemes of devolution⁴⁵;

⁴⁴ I.E. government.

2. Basic structure of governance and management of university;
3. The system of degree programs according to the BP, based on **three-cycle structure**, including **Diploma Supplement**;
4. The system of accumulation and transfer of credits (**ECTS**);
5. The basic rights of staff and students such as academic freedom, anti-discrimination and ethic-codes, participation etc.;
6. The basic conditions for academic titles to facilitate recognition outside university;
7. Institution/s for **information** and **recognition** of foreign degrees and diplomas and **quality assurance**;
8. The obligation of university to make its work open and transparent and produce regular reports.

This also shows that most of the initial six goals of the BP⁴⁶, as well as some additional goals agreed upon at the follow-up by-annual meetings of Ministers of Education participating in the Process, are considered acceptable for all interested parties, and have been included in all drafts of HEL in BiH.

So why then BiH still does not have a HEL?

Because, the “devil is in detail”, and transferring agreed goals and principles into a coherent, detailed text of any law has always been difficult in BiH due to the still existing

⁴⁵ This was partly due to the fact that only rectors and vice-rectors were members of various working groups tasked to produce HEL, and this will, without any doubt, become a problem at the later stage, as it was and still is the case in many countries where faculties were independent from university.

⁴⁶ See chapter “International context: Bologna Process in Europe”.

mistrust, putting “vital national interest” before any other interest, and the absence of a democratic political culture.

After a year long preparation and half-year long parliamentary debate, on 29 July 2004, the *first* draft state-level framework law on higher education⁴⁷ was rejected by the Croat Caucus of the House of Peoples of BiH Parliament, and challenged before the BiH Constitutional Court, as allegedly endangering “vital national interest” of BiH Croats.

This draft met all the requirements of the Bologna Process⁴⁸, goals set by the Education Reform Strategy Paper and Poverty Reduction Strategy Paper⁴⁹, as well as some specific IC requests, including the main World Bank’s requirement for launch of its new loan for Education Restructuring Project⁵⁰ for BiH: that HE financing must be organised at no lower level than an entity one.

The financing – according to this draft - was to be organised at the level of the entities, which would result in asymmetrical financial arrangements for HE in the two BiH entities, and Croat parliamentarians – acting on behalf of the united academic and political BiH Croat community - strongly opposed it.

⁴⁷ Integral text of the first draft framework HEL in BiH is available at <http://www.sus.ba/index.files/4.doc>

⁴⁸ And was the only developed with participation of students’ representatives.

⁴⁹ BiH Medium Term Development Strategy – PRSP (2004-2007), BiH CoM, March 2004 (available at <http://www.bih.prsp.info>)

⁵⁰ Originally this Education Restructuring Project was planned as support for the overall HE reform, after the HEL is adopted.

Also, contrary to their main request, by this draft BiH Croats were not to be granted the right to have at least one public university in Croatian as an official (or administrative) language, so for these two reasons they challenged the law before the BiH Constitutional Court.

The Court confirmed that HEL indeed belonged to the area of “vital national interest”⁵¹, concluding at the same time that exclusive use of one of the three constitutionally recognised languages in any official and public institution or activity would be unconstitutional too.

There were some hopes, and mild attempts were made by MoCA, that it would still be possible to amend the HEL according to the Constitutional Court ruling, and send it back to the Parliament, but unfortunately it soon became very obvious that no compromise could have been found.

This draft was presented in details and well known to both academic and general public, analysed – from different perspectives and to different degrees - in a number of political, professional and policy contexts⁵², and although “dead and buried”, served as a main basis and source of information for BiH report at Bologna Stocktaking Conference in Bergen.

⁵¹ According to the constitutional amendments to the BiH Constitution from 2002, education in general was recognised as area of “vital national interest” of the three BiH constituent peoples.

⁵² Including, as previously mentioned, two policy studies on certain aspects of HE reform in BiH within PDFP 2004 program.

In another attempt to produce the text of the law that would satisfy the Bologna Process requirements, as well as local politicians and IC organisations' expectations, in autumn 2004 Ministry of Civil Affairs established a new working group, supported again by CoE experts, and composed of representatives of universities (who have been appointed by the leaders of the major political parties, thus representing not only HE institutions but also different political options and constituent peoples of BiH).

Initially, different options were explored, from “soft” to “full” law, from dealing only with (academic, institutional, recognition, financial etc.) standard setting at the state-level to the establishment of a full state-level authority in area of higher education, but again either BiH Croats or Serbs were against it.

Since their condition to adopt a HEL and organise HE financing at no lower level than the entity one was not met in a given timeframe, the WB redirected their Education Restructuring Loan from HE to general education reform. They have however continued to condition reimbursement of their other loan, for general budgetary support for state and entities (EMSAC), with adoption of HEL that would include HE financing at no lower level than an entity one.

But as the WB carrot did not work earlier, neither did the stick.

The work on a new framework HEL was completed in December 2004 and this *second* draft could have been described as a “soft law”, setting only (academic, institutional,

recognition, financial etc.) standards and necessary coordination – but not an implementation – mechanism at the state-level. For reasons that most in IC and many in HE sector found difficult to understand or accept, it did not even get support of Croat members within the working group, and as result it was never introduced or discussed outside the working group. Croats simply could have not been persuaded to see this “soft law” as a first step in the right direction, and insisted on having all elements of HE sector organised at the state level. They protested that setting standards was not enough to harmonise HE area inside BiH, and especially not within EHEA.

And so BiH entered the third year of working on – but not adopting – the higher education law. Although the law as such would primarily be an important policy tool for development and improvement of the sector along the BP requirements, without it as the first step forward, and the most important reform element, almost nothing can be done.

