



The process of foreign diploma recognition in Bosnia and Herzegovina - the gap between regulations and practice

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Summary

A large number of diplomas gained outside Bosnia and Herzegovina are not recognised. That practise jeopardises rights of those who gained foreign diplomas, contributes to the brain drain, makes it impossible for Bosnia and Herzegovina to use its human resources potential and impact the accession of Bosnia and Herzegovina to EU.

This study addresses reasons for high percentage of non recognised diploma in the current policy. Through desk analysis, semi structured interviews with stakeholders, round tables and comparative analysis of positive examples in Republic of Croatia and Republic of Slovenia the study identifies obstacles and constrains in current practice. Furthermore this study addresses the set of recommendations that will help establishment of successful foreign diploma recognition policy in Bosnia and Herzegovina.

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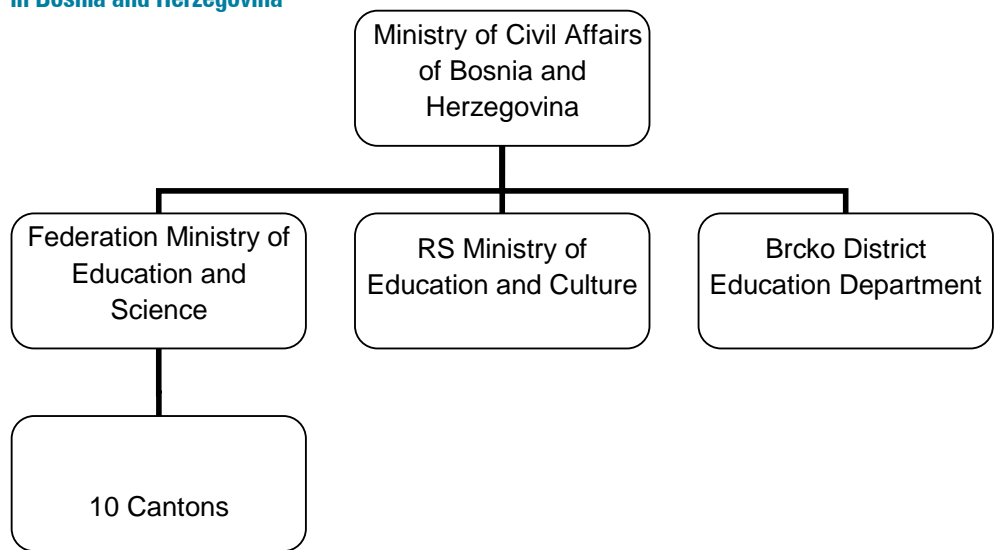


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INTRODUCTION

Currently in Bosnia and Herzegovina (further in text: B&H) the process of recognition of university diplomas acquired at educational institutions outside of the country is significantly impeded if not at a complete standstill. The state of fragmentation in which the educational system of B&H is currently in, and non-existence of a dedicated department within Ministries of Education to deal with this issue only aggravates an already difficult situation. The following chart presents the organisation of education system in Bosnia and Herzegovina:

Chart 1:
Organisation of the education system in Bosnia and Herzegovina



Since the educational system in B&H consists of three separate educational systems, it took a long time to pass the Framework Law on Higher Education in Bosnia and Herzegovina at the state level. Among other issues this law was supposed to address the issues associated with the process of recognition of university diplomas acquired abroad. The law was passed, but many issues this law was supposed to address were left ambiguous.

As B&H moves towards EU, the need for recognition of diplomas acquired abroad is accentuated. It is estimated that a large number¹ of B&H citizens, displaced between 1992 - 1996, obtained foreign higher education diplomas. Many have studied at some of the most prestigious universities in the world, but these diplomas are not recognized in Bosnia and Herzegovina. Simultaneously, one of the forms of international aid to B&H is the strengthening of cadre in the country through scholarship programs thus allowing its citizens to pursue higher education abroad. Over the last decade, the British government alone via Chevening scholarships spent more than 4 million pounds to enable 85 B&H citizens to acquire university diplomas in the UK, thereby aiding B&H with new leaders in many notable fields of study. The Czech government annually provides 40 scholarships to citizens of B&H for studies in the Czech Republic. Since B&H signed the Stabilisation & Association Agreement, it is entitled to several hundred additional scholarships for B&H citizens each year.

After completion of the education, scholars return to B&H with an aim to contribute to economic and political development of B&H. Success of this process rests on the assumption that



the returning scholarship recipients will be able to find employment as public servants in the government institutions and thus directly help the development of B&H. It is also desirable that the newly educated cadre is able to find employment at the universities in B&H and thus actively participate in knowledge transfer in B&H. Currently; the impact of these scholars on the development of B&H is limited because B&H does not have an efficient system for foreign diploma recognition. Without recognised diploma they cannot work as public servants.

¹ The exact number of people with foreign diplomas who came back to B&H cannot be determined because of inaccurate statistics.

The current system is lengthy, expensive and its outcome is uncertain. Such practice impedes the mobility within the educational system as prescribed by Bologna Process and European Convention for Human Rights (ECHR)². This situation leads to brain drain and further stalls B&H development.

The focus of the proposed policy is to assess the current procedures related to foreign diploma recognition in Bosnia and Herzegovina, to present lessons learned from Republic of Croatia and Republic of Republic of Slovenia and to recommend policy options that will make an efficient process of foreign diploma recognition a reality.

² The European Convention on Human Rights (ECHR), Rome 4 November 1950.

