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Legislative Reform Programme in Higher Education and Research 1991 - 2000

Final Report

Strasbourg, 2000

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Parts one to four and the Executive summary were circulated in earlier version as committee documents CC-HER (2000) 9, 10, 11, 22 and 23.

Introduction

Preface by the Bureau

Between 1992 and 2000, the Council of Europe carried out a programme to assist the reform of higher education, particularly through advice on draft legislation, in its new member states in central and eastern Europe. The Legislative Reform Programme in Higher Education and Research (LRP) has been by many criteria the largest, most complex, and most challenging project ever carried out by the Council of Europe in higher education. As the programme neared its close, the Higher Education and Research Committee (CC-HER) decided to carry out a thorough evaluation of this unique experience, with two main aims: to place its work properly on the public record, and above all to draw its lessons for the future of European cooperation.

The present Final Report is the outcome of this evaluation. It is, quite deliberately, a compendium of documents prepared by different hands. Parts one, two, and three reflect the views of key insiders; Part four that of two eminent outside experts asked to carry out an independent programme audit. The collective position of the Committee is recorded in the resolution adopted at its plenary meeting on 29 March 2000, reproduced at the end of the Executive Summary. This drew especially on input from the new member states, who have been the LRP's main partners and beneficiaries. From different starting points, the rays of perspective converge on the finding that the LRP has been a remarkable success overall, and a worthy contribution to the Council's goals of entrenching democracy and human rights in all parts of our continent.

The mandate given to the Bureau to manage the evaluation leads us to comment on the final conclusions of the independent experts, which were – as planned - revised after the plenary to take account of the additional input made by national delegations. The Bureau has taken careful note of the advice of the independent experts, which will be invaluable in developing future activities. In particular, it largely shares their views on the need to strengthen the culture of evaluation, preferably as an ongoing dialogue rather than through large-scale reviews after the event; and on the need to ensure both continuity and renewal in questions of personnel. However, concerning the continuation of the LRP, it should be noted that the Committee has decided to pursue its essential support to the continuing reform of higher education through new and [up to date activities relevant to](#) the rapidly changing needs and requirements in the field, [and](#) coordinated under the umbrella of a common strategy with the Education Committee for partnerships [for educational development](#). [The redevelopment of higher education in some areas of Europe following periods of instability, and the implementation of the Bologna process, will be key priorities for these new activities.](#)

The Standing Conference of European Ministers of Education, when it meets in Cracow in October 2000, will be asked to take note of the favourable evaluation of the LRP, support the pursuit of its work in a new context, and encourage the consolidation of the European standards of good practice it has identified.

Krzysztof Ostrowski, Chairman of the Higher Education and Research Committee.

Executive Summary

A The work of the LRP

Goals of the Legislative Reform Programme (LRP)

The primary aim of the Legislative Reform Programme was to provide effective support to the processes of legislative reform in higher education and research, as part of the consolidation of democratic regimes, and of the overall process of transition from centrally planned to social market economies, in the countries of central and eastern Europe. A subsidiary aim was to deepen understanding of the proper role of legislation in higher education in Europe as a whole.

Basis of co-operation

The LRP was part of a general policy of the Council of Europe to support democratic transition in its new and potential members. It shared with other programmes the features of practical support for countries in transition, professional advice by independent experts, and reference to the European standards and best practices expressed in European conventions. It also had features specific to the higher education sector: it followed a long-standing policy of academic mobility proposed by the Standing Conference on University Problems (CC-PU), and drew on the experience of a network of bilateral East-West university co-operation developed since the 1970s. In its operation, the LRP drew heavily on the Committee for expertise, feedback and leadership. The strong links of the LRP to the Committee reinforced its character of extended solidarity rather than one-way assistance.

Activities of the LRP

From 1991 to 1999, the LRP carried out some 200 activities: 136 bilateral and multilateral activities, and at least 64 Secretariat missions. Bilateral activities included over 70 advisory and exploratory missions, 15 joint commissions and 4 expert meetings, and one written opinion not linked to a mission. Multilateral activities comprised 12 regional missions and seminars, ten workshops, five consultation meetings and twelve study visits to eight western European states. Two books and 3 substantial reports were published, in addition to mimeographed workshop reports. Over 40 other meetings were held for the purposes of management and publications decided on by the CC-PU/CC-HER.

By number of events, the ranking of countries is as follows: Bosnia and Herzegovina (14), plus World Bank project group meetings, Russia (13), Albania (9), Bulgaria (8), Estonia, Latvia, and Lithuania (6 each), Czech Republic (6), and Ukraine (6). On average, 5.5 events per country were carried out. By region, south-eastern Europe (48 events) ranked ahead of central and northern Europe (35), Russian Federation and NIS countries (33). Consultation meetings, study visits and publications are not included here.

During the life-time of the LRP, the changing needs of member states led to significant changes in its profile a gradual shift in geographical focus, and therefore thematic priorities, from central to eastern and south-eastern Europe, reflecting a general development in the Council of Europe; a broadening of scope from legislation as such to the policy context surrounding it; a trend to fewer but longer-term projects, often involving partnerships; finally the increasing involvement of experts from central Europe in missions and workshops.

Resources

The total budget of the LRP was 19 104 000 FF (€2 912 000) over the period, an average of 2 123 000 FF per year (€324 000), including project staff (52%). The staff team ranged from one to four with an average of about three. Of the income, 79% was provided by voluntary contributions, and 12% by the Council of Europe, not counting ADACS drawing rights and invisible overheads. Seventeen countries provided voluntary contributions; however, 61% came from two countries, the Netherlands and Germany.

The budget of the LRP was small in relation to its workload and compared to similar projects elsewhere. It was able to secure most of its funding from voluntary contributors, two of whom provided the backbone of its budget and an element of stability; however a more secure and less *ad hoc* arrangement would be appropriate for a core programme.

Results

Advice on higher education legislation contributed to 8 first generation laws: 4 higher education acts (Hungary 1993; Croatia 1993; Slovenia 1993; Albania 1994) and 4 laws on education (Romania 1995; Moldova 1995; Georgia 1997; Armenia 1999). Advice on second generation legislation supported 16 law projects including 14 higher education acts (Estonia 1995, amended 1996; Latvia 1995, Bulgaria 1995; Russia 1996 and amendments 1997; Croatia 1996; Hungary 1996; Slovakia 1996; Poland 1997; Czech Republic 1998; Albania 1999; Lithuania 2000; Belarus intended 2000; “the former Yugoslav Republic of Macedonia” intended 2000; Ukraine intended 2000), and two laws on education (Ukraine 1996; Russia amendments 1996 to law of 1992).

The workshops, study visits and publications contributed to the diffusion of good practice in the same way as classic multilateral co-operation. In particular, they helped in the practical establishment of national systems of quality assessment in a number of countries and in the establishment of a new college sector of professional higher education in the central European region. The projects in Bosnia and Herzegovina led to a report that lays the foundation for a national education policy based on consensual co-ordinating structures. The LRP’s work led directly to the preparation of Recommendation No.R (97) 1 on the recognition and quality assessment of private institutions of higher education. It highlighted the importance of the Lisbon Recognition Convention as a gateway to European co-operation, and made a substantial input to the implementation of Recommendation No.R (98) 3 on access to higher education.

The Final Report analyses in more detail the extent and quality of the contribution of the LRP to the complex processes of democratic legislation. Partners consistently stated, in consultation meetings, CC-PU and CC-HER plenaries, bilateral contacts, and communications to the independent reviewers, that the dialogue and advice was highly valued and made a positive impact on the legal and policy framework for the development of national higher education systems.

Messages

The policy approach of the LRP is discussed in parts one and two of the Final Report, covering norms and their sources, architecture, governance, and learning. Reflecting the historical diversity of European higher education, the LRP did not carry with it a ready-made policy model. It addressed the central topics of higher education policy in a dialogue with the host countries, seeking in its advice fairly to reflect European concepts, traditions and standards, as well as evolving ideas of best practice. Ten topics may be highlighted:

1. A concept of legislation aimed at establishing a partnership of education – with its liberal and individualist traditions - and a modern democracy;
2. identifying issues by level of legislation - framework acts, special laws and decrees, and domestic legislation (Charter, Statutes, Articles, etc.) - and the allocation of appropriate competences to state or federal governments and their agencies (ministries) as well as to higher education establishments and intermediary institutions;
3. distinguishing the general and specific missions of institutions: the role of advanced learning and inquiry, including that of independent centres of critical thinking in society; the increasing roles as centres of professional and vocational higher education, as agents of public science policy and providers of quality services, and as social centres;
4. planning a diversification of higher education, as the key issue in the institutional landscape in all parts of Europe, with new programmes for vocational education organised either in a specific sector of new institutions or within a unitary scheme;
5. the integration of separated and fragmented institutions - a lasting legacy of the Soviet model - and a strategy of associating institutions of teaching and institutes of basic research previously under ministries or academies of science;
6. permitting the creation of private higher education institutions, and defining the circumstances under which they may be accredited or recognised;
7. prescribing, at different levels of legislation or regulation, the governance, funding, financial management, accountability, and quality assurance of academic institutions;
8. regulating the organisation of studies and degrees, of access and admission, of fees and financial support for students, as well as the structure, appointment and tenure of academic staff;
9. complying with European Conventions and Agreements, in particular those on minority rights, the Lisbon Recognition Convention and similar *acquis*;
10. building a long-term state policy in higher education linked to secondary education and to the professional sectors, recognising national traditions as well as international developments.

Some progress was made in systematising concepts of European standards and best practice in these areas during the life of the project, especially through workshops and publications. This work is necessarily incomplete, but some elements of a “European model” have emerged, particularly on the democratic governance of higher education.

The central challenge of partnership with democracy

The core belief that guided the LRP in its work on governance is that democracy and education are locked in an embrace of mutual dependence: one cannot succeed without the other. The great achievement of the first wave of “autonomy laws” on higher education was indeed freeing the universities from any state intervention or political influence in the core areas of academic freedoms and institutional autonomy. But this was not enough to establish equilibrium with the democratic state, where the government has the political and financial responsibility to provide public goods and social opportunities through the operation of higher education institutions. LRP experts pointed out to their partners that legislation in higher education, laying down the rights, rules, and regulations which determine the functioning of higher education institutions and guide the development of the systems to which they belong, must aim to build a culture of mutual respect and solid co-operation. It needed therefore to define the responsibilities as well as the rights of the three main actors: governments, institutions and individual students and academics.

In summary, the following principles of governance emerged (the Final Report treats the topic in greater depth):

- Democratically elected governments have the right and should have the authority to establish and to change publicly owned institutions, to assign to each institution its broad mission, including the types of degrees to be offered, to establish enrolment levels, to determine operating budgets, and to licence private institutions of higher education.
- Academic institutions should have the authority and responsibility, within constraints and guidelines provided by law, to establish a structure for internal academic governance, to elect their leaders, to select faculty members, to determine and deliver teaching programmes, to admit students, to award degrees and honours, to establish budgets and expend monies. Effective accountability of institutions for their tasks is not in conflict with autonomy, but rather requires strengthening their managerial leadership and self-government practice.
- The individual members of the university should enjoy freedom of speech and choice of subject in research, teaching and study; the right to participate (in different ways) in academic self-administration, and the right to associate for academic purposes.

In many areas of policy, a stable model was not attainable in a continually shifting context. The transition from centrally planned to social market economies seems to be merging into an ongoing transformation, involving a shift from the national to the global frame of reference. Formal European norms only provided a partial basis for discussion on long-term perspectives of public policy, and in many areas the LRP had to make informed guesses on international trends in higher education; for example, to anticipate the future European model(s) for the organisation of studies and degrees. Diverging interests as well as changes in technology and society will continue to create new problems, and solutions sought in a new equilibrium of autonomy and dependence.

B Evaluation and follow-up

The evaluation conducted by the CC-HER included the preparation of a report by two eminent independent experts, included in the Final Report along with extensive material by LRP “insiders”, and a round table debate at its plenary meeting on 29 March 2000. The latter drew especially on input from the new member states, who have been the LRP’s main partners and beneficiaries.

In a resolution (reproduced below) drawing on these different perspectives, the CC-HER agreed on **three key points**:

- the Legislative Reform Programme had been **successful**: a timely, cost-effective, principled and practical response by the Council of Europe and the member states to the challenge of the democratic transition in higher education
- its work should be **continued** in a new framework, in cooperation with the Education Committee and with the continued support of member states account should be taken in this work of the comments by the independent experts and delegations on the generally successful working methods;
- the **European standards** identified by the LRP, particularly on governance of higher education, should be consolidated through further intergovernmental action and instruments.

RESOLUTION ON THE LEGISLATIVE REFORM PROGRAMME

The Higher Education and Research Committee (CC-HER), at its 7th session on 28-30 March 2000, adopted the following resolution on the conclusion of the Legislative Reform Programme for Higher Education and Research (1991-2000).