Then, in spring 2005, an individual Parliamentarian from the RS introduced another, *third* draft framework HEL directly to the Parliament. MoCA has soon produced detailed and critical analysis of the new draft, that did not leave much chance for its survival. As it is the only draft that is currently under consideration and publicly available, it will be analysed in more detail.

According to analysis prepared by MoCA (requested by the BiH Council of Ministers), Articles 1 to 33 of the third draft HEL were almost identical to the first draft of the Framework HEL that was rejected by the BiH Parliament in summer 2004. This includes general provisions, goals and importance of higher education, access to higher education,

higher education institutions, institutional autonomy and legal subjectivity, rights and obligations of academic staff and rights and obligations of students.

However, when it comes to competent bodies in higher education, there is no similarity between the *first* and the *third* draft. The latter stipulates the existence of the Agency for education at the BiH level, while the existing Ministries of Education at the level of entity, canton and Brcko District pretty much keep their current responsibility for higher education.

The main problem within the proposed competent entity bodies in higher education is the **Agency for education at BiH level** (Article 35), which – in spite of its name - would not be a state institution, but an independent, inter-entity administrative organisation established by an agreement of the competent entity bodies (i.e. Ministries of Education) with the task of coordination in the field of education in BiH. Apart from the fact that the existing BiH laws do not foresee the existence of the inter-entity body as such, in accordance of Article 15 of BiH Law on Ministries, the Ministry of Civil Affairs is explicitly charged with international and intergovernmental coordination in the field of coordination.

In the joint letter submitted to MoCA and all Ministers of Education in July 2005, heads of IC organisations active in the education reform in BiH (OSCE, OHR, Council of Europe, European Commission and World Bank) expressed their position that inter-entity agencies were neither practical nor effective solution for any part or level of education system in BiH. The letter underlined the shared IC view that “only agencies at state-level

could bring efficient solutions in the field of education for the benefit of all citizens of BiH”⁵³

The proposed **Higher Education Coordination Board** (Article 36), as an advisory body to be established within the Agency, should be responsible for defining criteria for establishing, closing and merging of HE institutions; providing recommendations for the lowest tuition fees, advising on policy setting and – in general terms -assisting Agency and concerned education bodies. Having in mind that a body with same name ceased to exist and was transformed in the BiH Rectors’ Conference (with more or less the same mandate as described in Article 36) only a year ago, its re-introduction seems rather confusing.

The other substantial difference between the *first* and the *third* draft, as pointed out in the MoCA analysis, is the introduction of funds for higher education at level of RS, Cantons and Brcko District (Article 37), contrary to the specific provisions of the Education Reform Strategy Paper, Poverty Reduction Strategy Paper and the World Bank’s request that HE financing in BiH should be organised at no lower level than the entity one⁵⁴.

Finally, according to the *third* draft, the **Center for information, recognition and quality assessment (CIRQA)** should also be established as an integral part of an inter-entity Agency for education, which goes against obligations arising from the Lisbon Recognition Convention (i.e. establishment of a national information and recognition center) and Bologna Process (i.e. establishment of a national quality assessment body).

⁵³ The IC letter of 14 July 2005 could be found at MoCA and all MoE in BiH.

CIRQA at the state-level would establish criteria for accreditation and licensing of HE institutions, while two CIRQAs at the entity level would make final and formal decision on these matters. An additional problem is that in BiH Federation responsibility for education is at the level of a canton, so a change of BiH Federation Constitution would be required to establish and make entity-level CIRQA operational.

To conclude, the *third* draft limits the role of the state in the area of higher education to a mere adoption of the HEL by the state-level parliament. Instead of the state-level bodies it foresees creation of an inter-entity agency i.e. quasi-state-level body; instead of the state-level competencies in higher education it leaves them at their current level/s (RS and cantons in BiH Federation); instead of the state-level responsibility for implementation of the Lisbon Recognition Convention and the Bologna Process it puts them at the entity level etc. In brief, it does not create a unique BiH Higher Education Area as a necessary pre-condition to making it an integral part of the European Higher Education Area by 2010.

Contrary to the general expectations, the *third* draft is currently *de jure* still before BiH Parliament, although it has *de facto* already been rejected, as insufficient and inadequate.

The *fourth* draft has existed in a form of an internal working document of the Ministry of Civil Affairs since spring 2005.⁵⁵ According to the Minister's announcement at the CoE/

⁵⁴ However, as already announced, the WB has recently withdrawn this specific request, or – more correctly – while still insisting on increased transparency and accountability in HE financing, has allowed that the financing mechanism could be agreed and put in place at some later stage of the HE reform.

⁵⁵ It was ready when the RS draft was introduced to the BiH Parliament.

EC conference on “Modernising University Governance and Management in BiH”⁵⁶, it should have been introduced to the BiH Parliament “very shortly”. As it has never been officially presented, this draft can not be discussed in detail. But, it had two versions, as framework and as detailed law, the later being the best solutions for the higher education reform in BiH: It made the state of BiH directly and fully responsible for this area/ level of education.

Instead of announced introduction to the Council of Ministers of the *fourth* draft, a new approach to development and adoption of HEL was suggested mid-October 2005 at the meeting of the state- and entity-level Prime Ministers and Ministers of Finance with the WB leadership for BiH and South-East Europe.

As it was already explained, it was the WB that originally insisted at raising HE financing to at least an entity level, in order to improve its accountability and transparency, making this transfer a prime condition for its HE loan and EMSAC (loan for general budgetary support of state and entities) loan for BiH.

As the first draft foreseeing HE financing at the entity level was rejected, and other drafts were not even (or at least not seriously) considered, the WB now supports a phased approach to HE reform, insisting only on a quick adoption of a framework HEL that must satisfy the BP and Lisbon Convention (LC) requirements, and agreeing that systemic financing arrangements could be dealt with at the later stage.

⁵⁶ Held on 14 September 2005 in Sarajevo.