Methodology

The field work for this study was carried out in Bosnia and Herzegovina in autumn 2008. In November and December 2008, I discussed the issue in individual meetings and through conversations with officials from the Legal Department from University of Sarajevo, Head of Department for Recognition of Foreign Diplomas in Republic of Srpska, University of Banjaluka, official from the ENIC/NARIC Office in the Ministry of Civil Affairs of B&H, Chevening Alumni members who were faced with difficulties in recognition of their diplomas directly and representatives of NGO sector.

Also discussing issues with practitioners who are working every day on recognition of foreign diplomas in Republic of Croatia³ gave me an opportunity to discuss some potential problems that can be easily avoided in Bosnia and Herzegovina. Furthermore, we presented findings and discussed the issue of recognition of foreign diplomas at the Round table with Head and members of Executive Board of CIP, representatives of universities in B&H and ministries of education, Ministry of Justice of B&H, Head of Department for Recognition of Foreign diplomas within the Agency for Science and Higher Education (ASHE) of the Republic of Republic of Croatia, Chevening Alumni B&H members, people who had experience with process of diploma recognition and NGO sector representatives. The Round Table was organised on 18th of December 2008 in the Ministry of Civil Affairs of B&H and the findings of this paper were discussed as well as experiences from Republic of Croatia and Republic of Slovenia.

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Context of the policy problem

The key problem this study aims to address is related to difficulties in process of recognition of foreign diploma in education system in Bosnia and Herzegovina. The study seeks to identify the obstacles and inflexibilities present in the current process and to propose strategies to overcome them. In order to place recognition of foreign diplomas into context of B&H we will provide a brief overview of B&H past and current education system, B&H obligations to EU within the Higher education policy, current policy on foreign diploma recognition in B&H and point to some of the gaps that this research will aim to address.

The war in B&H ended in November 1995 with the Dayton Peace agreement that divided the country into two entities, Republika Srpska and the Federation of B&H, where the Federation of B&H was further divided into 10 cantons and District Brcko. This division has serious implications for education, because it has resulted in a proliferation of major educational authorities in B&H, the Ministry of Education of Republika Srpska and the Ministry of Education of the Federation of B&H, and ten cantonal ministries of education (UNDP, 2003). These structures are not only expensive, but cause a lack of unified standards in school practices and financing (OECD, 2001). With ministers in these institutions appointed by their political party on the basis of their ethnic origin and political orientation, their main task often becomes to defend the interests of their ethnic group in education (OSCE, 2006b; Council of Europe, 2001).

On its current path to European Union Bosnia and Herzegovina signed and ratified some international agreements related to education policy. Even though there is no "common education policy within EU", education is one of priorities for all EU member states governments. The ultimate goal of the EU education policy is to establish the European Higher Education Area by 2010, providing recognition of qualifications for students and employees, allowing them to move easily within EU⁴. With an aim to increase work force mobility within EU all members ratified Lisbon strategy and Bologna Process and should implement obligations defined in those documents through its own legal system.

⁴ "Considering the EU accession criteria", Directorate for European Integration, 2006

In September 2003, Bosnia and Herzegovina has signed Bologna Convention on Education which prescribes the criteria and conditions for the reform of Higher Education Sector based on standards and norms accepted throughout Europe. This encompasses the establishing three levels of diplomas (undergraduate, graduate, and doctoral), establishing of European system of grade point transfer and establishing of the system that will ensure the quality at institutional, state, and European level.

In January 2004 B&H ratified Lisbon convention for recognition of diplomas. The objective was to create the mechanism, to define procedures and criteria for fair, indiscriminate, and transparent recognition of higher education diplomas in Europe. Among others, the following are the obligations taken by the state:

- Establishment of national information center in order to create conditions which will allow procedures and criteria to be transparent, linked, and reliable;
- Establishment of conditions for right to access the administrative body responsible for assessment of a degree of education within a reasonable time period and at a reasonable price;

Following ratified documents, in July of 2007 B&H adopted the Framework Law on Higher Education in Bosnia and Herzegovina⁵ which prescribes establishment of a Center for Information and Recognition of Documents from the Domain of Higher Education (further referred as: CIP⁶)⁷. CIP is an independent management organization responsible for information dissemination and tasks related to recognition of higher education diplomas within the mandate of Lisbon Convention on higher education diploma recognition.

CIP should have been established by Council of Ministers on a proposal of the Ministry of Civil Affairs of B&H by September 2007, however it is not functional yet! The full establishment of CIP is currently in process and the Ministry of Civil Affairs could not explain reasons for the

⁵ The Framework Law on Higher Education in Bosnia-Herzegovina established the basic principles and standards in higher education in B&H, in accordance with relevant provisions of European Convention for Human Rights (ECHR) and its protocols, as well as the Recommendation of the Ministerial Committee of the Council of Europe on recognition and quality assessment of private higher education institutions, relevant principles of international law and recognised instruments signed by B&H and in accordance with the Council of Europe (CoE) and UNESCO conventions on recognition of qualifications in higher education in the European region.

⁶ CIP is an acronym for the local wording of the institution Center za informacije i priznavanje

⁷ According to the Article 8 of the Framework Law on Higher Education in B&H, applicants with high school diplomas obtained in foreign countries need to submit their diplomas to the "responsible institution that will recognise diplomas in accordance with the principles of Convention on Recognition of qualifications in higher education in European region" (short Lisbon Convention).



delay of CIP's establishment. The process of selection of members of the Executive Board has been conducted in last seven months and the process is finished in November 2008. The director of CIP has been appointed and the positions for staff members will be advertised in following period. It will take additional six to seven months for establishment of the CIP and possibility that CIP starts its activities. In the meantime the Department of higher education within Ministry of Civil Affairs of B&H collects information regarding diploma recognition.