1. As to the *work carried out by the LRP*, the CC-HER:
 - i. Took note of the reports presented for the evaluation of the Legislative Reform Programme for Higher Education and Research (1991-2000), viz :
 - First part of the policy report « One Europe to Tend », by Dr Peter Fischer-Appelt, General rapporteur (CC-HER (2000) 9);
 - Second part of the policy report – « The policy model of the LRP », by the Secretariat (CC-HER (2000) 10);
 - A factual report covering the activities of the LRP since its inception and their practical results (CC-HER (2000) 11);
 - An interim evaluation report by independent reviewers, Professors Baiba Rivža and Dominique Rosselle (CC-HER (2000) 22);
 - ii. Held a Round table debate on the evaluation;
 - iii. Thanked the Steering Group, and in particular Dr. Peter Fischer-Appelt, the large number of experts, donors and host countries who all contributed to the LRP, as well as the independent reviewers and the Secretariat;
 - iv. Awaiting the final report by the independent reviewers, invited the Bureau and the Secretariat to complete and publish the final report of the LRP (1991-2000) on the basis of the reports presented and the debate;
 - v. Found that the Legislative Reform Programme had been a timely, cost-effective, principled and practical response by the Council of Europe and the member states to the challenge of the democratic transition in higher education;
 - vi. made a number of detailed comments on its experience with a view to improving future work.
2. As to the *future of mutual assistance and advice* in the higher education programme of the Council of Europe, the CC-HER:
 - i. Recommended that to respond to the continuing need for practical assistance in the reform of the regulatory and policy framework in higher education, this activity find a permanent place within the common strategy with the Education Committee and the Committee on Culture and Education of the Parliamentary Assembly under the title of “Council of Europe partnerships for educational

development”¹;

- ii. Appealed to member states and the Council of Europe to provide the essential critical mass of resources to allow this work to continue with sustained quality and quantity.
3. As to the *exploitation of the results* of the LRP, the CC-HER:
- i. Invited the Bureau to prepare, for inclusion within the planned resolution to be submitted for adoption to the next session of the Standing Conference of European Ministers of Education in Kraków (Poland) on 15-17 October 2000, a text referring in particular to:
 - European principles of governance in higher education;
 - the democratic transformation of higher education in the light of these principles and of new challenges as evidenced for instance in the Bologna Process;
 - the strengthening of European and regional partnerships to provide continued support for national higher education systems in these areas.The text should draw on the lessons of the LRP as reflected in the final report and evaluation;
 - ii. Decided to resume consideration of the matter at its next plenary meeting.

¹ See item 16.2 of the agenda of the same meeting.

Part I: One Europe to tend

The LRP as Agent of Democratic Change in Higher Education

Peter Fischer-Appelt, General rapporteur

Dr Peter Fischer-Appelt is President Emeritus of the University of Hamburg . As to President from 1970 to 1991, he became a pioneer of academic East-West co-operation.

He was Chairman of the Standing Conference on University problems (CC-PU) in 1989-1990, and Chairman of the Steering Group of the Legislative Reform Programme from 1992 to 1998.

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Part One - One Europe to Tend

The LRP as agent of democratic change in higher education

1. European co-operation as an emerging condition of the Legislative Reform Programme

1.1 From exclusion to inclusion: the change in mission and policy of the Council of Europe

During the half-century since its foundation, the belief has grown among the Council of Europe's key constituencies that its programmes should not only reflect, but actively support the development of member states in the matters that outline the Organisation's mission. In contrast to the perpetual budgetary constraints, expectations that policy concepts should be transposed into good practice were drastically raised by the events of late 1989. It became obvious, and then irrefutable, that a response must be given to the emerging needs of a growing number of potential new member states from central and eastern Europe. Their stormy departure to the promised land of democracy, and thorny transition to the iridescent oasis of the market economy, required much more at the headquarters of the Council of Europe than a hasty adjustment of the number and size of traditional projects. It needed the introduction of a change in methodology, of programme structure and design and, above all, the rediscovery of nothing less than the twinning of two basic concepts underlying the Council's political vocation right from the beginning. Significantly, we read the result of this reassessment in an introductory statement from the Secretary General to one of the LRP publications: "The mission of the Council of Europe is defined by two great concepts: the protection of human rights and fundamental freedoms, and the advancement of democracy. Both are difficult challenges, especially – but not only – since the Organisation's great expansion to take in the post-communist societies of the eastern half of our continent."²

The Legislative Reform Programme – a vision before 1989, *in statu nascendi* in 1990 and 1991, a "Project" from 1992 to 1994, then renamed a "Programme" to operate through 2000 – is an important example of a change of strategy which occurred in the Council in matters of principle and policy *vis-à-vis* central and eastern Europe after the fall of the Iron Curtain. What was before, in the long period of the Cold War, understood as a notion of defence by exclusion revealed now, in the beginning of the transition period, its true meaning as an incentive for inclusion. Equally, what previously restricted the participation of the Council's delegates in eastern European conferences to observer status now opened up to extend the Council's mission, meetings and membership to Vladivostok and the Caucasus. Virtually none of the new democracies, however, which have since signed the Statute (17) or the European Cultural Convention (21) and joined, among other bodies, the Committee on Higher

² Daniel Tarschys, *Foreword*, in: J. De Groof, G. Neave, J. Svec, *Democracy and Governance in Higher Education*. LRP Series: Legislating for Higher Education in Europe, vol. 2. The Hague, London, Boston: Kluwer Law International 1998, p. XIII.

Education and Research (CC-HER), have withstood the temptation to take the promise for the deed once the Committee's predecessor, the Standing Conference on University Problems (CC-PU), in 1990 offered them assistance in higher education policy and legislation. In a shared attitude of enthusiasm all delegations understood the offer as a matter of goodwill and mature technical expertise. However, the basic question remained open: how would it be possible to find a common ground of dialogue so quickly after the longest and deepest, the most dangerous and detrimental division of Europe in history which had led to the exclusion of two generations of its citizens from mutual communication and understanding?

1.2 From fear to trust: the building of an East-West academic network in Europe

Long before the first new democratic states from central and eastern Europe – Czechoslovakia, Hungary and Poland – signed the Cultural Convention and joined the Standing Conference on University Problems in March 1990, universities and other institutions had achieved a notable restoration of academic and scientific relationships between East and West. As early as May 1975, at an extraordinary general assembly in Vienna, the European Rectors' Conference (CRE)³ had tabled a draft amendment to its statutes aiming at the full inclusion of a fair number of eastern European academic institutions. However, although western members and eastern non-members had agreed to the procedure, the proposal did not win – on the eve of the Helsinki Conference – sufficient western consent,⁴ so that a leading role for the CRE as a co-ordinator of East-West co-operation was postponed for another fourteen years. Independently of these efforts at the highest institutional level, some pioneering universities, at the initiative of their presidents and rectors, had taken the lead as far back as 1970 and, in spite of the failure of the CRE, continued by stages throughout the 1970s to establish a first network of bilateral academic co-operation between the two sides of the continent. Since the advent of the Conference on Security and Co-operation in Europe (CSCE),⁵ or to be precise since the beginning of 1975, an increasing number of co-operation agreements were signed, providing for a considerable volume of exchanges evenly balanced between the sciences and the humanities. Projects were proposed by the faculty, co-ordinated by correspondence between international offices, ratified by senates and signed by rectors as part of working programmes, usually with a term of three years. The scheme favourably strengthened the autonomy of eastern European rectors

³ The full name is the Standing Conference of Rectors, Presidents and Vice-Chancellors of the European Universities, from 1994 the Association of European Universities (CRE).

⁴ See *CRE-Information*, New Series, No. 33, 1st Quarter 1976. Eastern European universities were admitted as members or resumed active membership at the 9th General Assembly, Durham, 11-16 September 1989.

⁵ In 1992 the CSCE was subsumed in *the Organisation for Security and Co-operation in Europe* (OSCE). The Final Act of Helsinki was signed by 35 nations, including the United States of America and Canada, on 1 August, 1975.

and their international offices by seeking their right to implement the agreements, once approved of or noted by their respective ministries, in their own capacity.

By an equal effort, and following similar procedures, numerous exchange programmes were set up and agreed upon by western research, or research-supporting, institutions and the eastern Academies of Sciences. Furthermore, eastern European academic staff and scientists of all fields participated increasingly in the extensive scholarship programmes of western institutions; these national institutions and foundations also provided the support programmes for university partnerships with east European universities. In some western countries, there was, with time, literally no scientific institution or organisation of relevance, no academic conference or international congress, which did not invite and assist substantial numbers of participants from eastern countries. Gradually, to the extent that the policy of permission to travel was liberalised and delegated and passports and visas were issued more widely and quickly, hundreds and thousands of scholars, yet almost no students, came to travel from East to West and from West to East to collaborate in research projects, rarely with teaching commitments, covering all fields of study, with the single exception of theology. And expanding rapidly as the academic dialogue between East and West was motivated to develop, and quite deeply rooted as the belief in the vitality of European academic traditions was mutually discovered and openly shared, a surprising convergence emerged behind official patterns of ideological difference and contributed largely to the implementation of the third basket of the Helsinki Final Act of August 1975.

Indeed, there was already a political awareness of the growing academic dialogue and a recognition of the importance of research co-operation between West and East when the *Scientific Forum of the CSCE* (Hamburg, 18 February to 3 March 1980), the first specialised forum of the Helsinki process, survived unforeseen and suffocating constraints. These had arisen partly from Nato's Dual Track Decision and partly from Moscow's Afghanistan intervention and the silencing of Sakharov. In contrast to 1975, experience of the achievements and mutual trust in the success of East-West co-operation had created a favourable climate of dialogue to stay the marathon of a fortnight of harsh official accusations and painstaking negotiations and finally to reach consent among thirty-five nations on the most controversial of all resolutions: "that the respect for human rights and basic freedoms by all states represents one of the foundations for a significant improvement in their mutual relations, and in international scientific co-operation *at all levels*".⁶ This result of the Scientific Forum was remarkable in three ways: for the first time, West and East had agreed to a multilateral declaration at European level stating it "necessary" to recognise human rights and fundamental freedoms with respect to the sector of science including higher education; both sides had acknowledged that international scientific co-operation is in principle autonomous and not part of state relations; and all nations had recognised the right of individual scientists to travel freely. Thus, when the Forum replaced the single word "including" by the two words "and in" and added the phrase "at all levels", the delegates of

⁶ Report of the "Scientific Forum" of the Conference on Security and Co-operation in Europe. Hamburg 1980, p.24 (italics by the author). The original position and proposal of the eastern side, the Soviet Union in the lead, was: "... , *including* international scientific co-operation."

thirty-five nations took, after the Helsinki Final Act, a further political and conceptual step to end the schism between East and West.

1.3 From confrontation to co-operation: the process of reaching democracy and human rights

As the CSCE process took the hurdles of Belgrade (1977-78), Madrid (1980-83) and Vienna (1986-89) it became clearer day by day that the governments of the eastern alliance in the Helsinki process had misjudged their bets. Since it was of key importance for them to receive recognition of the status quo which emerged in the wake of the second world war, and to secure one-party forms of rule, they gave priority to the first basket in order to consolidate the consensus on the three principles of inviolability of frontiers, territorial integrity and non-intervention in domestic affairs. In return, they accepted the third basket with its less distinct items of human contacts, information, culture, and education, misled by an orthodox opinion that the corresponding commitments were addressed to, and could be controlled by, governments, and not nations and citizens.

Western policy, however, denying a peaceful possibility of radical transformation from autocratic to democratic rule in the East was aiming at a “*sui generis* humanisation” (A. D. Rotfeld) and a sector-by-sector liberalisation of the communist regimes which some states, despite the tragic failure of the Prague Spring events, had already started to introduce: Poland in the area of human rights, Hungary in economic policy, Bulgaria in cultural policy. Since a policy verification for the inculcation of basic moral principles had to go into the other countries at a high level, at the risk of little effect, the CSCE provisions, with time, took on the character of very detailed instructions on how to safeguard specific human rights and basic freedoms; this was the way the CSCE enforced the rule of law. Besides the economic breakdown of the arms race,⁷ it was the increasing free movement of people, information and ideas which had the strongest long-term influence on system change in central and eastern Europe. And it seems as if not only the eastern but even the western partners of the Helsinki process had underestimated the penetrating impact of the ubiquitous spread of dialogue which in the meantime stimulated and articulated a sense of a common European bond between millions of participants from East and West. To this extent, frontiers were no longer inviolable, territory no longer safe, and intervention took place every day. *Glasnost* and *Perestroika*, though related only to internal policy, were the logical conclusion; to announce them as the message for the future of an empire, however, was a different act: one of the bravest political deeds of the century.

When the Berlin Wall was torn down four months after the Bicentennial of the French Revolution, on a day which in European history symbolises an irreconcilable conflict between extreme violation of human rights (9 November 1938) and peaceful transition to democracy (9 November 1989), the Council of Europe remained full of thought and aspirations, empty-

⁷ Analysed for modern history by Paul Kennedy, *The Rise and Fall of the Great Powers. Economic Changes and Military Conflict from 1500 to 2000*. New York: Random House, 1987.

handed in apparent praise of the event. Indeed, the Council did not have, and could not have, a significant share in bringing about these developments. According to its frame of reference, full implementation and unrestricted application of human rights as well as the principles of a democratic régime is an indispensable prerequisite for states to obtain membership. The mission of the Council of Europe is to protect and further develop such conditions, not to create them *ab ovo*.

However, what seemed to put the Council at a disadvantage compared to some other European institutions such as CSCE and Unesco, turned out to be an opening for a new and promising perspective for a vast number of European countries which were on the brink of an historic change to the modern type of western democracy. It opened up the perspective of belonging to a democratic Europe: to enjoy liberty, not to suffer domination; to be assured of equality, not to obey hierarchy; to receive and to ensure solidarity, not to be pressed for fraternity. It promised to widen the perception of belonging to a democratic forum representing a recognised variety of European culture, thought and language and, at the same time, sharing a belief in, and experience of, the possibility of successful mutual understanding.

2. European integration as a strategic goal of the Legislative Reform Programme

2.1 From division to participation: the perception of a Greater European Community

The Legislative Reform Programme, like any programme of the Council of Europe, carries a vision of a greater democratic and cultural Europe. With respect to this perception, the LRP and the Committee to which the LRP reports are specifically marked by the anticipation that universities through their basic function must play a leading and responsible role in bringing to light incentives for mutual understanding and co-operation encapsulated in the traditions of Europe and the world. Nothing less than this was envisaged when the Chairman of the CC-PU at the 12th Meeting of the Conference in Madrid (14-19 March 1989) declared, within the range of the present Committee, a version of *Ostpolitik* which only later led to the foundation of the LRP.

He said in his opening speech in the *Paraninfo* of the Complutense University:

“If we were going to set a goal for ourselves in this Conference for University Problems for the next years, it would be this: that we should contribute to the growth of the Europe of “12” and of the Europe of “22”, so that the universities of the states of eastern Europe could also sit at our table.

In the past 15 years, ladies and gentlemen, the universities have contributed notably to restore these relationships between East and West. I think that more than 300 co-operations exist between the universities now integrated into the Council of Europe and those of the socialist countries of eastern Europe. We should take into consideration this fact and we should ask what it means. It means that in addition to the new scientific relationships established with

great success, the age-old traditions of the European countries, which sometimes in the past centuries have suffered more for Europe than lived in liberty, have returned to be a part of our own experience.