Supporting this new approach and especially its effects (beginning of the reimbursement of the EMSAC loan), the BiH Prime Minister has offered his leadership in the establishment and work of a special **HEL task-force** with a main task to produce another, *fifth* draft framework HEL with exclusive focus on the Bologna Process and Lisbon Convention principles that would be acceptable for all interested parties.

To make it possible, in the Terms of Reference of the HEL task-force, it was agreed that financing, research and other important aspects of HE should be regulated by separate laws and at the later stage, which caused rather negative reactions of the universities from the Federation as they all favor comprehensive, “all-inclusive” state-level solution for HE.

After only five meetings (that lasted up to 12 hours each), the HEL taskforce produced a working version of a new HEL that is fully harmonised with the LC and with the BP. The only issue on which there was no agreement was accreditation: at what level and by whom should it be conducted. All HEL task-force members from the Federation and the state-level insisted on a state-level and an independent state-level accreditation body as a part of the Agency for HE⁵⁷. All representatives from the RS strongly opposed such a solution, claiming that it was “unconstitutional” and that the state could only proscribe standards and procedures while the entity (or a canton) should conduct it.

⁵⁷ Such a solution, that accreditation is conducted by “a national accreditation body” that is “independent from government, higher education institutions and business, industry and professional associations” is recommended by the European Consortium for Accreditation in its extensive document from December

The working version of HEL, with this key dilemma, was officially presented to the Coordination Board for Economic Development and European Integration on 16 December 2005, and its members (prime-ministers of state and entities, finance ministers of state and entities, MoCA – as responsible minister at the state level - and education ministers of the two entities) were expected to resolve the dilemma before putting it into further procedure (Council of Ministers and Parliament)⁵⁸.

A compromise (that would be explained later on) was offered, but contrary to the general expectations, three months later, this draft has still not been presented to Council of Ministers.

Meanwhile, in the late February 2006, Mostar Sveuciliste sent their own *sixth* version of a draft Law on Higher Education and Science to a number of addresses including BiH Council of Ministers and Parliament, and international organisations. This “all inclusive” draft bears a striking resemblance to the HEL of the Republic of Croatia and could not be applicable to BiH without previous changes to the FBiH and state constitutions (which, in any case, this university insists upon before any HE law is adopted). One very controversial element of this law is that it preserves legal entity of faculties and allows only functional versus full integration of university, in which aspect it presents a clear step backwards in comparison to all previous drafts.

2004: “Code of Good Practice for the members of the European Consortium for Accreditation in Higher Education”.

⁵⁸ Paradoxically, but with assistance of CoE experts, within a joint EC/CoE project, representatives of all BiH universities have – in the course of the last two years - developed a detailed prototype university statute that could be adopted and implemented literally within weeks after the HEL at the state-level is adopted.

Having in mind that 2006 is an election year, this latest development only confirms that education, and especially HEL, will play an important and unhelpful part in the forthcoming election campaigns.

3.2. New HE financing framework

As the international HE experts point out, new HE financing framework is the second necessary element of the overall HE reform package. They all agree that the absence of a coherent legal framework also means the absence of coherent modern funding system for HE and universities.

According to the latest incomplete available official data⁵⁹, there were 7 public universities⁶⁰, 104 legally independent entities within universities⁶¹, 76088 students (21663 in RS) and 1994 teaching staff⁶² employed at HE institutions in BiH in academic year 2003/2004. Only around 20 per cent of BiH-citizens age between 19 to 24 are enrolled in HE (19,4 in RS and 24 per cent in FBiH). The same source reveals that the total public expenditure for HE in BiH has risen from 85.046.007 KM in 2002 to

⁵⁹ IBF International Consulting & the British Council: "Functional Review of Public Administration of Education sector in BiH", EC Mission to BiH, April 2005

⁶⁰ Although there are eight: Zenica was not included in this review.

⁶¹ This number includes faculties, academies and the "higher schools" (vise skole) existing in academic year 2003 – 2004.

⁶² This number includes both full-time and part-time teachers.

115.171.011 KM in 2004⁶³. Estimated public expenditure for HE in 2005 was around 125 millions KM.

Unfortunately, all attempts to verify and update the above mentioned numbers for the purpose of this study have remained unsuccessful up to date, as the response to the questionnaire was received only from universities of Sarajevo, East Sarajevo and Zenica.

According to the findings of the CoE/ WB study “Education in Bosnia and Herzegovina: Governance, Finance and Administration” from November 1999, that were confirmed in another study by the WB from October 2002, current financing arrangements for higher education are much less transparent than those for general education.

The latter WB study explains that this is mostly due to the following factors inherent in the system:

1. Lack of accurate records on student numbers in terms of full-time equivalents;
2. Complex mechanisms for paying faculty members, most of whom teach at more than one institution;
3. Present revenue reporting requirements, which do not include revenues raised from non-public sources, though they are significant; and
4. The assignment of higher education as a cantonal responsibility in the BiH Federation, with no clear guidelines regarding admissions or financial mechanisms for students from localities other than those where higher education institutions might

⁶³ Estimation for 2005 is 125.000.000 KM.

be located. If and when students receive financial support from their own canton, this support is usually informal and with no financial records⁶⁴.

The study further explains that, unlike general education, for higher education there are no common budgeting formulas and/ or regulations for determining financing plans and executing them across the entities and – even more – across the cantons in the BiH Federation.

However, like those in general education, HE budgets are supply-based (i.e. based on number of teachers instead on number of students). Faculty salaries are low and set on very small number of teaching hours as norms, so that each professor can easily – as an average - hold 2,5 “full-time” positions. Budgets are planned without making difference in full-time and part-time students, and there are no mechanisms for converting part-time into full-time equivalents, which further weakens the financial planning capacity of the system. The percentage of students who are dragging out their courses and who remain enrolled without making academic progress is extremely high, which also makes budgets very arbitrary.