Definition of the policy problem – lack of appropriate policies for foreign diploma recognition

This policy is focused on problems within the current system of recognition of foreign diplomas. This problem has been addressed on many levels and some civil society organisations advocated for delivering solutions in the area of foreign diploma recognition. The civil society organisations, such as Chevening Alumni and ACIPS, through various activities and studies, called for urgent steps for government to take in CIP establishment and for the immediate start of its operation.

Currently, the CIP is almost established. However, if the appropriate policies for recognition of foreign diplomas are not in place, even with established CIP, the process of recognition of foreign diplomas would not be moved forward.

The organisational structure of CIP has not been decided as well as all relevant activities and responsibilities that will be in its jurisdiction. All internal regulations and documentation have to be developed and adopted by Executive Board and CIP Management.

Currently, the only legislation that regulates establishment of CIP and prescribes its activities is the Framework Law on Higher Education in Bosnia and Herzegovina. The law is very ambiguous in this area. More precisely, the first paragraph of the Article 45 of the Framework Law on Higher Education in Bosnia and Herzegovina states:

„CIP is responsible for recognition and information in the area of higher education.“

However the last paragraph of the Article 45 of the Framework Law on Higher Education in Bosnia and Herzegovina states:

„CIP, in compliance with the Lisbon Convention and accompanying documents, gives recommendations to the ministry of education in Federation of B&H, Republika Srpska, cantonal ministries and the Brcko District B&H, on recognition of diplomas acquired outside Bosnia and Herzegovina for the purpose of employment, continuation of education and the exercise of other rights arising from the qualification acquired“

Those two paragraphs are in contradiction and various organisations, universities, Ministry of Civil Affairs and Faculties have different interpretation of this law. Therefore, there is a need for development of further legislation or decisions that will more precisely regulate the jurisdiction and activities of CIP and help CIP in its successful operation.

Furthermore, the legislation that currently regulates recognition of foreign diplomas should be amended. As mentioned before, according to constitution, the education system in Bosnia

and Herzegovina is the jurisdiction of entities. Therefore the recognition of foreign diplomas is regulated differently in Federation of Bosnia and Herzegovina and in Republika of Srpska. This will be illustrated with examples throughout the paper.

In general, the current policies are not adapted to respond to needs and requirements of the market, responsibilities for recognition are adrift between too many different stakeholders which make confused system and leads to additional problems:

- Some students cannot have the recognition of their diplomas at all
- Different institutions interpret the legislation differently which leads to "trades in diplomas" system in which the same diploma is not recognised at a university/faculty in one entity but it is at the same type of the institution in another entity

In this paper I argue that the current policy in foreign diploma recognition exacerbates the foreign diploma recognition process in Bosnia and Herzegovina and that there is an urgent need for development of a policy that will establish successful practise of recognition of foreign diplomas in Bosnia and Herzegovina.

PROBLEM DESCRIPTION

The problem of recognition of foreign diplomas has been addressed several times from different organisations and different levels.

Few projects have been conducted around these issues in B&H. Supported by the Council of Europe (CoE), European Commission (EC) and Austrian Development Agency, B&H has made some progress in the implementation of the Bologna process. The project of European Commission in B&H was dealing with Bologna process implementation, adoption of the Law of Higher Education and preparatory work for the CIP establishment. Within the project «Strengthening the Capacity of the Ministry of Civil Affairs in the area of Higher Education», financed by the Austrian Development Agency, three associates have been employed in the Education Sector of the Ministry for Civil Affairs and they were working on facilitating the process of diploma recognition and support of CIP establishment. However, only limited amount of work has been done until now⁸.

The organisations that have also called for resolution of this issue are alumni organisations of highly qualified young professionals who gained diploma outside of Bosnia and Herzegovina. In some of cases diplomas obtained at the very prestige universities institutions, such as Harvard or Cambridge, are not recognised in Bosnia and Herzegovina.

Chevening Alumni B&H conducted two research studies. The Case Study analysis⁹ addressed problems that students in B&H are faced with during their attempt to recognise their UK diplomas in B&H. This study is not comprehensive¹⁰ but provides information for research of the obstacles for diploma recognition process. Analysis of the Newly Adopted BH legal framework on Higher Education was also conducted by Chevening Alumni and it is focused on obstacles within the Framework Law on Higher Education in Bosnia and Herzegovina on Higher Education in B&H. ACIPS started the project "Wall of Shame", in which all people interested in this issue can share their experience in foreign diploma recognition. These projects have been very useful in analysis of problems and obstacles in the process of diploma recognition.

⁸ Chevening Alumni B&H, "Analysis of the Newly Adopted BH Framework Law on Higher Education", September 2007

⁹ Chevening Alumni B&H, „Izveštaj žstudije slučaja“ o trenutnom stanju na terenu bez postojećeg zakona o priznavanju diploma stečenih izvan B&H“, 2007

¹⁰ The study includes just six specific case studies.



The information from the projects was very valuable as it was not possible to get the exact number of either positive or negative decisions in individual cases from faculties and universities in Bosnia and Herzegovina. Therefore, I have analysed individual cases that alumni collected from their members. The information helped me analyse the main practical problems in diploma recognition that people in this process are faced with.