I think that this conference can also contribute to this by undertaking the goal of co-operation with the universities of Eastern Europe for the next five years and in this way contribute to a concrete answer to the question: “How large is Europe?” through our personal action which must not be overestimated, but which – because of its importance – is irreplaceable.”⁸

2.2 From options to choice: the selection of achievable priorities

The necessity of treating the impossible as though it were possible is the hallmark of any reform which rightly deserves this name.⁹ Within the ambit of the Council of Europe, it was the Parliamentary Assembly which in May 1990 for the first time adopted a Recommendation 1123 on practical educational assistance to central and eastern Europe, proposing a co-ordinating role for the Council. In the same month, the Council of the European Communities approved TEMPUS (the Trans-European Mobility Programme for University Studies), an important initiative within the PHARE Programme.¹⁰ For its part, the Committee of Ministers of the Council of Europe set up DEMOSTHENES, a special programme under a new Vote IX of the budget, aimed at strengthening democratic institutions and the rule of law in central and eastern Europe. The first ideas for consultative assistance in higher education reform and development were discussed at a European Conference on *Our Common Cultural Heritage: A Challenge for East-West University Co-operation*. The Conference was sponsored by the CC-PU and held in October 1990 in Hamburg with representatives from all parts of Europe participating.

The first consultative meeting with countries of central and eastern Europe took place in Strasbourg from 19 to 20 September 1991. Options for future activities of the CC-PU in higher education highlighted, as the most important input to the discussions, the wish of the countries undergoing transition that the processes of intergovernmental co-operation be adapted to the needs of the new partner countries in Europe. Within the human potential and the financial limitations of the Council of Europe, activities regarding policy were given preference over operational programmes. In other words, the best option for the Council of Europe was to concentrate, following the model of a first project with Bulgaria, on the

⁸ Peter Fischer-Appelt, [How large is Europe? The Council of Europe and the Co-operation with East European States and Universities.] *Discurso de Abertura de las XII Jornadas de la Conferencia Permanente de Problemas Universitarios*. 14 de Marzo de 1989. Paraninfo de la Universidad Complutense. [German, Spanish and English versions.] Madrid 1990. [p. 21 *et seq.*] In the first six months of 1989, Spain was in the Chair of the European Communities.

⁹ With a view to Ernst Cassirer, *An Essay on Man. An Introduction to a Philosophy of Human Culture*. New Haven and London: Yale University Press, 1944, p. 56-62.

¹⁰ The acronym is French and means *Pologne-Hongrie: Assistance pour la Reconstruction Economique*. It evokes the very early days of the programme when it was directed exclusively at Poland and Hungary.

legislative framework. Doing so would allow the Council to draw on its legal skills and on the expertise of many academic and administrative representatives with experience in higher education legislation, management, and reform, including evaluation, while at the same time avoiding any duplication of other programmes. Following the proposals of the consultative meeting, the Secretariat presented an outline, only a week later, for a new regional and multilateral project to be called Legislative Reform for Higher Education in Eastern and Central Europe (DECS/HE 91/83).

The costs of programme, staff, and overheads were estimated at 2.1 to 2.6 million French francs per annum. Both Vote IX and the Cultural Fund of the Council were cited as already permitting earmarked voluntary contributions to meet the costs of the new project. Long-term funding, however, was dependent on voluntary contributions by member states to meet the requirements of a budget line of 3 million French francs per annum. The Legislative Reform Project was finally approved at the Fifteenth Plenary Session of the CC-PU in the spring of 1992.

The establishment of the Legislative Reform Project, renamed “Programme” in 1994, was possible only because the Council of Europe maintained, through the binary structure of its Higher Education and Research Committee, a storehouse of academic and governmental leadership which during the last two decades had largely contributed to promoting a policy of academic mobility in Europe and to facilitating, by the particular efforts of the universities, dialogue and co-operation between western and eastern Europe. Following these continuous and widely successful efforts, founded on a sound knowledge of educational developments in both parts of Europe, the Legislative Reform Programme, once it had been established by the Committee, gained ground among member and non-member states through four specific areas:

- practical support for countries in transition;
- extended solidarity in the action of members for members;
- professional advice by independent experts;
- the shared perspective of European Conventions and Agreements.

According to these features, the LRP adopted two extrinsic and two intrinsic goals: full inclusion and active participation of new member states in the structure of the Council of Europe; autonomous development and European compatibility of national higher education systems proceeding through reconstruction. These four goals are inherent in each of the four instruments or types of activity by which the LRP operated:

- advisory missions were set up to provide interested parties, at the invitation of a national government, with the analysis and recommendations of experts regarding a draft law or some other policy issue in higher education and research;
- multilateral thematic workshops were held to explore solutions to commonly shared problems or to review existing solutions with a view to meeting future needs;
- multilateral study visits provided an opportunity for participants from central and

eastern Europe to acquaint themselves with specific aspects of implementing higher education policy and legislation in a particular host country;

- publications, in particular the LRP series “Legislating for Higher Education in Europe”, sought to contribute to the compatibility of European higher education systems combining topical surveys from participating countries with an all-European comparative analysis.

2.3 From theory to praxis: the concept and impact of the Legislative Reform Programme

The Legislative Reform Programme proceeded in three periods, each lasting three years. In the first period (1991-1993), the Project assisted twelve new democratic states then party to the Cultural Convention to develop the concept and technique of legislation in education and higher education. Advisory teams helped to ripen proposals for legislation, to build consensus at academic and political levels, to bridge gaps between changing governments or ministers, and to achieve priority treatment on the long lists of legislative projects. Although the LRP officially only started on 3 April 1992, it was possible in the first period to organise eighteen bilateral missions and three multilateral workshops (22 events). To avoid delay caused by the then common technical problems of communication, most missions were agreed upon with delegates of host countries at the CC-PU meetings held in 1992 and 1993. First generation legislation was supported by missions to Albania, Croatia (resulting in the Higher Education Act, 1993), Hungary (Higher Education Law, 1993), Romania, and Slovenia (Higher Education Act, 1993). Advice was given regarding second generation legislation in Bulgaria, Estonia, Latvia, Lithuania, Russia, Slovakia, and the Ukraine. Workshops held in Bulgaria, Slovakia and Romania discussed the financing, evaluation, and diversification of higher education. Members of the Secretariat responsible for the LRP were James Wimberley, Mary-Ann Hennessey, Anita van de Kar and Madelena Grossmann.¹¹ Members of the Steering Group included Alexander Draguiev (Bulgaria), Peter Fischer-Appelt (Germany; Chairman), Ko Scheele (the Netherlands), Peter Soltesz (Hungary), Juraj Švec (Slovakia), Ergün Togrol (Turkey), and Paul Zontjens (the Netherlands). Financial contributions were provided by the Council of Europe (100 000 FF), the Netherlands (3 730 000 FF), Germany (1 120 000 FF), Sweden (220 000 FF), Norway (160 000 FF), and Switzerland (100 000 FF). Total expenditure amounted to 2 000 000 FF.

In the second period (1994-1996), the LRP advanced from being a CC-PU “Project” to a “Programme” of the Council of Europe. The widespread activities (fifty-six events) included thirty-two bilateral missions focusing on quality assurance, division of competences between state and institutions, and the statutes, governance and financial management of academic establishments. First generation legislation was encouraged in Albania (Law of Higher Education, 1994), Moldova (Law on Education, 1995), and Romania (Law on Education, 1995). Advice was given on second generation legislation in Belarus, Bulgaria (Higher

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A full staff list is included in Appendix 4

Education Act, 1995), Croatia (Higher Education Law, 1996), the Czech Republic, Estonia (Law on Universities, 1995, amended 1996), Hungary (Act on Higher Education, 1996), Latvia (Law on Higher Education Establishments, 1995), Lithuania, “the former Yugoslav Republic of Macedonia”, Romania, Russia (Law on Education, 1996; Federal Law on Higher and Postgraduate Professional Education, 1996, amended 1998), Slovakia (Higher Education Act, 1996), and the Ukraine (Law on Education, 1996). Five of the six regional missions were in the Baltic States; they supported the state ratification and implementation of the Baltic Agreement on Co-operation in Higher Education. Five workshops and a regional training seminar were organised in the Czech Republic, Estonia, Hungary (2, one transferred from Dubrovnik), Lithuania, and Slovakia to discuss and adopt recommendations on private higher education and quality assurance, integration of teaching and research, financing and financial management, policy and planning of higher education. Eight multilateral study visits, representing a new type of activity, were invited to Belgium/Flanders (3), Denmark and Sweden, Finland, the Netherlands (2) and Scotland. All events were organised, on written proposals from the host countries, by the new LRP Secretariat with Peter Kwikkers as Programme Manager and as Programme Officers Mary-Ann Hennessey, Markus Adelsbach and Andreas Kleiser.

Members of the Steering Group were the same as in the first period with Suzy Halimi (France) replacing Paul Zontjens (Netherlands) in 1994. To publish a series of studies on “Legislating for Higher Education in Europe” the Steering Group established an Editing Board, with Jan de Groof (Belgium; Chairman), Guy Neave (England/France), André Staropoli (France), Alenka Šelih (Slovenia), Ulrich Teichler (Germany), and Roel in’t Veld (Netherlands) as members. Funding was provided by the Council of Europe (600 000 FF) and by voluntary contributions from Germany (FF 2 260 000), the Netherlands (FF 1 750 000), Switzerland (FF 320 000), Ireland (FF 240 000), Italy (FF 240 000), Norway (FF 80 000) and Greece (FF 45 000). Total expenditure amounted to FF 8 230 000.

Key to table

Bilateral activities :

- E Experts’ Meeting
- G Working group of the Council of Europe/World Bank Project
- J Joint Commission
- M Advisory Mission or Seminar, Consultation Mission, Exploratory Mission, Planning or Liaison Mission
- O Written opinion not related to advisory activity

Multilateral activities :

- C Consultation Meetings with CEE states
- R Regional Mission or Seminar
- W Workshop

Footnotes

- 1 Final Meeting for the CE/WB Project. Other meetings of this project not included (6)
- 2 Secretariat visits and missions (67) not included

RP Bilateral and Multilateral Activities

Activities for/in	91	92	93	94	95	96	97	98	99	Total
Albania		M	M	MM	M	M	M	MM		9
Armenia							M		M	2
Azerbaijan							M			1
Belarus				M	MM				MJJ	6
Bosnia and Herzegovina						M	MMEM	JJM JJ	JJJ G ¹ EEE	17
Bulgaria	M	MW	M	MM		M		M		8
Czech Republic				W	M	RM	M		R	6
Croatia			M	M	M		MW			5
Estonia			MM	M	RW					5
“FYR Macedonia”						M	MM			3
Georgia							M	MR		3
Hungary		M	M		W	MR				5
Latvia			M	R	R	R			R	5
Lithuania			MM	W	R		R		MM	7
Moldova					M	M				2
Poland				M			M			2
Romania			W	M	M					3
Russian Federation		MM			M	M	MMM	JJJ	JJJ	13
Serbia								O		1
Slovakia			MW	M	M					4
Slovenia		M		M	M	MW				5
Ukraine			M	M	M		M	M	R	6
Other activities ²			C	CC	C	C		O		6
Study visits				SF NL B	NL UK B	DK/S B	P D JR		SF	12
Total activities	1	7	14	20	20	16	22	15	21	135

In the third period (1997-1999), in line with the Council's priority areas, the LRP concentrated more than seventy per cent of its fifty-five activities on the crisis region of South-East Europe, the Russian Federation and the newly independent states (NIS) of eastern Europe. While the LRP gradually changed into a quality service and technical assistance unit, it developed, in response to urgent needs in some countries, a number of medium-term projects to improve advice by capacity building techniques. These included:

- strategic co-operation with other intergovernmental institutions operating in the same region, for example, with the World Bank for support of higher education development in Bosnia and Herzegovina, or with the European Training Foundation, an agency of the European Union, for assistance in professional and vocational higher education in central and eastern Europe;
- joint commissions formed by representatives of a national higher education system and experts of the Council of Europe, aiming at the establishment of a Higher Education Council for all Bosnia and Herzegovina, or designing a federal programme for educational development in the Russian Federation;
- expert meetings to prepare analytical studies or draft concepts for the project;
- opinions reflecting the position of an expert, the Secretariat, or an organ of the Council of Europe, for example on securing minority rights in higher education legislation of "the former Yugoslav Republic of Macedonia", or on the Serbian University Law of 28 May 1998.

Over and above these projects, the LRP supported first generation legislation in Armenia (Law on Education, 1999) and Georgia (Law on Education, 1997), as well as second generation legislation in Albania (Law on Higher Education, 1999), Belarus (planned for 2000), the Czech Republic (Act on Higher Education Institutions, 1998), Lithuania (Law on Higher Education, 2000), "the former Yugoslav Republic of Macedonia" (planned for 2000) and the Ukraine (Law on Higher Education, planned for 2000). A major topic was professional education, supported in Croatia (follow-up to the Higher Education Law, 1996), Poland (Law on Professional Higher Education, 1997), and Russia (initial and secondary professional education); it was also discussed in two of five regional missions and a workshop held in Dubrovnik. Four study visits were organised on the invitation of Germany, Finland, Ireland and Portugal. Programme Officers were James Wimberley (Head of Section), Mary-Ann Hennessey, and Andreas Kleiser. In the Steering Group, Janos Csirik (Hungary), Per Nyborg (Norway), and José Veiga-Simão (Portugal) followed Alexander Draguiev, Suzy Halimi, Peter Soltesz, and Ergün Togrol. In 1999, the CC-HER Bureau took over responsibility from the Steering Group. Financial contributions were provided by the Council of Europe (1 050 000 FF) and by the Netherlands' MATRA programme (FF 1 820 000, earmarked for special projects), the World Bank (FF 1 810 000, earmarked for BiH project), Germany (FF 1 010 000), Switzerland (FF 368 000), the Nordic Council of Ministers (FF 300 000, earmarked), Denmark (FF 240 000), the Holy See (FF 180 000), Portugal

(FF 175 000), Ireland (FF 160 000), Norway (FF 160 000), Finland (FF 150 000, not received into the Special Account), Sweden (FF 110 000), United Kingdom (FF 72 000, as Finland), Poland (FF 66 000), Malta (FF 40 000), the Czech Republic (FF 35 000, as Finland), and Spain (FF 12 000): the response to a solidarity appeal was overwhelming. Total expenditure amounted to FF 7 704 000.