As already indicated there are two major financing sources for higher education, public and non-public, and the latter – including fee revenues - remains effectively unrecorded. Based on anecdotal evidence, in the case of more popular faculties such as economics

⁶⁴ WB: “BiH From Aid Dependency to Fiscal Self-Reliance: A *Public Expenditure and Institutional Review*”, WB Mission to BiH, October 2002

and law, it is estimated that more than half of their financing comes from non-public sources.

Changes in tax policy and practice across BiH, as well as mandatory financing through treasury system, as of 1 January 2006, should improve accountability and transparency of HE financing, and so would integration of the university.

As the only integrated university in BiH, and the one already financed through the treasury system, Tuzla University, is a good example of what was said above. According to its Rector, during last five years (since they operate as an integrated university), the amount of public money they were receiving was declining while the number of students was increasing, and the only reason they managed to cope was because planning and financing were organised at the central level.

Another reason why higher education financing requires special consideration is because it is available in a limited number of places and it is important to ensure equity in access for all wherever they may live or come from. In the Federation, cantons with a university bear a disproportionate burden of the HE cost. And although some steps have been taken by cantons providing university level education to charge for students coming from other cantons, payments are – to put it mildly - not made systematically.

For many good reasons in all EU countries, higher education funding is wholly or at least partly a state responsibility, one of them being the need for equity in both student access and cost sharing.

Schemes of **student loans** and **tuition fees** are well established in most of EU countries and can be easily justified on equity grounds. Graduates in these countries enjoy higher incomes than non-graduates. It is therefore reasonable to recover part of the cost from them through tuition fees, while the loan schemes enable repayments to be deferred until graduates are employed.

Exactly for the same reasons, even in a country as poor as BiH, it would be appropriate to set tuition fees at a small proportion of average costs of a study program (between ten to twenty per cent)⁶⁵ across the country⁶⁶.

The easiest and the most efficient way to do that would be, of course, through the state-level financing, but for purely political reasons, this looks almost impossible to achieve in a short term. However, there are ways to improve transparency, accountability and efficiency of the overall HE expenditure even within the present financing arrangements (entity/ cantons and municipalities).

⁶⁵These rates could be reviewed in later years as the economy recovers and graduates' employment prospects improve.

⁶⁶ However, to avoid the *fee-cum-loan* schemes deterring access by students from economically disadvantaged backgrounds, any financial support for student subsistence should be targeted on need.

So the second best option, and the integral element of the first one (when or if it ever adopted), should be establishment of a state-level **HE Fund** to decide on minimal fee and loan schemes, and develop basic *per student* and *per program* based financing formula, that would be compulsory implemented by all public HE institutions across BiH. Again, this would be possible to achieve even without previous changes in regards to the actual level of HE financing (canton/ entity/ state).

Finally, HE public funds are used almost entirely for salaries and the most basic recurring costs, while **public funding** for **research** and **science** is literally non-existent. In rare occasions when there was/is little money available for these purposes, it has been used in the most inefficient ways due to the currently fragmented structure of universities⁶⁷ and poor coordination and cooperation within and among the universities. Therefore HE Fund should also have a role and responsibility for these two important areas of HE.

3.3. New policy and strategy framework

Among the EU member-states, HE is considered as a public good and a public responsibility. Although not in a same words, it is in the same spirit that all drafts of HEL agree that the main goals of HE are:

“(a) To establish, develop, protect and transmit knowledge and skills through teaching and scientific work and research; and

⁶⁷ EUA: ”Institutional evaluation of seven universities in BiH”, Summary report, CoE/EC, Sarajevo, December 2004.

(b) To provide opportunities for all citizens of Bosnia and Herzegovina with the ability to benefit from such education, throughout their lives.”⁶⁸

Knowing that only about five per cent⁶⁹ of BiH population actually has university degree, while the EU average is somewhere between 20 and 30 per cent (with plans to increase it to 50 per cent in not so distant future), the first policy and strategy decision in area of HE for the state of BiH should be to urgently, but systemically, address this shortcoming.

Decisions and action plans to increase enrolment, completion, completion in time and percentage of the population with HE education and degree (including systemic support for poor students) should be among top policy and strategy priorities for development of BiH as a state, which goes far beyond higher education reform.

The starting element in that process is articulation of vision and mission of higher education and HE institutions in the process of Euro-integration, as well as in the overall development of BiH state and society.

At the level of university, clear articulation of a mission and a vision should lead to:

1. the development of a particular academic profile for each university and every region in BiH;
2. formal and meaningful inclusion of students’ representatives in all university bodies (15 per cent);
3. systemic support in professional development of young teachers and researchers; and

⁶⁸ From Article 3. of all drafts of HEL.

⁶⁹ Some popular estimations go as low as 3 per cent, in Croatia it is 12 per cent, and in SiCG just under 9 per cent.

4. paying particular attention to long-overdue modernization of areas like teaching, learning, curricula, assessment and examination system.

As summarised in EUA evaluation of BiH universities:

“This is partly a question of recognizing the current starting point, and then of setting priorities and deciding what type of institution does each university want to be. Realistic choices are needed, for both the short term and medium and long term periods. Given the current large number of students, the resources available to each university, and wider social and economic situation, it appears to the EUA teams that the universities should concentrate their efforts on education. In parallel, a more realistic approach to research could be developed by fostering centers of excellence, in academic fields central to each university profile, for the application and transfer of technology and up-to-date international scientific knowledge relevant to BiH social development. The necessary resources, including financial and human resources, are not currently available for more ambitious research operations, in opinion of EUA teams will not become available in the near future either.”⁷⁰

Within the generally agreed limits of a role of a state in HE (general strategy, general conditions and rules for allocation of public budget, protection of basic human and citizens’ rights, and adherence to international obligations), at the level of BiH, clear articulation of a mission and a vision of HE should start with a shift from supply to demand-driven HE.