Length and fee for the diploma recognition

The current process of diploma recognition is very long and expensive. The period from the moment the request, with all needed documents attached, is submitted to the relevant institution, to the moment when the requester receives the decision from the relevant body should be, according to current law, two months. However, this period sometimes takes a year and in some cases few years. The main reasons for this delay are unsystematic approach, confusing practice in diploma recognition, and administrative indolence.

Officials at some universities, as an official from University from Banja Luka explained, have problems with interdisciplinary studies done outside Bosnia and Herzegovina as they cannot be compared and equalised with study programs in at their institutions. Some students expressed the same problems in case studies conducted by alumni.

When the curricula of the foreign diploma are interdisciplinary and include subjects that are part of the different studying programs at the universities in Bosnia and Herzegovina it is much more difficult to compare the level and the content of the program for which the diploma should be recognised. In most cases the process requires formation of the special commission of faculty members from different study programs that should evaluate the curriculum of the diploma in question. Therefore, the process can be very demanding and time consuming.

The fee for the diploma nostrification varies from institution to institution. Each level of the study has different fee for its recognition. The lowest fee is defined at the undergraduate level and the highest at the PhD level. When the fee for the diploma nostrification in Bosnia and Herzegovina is compared with the corresponding fee in Republic of Croatia it can be concluded that the nostrification process in B&H is 12 times more expensive¹¹. Therefore, the process of foreign diploma nostrification can be, in some cases, very profitable business. However, the Lisbon convention, precisely states that this process should be simplified and inexpensive in order to facilitate diploma recognition and promote student force and therefore the labour force mobility.

On the other hand, neither the process duration nor the expenses guarantee that the decision at the end of the process will be positive. Diplomas are evaluated on case by case basis and the result is uncertain in most of the cases. The root of the problem are two things. The register of all recognised diplomas does not exist at the level of Bosnia and Herzegovina as there is no central body that would coordinate all activities in this field. The other thing is related to nostrification itself which means that the curriculum of the foreign diploma has to be compared with program in Bosnia and Herzegovina and equalisation has to be conducted. Such practices have been more simplified in Republic of Croatia and Republic of Slovenia which will be explained and elaborated later on.

¹¹ The average price for nostrification of master level diploma in Bosnia and Herzegovina is 1500KM (750 euros) and in Republic of Croatia is 400 Kn (60 euros)

MAJOR POLICIES ON FOREIGN DIPLOMA RECOGNITION AND NOSTRIFICATION

Until CIP has been established the system of the diploma nostrification and recognition had not been structured which had created very confusing situation in this field.

The legal framework that currently regulates the nostrification of the diplomas is different in Federation of B&H and in Republic of Srpska. Therefore, the law that still regulates the nostrification and equivalence of foreign diplomas in Federation of B&H dates from 1988¹² and is still focused on the process of nostrification and not on the process of recognition. According to that law the process of nostrification has to be conducted by academic institution, faculty or art academy. In case that institution for nostrification of the particular diploma does not exist, the special commission has to be formed by university¹³. The process of nostrification is finished when the decision about the nostrification is issued and the process has to be completed within 60 days¹⁴.

¹² The Law on Nostrification and Equalization of Foreign Diplomas (Official Gazzete of SR B&H 7/88)

¹³ Article 7. of the Law on Nostrification and Equalization of Foreign Diplomas (Official Gazzete of SR B&H 7/88)

¹⁴ Article 15. of the Law on Nostrification and Equalization of Foreign Diplomas (Official Gazzete of SR B&H 7/88)

The legislation in Republic of Srpska is different as law has been recently changed and the policy in place is mostly taken from Republic of Croatia. The Law on Higher Education of RS regulates this area in Republic of Srpska¹⁵. According to that law the recognition of foreign diploma is a process in which is evaluated:

- The right of diploma owner to continue process of studying
- The right of diploma owner to use the diploma for employment purposes

¹⁵ The Law on Higher Education of RS, (Official Gazzete of Republic of Srpska 86/06)

¹⁶ The Article 131. of the Law on Higher Education of RS, (Official Gazzete of Republic of Srpska 86/06)

Furthermore, according to the law the Ministry of Education and Culture of RS should have the register of all diplomas that are recognized¹⁶. The relevant academic institution should conduct the process of recognition if it is in purpose of continuation of the studying. The Commission for Information and Recognition of Foreign Diplomas in the area of higher education is in charge for the process of recognition for the employment purposes. Finally, the process of recognition does not have to be conducted if the diploma is issued before April 27th 1992 as those diplomas part of previous system of education.

In some cases agreements between countries create additional confusion as there is different practice in Federation of B&H and in Republic of Srpska. For example, in case when diploma is issued in Republic of Serbia, the diploma has to be nostrified if it will be used in the Federation of Bosnia and Herzegovina. However, if the diploma will be used in Republic of Srpska it has to be recognized just if it will be used for employment purposes. In case when the diploma issued in Republic of Serbia will be used in Republic of Srpska for continuation of the studding it does not have to be nostrified.

It is obvious that, in order to make more systematic process, the unified system has to be developed. There is a certainly a need for centralized coordination body. Therefore, the Framework Law on Higher Education in Bosnia and Herzegovina defined the establishment of CIP in 2007. From now on the current practices are supposed to be changed with establishment of CIP. However, the law is very ambiguous in regard to the role and jurisdiction of CIP.