In the year 2000, the Legislative Reform Programme for Higher Education and Research, after nine years of operation, was completed by an evaluation undertaken by the Higher Education and Research Committee (CC-HER) at its plenary session on 28-30 March 2000. The arrangements for the evaluation envisage, according to decisions of the Committee (CC-HER (99) 31 Item 7) and its Bureau (CC-HER (99) 35), the presentation and discussion of a Final Report including a Policy Report (Part one), a Policy Model (Part two), a Factual Report on the Activities of the LRP 1991-1999 (Part three), and a Report by external evaluators (Part four). On the initiative of the Education Committee it is planned that the Final Report of the LRP, including conclusions and recommendations for future policy and strategy, will be presented to the Standing Conference of European Ministers of Education at its 20th session to be held in Krakow, Poland on 15-17 October 2000.

When demand is at its peak, the Programme must be given a chance to respond, in one or another administrative form, to the upcoming requests of European countries which are still in the process of transition and transformation. As for the region of south-east Europe, the Stability Pact includes a number of countries for which the peace-building elements of education and higher education are of foremost importance. Bosnia and Herzegovina needs further support to co-ordinate legislation in education and higher education for the purposes of development and trans-national mobility in the two entities and ten cantons. "the former Yugoslav Republic of Macedonia" needs to find a balanced political solution to the sensitive minority issue to complete its Higher Education Bill, which has been in preparation for a long time. Moldova is concerned with a number of similar problems. Furthermore, it seems to be important to build an informal link with Montenegro and to prepare for advice in democratic higher education legislation in Serbia, when the results of elections may provide a chance to revise the Serbian Law on Universities of 1998. With a view to the results of recent elections in Croatia, the new government may wish to amend the Higher Education Law of 1996. As for the Russian Federation, the LRP has been requested by the Ministry (MGPE) to continue to sponsor a number of series of conferences to develop sound policy in the areas of "Federalism and Education", "State Standards for Secondary and Higher Education", and "National Minorities and Education". As far as the NIS countries are concerned, their governments propose the continuation of the Regional Seminar series on "The Policy Role of the State" (no. III). The three trans-Caucasian Republics wish to receive, in a joint seminar, consultancy on "Quality Assurance and Accreditation" and propose, in addition, to organise a study visit to a western country on this issue. Armenia and Georgia have requested bilateral missions to obtain advice on policy white papers for higher education legislation including, in the case of Armenia, a first draft of a law. Azerbaijan, with only one mission carried out to date, may have a similar request. Moldova has proposed missions on the role of the state in co-ordination of activities of higher education establishments and on the legal framework for

quality assurance. In the Ukraine, the Ministries of Education and Justice, in co-operation with the Parliament, propose a follow-up of the Law on Higher Education for purposes of implementation and further policy-building. For the whole country, it would also seem advisable to establish a joint working group on a quality assurance system, preceded by a national LRP seminar on state standards for accreditation. Belarus has yet to pass its first national higher education legislation. As other regions of central and south-east Europe are still consolidating and developing their higher education and research systems, requests for further advice are highly probable. Ninety experts who gave their valuable time and experience to the Programme have built a storehouse of comparative knowledge on European higher education developments which is an investment for the future.

3. European transition as an impulse for the Legislative Reform Programme

3.1 From dialogue to reform: advice in the context of the shock of transition

When the project came into operation in July 1991, it had to develop an appropriate state of the art to consult in open dialogue: to learn from national traditions, offer a view of comparative experiences, assess different solutions, forward recommendations, to constantly compare but never impose models; all in all, to achieve informed yet independent decisions from the authorities and partners involved. If the Legislative Reform Programme should be mentioned as a model of fair consultation and informed advice, then it may deserve this recognition mainly from a methodological and procedural point of view: it was and is highly adaptable to the diversity of needs of member countries in a period of transition. Indeed, as a self-learning project it reflects a process of transition which once started out in strict analogy to the state of development reached by central and eastern European countries in the early 1990s. Since both processes are irreversible there is no chance to watch the chick once again unfolding its wings. A brief and necessarily unbalanced outline may show the state at the inception of LRP missions.

In central and eastern Europe, the challenge confronting the new democracies was a formidable one.¹² While the release from repression of fundamental human rights immediately changed the behaviour of the individual and the manifestation of society as a whole, it could not so easily and quickly convert the world of mentalities and attitudes. The rise of new thoughts and mindsets constantly entered into conflict with the penetrating structure of old habits which itself shattered and lost validity. There arose, in some societies for a shorter, in others for a longer time, a state of anomie characterised by four principal signs: lack of clear objectives; uncertainty regarding criteria of conduct; conflicting expectations; and the absence of well-established symbols (Talcott Parsons). Consequently,

¹² For a brief review of theories of transition and their application to central and eastern Europe cf. César Birzea, *Educational Policies of the Countries in Transition*. Strasbourg: Council of Europe Press, 1994, pp. 7-34.

societies took on, with differences according to their specific cultural and religious background, the bizarre notion that “everything and nothing is possible”.

This scheme found particular expression in the financial and economic sectors in which the speedy but frameless vehicles of a free market economy without boundaries were circulating around the ultimate symbol of hope called “pyramids”, while the huge and immovable industrial complexes of a still prevailing state economy dressed themselves up as counter-symbols of “Molochs” in order to stay on the public payroll and avoid privatisation. Reflecting, thus, a premature effect of participation in the emerging global financial market place and, at the same time, an after-effect of dependence on the transient but inflexible structure of the COMECON system, both of the symbols signal a wide collapse of most national economies in central and eastern Europe. Against the background of an obvious economic decline in the East before 1989 it would not have needed much imagination to predict, after 1989, that economic reform, under conditions of survival, would gain a foothold much later than political and constitutional reforms.

While human rights took effect so vigorously, it was, however, never probable that the regeneration of the role of the state and the implementation of the rule of law could succeed as quickly and completely. Since the former one-party systems had absorbed all the essential functions of the state and legislation, it was foreseeable that the abdication of authorities and the removal of their autocratic regimes would leave behind the legacy of a compromised reputation of the state and a weakened legal system. Facing this dangerous situation, the élites of the first transition period, with their strong but diverging political options, were under enormous pressure. They had to achieve a basic democratic consensus in order to give birth to new constitutions founded on the principles of western democratic traditions. They also had to agree on first legislation with a view to finding a balance of their national legal traditions and international standards, including fair provision for national minorities. It must remain as the greatest merit of the political leaders in the first stage of the transition period that, by their determination, they succeeded in the foundation of constitutional democracies, which in many of the countries concerned had never existed before. The strong feeling of national responsibility underlying this success came, however, with a mentality of virtual dissociation, which later on, by harking back to models of delimitation, slowed down the process of societal learning and impeded the continuous building of basic consensus. During advisory missions it was sometimes felt that such a fundament could have eased the most difficult process of restructuring sectors such as education and higher education.

3.2 From human rights to democratic concepts: advice according to the basic ideas of legislation

Ever since legislation was first founded on the principle of the separation of powers, this principle has become a conspicuous feature of the Western democratic tradition.¹³ As a transparent instrument to safeguard the fundamental rights of the individual and to define the rules of the democratic political process, legislation in the western tradition is aimed at reconciling both the liberal and the democratic ideas of the “just state”. Justice, as understood by liberalism, reflects the correspondence of legislation and governance of the state with inalienable and unchangeable basic individual rights as expressed prominently by the famous Virginia Bill of Rights of 1776 and incorporated in the constitutions, based on the rule of law, of modern states. The pure democratic concept, however, is refractory to the possibility of claiming such basic or original rights as a standard of justice; rather, it finds its *raison d’être* in the principle of the sovereignty of the people as promoted by Jean-Jacques Rousseau in his epoch-making Social Contract of 1762 and by Immanuel Kant in his *Metaphysics of Morals* of 1797 (sect. 46). As a result of this dichotomy, each modern constitution, and consequently, all legislation based on it, reflects a search for a specific national equilibrium of both the liberal and the democratic concept of justice as a consensual framework within which the lawful state acts.

In each of the early missions, LRP experts pointed out to their partners that legislation in higher education must cope with the same tension and task. Rights, rules, and regulations which determine the functioning of higher education institutions and stimulate the continuous development of the systems to which they belong aim at a double equilibrium. In order to build a culture of mutual respect and solid co-operation, legislation has to seek a balance between the political and financial responsibility of the state and the essential - and corresponding - autonomy of the institutions; and it has to elaborate a framework for strengthening the managerial leadership and accountability of the academic institution while safeguarding the academic freedom of the individual person in the areas of teaching, research, and study.

LRP missions recognised that for the higher education sector legislation in the new democracies seeks to settle this equilibrium no differently from the tradition in western European states. However, as already indicated, they found emphasis put much more strongly on the liberal than on the democratic concept of higher education. There is clear evidence of this observation in the second part of this Report. To a certain degree, reform of higher education in central and eastern Europe started out with a concept repeating the liberal restoration of the German universities, situated in the American, British and French zones, after the end of the second world war. The concept was aimed at keeping universities free from any state intervention or political influence in the core areas of academic freedoms and

¹³ Peter Fischer-Appelt, Assistance in Higher Education Legislation: The Legislative Reform Programme of the Council of Europe. Higher Education in Europe, (21) 1996, pp. 82-89.

institutional autonomy: freedom of individual speech and choice of subject in research, teaching and study; the institutional right to admit students and to appoint, or to propose for appointment, academic staff; rights to academic self-administration exercised by some or all of its members, including the rights to regulate, organise, elect, and associate for academic purposes.

As for a particular feature of institutional autonomy, universities were sometimes conceived as associations of faculties, a concept which prevailed in western countries up to the late 1960s. Some countries, such as the independent Republics of the former Yugoslavia, or since 1990, as the Czech and Slovak Republics, have for a long time held an even more extensive view on this issue: faculties enjoyed the right of legal entity and the status of “members” of the university. This issue was frequently discussed as a concept to be modernised. The university should be understood as an institution consisting of faculties rather than being an association of faculties. It must hold legal entity status extending it *per se* to faculties, rather than participating, as their symbolic unity, in the legal status of independent units. The university, as a self-administered institution of individual (not collective) members, needs to restructure itself for the sake of better academic achievements, rather than being tied to the minimum consensus of its autonomous structures. As a player in the public arena, the university should be able to act and speak with authority through the co-ordinating efforts of a single management rather than by the contradictory voices of numerous and rather independent units. No doubts were left, however, that the management of universities continues to rely much more heavily on persuasion than authority, while the reverse tends to be true in most traditional corporations.

LRP teams also became aware of the fact that, not primarily by their advice, a second stream of liberal thought began to penetrate the higher education sectors in central and eastern Europe. After the fall of the Iron Curtain, the concept of the *global economy* took a foothold in some (not all) rapidly developing sectors of a “market economy without borders”, and put its imprint on some elements of educational policy. The idea of privatising a state university system, tabled and discussed in 1992 as a proposal in the Duma, was an illusion. However, private higher education, however, developed extensively in central and eastern Europe, in particular in countries such as Romania and Russia. It promised to be an important innovation *per se* and, most important, to foster a speedy extension of law and business studies, provided that legal regulations secure institutional independence, quality standards, and credit transfer of study courses. The LRP recognised, in line with this development, the need for quality assessment and statutory accreditation procedures, including regulations for self-assessment and professional external review. After the discussions held in 1992-93 on the predecessor of the LRP, the Hungarian Accreditation Committee, a large section of the LRP’s work continued to concentrate on the accreditation issue, even beyond its main mission.

A specific pressure for the introduction and application of the accreditation scheme, innovative from a European academic perspective, arose from the unsatisfactory outcomes of the new upgrading procedures by which higher institutes or even colleges had renamed themselves universities. Indeed, one of the incentives to multiply the number of universities in

most of the new democracies of central and eastern Europe arose from the need to respond to a wave of study demands which had been held back in their former systems by means of positive and negative discrimination, state planning priorities and unbalanced distribution of funds between academies and higher education. With a new steering state policy not yet in place and traditional universities reluctant to expand too quickly, previous experiences of university history reoccurred: the authorities of a certain city or region facing a substantial yet unknown demand for higher education and development are free to declare, on sound moral and political grounds, that they have founded a university and feel competent to define what a university is likely to be. For example, some regional authorities presented the new Albanian government, heirs to a highly centralised system, with the *fait accompli* of a university founded in Elbasan, with three hundred students and not a single professor – a necessary and successful regional evolution, as LRP experts later came to understand. Not many examples sound so extreme; yet, there are hundreds of similar cases including the silent upgrading of existing institutions to universities. To the extent that the underlying democratic development marks a real revolution in the higher education systems of east and south-east Europe governments concerned sought urgent advice to stabilise the expansion by quality assessment and accreditation procedures while apparent self-preferences were ruled out.

It was obvious that the assurance of academic freedom and institutional autonomy codified as early as 1990 by the so-called “Autonomy Laws” (Bulgaria, Czechoslovakia) had to be balanced by an effort to recognise the political and financial responsibility of the newly constituted democratic state. As already indicated, it took some time to establish the mutual respect of legitimacy and accountability in matters of co-operation. It once more became evident that higher education institutions are able to adjust quickly, and with sufficient perspective, but following their intrinsic goals. It thus appeared to be a deficit of primary legislation that principles be stated for the higher education system without setting at least a framework of interaction between instances concerned. One of the matters constantly discussed during advisory missions was therefore the strengthening of legislative will and technique for providing the higher education sector with clear competences and procedures of interaction within institutions, among institutions of equal level and different levels, and, in particular, between institutions and the state authorities involved.¹⁴ There was never disagreement that a political and administrative culture of objective conduct and reliable co-operation would be an important condition for the efficient functioning of a democratic system comprising many interacting instances and partners.