A stronger and even a formal link between government/s, employers and universities should also be established. Medium and long term planning should be based on analysis

⁷⁰ EUA: Institutional evaluation of seven Universities of BiH: Cross cutting summary report, EC & CoE, Sarajevo, December 2004

of a profile and number of places offered by HE institutions and labor market requirements, as well as on specific regional conditions⁷¹.

It is only at the level of a state where some sort of meaningful “division of labor” among public HE institutions could and should be agreed in accordance with the regional needs and comparative advantages. In this regard, (easy) access of their graduates to domestic and EU labor market should be the prime goal and a main indicator on how successful each and every HE institution in BiH.

Other important elements of any serious strategic planning in HE are establishment of a proper data-base (including statistics), development of interdisciplinarity of HE and joint HE and research programs and projects within and outside BiH, development of generic and learning skills in a sense of HE as Life Long Learning process, both at a level of university and a level of state.

At the same time, the European trend to increase autonomy of university and limit role of government/s should be fully respected, and a balance between policy and politics of HE defined at the level of responsible ministry/ies, HE institutions and independent agencies. To make this all possible it would be necessary to include students in the whole process, or even better (as they are the future of this country) put them in its center, which would be also be the first step in changing overall HE culture into democratic and inclusive one. Finally, one must not forget that successful strategic planing should always include financing aspects.

⁷¹ University/ies in Mostar should offer different profiles/ programs than University in Tuzla and Zenica: agriculture vs. mining and metallurgy.

3.4. New institutional framework

3.4.1. New integrated university

In a (relatively) recent article⁷² Mr. Vilim Ribić, president of the Trade Union for Higher Education and Science of Croatia, claims that the Bologna Process based on a fragmented university is simply impossible:

”Without legal integration and abolishment of legal entity of faculties, the Bologna Process is unnatural, just like putting on a coat before a shirt.”

In a rather convincing way, Ribić managed to put together something that has already been said and concluded by various participants of the Bologna Process: An integrated university is a foundation and an essence of the EHEA.

As already explained, there are eight public universities in BiH, six in the BiH Federation and two in the RS. Out of eight, only Tuzla University is an integrated one, where only university has a legal entity.

As a reflection of still prevailing ethnic division of the sector, in some of them academic programs that existed before the war have now split into two parts according to the ethnic background of staff and students (two universities in Mostar and Sarajevo).

⁷² Titled “New forms of life in Croatian universities” and published in Croatian daily “Vijesnik” on 14 April 2004.

Moreover, with Tuzla University being the only exception, each faculty is treated as a separate legal entity. When various academies and graduate schools are added to the number of the faculties there are more than 110 separate public legal entities providing higher education in BiH, with an average size of 623 students i.e. about the same size as a typical secondary school⁷³, and average number of full-time teaching staff of less than 25 per faculty.

It is clear that even in the larger, well-established universities, faculties are, on average, small organisations. This casts doubt on their ability to function effectively and efficiently as legally autonomous units. In addition, there is an even more serious question about the ability of units as small as 20 or 25 academic staff to perform as academic entities.

There is a notion of the “critical mass”, which is necessary for groups of academic staff to achieve academic results of international standing. This “critical mass” varies from subject to subject, but it assumes that teaching, scientific and research staff is working within a large, supportive, corporate university, not in isolation of a small size faculty, as is still the case in all but one of the universities of Bosnia and Herzegovina.

It is waste of resources if faculties continue to be run without regard to the opportunities for sharing teaching and research staff and facilities.

⁷³ WB: “BiH From Aid Dependency to Fiscal Self-Reliance: A *Public Expenditure and Institutional Review*”, WB Mission to BiH, October 2002

Within a fragmented university, teaching activity - according to the already mentioned findings of the institutional evaluation of universities in BiH by EUA from 2004 - is in a critical position. Teaching staff at BiH universities as a rule feel overloaded with lectures and complain to have little or no time for research. This is a rather paradoxical statement if in reality the minimum teaching load for full-time professors is in some cases as low as three to four hours per week. The “overloading” of teachers is, namely, a result of the fact that they simultaneously teach in different faculties of the same universities or at different universities, thereby making several salaries. Most universities extensively rely on the visiting professors which is on one side very expensive, and on the other the main explanation for low research activity and poor research output.

And to conclude: Position of teachers within fragmented university is ridiculous: On one side they are poorly paid, on the other they have minimal obligations to their primary employer, while these same employers spend significant amounts of money on visiting teachers. According to EUA,

“...the system in place appears more like a scheme for the support of teacher employment than to encourage student learning. The Gordian knot must be cut at some time, and the sooner the better. Staff should have far greater responsibilities at their home institutions and be paid accordingly. Visiting professors should become exception rather than a rule, and only in cases of clear necessity. To achieve this will probably require the complete integration of the universities under one legal structure, with all staff employed by the university rather than the faculty.”⁷⁴

⁷⁴ EUA: “Institutional evaluation of seven universities in BiH: Summary report,” CoE/EC, Sarajevo, December 2004.

Also administrative systems are currently unnecessarily duplicated, and funds saved by administrative integration could be used for other purposes.

As it was explained earlier, integration of university is an important step in BP and towards EHEA. As a consequence of an integration, central management of the universities would result in the better corporate governance, in which case it would be much easier to deal with much needed curriculum reform, human resources management, research, and progression of students (including their employability and career opportunities). Integration would also result in a further internalisation of universities, by automatically improving their chances for international recognition and participation in international programs.

3.4.2. New HE institutions and bodies

Throughout the lengthy process of development of higher education legislation, and within the six drafts that were developed in that process, many proposals for establishment of different HE institutions were considered.