The positive aspect of CIP is that represents institutions of higher education from B&H in international networks of institutions of higher education¹⁷. However, according to the Framework Law on Higher Education in Bosnia and Herzegovina, CIP will not issue a certificate of recognition. The

¹⁷ Law on higher education in Bosnia and Herzegovina, 2007



CIP will, only give recommendation that a certain diploma can be recognized, to the entity ministries of Education, or to the cantonal and Brčko district ministries for education that a certain foreign diploma can be recognized if the goal of the applicant is to get employment, continue education in B&H, or want to use other rights related to the qualification"¹⁸. It was explained within the State Ministry of Civil Affairs that the final decision to accept the recognition would remain with the Ministries of Education of the RS and Federation, and cantonal and Brčko district Ministries of Education.¹⁹ Following the current practice with extreme long and expensive procedure²⁰, issuing recommendations and opinions without actual obligation toward final objective (which is recognition of diplomas) can only contribute to the enlargement of the bureaucratic apparatus in B&H and does not guarantee the achievement of set objectives.

¹⁸ Article 45 Para 7 of the Framework Law on Higher Education in B&H.

¹⁹ Chevening Alumni B&H, "Analysis of the Newly Adopted BH Framework Law on Higher Education", September 2007

²⁰ Chevening Alumni B&H, „Izveštaj 'studije slučaja' o trenutačnom stanju na terenu bez postojećeg zakona o priznavanju diploma stečenih izvan B&H", 2007

Furthermore, through investigations for this research proposal, in conversation with representatives from Ministry of Civil Affairs and ENIC Department within the Ministry it was made clear to us that strategy behind the functionality of CIP and the corresponding guideline policy still do not exist. Development of adequate policy necessary for proper functioning of CIP after its establishment as well as clear determination of its responsibilities and its functional policy is an imperative. It is important that CIP does not become just another administrative hurdle in the process of diploma recognition. It is also important that the complete policy for diploma recognition in B&H, that includes CIP, ministries of education and education institutions, is developed.

MAIN THEMES AND ISSUES RELATED TO FOREIGN DIPLOMA RECOGNITION AS IDENTIFIED IN THIS STUDY

There are several main issues that have been identified after interviews with officials in Bosnia and Herzegovina, analysis of existing legislation and comparative analysis of related policies in Republic of Croatia and Republic of Slovenia. These issues have been discussed at the meeting with officials from Agency for Science and Higher Education of the Republic of Republic of Croatia and also at the meeting with CIP representatives. Furthermore, in order to clearly present these issues the comparative lessons and successful practise from Republic of Croatia and Republic of Slovenia will be also presented together.

Jurisdiction and role of Center for Information and Recognition of Documents from the Domain of Higher Education

The cooperation of CIP with all relevant institutions in Bosnia and Herzegovina is not clearly defined. Two paragraphs of Article 45 of the Law on Higher Education that regulates role of CIP and its jurisdiction are in contradiction. According to first one CIP will be responsible for recognition of diplomas. In the last paragraph is stated that CIP will, in accordance with Lisbon convention, issue the recommendation to relevant institutions of Republic of Srpska, Cantonal Ministries of Federation of B&H and Brčko District B&H to recognise diplomas with a purpose of employment, continuation of studying and other rights follow achieved qualification.

²¹ The meeting with officials from the Legal Department that deals with requests for recognition of foreign diplomas at the University of Sarajevo was held in November 2008. During the discussion with the Head of Department and two officials some concerns were expressed in regard to further clarification of role and jurisdiction of CIP.

The officials²¹ at the University of Sarajevo expressed their concern about these two paragraphs as they were not confident how to understand future role and jurisdiction of CIP. Same concerns were expressed in the Ministry of Civil Affairs²².

²² The meeting was organised with official responsible for ENRIC/NARIC Office within the Department for Education at the Ministry of Civil Affairs of BiH.

The experience from Republic of Croatia shows that recognition of diplomas can be conducted by the center for recognition of foreign diplomas and by relevant academic institution. The department for recognition of foreign diplomas - ENIC/NARIC office within the Agency for Science in Republic of Croatia issues recommendations for diplomas when the request for recognition is for the purposes of employment. The University is responsible for recognition of diplomas when recognition is requested for the purposes of the continuation of study. Such distinction has been made as it is left to universities to decide if the level of education acquired within the foreign educational system is appropriate for the continuation of study at that national university in Republic of Croatia. Therefore, the Office for academic recognition is established within the University of Republic of Croatia. The Office closely cooperates with the Agency for Science and the department for recognition of diplomas within the Agency.

Republic of Slovenia established similar practise and, according to the Act on Recognition and Assessment of Education in Republic of Slovenia, the schools are responsible for appointment of an individual authorised to administer the recognition procedures. Schools and universities closely cooperate with Education Recognition Unit within the Ministry of Higher Education, Science and Technology during the process.

It is important that schools/faculties/universities cooperate closely with Center for Recognition of Foreign Diplomas.

Cooperation of CIP and other relevant institutions

The location of the CIP is planed to be in Mostar, while the location of the Agency for development of higher education and quality assurance should be based in Banja Luka. During the interviews with officials from the Ministry of Civil Affairs certain concerns have been address in regard of future cooperation of CIP and the Agency for development of higher education and quality insurance.