To be more specific, advisory missions under the Programme devoted considerable effort to identifying the appropriate competences of government agencies and academic institutions. Democratically elected governments have the right and duty to provide social opportunities through, and public resources for, the operation of higher education institutions. Thus, they

¹⁴ A synthesis of the suggested allocation of competences drawn from the work of the Legislative Reform Programme is shown as an Appendix to the second part of the Final report: *The Policy Model of the LRP, Survey by the Secretariat* (DECS/EDU/LRP (99)23). The synthesis is an extract from a study by Dennis J. Farrington: *Governance in Higher Education: issues arising from the work of the Legislative Reform Programme for Higher education and Research of the Council of Europe* (DECS/LRP (99) 28).

should have the authority to establish and change publicly owned institutions, assign to each institution its broad mission, including the types of degrees to be offered, establish enrolment levels, determine operating budgets, and licence private institutions of higher education. Academic institutions should have the authority and responsibility to establish a structure for internal academic governance, to elect their leaders, appoint, or propose for appointment, and promote faculty members, determine curricula within approved academic programmes, admit students according to approved standards and procedures, award degrees and honours according to set criteria, propose and establish budgets within the constraints of governmental and ministerial funds, and generate and expend funds within broad ministerial guidelines.

While the countries of central and eastern Europe have necessarily had to go through a two-stage cycle of legislation, the Legislative Reform Programme has contributed in most of the countries to both of these stages. It has attempted to ensure that nothing that was promulgated under stage one could act as a deterrent to, or be in contradiction with, the objectives of the subsequent, more mature stage. This latter stage, however, would already include sound criteria for leading the higher education sector, by modernising its structures and raising its quality, to full participation in an open European and international academic community.

3.3 From doctrine to reason: advice according to the basic role of higher education

Since the inception of advisory missions, the LRP applied and further developed the model of the university's emerging and then diverging functions, as they appeared in history; it did so to reflect and assess the institutional development of higher education and research in both the western and the eastern worlds, for reasons of comparative advice and with the aim of stabilising the conflicting roles or, where possible, to reintegrate the fragmented institutional systems of higher education in central and eastern Europe. On the concepts of general as well as sectoral legislation, discussions frequently started from the observation that during its long history, the university generated, in response to the accelerating pace of societal and economic developments, a number of major functions each of which ultimately originated from the university's first role as a centre of advanced learning in human society.¹⁵ As a centre of inquiry and learning, it is increasingly a centre of professional and vocational preparation. But it has also become an agency for public policy, in particular in the sectors of education, science and health. In the latter and other areas, the university has assumed the function of a quality service centre of local, regional, and sometimes national and international extension. And the university is also a social institution, both in itself and in the society in which it lives. For the past four decades, when these functions started tending to pull away from or even to challenge the mother institution by being performed in separate institutions, the university has had to learn, under conditions of rapid change, to strengthen its conceptual and managerial capacity to reverse this process, both by positive interaction of internal roles and synergistic interaction with the systems of separate institutions.

¹⁵ Further developed from Steven Muller, *The Future of the University. – Die Zukunft der Universität*. Aspen Institute for Humanistic Studies 77/2. New York and Berlin, 1977, p. 6 *et seq.*

In the eastern part of Europe, legislation for higher education and research, including supply-determined provisions, occurred as early as in the years immediately following the end of the second world war. Influenced by the all-pervasive example of the Soviet Union, the higher education and research sector had to assume the function of a public super-agency for building socialist society and economy. However, the process of transition into a system-wide uniform society and centrally planned economy included in most countries an amazingly strong effort to revitalise the best traditions of national culture. Quite soon, as in Poland, or with time, as in Bulgaria, a degree of self-awareness of the national cultural heritage and its capacity to build identity became the cradle of an endeavour at least to counterbalance the domination enforced by the concept of “democratic centralism”. It was this development which gave the major universities, as traditional promoters of autonomy, another foothold to resist the complete oppression of their primary role, to influence society as free centres of advanced learning and inquiry. In a shared belief in humanism, concealing itself under the notion of “socialist” humanism, a number of representatives of culture, science and education succeeded, to a greater or lesser degree, in keeping alive the flame of reason, inquiry and humanism.

The most striking example of the permanent struggle between doctrine and reason is the history of Polish legislation since the implementation of a decree entitled “On the Organisation of Science and Higher Education”, adopted on 28 October 1947. This decree was the event which began a drama of fall and rise in the autonomy of universities which was the embodiment of European history. The legislative process of withdrawing and re-injecting self-determination is marked by acts in 1951 (down), 1956/58 (up), 1968 (down), 1973 (stable), 1982 (up), 1983/85 (down), and 1990 (up and stable throughout the 1990s).¹⁶ After 1990, avoiding further risks of general legislation for higher education, came a rather cautious steering of the sector’s latest expansion and diversification to keep in step with national and European developments. While the LRP was invited to Poland for two missions to advise only on quality assessment (September 1994) and transition between the Law on Professional Higher Education of 9 May 1997 and amendments envisaged to adapt the Law on Higher Education of 12 September 1990 (October 1997), it was strongly reminded of western experiences that legislation, as a sharp instrument for implementing change, runs the risk of damaging as much as securing the academic mission and autonomy of universities – including other types of higher education institution.

In the countries of western Europe, legislation in higher education emerged on a large scale only in the 1960s when it became evident that the roles of the university had increased in

¹⁶ Dziennik Ustaw PRL (Official Gazette) 1947, No. 66, §415; *ibid.* 1951, No. 57, §391: Foundation of the Polish Academy of Sciences (Polska Akademia Nauk); *ibid.* 1952, No. 6, §38; *ibid.* 1956, No. 41, §185; *ibid.* 1958, No. 68, §336; *ibid.* 1968, No. 46, §334; *ibid.* 1973, No. 32, §191; *ibid.* 1982, No. 14, §113; *Rzeczpospolita* 1983, No. 172; *ibid.* 1984, No. 199; *ibid.* 1985, No. 136; Dziennik Ustaw PRL 1987, No. 4, §178: Establishing a Ministry of National Education; *ibid.* 1990, No. 65, §385. A number of other amendments adopted after 1990 did not refer to the issue of autonomy.

number and extent and were at risk of failing to interact positively for the benefit of their respective societies. Until then, the first function of the university as a centre of advanced learning had served the process of study and advancing the state of human knowledge for its own sake, with a hierarchical organisation extending upward from newly matriculating students to the most respected scholars. However, as an agency for public policy and as a quality service centre, supported by increased public funding, the modern research university had raised expectations that it would not merely be a centre of learning but also be directly useful. Thus, contrary to the equal provisions of its first function, specific areas of knowledge acquired priority over other knowledge, and government support became increasingly selective. Both functions came under pressure when universities around the world extended their roles to serve as the centres of advanced professional and vocational training in their respective societies.

Most crucial and relevant for legislation, however, was the role of the university as a social institution, both within itself and within the whole national society in which it lives. As for the first aspect, the university had to understand and enforce its democratic role, serving as a model of settling conflicts by dialogue. Vocational and professional preparation is specialised, competitive and closely geared to the vocations and professions for which it trains. Yet the student generations of the late twentieth century are in search of more general perspectives. They strive for social change and environmental protection. They seek to escape from the competition that sets them against one another, and try to find co-operative ways of learning. They distrust authority and wish to participate in the shaping of their institutions and the conditions of study offered. These demands became a major reason for legislation in higher education. Legislation responded to these demands with the aim of creating new basic conditions for the building of consensus in academic institutions. As for the second aspect, the dramatic expansion of student numbers after 1960 in all modern industrialised countries extended the role of higher education systems, pushing them to act as agents for the distribution of social and economic opportunities. It was a simple political consequence that the state would increase its own role in shaping the future development of higher education systems, introducing legislation to lay down the necessary regulations for what then unfolded as a shift from a demand-oriented to a supply-determined provision: “probably the most important factor which explains the increased legislative activity in higher education, evident in a large number of countries.”¹⁷

Over and above their diverging functions and national traditions, universities had to restore again and again their role as centres for independent critical thinking about society, or *critique*. Although little evidence of this is reflected in reports of advisory missions¹⁸ due to the non-regulatory status of the issue, discussions showed awareness of this important

¹⁷ George Papadopoulos, Legislative Reform of Higher Education. Reflections on the Experience of the Legislative Reform Project. DECS-HE 93/130. Strasbourg 1993, p. 2.

¹⁸ For example: Bosnia and Herzegovina – Higher Education Financing, Legal and Institutional Requirements. Report of the Working Group (DECS/LRP (98) 4), p. 14, no. 52 (6)

function by recalling events where critical thinking led to a far-reaching political impact, for example, through the leadership of students during the peaceful revolutions of 1989 in Czechoslovakia and Romania. As to its internal impact on style and work of the university, the LRP suggested that it is, at best, the role of critical thinking to penetrate academia as the elixir of its day-to-day work and life. Only indirectly can legislation seek to stimulate the influence of this role, by setting up a system of checks and balances in which individuals and bodies have defined powers and obligations so as to help assure consensus on the core principles to which the role of critical thinking, indeed, belongs. What lies beyond the capacity of legislating and regulating, even for the purpose of internal statutes, is the creation of a forum and practice of critical dialogue on the patterns and nature of one's own scientific and academic work within the community of scholars and students. A system of internal and external peer review may help to create it. The individual's responsibility for knowledge cannot however be transferred to others. To shatter the modern concept of value-free knowledge for its own sake was once in the late 1960s the ultimate goal of the revolt extending from Berkeley to Belgrade and Warsaw. Legislation responding to its repercussions could seek either to oppress or to restore the basic function of the university in which the role of critical thinking is rooted. It cannot, however, *per se* prevent or promote an intellectual and moral redefinition of the university's mission to achieve integration of knowledge and to inject responsibility into it. Autonomy, in its fullest sense, was discussed in fora under LRP auspices as a burden rather than a privilege, as an accountability of the academic community, *inter alia* for students' participation in the course of restoring coherence and the critical function of knowledge.

4. European diversification as an ambiguous legacy for the Legislative Reform Programme

4.1 From proliferation to synergy: advice for mastering the diversification of higher education

In central and eastern Europe, the principle of the division of labour, in the excessive version of centrally planned economies, has left a deep mark on the systems of higher education and research. Contrary to this specific feature of European division which the new democracies inherited at institutional level from the segmentation and fragmentation of their academic and science sectors, an innovative element of diversification started to enrich their study systems and the ensemble of institutions designed to deliver professional and vocational higher education. To the extent that both the diversification of higher education and the upgrading of some sectors of vocational education called for the evaluation of ongoing developments to prepare for future strategic planning and decision-making, the Legislative Reform Programme gave a long-term priority to professional and vocational higher education. This is reflected in two workshops (Bratislava 1993, Dubrovnik 1997), two study visits (Flanders 1996, Ireland 1997), two regional missions (1996, 1999), and an important publication, jointly with the European Training Foundation (an agency of the European Union with headquarters in

Turin), representing a first major attempt to map the emergence of the “sector of tertiary professional and post-secondary vocational education” in central and eastern Europe.¹⁹

Given the diversification both of study systems and types of higher education institutions in western countries, it did not seem to be difficult for the Programme to predict, and prepare for, a similar development in the other part of the European continent. During the past thirty years, the non-university sector of short-cycle post-secondary institutions had established itself as a dynamic factor within the higher education systems of many countries. The four main objectives and motivations of this reform seemed to remain valid for the other countries: “to cope with the pressure of numbers; to contribute towards greater equality of opportunity; to respond to growing the needs of a wide and diversified range of qualified manpower; and to generate change in the post-secondary systems as a whole”.²⁰ In the meantime, however, the employment system underwent dynamic changes, in particular the emergence of the quickly expanding sectors of information technology, science-based industries, and the entire multi-media and quality service fabric, while, at the same time, a vast number of traditional professions declined. Consequently, study provisions were to become more diverse as compared to traditional field, level, and skill settings, all together requirements with a tendency to destabilise the institutional division between, and the structural cohesion within, the sectors of post-secondary vocational and tertiary professional education.

Under these conditions, it was rather difficult, if not impossible, to establish a clearly drawn sector of non-university professional and vocational post-secondary education in central and eastern Europe according to a single successful tradition. Since an indisputable European model was not at hand, developments went into the same opposite directions as in western countries. The NIS countries, like Spain or the United Kingdom, diversify higher professional and vocational education within an overall unitary system; the Czech Republic, for example, uses a “rainbow model” of diverse institutions and approaches to serve the same sector of training and target occupations. In Poland, the “Law on Professional Higher Education” (9 May 1997) has opted for a system of institutions to serve a single type of programme with a different type of degree (“licentiate”) as compared to university programmes and degrees, not unlike German *Fachhochschulen* and Dutch *hogescholen* but beneath university level.

With some exceptions, some common features seem to include urgent developments over-running planning procedures, as indicated by an influx of new entrant students close to the number of those entering university-type programmes; the domination of a vocational/professional approach, even in Bachelors degree programmes, although the sector is not only publicly funded but also publicly designed; employers and the labour market in general not yet being sufficiently consolidated to participate in its shaping; this explains why

¹⁹ M. A. Hennessey, O. Lampinen, T. Schröder, H. Sobkova, J. Setényi, U. Teichler, *Tertiary professional and vocational education in central and eastern Europe*. A cross-country report produced by the European Training Foundation and the Council of Europe, Strasbourg/Turin, 1998, 131 pages.

²⁰ George Papadopoulos, *Education 1960-1990. The OECD Perspective*. OECD Historical Series. Paris, OECD, 1994, pp. 103-4

the sector is institutionally-oriented rather than programme-directed. While vocational/professional higher education is controlled by semi-state agencies for evaluation and accreditation, a systematic state policy for training of teaching staff combining academic, general and professional competence does not seem to be developed. However, the sector of tertiary professional and post-secondary vocational education is still at an early stage of implementation. The ETF/LRP study was the first methodological approach to shed some light on a dynamic development which turned out to be an urgent response to a rather delayed expansion of higher education in central and eastern Europe.