The draft HEL from December 2005, that many believe has a good chance to be finally adopted, defines following institutions in HE area: The State Ministry, Rectors' Conference, Center for Information and Recognition (CIR) and Agency for Development of Higher Education and Quality Assurance. Apart from the state ministry and the Rectors' Conference, when it comes to other competent bodies in higher education, this draft offers new proposals.

According to the current state of affairs, **Ministry of Civil Affairs** is responsible for the development and adoption of HEL, and according to the latest draft,

- “...shall be responsible for implementation of HEL and for:
- (i) Co-ordination and development of higher education in Bosnia and Herzegovina in consultation with other relevant Ministries;
 - (ii) Promoting the integration of teaching and research and the stimulation of programs of research within universities;
 - (iii) Promoting mobility of students and staff within the European Higher Education Area and internationally;
 - (iv) Promoting links between higher education institutions in Bosnia and Herzegovina, neighboring countries and regions and internationally;
 - (v) Promoting equality of opportunity for access to higher education, in staff development and training, in lifelong learning and in all other aspects of higher education;
 - (vi) Supporting and encouraging stronger links between the higher education sector, industry, business and society.”⁷⁵

Although recent US-led talks on the “constitutional change” did not meet general expectations, one of their concrete results was agreement to establish two new state-level ministries after general elections in October 2006. All eight major political parties that were involved in these negotiations agreed that one of the new ministries should be the Ministry of Science, Technology and Ecology. Creation of such a ministry will, without any doubt, open a question on where i.e. in which ministry should portfolio of HE actually be placed. Namely, it is often a practice in many European countries that general and higher education are placed in different ministries, one in ministry of education and the other in ministry of science. There are many reasons for that, and probably as many against it, one “pro” being that EU has a much stronger role in area of HE, science and

⁷⁵ Article 42. from draft HEL of December 2005.

research that in general education that still remains mainly competency of the member-states⁷⁶.

Whatever the final decision is, when it comes to a ministry responsible for HE in BiH, there should be **“a-one-stop-shop”** at the state-level dealing with all aspects of HE, including science, research, students’ standards and organization, and all others for which additional or separate legislation should be developed as soon as possible.

The only other institution that already exists, but that should in a future play more significant role in the overall development, and especially in planning of HE in BiH is the

Rectors’ Conference. Also,

“...The Rectors' Conference determines and represents common interests of universities in Bosnia and Herzegovina, and effects cooperation with institutions in the area of education in Bosnia and Herzegovina.

Full members of the Rectors' Conference may be the rectors of all the licensed and accredited universities in BiH.

...

The Rectors’ Conference shall also act as an advisory body for the implementation of the higher education reform process.”⁷⁷

Pursuant to the draft HEL of December 2005, the **Center for Information and Recognition** of documents in the area of higher education (CIR) is a new institution to be established at the state-level as autonomous administrative organisation in compliance with the BiH obligation to implement the Lisbon Recognition Convention (full title: “Joint Council of Europe/UNESCO Convention on the Recognition of Qualifications

⁷⁶ From EU “ACQUIS COMMUNITAIRE”, Chapter 17: Science and Research vs. Chapter 18: Education, Training and Youth (available at www.europa.eu.int)

⁷⁷ Article 43. from the draft HEL of December 2005.

Concerning Higher Education in the European Region”). Thus CIR will also be a state-level National Information Center (NARIC) and a BiH representative and a member of the European Network of Centers on Academic Mobility and Recognition (ENIC).

Apart from providing information and opinion on foreign degrees and diplomas in BiH, and BiH degrees and diplomas outside of BiH, for the purpose of continuation of education and employment, CIR will at the state-level coordinate international exchange of academic staff, students and programs in the area of higher education. Compared to the previously described entity and cantonal level solutions, as offered in the *third* or the RS draft HEL, all this is a significant step in the right direction.

And finally, the last and at the same time the most important and controversial institution to be created by the latest draft HEL is the **Agency for development of Higher Education and Quality Assurance**. The Agency, as is the case with CIR, should be an autonomous administrative organisation, and should have numerous duties and responsibilities but not executive powers or an enforcement mechanism behind itself (The last two elements are to remain at the currently existing levels: Entity in RS and canton in FBiH). It should:

- “Determine criteria for establishment, merger and termination of higher education institutions,
- Give recommendations on the lowest fees for all students at (universities and higher schools) higher education institutions, aiming at securing that the lowest fees are harmonised throughout BiH;
- Give recommendation to bodies competent for education in relation to one or more schemes for student financial support, including definition of elements of student standard;

- Provide advice on work and development policy to bodies competent for education in compliance with entity constitutions,
- Define general conditions and criteria based on which funds are allocated to higher education institutions in BiH;

In the area of licensing and accreditation, the Agency shall be competent for:

- Adopting instructions for licensing, accreditation and quality assurance;
- Adoption of common norms related to accreditation of higher education institutions;
- Adoption of clear, transparent and accessible criteria for conducting procedures of accreditation, quality audit and quality assessment of higher education institutions in BiH;
- Determining criteria for the work of relevant professional committees deciding on appeals in relation to technical issues arising from the result of accreditation, quality audit or quality assessment procedures.

In compliance with its competences, the Agency shall be responsible for:

- format and general content of Diploma and Diploma Supplement issued by accredited higher education institutions;
- determining and publishing norms setting minimum standards in higher education;
- providing advice and information on issues within its mandate to parties with legitimate concern;
- adopting regulations related to the work of expert committees for conducting procedures of accreditation, quality audit and quality assessment of higher education institutions in BiH;
- conducting supervision over procedures of accreditation, licensing and quality assessment of higher education institutions in BiH;
- determining the system and standards of quality, analysing quality, giving recommendations to remove shortcomings in the quality of studies and higher education institutions;
- in a transparent procedure of public invitations; determining criteria for selection and a list of domestic and international experts appointed to committees for licensing, accreditation, and quality assessment, established by the committee of the Agency. The committee shall be made up of three local experts representing the three constituent peoples in BiH

- in the profession the list is related to. This committee shall decide by consensus;
- representing BiH in international organisations dealing with quality in higher education...⁷⁸

As it was at the very beginning agreed at the highest political level, and incorporated in Terms of Reference of the HEL Task-force (and finally, although reluctantly, accepted at the academic level of universities in FBiH), not to include financing of HE in the *fifth* draft of HEL, the main remaining problem of this draft is issue of accreditation: Who and at what level should actually perform it?