“These two institutions will work on very similar and connected issues and, therefore, they should be able to closely cooperate. However, if their offices are placed on different locations or even cities, as it is planed now, that could influence the speed and success of their cooperation ”

Experiences from Republic of Republic of Croatia show that the cooperation between those institutions are very important and that they often work on the same cases but just at different part of the process. Even more two departments that both deals with those issues are placed in the same institution in Republic of Republic of Croatia

Nostrification vs. recognition

Currently defined term “process of recognition of foreign diplomas” is not precisely defined and should be further expanded. The process of foreign diploma nostrification has been conducted in Bosnia and Herzegovina until the new Law on Higher Education has been issued. According to the law from now on CIP will be dealing with the process of recognition of foreign diplomas. However, in order to have functional system in place, neither of these processes can be excluded.



The nostrification is acknowledgment of the foreign diploma equivalence with appropriate qualification in Bosnia and Herzegovina. Criteria for nostrification are system of education of a country where the foreign diploma is issued, curricula, length of the program and other relevant conditions of the educational program.

The recognition of the diplomas is formal confirmation of the quality of foreign educational qualification. Criteria for recognition are just level of skills and competences achieved through the program without the comparison of the educational curricula.

Both of terms are used in Republic of Croatia policy and are even more expanded in policy of Republic of Slovenia. The nostrification has been used in cases when diploma was evaluated for the purposes of continuation of studying and the recognition has been used when it was done for the purpose of employment.

Different types of the foreign diplomas recognition

Current types of recognition prescribed by B&H legislation, law of Federation of B&H and law of Republic of Srpska are not sufficient for all necessary purposes of recognition. The current types of recognition are related to the right of diploma owner to continue process of studying and the right of diploma owner to use the diploma for employment purposes²³.

While Republic of Croatia has also two main types of recognition the experience from Republic of Slovenia showed that these types should be expanded in order to have functional system in place. Therefore Republic of Slovenia organised the types of foreign diploma recognition as follows:

1. Recognition of education with a view to access to further education
2. Recognition of education with a view to access to employment
3. Decision on the use of foreign titles
4. Assessments of Republic of Slovenian certificate and diplomas

The additional type added in Republic of Slovenian system is " Decision on the use of foreign titles".

Republic of Slovenian system of recognition of foreign diplomas provides the holder of the diploma with an opportunity to decide if he/she wants to have just recognition of the title or the nostrification of the diploma which is more demanding and more expensive procedure. Officials from Republic of Croatia consider the Republic of Slovenian system more useful and applicable in practise.

Legislation to support foreign diploma recognition

The question of needed legislation has been addressed during the meetings with officials in Bosnia and Herzegovina. As the field of recognition of foreign diplomas requires clarification of certain issues such as equalization of degrees and determination of the process fee, the need for development of additional legislation that would regulate those issues has been addressed. The current legislation in Bosnia and Herzegovina does not regulate those questions.

The research and comparative analysis of Republic of Croatian and Republic of Slovenian systems has shown that, in order to have a functional system, some additional laws and decisions

²³ Precisely those two types are defined in the law of Republic of Srpska

²⁴ Lisbon Convention (Convention on recognition of higher education degrees in Europe) 1997 (Agreement of Council of Europe no. 165) The Law on confirmation of the Convention on recognition of higher education degrees in Europe (The Official Gazette, International Agreements no: 9/2002 i 15/2002) The Law on science profession and higher education (The Official Gazette, no:158/2003, 198/2003, 138/2006) Rules and regulations on fee for process of foreign diploma recognition (The Official Gazette, no:60/2005)

²⁵ In Slovenia, as from 21 January 2005, the legal basis for education recognition are the Act on Recognition and Assessment of Education (Ur. L. RS, št. 73/04 (Official Gazette of the Republic of Slovenia, No. 73/04)) and the applicable bilateral agreements and arrangements, as well as international conventions to which the Republic of Slovenia is a signatory. For the period until 21 January 2005, the Act Regulating the Recognition of Foreign School Certificates (Ur. I. RS, št. 42/72) is applied.

²⁶ The program is established according to legal norms and is approved by educational authority, Ministry of Education.

²⁷ I had the whole day meeting/discussion with Head of Department for Recognition of Foreign diplomas within the Agency for Science and Higher Education (ASHE) of the Republic of Republic of Croatia in Zagreb and two of her advisors. Prior to the meeting I have sent them all documentation related to recognition issues in Bosnia and Herzegovina and the Framework Law on Higher Education in Bosnia and Herzegovina. Therefore, the meeting was focused on best possible practises that can be used in Bosnia and Herzegovina and lessons learned from Republic of Croatia and Slovenia.

have to be issued or current legislation has to be amended. Republic of Croatian legislation regulates the process of recognition of foreign diplomas by legislation on science, profession and higher education, by law on recognition of foreign qualifications and by rules and procedures about the fee for recognition of foreign diplomas²⁴.

In Republic of Slovenia, the legal basis for education recognition is the Act on Recognition and Assessment of Education²⁵. In accordance with the Act on Recognition and Assessment of Education, a foreign certificate of fully completed education must fulfil the following four basic legal conditions in their entirety for the positive recognition of education, namely that:

- the certificate was issued upon completion of a state-approved education programme (an education programme must comply with higher education legislation and must be a part of the state-approved higher education system of an individual country),
- the certificate refers to an official level of education that is available within the state-approved Republic of Slovenian higher education system (formal (Bologna) and state-approved)
- the education programme is accredited (verified attainment of quality standards in accordance with the higher education legislation of an individual country²⁶), and
- the institution issuing the certificate is accredited (verified attainment of quality standards in accordance with the higher education legislation of an individual country).