4.2 From separation to integration: advice for strengthening the coherence of higher education and research

Central and eastern Europe is rich in, and burdened with, fragmented institutions of advanced learning at the level of universities and technical universities. With a record of some forty to fifty years, most of these establishments obtained an independent existence by way of amputation of former faculties and schools from their mother universities. What once had been implemented following a pseudo-argument to stimulate, by division of labour, the different sectors of a centrally planned society and economy, was aimed, as a matter of fact, at nothing less than a dissolution of the last powerful centres of virtual resistance, excepting the Catholic Church and the national Protestant churches. Two types of schools, theology and economics, were released by reason of negative and positive discrimination respectively. In most cases, the former, surviving as theological seminaries and academies under the umbrella of their churches, returned to their universities of origin after 1990. The latter, being elevated in both socialist and capitalist systems to key sciences for any future development, never thought of giving up their independent position, thus restricting the choice of the students to a narrow spectrum of economy-related fields. The same atavistic reason for keeping “independence” at the expense of being cut off from the broader humane mission of the university applied for the numerous institutions of medicine, veterinary medicine, agriculture, forestry, food sciences, physical education, architecture, mining and all sorts of technology, which today fill the catalogues of upgraded universities as appendices to higher education laws.

During the first four years of the Legislative Reform Programme the restructuring of the institutional landscape in central and eastern Europe was a matter for constant discussion and advice, and turned out to be the most difficult of all reform issues. What was lacking, to set the framework of legislation, was rather a consensus on the part of the academic sector rather than a *concept* on the part of governments and parliaments. For institutions that had become separated and recently autonomous, it was not a very convincing argument that, under the same former system, Czechoslovakia and the German Democratic Republic never agreed to release faculties of medicine from their universities; indeed, Charles University continued to maintain five medical schools inside and outside the City of Prague. Nor was the example of the former Yugoslavia, with undivided university systems in Zagreb, Belgrade, Ljubljana,

Sarajevo, Skopje, Novi Sad and other places, ideal for learning lessons as to the arbitrary and ideological origin of the fragmented institutional map in Poland, Hungary, Romania or Bulgaria. More persuasive, indeed, was an indication that the five higher education establishments in the City of Plovdiv could attract internationally respected partner universities more successfully if they were to focus their efforts on institutional coherence and common visibility. After two advisory missions to Bulgaria (1992/93), it came as a surprise to the constituencies and to the LRP that the three institutions in the City of Varna which today carry the titles of the Technical University, the University of Medicine, and the University of Economics, had officially agreed to form a single university; however, they lost their valuable momentum when their delegation was told in Parliament that as long as the new Law on Higher Education was still being drafted (1991/95), a special Act on the foundation of a new university could not attract majority support.

It may count as a permanent success of the first and second advisory missions to Hungary (June 1992, April 1993) that a more procedural approach to address the issue of fragmentation is reflected in Act LXXX of 1993 on Higher Education as amended by Act LXI of 1996.²¹ In several consultation meetings, ranging from Ministry advisors to the Rectors' Conference and a group of legislators, the LRP experts repeatedly offered suggestions, on request, as to how to reverse the decades-long process of regional segmentation of higher education, e.g. in the areas of Budapest, Debrecen, Pécs and Szeged, by introducing a four-step procedure:

- a. regular and formal consultation between rectors to prepare for institutional co-operation;
- b. agreed co-operation between regional institutions in the sectors of study, teaching, research, and resource management;
- c. incorporation of higher education institutions into legal entities;
- d. integration of associated institutions by transformation into a single higher education establishment at the level of university, professional higher education, or vocational college (belonging in countries of central and eastern Europe, unlike some western systems, to tertiary education).

While the matter was not yet mature enough to be included in the Hungarian 1993 Law on Higher Education it was eventually further developed to become the most important innovation, excepting the sophisticated financial regulations, of the 1996 Amendment Act (sections 11, 11A, 11B, 12, 12A). Regulations stipulate that higher education institutions "may form associations" with legal entity status (section 12.1). Institutes of the Hungarian Academy of Sciences and other research institutes "may participate" in associations (section 12.2). Their purpose is to conduct and facilitate "harmonised" activity, and "mutual" centres,

²¹ *Higher Education in Hungary: The Higher Education Act*. Ed. By Tibor G. Nagy and Rózsa Juhász, Budapest: Hungarian Centre for Equivalence and International Mobility, 1996.

of education and research (section 12.3). Associations are formed by contract and confirmed by the Government (section 12.4). Further requirements are outlined in the Law (sections 12A. 2-4) or shall be specified in a decree (section 12A.5). Of key importance is the following amendment: “The higher education association is a transitional organisational form aiming at full merger which shall be transformed into a single, independent, united higher education institution by Parliament within two years of the association being formed” (section 12A.1). It is not necessarily within the scope of an LRP Policy Report to evaluate the results of these provisions, which have some looser parallels in other national higher education acts.

To sum up and complete the picture of major structural changes which the higher education systems in central and eastern Europe started to undergo, advice was given that the appropriate ministerial structures concerned with higher education should assume, by concentrating diverging ministerial competences, an overall responsibility in terms of governance and budgetary authority for all institutions of higher education. At the same time, legislation was called upon to encourage a step-by-step consolidation and integration of separate institutions with restricted missions into systems, mainly on a regional basis, in order to enhance co-operation in both teaching and research, including new opportunities for students to combine fields and course programmes. A recommendation was also made for the introduction of legislative and other incentives to improve co-operation between teaching and research institutions. However, a strong division of labour between Ministries of Higher Education and Committees for Science and Technology prevented a co-ordination of policy and legislation in both sectors. Thus the chance to build closer links between teaching and research and their respective institutions was postponed. In practice, legislation for higher education and for scientific research proceeded independently from each other. Time and circumstances were not yet sufficiently mature to introduce a system of integrated planning in higher education, and where the first legislative steps in this direction have been taken, most of the intermediary bodies at national level are reported to be working efficiently only if they are assigned clear-cut decision-making competences, even though they may have the formal function of advisor to the Minister. All these issues deal with a notion of integrating institutions and their academic responsibilities in order to improve quality and efficiency, fairness, and competitive performance.

4.3 From segregation to recognition: advice for establishing an academic *modus vivendi*

The largest investment ever made by the Legislative Reform Programme to replace segregation by co-operation was the twin effort in Bosnia and Herzegovina to assist in setting up a national Higher Education Council and a World Bank Project for education development and reform. Since the Dayton Accord of November 1995, the LRP has carried out some twenty missions to meet with Ministers, rectors, and other officials inside and outside the country. With the Secretariat taking a leading role, two project teams of international experts were engaged: the one to draft, discuss, and – as far as possible – achieve consensus on the Statutes of the Higher Education Council; the other, assisted by a team of local consultants, to analyse and document, as a legacy of the former Yugoslavia and the Washington and Dayton

Agreements, the strengths and weaknesses of the education structures of Bosnia and Herzegovina. The latter project, the first joint study ever undertaken by the Council of Europe and the World Bank, resulted in a frank and comprehensive report on “*Education in Bosnia and Herzegovina*”,²¹ presenting the situation of the entity-divided and (in the Federation) canton-diverse educational system in all its contextual complexities – historical, political, administrative, organisational and financial. With the aim of identifying the main challenges that confront its future development, and of suggesting ways and means by which these challenges can be met, the Report is linked to the purpose of the first project: to establish an institutional basis for co-ordination of higher education including sector-wide procedures for planning, funding, quality, recognition, mobility, international relations and draft legislation.

With seven universities,²² unequal in size and development, equal, however, in strict loyalty to their three divided constituencies, the political and institutional disintegration of the higher education system in Bosnia and Herzegovina has proved to be the main obstacle to the progress and support for the young talent with which the well-educated region is so rich. By stages, the LRP was instrumental in starting a negotiation process for the setting up of an intermediary organisation, the Higher Education Council. In the aftermath of a terrible war, with a legacy of physical and social destruction and personal wounds, a cautious meeting on thin ice, yet inspiring, brought together in June 1997 in Graz representatives from all sides of the country. After further meetings held in Strasbourg and Paris, a preparatory group met, under the auspices of the Office of the Higher Representative for Bosnia and Herzegovina (OHR), in Berlin in August 1998, including Ministers and university rectors from both Entities and the three communities, as well as representatives of the European Union and Unesco. In three meetings held in Mostar, Banja Luka and Sarajevo, a joint working party developed draft statutes for the Council.

Substantial agreement has been reached on:

- a permanent advisory mandate on all matters of higher education policy;
- an executive mandate for the management of development funds placed at the disposal of the Council by government and international donors;

²¹ *Education in Bosnia and Herzegovina Governance, Finance and Administration*, Report prepared on behalf of the World Bank by a project team of the Council of Europe’s Legislative Reform Programme in Higher Education and Research, DG IV, Education, Culture, Youth and Sport, Environment. Strasbourg: Council of Europe, 1999, 88 pages.

²² University of Sarajevo, founded 1949 (Canton Sarajevo; Bosniak majority); University of Banja Luka, 1975 (Republika Srpska; Serb majority); University of Tuzla, 1976 (Canton Tuzla-Podrinje; Bosniak majority); University (Džemal Bijedić”, Mostar, 1977 (Canton Herzegovina-Neretva; Bosniak majority); University of Mostar, 1992 (Canton Herzegovina-Neretva; Croat majority); University of Srpsko-Sarajevo, 1993 (Republika Srpska; Serb majority); University of Bihać, 1997 (Canton Una Sana; Bosniak majority).

- the composition of the Council to include both university and government representatives;
- the principal organs of the Council (Assembly, President with a Secretariat, standing committees on accreditation and on finance), and their competences;
- a decision-making principle of consensus;
- the basis of financing, and the organisation of the Secretariat.

A small number of issues remain outstanding, in particular the method of establishing the Council, procedures of admission of new member institutions, and the possible use, in special cases, of majority voting. It is to be regretted that Bosnia and Herzegovina seems to have lost momentum since donor commitments have declined from 1995 to 1998²³ and international organisations have shifted their priority to Kosovo. Sustainability of commitment to Bosnia and Herzegovina seems however to be the litmus test of a trustworthy engagement in other crisis areas, and frustration: a bad counsellor in politics may become an uninvited travelling companion on the road through both areas.

5. European transformation as an imperative for the Legislative Reform Programme

5.1 From independence to agreed dependence: advice for shaping an emerging global equilibrium

“Transformation and transition” can be defined as two action lines of a single concept to interlink global as well as national efforts towards the creation of a new world. What seems to be guided merely by pragmatic policy can never progress without the shining light of a theoretical concept of the future. Until recently, the world was one of claims for autonomy in the sense of freedom from dependence, and one of enforcing dependence with autonomy, neglected or oppressed. What can no longer be accepted as an idea of the future is the dualism, even antagonism, of these two concepts. Their mechanisms have produced disastrous results at all levels of regions, nations, and groups. In striving to overcome these constraints, and since there is no royal solution to the dilemma, the idea inherent in the concept of transformation and transition seems to be action towards an equilibrium between autonomy and dependence. That is to say that the concept of equilibrium is based on the voluntary and mutual agreement that autonomy accepts dependence and dependence respects autonomy. Far from being a solution itself, the concept sets a framework to seek and find solutions to any problem which might occur within the matrix of autonomy and dependence. It is this scheme within which all intergovernmental organisations, i.e. all member states, operate by means of conventions, directives, recommendations, judgements, and sanctions. As a process to

²³ Total commitments for education were USD 110 million in 1995/96, USD 49 million in 1997, and USD 13 million in 1998. *Education in Bosnia and Herzegovina* (note 19), p 20, no. 64

democracy at European and world levels, it is still fragile and imperfect but worth the effort to develop and defend. There will be no progress without the illusion of a better-balanced world.

One of the achievements of the Legislative Reform Programme was its contribution, in the countries it advised, to the widening of perspectives for national legislation from transition to transformation. In a global framework marked by tensions between a policy of national consolidation and a strategy of international integration, it was important to ensure that excessively obvious contradictions were avoided. To address and rule out those contradictions in a normative context such as European directives and conventions was an easy task. To offer non-arbitrary, informed guesses on international trends in the development of higher education was, however, a much more delicate endeavour.

One of the relevant examples extending to all countries of central and eastern Europe is the choice of the future model for the organisation of studies. Most countries in central and south-eastern Europe were just rediscovering traditions to root their study systems in the continental European platform of a long-term, research-based, professional-degree curriculum, followed by a dissertation project for obtaining a doctoral degree in a specific sector of study (Dr. theol., Dr. jur., Dr. phil., Dr. rer. nat., Dr. Ing., etc.). However, the experts of an LRP mission to Russia in March 1992 discovered on their visit to the headquarters of the Conference of Eurasian Universities, based in Lomonosov University in Moscow and including the fifty or so major universities of the former Soviet Union,²⁴ that the conference had recognised the expansion of the Atlantic model of study systems to Asia. In as early as 1988 it had recommended that the Ministry and the Soviet Republics of member universities should introduce the “stage scheme” with a sequence of Bachelors, Masters, and Ph.D degrees. Before advisors could take a stand they had to take note that the “stage scheme” had found a foothold in a vast number of newly-emerging democracies. By its successful penetration, the scheme features as one of few examples, if not the only one, of an important American influence starting to enter and change central Europe from the East rather than, as usual, from the West.

As in many cases where transformation overlaps with transition, the matter was far more difficult than the simple replacement of the structure of a certain system by that of another system. The LRP had to extend its discussions not only to the independent research sector but also to primary and secondary education inasmuch as they interlink with tertiary education, in terms of general and vocational qualifications, in terms of criteria and procedures of access and in terms of duration of cycles. In this sequence, the issues were discussed with increasing frequency; in the last case, almost always in connection with the “stage scheme”. With a view to this scheme, it makes a difference as to the duration of schooling and studies up to a first professional university degree whether school leavers enter Bachelors studies after cycles of

²⁴ In the period of *détente* between the two superpowers after 1987, obviously the models of the Association of American Universities (AAU), in terms of number of members, and the National Association of State Universities and Land Grant Colleges (NASULGC), in terms of leading state institutions, acted as godfather and godmother.

ten to eleven years, as in the former Soviet Union, or after eleven to twelve years, as for instance is currently the case in Bulgaria, or after twelve to thirteen years, as is found, for example, in eastern and western Germany respectively. These formal divergences clearly indicate, in an age of competitive order, the international inequalities between the different Bachelors degrees.