As it is a case in areas of information and recognition of HE qualifications and quality assurance, it is a common practice among the BP members to have a national accreditation agency as a member of European Network of Accreditation Agencies fully in charge of the accreditation process.

But, on one side, the HEL Task-force members from the RS were against accreditation as a state-level competency, and so were the politicians from the RS. They agreed that Agency should adopt criteria for accreditation and even conduct supervision over procedures for accreditation, licensing and quality assessment, but refused to recognise the Agency as a body competent for accreditation and its findings mandatory, insisting that actual accreditation is performed at the levels currently competent for HE (entity in RS and canton in FBiH).

⁷⁸ Articles 48, 49 & 50 of the draft HEL of December 2005.

On the other side, HEL Task-force members representing F BiH and B i H in a process of drafting latest version of HEL took the opposite position. They argued that when it comes to HE, accreditation is a central policy issue of the BP an EHEA, it is (almost) another name for quality, it is a key element for international recognition of HE institutions and programs, it is a basis for mobility of staff and students, and therefore the state-level seems the only logical one for conducting and implementing it.

In order to move things forward (quickly introduce the draft HEL of 16 December 2005 to the Council of Ministers and the B i H Parliament), somewhat confusing compromise was offered. At the end of the article dealing with the Agency and accreditation, it was added that:

“Not later than within four years after adoption of this Law, Agency will determine **arrangements** for implementing criteria for accreditation in compliance with the Bologna Process”.

“Arrangement” does not have a concrete meaning in local language/s and can mean a lot of different things, including opposite ones (from - for example – something as strong as state-level enforcement mechanism to definition of criteria), and four-year is quite a long period, but even with its all shortcomings this version of HEL would be a big step forward in bringing B i H closer to the EHEA (and upwards in the BP scorecard)⁷⁹.

⁷⁹ And, of course, whatever happens to B i H in the next four-year period, will also have major influence to the overall development of its HE sector.

It is also important to note that both the CIR and the Agency are to be governed by the Governing Board, ethnically balanced and carefully (s)elected by the Council of Ministers following transparent public competition procedure.

If/ when established, the described institutions⁸⁰ will create a basic institutional framework for the implementation of the overall HE reform, especially in regards to its international representation and recognition, but will leave in place asymmetrical solutions at the lower levels of government. This also means continued existence of too many differences in policy, and especially in practice, across BiH, something that is by many HE stakeholders seen as a real obstacle for full internal harmonisation of HE area.

5. CONCLUSIONS

When journalists, at the end of his career, asked Jean Monnet, one of the founders of the united Europe, what would he do differently if he had had a chance to start his project all over again, he said that he would include education in the very heart of the process of European integration. His message is clear: the EU is made of common treaties, laws, institutions, freedoms, and soon even a constitution, but before and after all this it is made of – people.

⁸⁰ As the HE financing will eventually be dealt with the separate law and/ or at a later stage, a HE institution that was integral part of all previous drafts, HE Fund was left out of the latest draft. In many countries participating the BP, HE Fund is the most important institution in HE, dealing not only with financing but strategic and policy planning too. Such bodies existed in all constitutional units of the Former Yugoslavia.

On one hand, to remain stable and harmonious, Europe needs education systems that would reflect the common goals and values and develop a minimum of a common European identity of all its citizens. On the other hand, as stated in the already mentioned Lisbon Agenda⁸¹, to remain competitive and prosperous Europe needs education systems that would contribute to making the EU “the most dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion”. The Lisbon Agenda primarily concerns higher education, science and research, and together with the wider-scale Bologna Process, presents a closely coordinated pan-European movement responding to the increasing education, scientific and economic challenges of the rest of the developed world.

As the highest and the final level of an education system, HE at the same time directly shapes the “real world” and opens the door of the labor market for its graduates. That explains why HE, science and research - in comparison to general education that is still mainly dealt with the national authorities of its 25 member-states - has a much stronger footing within the EU structure.

Therefore it is not surprising that even the EU considers adoption of a HEL as one of the BiH priorities on its road to Europe, this position is formalised in the document known as “European Partnership”, that presents a form of a road-map and contains all BiH outstanding obligations to the EU.

Together with growing requests and expectations of about 100.000 students, and the fact that BiH is at the very bottom of the Bologna Score list, one would expect that the EU

⁸¹ Also known as “Lisbon Strategy”.

request to BiH for quick adoption of a HEL will put additional pressure on local politicians to respond in a timely and positive manner. But as explained in detail throughout this paper, in spite of all attempts, promises, requests, expectations, international obligations and even threats, plus three years of hard and intensive work, it has not happened.

In summary, the main obstacle for adoption of HEL is of a purely political nature and it is not difficult to see that this Law will play an important role in 2006 pre-electoral campaigns. This unfortunately only increases the chance that it will not be adopted before the next academic year.

Between the *status quo* and maximalistic approach (that a single HEL should immediately address all elements relevant for the overall HE reform and bring them at the state-level), progress is still possible if the later is replaced with more realistic ambitions. Unfortunately, as it was and still is the case with any reform in BiH, only an incremental or “step-by-step” approach to reform can work.

From the currently available options⁸², adoption of the *fifth* draft HEL from December 2005, that was offered as a compromise (enabling BiH progress towards BP and LC requirements while avoiding complete shift of HE to entity level - with Croats being against it - or to the state level - with Serbs being against it) would bring concrete although limited progress in the overall HE reform.