Those questions have not been regulated by the current legislation in Bosnia and Herzegovina.

POLICY OPTIONS

Problems in recognition of foreign diplomas and ways to overcome them, as presented in this study, are mostly drawn from conversations with those who are or were directly involved in the process and those who have extensive experience and who deal with the issue on daily basis. In November and December 2008, we discussed the issue in individual meetings and through conversations with officials from the Legal Department from University of Sarajevo, Head of Department for Recognition of Foreign Diplomas in Republic of Srpska, University of Banjaluka, official from the ENIC/NARIC Office in the Ministry of Civil Affairs of B&H, Chevening Alumni members who were faced with difficulties in recognition of their diplomas directly and representatives of NGO sector.

Also discussing issues with practitioners who are working every day on recognition of foreign diplomas in Republic of Croatia²⁷ gave us an opportunity to discuss some potential problems that can be easily avoided in Bosnia and Herzegovina.

Furthermore, we presented our findings and discussed the issue of recognition of foreign diplomas at the Round table with Head and members of Executive Board of CIP, representatives of universities in B&H and ministries of education, Ministry of Justice of B&H, Head of Department for Recognition of Foreign diplomas within the Agency for Science and Higher Education (ASHE) of the Republic of Republic of Croatia, Chevening Alumni B&H members, people with unrecognised diploma and NGO sector representatives. The Round Table was organised on 18th of December 2008 in the Ministry of Civil Affairs of B&H and the findings of this paper were discussed as well as experiences from Republic of Croatia and Republic of Slovenia.



The most important issue is to clearly define the role of the CIP. In this section we will examine three policy options proposed to regulate work of CIP and its cooperation with institutions in Bosnia and Herzegovina. Some of these options are already positively evaluated by government however so far they have not been systematically or critically examined by policy community in B&H. Our examination of these proposed options will be based on the situation we encountered while doing research in B&H in 2008 but it will also reflect on literature available in B&H and neighbour countries from the region.

First policy option: The centralised jurisdiction of the CIP

If the first paragraph of the Article 45 of the Law on Higher Education is taken literally the CIP will be fully responsible for the process of recognition of the foreign diplomas on the whole territory of Bosnia and Herzegovina. Even though this might be considered as the easiest option as the whole system would be centralised there are some certain problems within this option. CIP would not be able to evaluate diplomas for the purpose of the future access to education unless it will have a huge body of various experts and professionals employed at least on temporary basis. Furthermore, it would be very difficult for CIP to assess if the level of education attained within the foreign education system, is appropriate for continuation of the study at certain university in Bosnia and Herzegovina. And finally, having in mind the extensive independence and decentralisation of the system of education in Bosnia and Herzegovina this approach would be hardly supported by educational authorities.

Second policy option: CIP as administrative body

If the last paragraph of the Article 45 of the Law on Higher Education is taken the role of the CIP would be just administrative. CIP would, in that case, just receive the requests for recognition of the foreign diplomas, check if the institution which issued the diploma exists, if it is accredited, if the person is registered at the institution as one who completed the educational program and if the diploma is issued to that person. The next step would be that CIP issue the positive or negative recommendation in regard to recognition of the diploma. The diploma owner would have, then, to follow the same procedure as it is now and submit the request for diploma recognition to some other body such as University or Faculty. The only difference would be that according to this new procedure the attached recommendation from CIP would be part of necessary documentation for the diploma recognition.

The consequence would be that the CIP will be just another administrative body and further burden to the budget of Bosnia and Herzegovina. Furthermore, the process would be even longer and all current problems would still remain.

Third policy option: CIP as coordinating body

Policy options reviewed so far are focused on two extreme sides of the solution of the problem. Throughout the paper we argued that CIP should closely cooperate with relevant institutions. In this section we will present a policy option were CIP takes coordination role in the whole process, closely cooperate with universities and leaves universities to decide on recognitions in cases of continuation of study.

According to the third option CIP would be the coordination body of the whole process. It would closely cooperate with universities in both cases, when the request for recognition is

submitted for the purpose of the continuation of the study or for employment purposes. CIP is the body that informs all relevant stakeholders and public about the process. The consequences would be that the universities will keep their function in assessing the diplomas for the purposes of study continuation but the whole process will be coordinating by CIP. The existing poll of university experts will be used for assessment of different which will reduce potential expenses. This option would create the most efficient system with least sources needed for its implementation.

RECOMMENDATIONS

This policy study reviewed three policy options for foreign diploma recognition. First two options - centralised jurisdiction of CIP and another implicit option that is keeping the situation the same with CIP as just another administrative body were considered ineffective because they do not facilitate the process of the foreign diploma recognition. The third policy option that is proposed as feasible and realistic for context of B&H presents CIP as coordinating body that will closely cooperate with universities and relevant institutions.

If taken forward this policy option has to make the process of foreign diploma recognition successful, effective and efficient. It is argued that resources are available; however they need to be coordinated and un-locked. Here are the practical recommendations on how this policy option can be achieved.

The following recommendations are developed in order to facilitate the process of foreign diploma recognition. The general recommendation is that the role of CIP should be coordinating in close cooperation with universities and relevant educational institutions.

How to make this policy option work

This policy option is very much dependant on legislation, rules, and procedures that have to be developed to clarify the role of CIP and all steps in the process of foreign diploma recognition.