Another problem arises from the content of studies (as some of the LRP experts came to learn, in other capacities, in selection procedures for western scholarship awards) and from the professional value of the degree. The Bachelors degree is not yet acknowledged, in most professional sectors, as sufficient preparation for professional purposes. And finally, since it is the source of the attraction which made the American “stage model” so impressive for Asia and Europe: the “delightful” American liberal arts college is such a completely different educational institution compared to the form and style of the new European curricula that the process of learning should start again at the origin of the model so eagerly copied. However, all these arguments, shared or unshared from a national point of view, dividing even LRP experts into supporters and non-supporters, reflect only how painfully the transformation must proceed when gradually setting a new equilibrium between autonomy and dependence for the large and diverse European sector of professional education. Convergence of degree structures in professional post-secondary and tertiary education can find a foothold in the Maastricht Treaty of the European Union. If formalised by a General Directive, it will leave no European study system untouched.

5.2 From consolidation to progress: advice for establishing partnership with democracy

Innovation in higher education and research depends on numerous factors; two of these are democracy and demography. In most countries in western Europe they have acted as the main accelerators of rapid change during the 1970s and the 1980s. For two-thirds of the century, however, the policy of openness of higher education to young people of talent and ability expressed exclusively the intrinsic values of the university. The institutions of advanced learning and inquiry had to go a long way to understand the purport of their mission as linked to the principles of the democratic state and society. As in most western higher education laws this traditional reservation of European universities – and states – is still reflected by higher education legislation in the countries of central and eastern Europe. The terms “democratic” and “democracy” are rare and shimmering flowers in the full baskets of their legislative codes. If, for example, “higher education institutions play the key role in scholastic, cultural, social and economic development of society”, why not, at least, a role in the democratic evolution of society²⁵ or: that academic rights and freedoms “must be in conformity with the principles of democracy, humanism, and the rules of law”²⁶ indicates the search for an equilibrium. However, could, for example, humanism as a natural right annul the principles of

²⁵ Czech Republic, *Higher Education Act*, no 111, of 22 April 1998, art. 1.

²⁶ Slovak Republic, *Higher Education Act*, no 324, of 23 October 1996, § 2 (2). Similar: Ukraine, *Law on Education*, 1997, preamble and art. 6

democracy and the rule of law in the case of conflict? The sequence shows at least that humanism, as a philosophy of life and virtues, still tends to cut short the young shoot of democracy.

Within and beyond a perspective of transformation, it is the first imperative of higher education to strike, in response to social change and political challenge, a new and sound balance of academia and democracy. Discussions under the Programme highlighted this imperative in four directions. First, higher education has to be aware that there is no such thing as a value-free science and a value-free university.²⁷ The confusion that once arose on this point is irrational and dangerous. While the scientific method abstracts from emotion and proceeds rigorously regardless of motivation and purpose, the scheme of scientific work is application of human reason in the most logical manner. Reason strives to discover the logic of the physical world, as it seeks to understand the logic of the social world. So far with unequal success, both endeavours are aimed at a rational conduct of life including such prospects as striving for liberty, justice, and peace. Consequently, higher education is founded ineluctably on an inner core of human values expressing ultimately the key role of reason and its trustworthy application. At the turn of the century which over long periods transformed numerous European universities, contrary to their mission, into centres of political ideology we must have learnt that the institution whose very existence is justified only by its foundation on reason can by no means be established as firmly on self-referential grounds as its modern founders once supposed it to be.

Secondly, the great thinkers rooted the university in the mission to cultivate science (*Wissenschaft*) “as an appropriate material for shaping the intellectual and moral development” (*als Stoff der geistigen und sittlichen Bildung*), whether in the interest of forming “character and action”²⁸ or “as an end which may reasonably be pursued for its own sake”.²⁹ Perhaps the most ingenious part of their theory on the university is the role of autonomy in science as an individual and social learning process; it is the core principle in the origination, as well as the leading principle in the organisation, of the study of science. The great thinkers could, however, not foresee that the antinomies of their comprehensive concepts of the modern university would lead, irrespective of the function of the state, to the disconnection of its powerful constituents. Knowledge, as it originated from this concept, was proliferated by the sciences and humanities to the extent that it accelerated to escape, rather than to shape, control of the human mind. Autonomy, as a firm determination by a self-given law of freedom, would change its meaning into the opposite notion to be relief from the burdens of personal and institutional responsibility. And imagination, source of both the theoretical integration and the practical projection of knowledge for building a rational,

²⁷ Steven Muller, *Toward a new American University*. Dialogue (13) 1980, pp. 3-13; p. 9.

²⁸ Wilhelm von Humboldt, *On the Internal and the External Organisation of the Higher Scientific Establishments at Berlin* (1810). Works in Five Volumes. Ed. By A. Flitner and K. Gieb. 2nd Ed. Darmstadt: Wissenschaftliche Buchgesellschaft, 1964, vol. 4, pp. 155, 258 (translation by the author).

²⁹ John Henry Newman, *The Idea of a University* (1853). Ed. By J. Svaglic. Notre Dame, Indiana: University of Notre Dame Press, 1982, p. 114.

though hypothetical, idea of the future, mutated back to become a gate of entry for the myths of the twentieth century. From Spengler's "Decline of the West" (1918) to the "Memorandum" of the Serbian Academy of Sciences on the traumatic rise and fall of a greater Serbia" (1986),³⁰ it is one of the painful lessons of recent European history that magic could hold its ground in our public as well as in our academic life as a rather "invulnerable" power.³¹

Thirdly, after numerous self-inflicted moral and intellectual defeats, higher education in Europe had to learn three lessons: first, to depart from the central dogma of the pursuit of value-free knowledge for its own sake; second, to re-determine autonomy as intellectual and moral responsibility as well as institutional accountability; third, to join the "essential partnership" of education and democracy: "Democracy cannot succeed without education; education cannot succeed without democracy".³² In terms of geographical range and institutional change, and with respect to the intensity of participation and controversy, the reform continuing then by stages since the late 1960s can be considered as the largest transformation ever in the history of European higher education. Edgar Faure, when introducing, as Minister of Education, the bill of the famous "*Loi d'orientation*"³³ to the *Assemblée nationale* on 1 October 1968, was fully aware of the historical dimension of the project which assumed a pilot function for European higher education legislation in western countries. He spoke of the "end" of the Napoleonic system and the proposal for a "courageous re-arrangement of the most important service institution of our nation", quoting during the first reading the words of Chateaubriand: "*Il est plus tard que tu ne crois*". The quintessence of the Law, however, is the concept that "universities must conform to the democratic development demanded by the industrial and technical revolution" (art. 1, § 3).

³⁰ For one of the late consequences of the "Memorandum" compare the Serbian Law on Universities of 28 May 1998, abolishing the autonomy of Serbian Universities, and the opinion prepared by the LRP (CC-HER (99) 28) leading to a position of the Higher Education and Research Committee at its 6th plenary session, 16-18 March 1999 (CC-HER (99) 31).

³¹ Ernst Cassirer, *The Myth of the State*. New Haven and London: Yale University Press, 1946 and reprints, p. 296.

³² Robert L. Clodins, The Essential Partnership. In: *Serving the World. The People and Ideas of America's State and Land-Grant Universities*. Washington: National Association of State universities and Land-Grant Colleges (NASULGC), 1987, p. XV. A century prior to European legislation, the Morrill Act of 1862 led American higher education to partnership with democracy. Europe, not taking notice, was only proud to be the model for the American research university (John Hopkins University, 1876).

³³ Loi no. 68-978 du 12 novembre 1968 d'orientation de l'enseignement supérieur. In: Hochschulreform in Frankreich – Rahmengesetz 1968 (Higher Education Reform in France – Framework Act 1968). Ed. by Westdeutsche Rektorenkonferenz (WRK). Dokumente zur Hochschulreform VII/1969. Bonn: WRK 1969, pp. 212-227; Faure's introduction: L'Education, 3 October 1968, pp. 19 ff., in WRK Ed. pp. 22-36. (translation by the author).

Fourthly, it is a delicate, though necessary, mission of higher education institutions to prepare for democratic citizenship.³⁴ Since illusions as to the strength of academic virtues to resist dictatorial *Gleichschaltung* had been dashed several times during this century, the role of the university to provide democratic education for students seemed to go beyond its abilities. The student revolt of the late 1960s took one more step in the investigation of the causes of the veritable failure of academia during the time of dictatorial pressure, meaning, however, that the moral-political role or, in different terms, the democratic role of higher education, once corrupted, then suppressed, must be re-established. Thus, in many western universities, this role of the university became the most vital, perhaps the most crucial, issue of the 1970s. German legislation, for example, responded by the unique, and critical, provision that it is the “purpose of study” to enable students “to perform scientific or artistic work and to act responsibly in a free, democratic and social state governed by the rule of law”.³⁵

To sum up, education and democracy are still in the process of striking a balance and founding a new partnership. All European countries, including those of central and eastern Europe, are anxious to support, yet not to enforce, this process. One of the reasons why legislation usually does not wish to shed light on the search for an equilibrium between the two powerful traditions by way of overarching principles is, regardless of legislative concept, the fear of laying down a series of values that may come into conflict when made justiciable. The real problem, however, seems to be that the term “democracy” plainly needs an interpretation from each national point of view. For example, it can be stipulated as a “main mission” of higher education “to educate students in a sense of respect for human rights, patriotism, democracy, and responsibility for the common good”.³⁶ As we enter the twenty-first century however, it is necessary to adjust the balance of *paideia* and *politeia*, the age-old problem of European history, to higher levels of political integration as well as to wider levels of participation. Democratic citizenship, as a goal shared by higher education, needs to find the perspective of a community of European nations and their interactive role in building a global balance of interests by understanding and co-operation. It needs to discover the transparency of the struggle of reason against its barriers in the history of Europe and its nations. It needs to be encouraged to exercise active membership by participation in the search for rational consultation and decision-making of higher education institutions. And it needs, finally, to provide reassurance that unless misused by orthodox ideology or violent action, the democratic role of higher education is truly in line with its basic function to be the

³⁴ Chancellor Willy Brandt said once when introducing German “*Bildungsreform*” to the Bundestag, by playing on words: “The school of the nation is – the school”.

³⁵ Federal Republic of Germany, Framework Act for Higher Education (*Hochschulrahmengesetz – HRG*) of 26 January 1976, Bundesgesetzblatt I, no. 10, p.1976, sect. 7

³⁶ Poland, The Law on Professional Higher Education of 9 May 1997, art. 3 (4). Monitor. Forum. Kwartalny dodatek prawny do ‘Forum Akademickiego’, no. 2/97, June 1997, p. 2-10. Similar, however as a ‘further’ mission, in: The Law on Higher Education of 12 September 1990, art. 3, 3.1). Dziennik Ustaw, no. 65 of 27 September 1990, pos. 365. Polish legislation is one of a few examples in Europe to include “respect for democracy” in the general mission charter of higher education institutions.

required and acknowledged centre of rational inquiry and advanced learning. Higher education covers the capacity to resist any temptation of the irrational but it needs to be in loyal and critical partnership with democracy.

5.3 From change to change: advice for standing the test of transformation

On the eve of the twenty-first century the changing role of higher education is to prepare itself for change: not gradual or partial change, but rather an urgent and drastic transformation. In particular, the university, the most sophisticated human institution developed for transmitting and advancing human knowledge, must recreate itself or perish. The main reason is that the revolution produced by electronic technology continues to accelerate. It is not only that it creates an abundant wealth of new knowledge and an overflowing waste of transient knowledge: it also rattles the fundamental belief of educational institutions. The concept of learning, as in *studium*, evokes the idea of acquiring human knowledge by clear and distinct thinking, not by accumulating information, data, and facts. The process of teaching centred in the core areas of academic work faces competition from electronic availability of high quality information at any time and place. The scheme of education for the 18-22 age group may be altered if information on any subject is available on a life-long basis without need for any formal instruction. Of course, the university has transformed itself before. From faith to reason, from reason to inquiry, it found new grounds to re-root its mission. The problem is not to be uncertain of the university's vital fare to reform or even recreate itself one more time. The plain fact is that we have no clear idea of what the university is in the process of becoming – except that we face the prospect of change.

Under conditions of rapid change the situation of legislation for a policy sector such as higher education and research was more than delicate. In order to steer transition to democracy legislation had to enforce the rule of law to meet European standards and the goals of national policy. By doing so, it was at risk of weakening the pace of educational adjustment responding to unavoidable change. On the other hand, with a view to institutional transformation, legislation was petitioned to provide for space so as to stimulate the continual adaptation of academic institutions to new developments of the knowledge industry of which they are part. However, given the still inadequate management structures of these institutions, legislators, by leaving space, had to be aware that they were losing their responsibility and the opportunity to get the process of reform under way. Above all, legislation could not avoid allowing higher education institutions, as educational enterprises, to participate, within the limits of their purpose and mission, in the process of transition to a market economy, at least by reason of the enormous financial constraints endangering the survival of their operational scheme. Yet, in a reverse direction, legislation had to ensure that the same institutions fulfilled their public mandate to provide higher education according to equity (non-discrimination) and equal opportunities, certain social standards and fair procedures.

Given the formidable task of setting these conflicting requirements in a national legislative equilibrium one would not expect to achieve the miracle of piloting the liners of higher

education laws between Scylla and Charybdis without a scratch. However, it must be firmly acknowledged that most of the different law projects which have been adopted in central and eastern Europe during the last decade at least include all these diverging aspects in their concepts of regulation. Gradually, in drafting and passing a second generation of higher education acts, ministries and legislators have succeeded, on the basis of intensive discussions with and within the academic sector, in establishing a better balanced system between levels of legislation and the allocation of the competences included. It was the concept of legislation for higher education and research to which the Legislative Reform Programme ultimately rendered its largest contributions. They correspond to numerous successful efforts on the part of higher education leaders as well as law-makers in government and parliament, reflecting the common European heritage and perspective of conceptual thought in shaping academia.