Although all experts agree that this Law alone, without an immediate and specific implementation timeframe and schedule for state level financing and strategic planning,

could not address the overall HE reform⁸³, it would nonetheless be a substantial first step in the right direction.

On the other hand, all advantages of the “all inclusive” approach to HE reform offered by the *sixth* draft HEL prepared by Mostar Sveuciliste – in which state has full responsibility for HE, science and research, including its financing and strategic planning aspects - are simply not relevant since that draft requires changes of the Federation and BiH constitution⁸⁴ before it could be adopted and this is not likely to happen in a near future.

It is therefore time for another joint intervention by BiH politicians through the extended coordination Board for Economic Development and European Integration in order to push for adoption of the draft HEL from December 2005, and at the same time develop and adopt a realistic timeframe for the next steps and inclusion of other elements (such as science, research, financing, strategic planning and students’ organisation) in the overall HE reform package.

Further, for number of earlier explained reasons, small HE systems like the BiH model, simply can not develop and maintain high level of quality in HE and research in all disciplines and programs that are necessary for development of a state, society, culture and economy. Sustainability within the BP and EHEA is possible only if BiH universities firstly join their forces together within BiH before they can do it with the regional and international universities, especially those within “mutual intelligibility” zone.

⁸² If we exclude the *third* or the RS draft.

⁸³ Only this phase, of course, as HE reform is not a onetime activity but a process.

⁸⁴ Transfer of authority from cantonal via entity to state- level in Federation of BiH, and from entity to the state-level in RS.

And without HEL as the main and prime policy tool not even a first step in the right direction can be achieved.

6. RECCOMENDATIONS

Unfortunately, the explanations and propositions of this paper confirm the position that the “all inclusive” and simultaneous approach to HE reform in BiH will currently not work, so it is time for implementation of the second best option/s.

Since the new structure of HE will take same time to build, it is of the utmost importance to start building it without any further delay. New legislative framework is the first step, but it must be quickly followed by a new financial, institutional and strategic planning framework for the HE sector at the state-level.

As already pointed out, HE reform in BiH can be successful only if all these four key elements are put in place together (even if it is not possible to do it in parallel) as pieces of a single bigger picture. It is important to bear in mind that HE reform is a process and that it will take time to develop and implement all its aspects, and that it will continue even when its framework is in place. The new HE framework is therefore condition and not a goal of HE reform.

A possible, but not certain way forward, could be that BiH Council of Ministers and BiH Parliament urgently adopt the draft HEL from December 2005, and follow it quickly with a clear strategy and timeframe on how and when to tackle the remaining three elements.

This realistic and balanced approach (mid-way between incremental and revolutionary, or minimalistic and maximalistic approach) to HE reform would still enable BiH to participate and progress in the BP and improve its HE sector.

Contrary to the fears of some universities and local and regional authorities, it will be important that the development strategy is concentrated on qualitative rather than quantitative aspects of the HE sector in BiH. For example, although too high, the number of public universities in BiH should be treated as secondary issue in comparison to the quality and relevancy of the programs they offer. Duplication, of course, is expensive and unproductive and therefore must be addressed, but in some cases instead of closing down (which would end up in a nasty political battle) it could be done by developing comparative advantages of each of the BiH public universities. Some sort of “division of labor” by grouping and concentrating on certain disciplines, and creating centers of excellence in these disciplines, are definitely alternatives worth exploring by all.

Creation of the key state-level HE institutions, that can be grouped as political and professional, mainly depends on adoption of HEL, but goes beyond that.

Namely, as one of results of the constitutional talks, new state-level Ministry for Science, Technology and Ecology will be established following October 2006 general elections. A number of experts and politicians support the idea that the whole HE sector should be transferred there from the Ministry of Civil Affairs, and developed together with science and research as undivided aspects of HE. This way BiH could actually get a “one-stop-shop” in regard to internal and international development of a sector for HE and science. The new ministry could serve as a focal point for international cooperation, especially in

the EU financed scientific and research programs in which BiH can participate, but for which it is of utmost importance that EU has a single partner at the state-level.

In regards to the key professional HE institutions to be created at the state-level, the draft HEL from December 2005 offers relevant and sound proposals: namely the Center for Information and Recognition (CIR) and an Agency for Development of Higher Education and Quality Assurance (HE Agency).

The role of CIR is quite clear and it would be a prime tool for dealing with the recognition and information issues and overall LC's requirements. It would also be a state-level National Information Center (NARIC) and a BiH representative and a member of the European Network of Centers on Academic Mobility and Recognition (ENIC).

The role of HE Agency, on the other hand, should be additionally strengthened during the parliamentary procedure so that it is also officially recognised as a national Agency for quality assurance and as a national Agency for accreditation, with the full authority for these two key elements of the BP.

With the HEL adopted and basic HE infrastructure established it would be possible to finally - at the level of BiH - decide what is it that we want and can achieve in HE reform in medium and long term. Apart from recognising it as a significant aspect of Life-long learning and access to the EU we would of course need to use it in the overall development of a state and economy, but also as a tool for creation of an open, inclusive and democratic culture and society. Putting students as future EU citizens and workers in the center of HE reform in BiH would definitely be the first step in the right direction.

As already pointed out, the fact that 2006 is an election year will unfortunately not help or speed up the HE reform process. But all those who are currently in charge of HE system/s in BiH, whether they are politicians, civil servants, rectors, deans or professors at HE institutions must not – at any cost - allow that HE in BiH and BiH students, remain outside of the EHEA, doomed not to communicate with the rest of the Europe as its equal part and partners.

BiH students, with support of media and general public, must hold the country's leaders accountable for what they are going to do with their future. And time is running out: 2010 is closer than we think...

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