The structure organisation of CIP

The structure organisation of CIP should be divided to administrative part that deals with coordination of information and a Professional Body.

The Professional Body should evaluate foreign higher education qualification in accordance with certain criteria. The Criteria for evaluation of foreign higher education qualification should be developed by Agency for Science and Higher Education and all information about the criteria should be disseminated to public by CIP.

Academic Recognition Office/Coordinator shall be established on every university, polytechnics or school of higher education for the purpose of performing professional and administrative work concerning academic recognition of foreign higher education qualifications and recognition of periods of study, in accordance with general acts of universities, polytechnics and schools of higher education.

Central Register of recognised diplomas should be a part of CIP, as it is in Republic of Croatia



and Republic of Slovenia. This would simplify the process. It would set up a precedent for subsequent diplomas issued at the university, whose diplomas have been previously recognised and make recognition process more or less automatic, as the detailed and extensive checking process of the institution's credentials had already been done.

The process of the foreign diploma recognition

The process of the foreign diploma recognition should be organised as follows:

The Centre for Information and Recognition of Foreign Diplomas should conduct the professional recognition procedure. Based on experience from Republic of Slovenia and Republic of Croatia the optimal duration of the procedure of professional recognition of foreign higher education qualifications should be three (3) months. The procedure of the recognition of foreign diplomas should consist of several steps:

1. After receiving and processing the application CIP Office should send the information on required supplement if the application is not complete.
2. The CIP Office should examine the accreditation of the institution at which the foreign higher education qualification is acquired, accreditation of the study program in question, authenticity of the foreign higher education qualification for which recognition is applied, entitlements and possibilities that the qualification ensures in the country of issue.
3. CIP Administrative Department should submit collected information together with the documentation for recognition to one of the two bodies depending on the purpose of the requested recognition.

- The collected information together with the documentation for recognition should be submitted the CIP Professional Body in case of employment.
- The collected information together with the documentation for recognition should be submitted the Academic Recognition Office in case of continuation of study.

4. The Professional Body should evaluate foreign higher education qualification, in accordance with Criteria for evaluation of foreign higher education qualification, and should deliver the arbitration

5. CIP, based on the arbitration should issue a decision on recognition of the foreign higher education qualification.

6. The decision on professional recognition of the foreign higher education qualification should be mailed to the applicant's address specified in the application for recognition of foreign diploma recognition.

Basic criteria for recognition of foreign diplomas

The evaluation should be conducted based on the following four basic legal conditions in their entirety for the positive recognition of education, namely that:

- the certificate was issued upon completion of a state-approved education programme (an education programme must comply with higher education legislation and must be a part of the state-approved higher education system of an individual country),
- the certificate refers to an official level of education that is available within the state-approved higher education system (formal (Bologna) and state-approved)
- the education programme is accredited (verified attainment of quality standards in accordance with the higher education legislation of an individual country), and

- the institution issuing the certificate is accredited (verified attainment of quality standards in accordance with the higher education legislation of an individual country).

Types of recognition

The following types of recognition of foreign diploma should be recognised and defined by regulations:

1. Recognition of education with a view to access to further education

In the procedure for recognition with a view access to further education, by which, in course of enrolment, holder of a foreign educational certificate (certificate or diploma) shall be issued a decision granting him/her the right to continue education in the Bosnia and Herzegovina. This process consists of the evaluation of the content of the program with an aim to assess if the holder of the diploma achieved needed skills to continue further certain education. Therefore the process is longer and includes the close cooperation with appropriate school who is issue the Opinion. On the basis of the issued decision the applicant shall be enrolled in an appropriate education programme.

2. Recognition of education with a view to access to employment

The procedure for recognition with a view to access to employment should be initiated by the holder of a foreign educational certificate submitting an application form to the CIP which then issues a decision on the recognition. This is a process of a formal confirmation of the value of foreign educational qualification.

3. Decision on the use of foreign titles

The recognition procedure with a view to access to employment can also lead to a decision on the use of foreign vocational, professional or academic titles.

4. Assessments of certificate and diplomas of Bosnia and Herzegovina

CIP also should be in position to issue an opinion concerning the assessment of a certificate or diploma from Bosnia and Herzegovina.

Information and public campaign

Concerning the importance of the issues and extensive public interest for this policy it is highly recommended that extensive public campaign is organised ones the policy is approved and adopted by CIP authorities.

Furthermore, it will be necessary to organise the educational seminars and trainings for all stakeholders that would be part of the new process of the recognition of foreign diplomas.

CONCLUSION: IT IS ALL UP TO US!

The establishment of the process of foreign diplomas recognition in Bosnia and Herzegovina has been postponed for very long time. Finally, the Center for Information and Recognition of Documents from the Domain of Higher Education is about to start its work. The positive side of this delay is that we now have number of experiences and lessons learned from our neighbouring countries, Republic of Slovenia and Republic of Republic of Croatia, who had the same



educational system as Bosnia in Herzegovina in recent past. Therefore their experiences are extremely valuable in development of the Bosnian and Herzegovina policy of foreign diploma recognition.

With appropriate cooperation of all stakeholders who will be part of this process, Bosnia and Herzegovina would be able to have an easy and non expensive process of diploma recognition. Furthermore, that policy does not require additional resources and the whole process can be implemented within the existing institutions.

By establishment of the successful process of diploma recognition Bosnia and Herzegovina will benefit. The huge power of young experts will be released and will finally have an opportunity to serve Bosnia and Herzegovina on its path of sustainable development.

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