Part two: The Policy Model of the LRP

Synthesis by the Secretariat

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Note on terminology

Older members: the 21 member states of the Council of Europe in 1989 and the Holy See

New members: the other 26 states that have since adhered to the Cultural Convention

NIS: newly independent states of the former Soviet Union (corresponds to CIS members)

Universities (unqualified): higher education institutions, except in the context of diversification

Colleges: non-university higher education institutions, however named.

Missions are referred to by country and year, e.g. (Slovenia, 1994); document references are available in the factual report.

Part two - The policy model of the LRP Synthesis by the Secretariat

1. Introduction

The Legislative Reform Programme in Higher Education and Research (LRP) was given an ambitious mandate: no less than to support the entire process of reform in a vast sector, involving about 10 million students in the new member states - around half of the European total - and a million staff in over one thousand institutions. Higher education systems are too complex to be managed like the even bigger but much more homogeneous systems of the public schools. The favoured metaphor today for state policy is steering:³⁷ Although ambiguous, and eerily reminiscent of Rousseau in its hopeful view of the Legislator as a rational single will, the language has the great merit of suggesting a limited power exercised to affect the direction, not the daily life, of its object. However, no government or expert treats the problem as solved and filed. There is no universal road map.

Broadly speaking, the new member countries had three consensual objectives for the universities and academies that made up their higher education systems: to preserve the substantial, if battered, intellectual heritage they embodied; to modernise them to meet the changed demands of democracy and a market economy; and to gain them the moral and practical recognition that, like Cinderella, they needed to go to the longed-for ball of international exchange and collaboration. The third objective was perhaps the one that opened the door to international assistance on the first and second.

The contribution by the General rapporteur, Peter Fischer-Appelt, describes the origins and the environment of the LRP's work, in the two parts of Europe now rejoined within the Council.³⁸ He recalls that the LRP may have had no grand theory, but it did possess a partly catalogued and largely virtual storehouse of knowledge, distributed among the members and institutional memory of the Committee that created it. The present document seeks to identify the policy model or models of higher education that the LRP took in its baggage, whether as it were on the outward flight to the new members or, enriched by the encounter, on the return. In many cases, what was discussed and learnt related to the circumstances of the country or the time, and is of little policy interest today. It is the general, or at least common, features that are relevant to the evaluation of the wisdom of the LRP's activity. This paper is intended to allow the independent auditors, the CC-HER and member states to form their own judgement.

The report does not directly address the quite distinct question of the impact of the LRP on the views and practice of decision-makers. This task is left to the independent audit and the forthcoming debate in the CC-HER, including representatives of the new member countries.

³⁷ See for example in't Veld R., Füssel H-P., Neave G., *Relations between the State and Higher Education*, Vol 1 in the series *Legislating for higher education in Europe*, Kluwer Law/Council of Europe, The Hague 1996

³⁸ Document CC-HER (00) 09.

2. Norms and their sources

2.1 Explicit norms

The LRP from the beginning faced the question from its interlocutors: what are the European standards on this or that problem? Or, implicitly, was its advice simply based on the personal views of the experts present, a small sample drawn from the diversity of European Higher Education? In other fields, such as human rights, or in accession negotiations to the European Community, the *acquis européen* was clear; but in education, western European states had systematically declined to yield up the sovereignty needed to build up the comprehensive set of standards for which the new members were probing.

A second general difficulty was that advice had to be given from a “European” standpoint that was itself shifting. National policies and practices evolved during the reference period, and their European component increased. The recent Sorbonne and Bologna declarations, by an informal but influential group including the four largest European Union (EU) nations, accepted the new goal of convergence of degree structures. Good practice on quality was another area of rapid change and convergence.

The LRP was however able to draw on a number of relevant standards that have been laid down in European texts (by the Council of Europe except where otherwise stated):

- a. Freedom of expression: the European Convention on Human Rights, Article 6;
- b. University autonomy, and the linkage of teaching and research: the *Magna Charta* of the European Universities, adopted in Bologna by the CRE in 1988;
- c. Mutual academic recognition of school-leaving and higher education qualifications: the joint Council of Europe/Unesco Lisbon Recognition Convention (ETS No.165), 1997, consolidating obligations of Conventions of 1953, 1965, 1959, 1979 (for Unesco), and 1990;
- d. Mutual state recognition of regulated professional qualifications: the European Union General Directives on professional recognition of 1988 and 1992, consolidating earlier directives on specific professions;
- e. International mobility of students and academic staff: Recommendations No. R (84) 13 concerning the situation of foreign students, No. R (85) 21 of mobility of academic staff, No. R (96) 7 on regional academic mobility, the European Cultural Convention (1954, ETS No.18), and the European Agreement on continued payment of Scholarships to Students studying abroad (1969, ETS No. 69);
- f. Private higher education: Recommendation No. R (97) 1 on “The Recognition and Quality Assessment of Private Institutions of Higher Education”;
- g. Fair access to higher education: Recommendation No. R (98) 3 on access to higher education; by minorities, Framework Convention for the Protection of National Minorities, ETS No. 157, 1995;
- h. Minority languages: European Charter for Regional or Minority Languages, ETS No.

148, 1992, and the Framework Convention for the Protection of National Minorities (op.cit.)

These texts are of unequal legal and political status. The most fundamental obligation, the free speech article of the European Convention on Human Rights (ECHR), has not given rise to significant jurisprudence in higher education. Their coverage and depth is also very uneven. Items c to g do provide something resembling a blueprint for policy, but several of them were adopted very late in the life of the LRP (indeed, it instigated Recommendation No. R (97) 1 on The Recognition and Quality Assessment of Private Institutions of Higher Education). On the core issue facing the LRP – how to reconcile, in a workable scheme of governance, the demands of democratic accountability and university autonomy – these official norms offered little specific guidance.

2.2 Implicit norms

Over a wider range, the LRP teams were however able to draw on implicit norms, where a common denominator of good practice has been recognised in the older member states either generally or very widely. Like the “customs of the trade” in commercial law, such norms are far from subjective. It is generally agreed for example that quality assessment should be based on self-assessment by institutions, and widely agreed that universities should receive funds from government in the form of block grants rather than detailed line-item budgets. The sources of such norms are dispersed, in reports of international organisations like the Organisation for Economic Co-operation and Development (OECD), statements by the CRE or national rectors’ conferences, and academic literature. The LRP itself has modestly contributed to their development, through its two books and an informal jurisprudence: it has, for example, generally recommended specific legislation for higher education.

In other cases, no such norms exist, and the LRP experts had to give opinions based on their personal experience and knowledge, identified as such. These corresponded mainly to cleavages within western European higher education. One important case, that has absorbed a considerable share of the LRP’s energies, was the organisation of shorter, “professional” higher education through a binary divide or within the university sector. While the LRP has tilted towards the binary solution, reflecting the experience of its major contributors, care has been taken to stress that this is a policy choice, not a European standard.

2.3 Absences

Contrary to the stereotype of international consultants, the LRP teams have not always offered an opinion. The painful dilemmas of lustration (whether and on what grounds to purge former staff closely associated with the old communist regimes) were, by mutual tacit consent, left on one side as matters for the conscience and prudence of each country. Three more conventional issues also, and perhaps more surprisingly, met with a discreet response.

- The first was the organisation of studies on a “stage” scheme (the Atlantic model of Bachelors or licence/Masters/PhD) or a long, research-based first degree (the

“central European” model). As mentioned above, there is now some movement within western Europe in the direction of the former, and the frame of reference is scarcely European but rather world-wide. LRP advisers sometimes merely urged their interlocutors to choose clearly, and not fudge the issue. Most have chosen the stage system.

- LRP advisers did not question the often very high degree of managerial autonomy that universities in the new members have obtained over budgets, property and particularly staff appointments, which is atypical for western Europe and corresponds more to U.S. traditions.
- The tradition in all the new members was to select students for entry to higher education. Selection corresponds to a cleavage within western Europe. However, the principle of selective entry was not challenged by the LRP, although emphatic advice was given on its fairness.

If the LRP’s views were representative, in these cases the practice of the new members may be seen as progressive or at least acceptable. It therefore alters the European average, and if there is an emerging “European model” of higher education it should reflect the new balance, and tilt towards managerial autonomy, staged degrees, and selective admission.

2.4 Reception

How was the advice based on these various standards perceived by the interlocutors in the new member countries? It must be said, unequally. Many of the recommendations corresponded to the pre-existing understanding and goals of the national higher education community, such as guarantees for academic freedom, regulation of the new private sector of higher education, and the right of universities to develop their international relations. Where difficulties arose, this was from inherited features of the system (sometimes of long standing) that were seen as valuable, but were in the eyes of the LRP experts clearly contrary to European standards. Examples, discussed in more detail below, include:

- ministerial appointment of university rectors;
- the autonomy of faculties (in the former Czechoslovakia and Yugoslavia);
- basing financial support to students on merit not academic need;
- involvement of academies of science in awarding research degrees.

The following sections of this report review the tendencies in the LRP’s “doctrine” as spelt out in its activities, and in the light of the categories developed above.

3. Architecture

3.1 Scope of the law

How far can or should higher education be regulated or reformed by law? The LRP was in part set up as an action research project to throw light on this question on a European level. In its practical advice, the LRP also had to take account of the atypical political context, in which law-making had value as an affirmation of the rule of law. It therefore encouraged law-making in principle. The LRP's ideas on the scope of the law are perhaps best seen in the detail of particular issues. However, some general points emerge as implicit norms. A synthetic list of suggested competences by level of legislation, developed by the LRP expert Dennis Farrington from a study of the mission reports, is reproduced in Appendix 1.

3.1.1 Constitutions

The constitutions of the new members now affirm human rights corresponding to the ECHR standard, including the right to education. This was of course welcomed. However, some constitutional provisions on education were found to be too detailed and covered matters of policy, not fundamental rights, best covered by ordinary law. One example was requiring free admission to higher education (which is not feasible in current conditions – see section 4.2.4 below). The LRP even proposed an amendment to the Russian constitution (Russia (1), 1999).

Most of the new members are unitary states, and competence for higher education lies unproblematically with central government. This allocation of responsibilities was not questioned even though regional levels of government have competence in at least five older members, in different ways. Implicitly, the LRP has supported a centralised allocation of competence in higher education. Among the new members, Bosnia and Herzegovina and the Russian Federation posed in very different forms the generally unsolved problem of federalism. In the former, the political and constitutional fragmentation of the system in a small country is extreme, and the LRP concentrated its efforts on building up a consensual co-ordination structure, inspired by the Swiss model (Bosnia and Herzegovina, *passim*). In Russia, the problem is not so much a tug-of-war as confusion, in that regional authorities have no uniform powers (Russia, 1997), and a weakly rooted rule of law in general. The issue of federalism is being pursued in Russia within a new project that brings in all types of education.

3.1.2 Framework and specific laws

The principle of an overall framework law on education was generally welcomed, setting out the overall structure, key individual rights, and government responsibilities, especially in federal constitutions (Russia, 1992; Ukraine, 1994).

A specific law on higher education was strongly recommended, to reflect the specificity of the sector, with its dual mission of teaching and research, adult student population, large and

complex institutions, and their autonomy (Bulgaria, 1992, then standing jurisprudence). A single scheme of governance for all education would not reflect this.

3.1.3 Law and policy development

The LRP has criticised attempts to manage the higher education system in detail through law, for example fixing a minimum budget percentage (Russia, 1992), laying down elaborate appointment procedures for staff (Bulgaria, 1992, and widely thereafter). It encouraged Ministries of Education to assert a strategic policy role, for example over the volume of provision and the institutional map (Romania, 1994; Ukraine, 1997). As “planning” has become a dirty word, this advice has sometimes surprised the interlocutors. The LRP has recently been asked to give advice on non-legislative strategy documents (Poland, 1997; Russia, 1998).

3.2 Intermediary institutions

The relationship between government and a set of autonomous institutions requires consultation and negotiation on a range of issues of policy and co-ordination. In all countries with more than two or three institutions, a workable process calls for intermediary institutions to represent the collective interests of the sector in dealings with government. The LRP has recommended the statutory recognition, and administrative development, of national rectors’ conferences (Ukraine, 1997), and in Bosnia and Herzegovina a Higher Education Council with both government and university representatives. It has also welcomed a statutory basis for accreditation commissions.

3.3 Educational rights and freedoms

3.3.1 Private higher education

Is there a right to establish private higher education? Relying on new constitutionally protected rights of association and property, an astonishing number of private universities have been set up in the new member states, seizing on market niches in law and business studies poorly served by the public sector. In many countries, the LRP encouraged governments to make specific provisions concerning the new private sector, in particular as a consumer protection measure in the interests of students (Bulgaria, 1992; Romania, 1994, et al). This position was developed at a multilateral workshop (Workshop 4, Prague, 1994), and later consolidated as an explicit norm in Recommendation No. R (97) 1 on the Recognition and Quality Assessment of Private Institutions of Higher Education. Educational services have now entered the debate on trade liberalisation, and the issue cannot be seen as restored.

The issue also arose in the much more sensitive context of minorities. Here the LRP was able to draw on the explicit norms of the Framework Convention on the Protection of National Minorities, which requires “equal access to all levels of education”, as well as the ECHR rules of freedom of association and non-discrimination. In a carefully considered written opinion for “the former Yugoslav Republic of Macedonia” (FYROM, 1997) the LRP distinguished between the fundamental freedom to form educational associations, and the state’s right to

recognise such associations as universities awarding degrees. Also, as a matter of good practice and tolerance, it encouraged multi-cultural provision. The LRP generally reaffirmed the centrality of public higher education in the European tradition.

3.3.2 Public higher education

There is nowhere a universal right to education beyond school-leaving age, and the first Director to the European Convention on Human Rights does not apply. In practice, European countries offer free and near-universal provision to 18. Suggestions for fees at upper secondary level were accordingly questioned (Russia, 1998). As observed above, the LRP did not criticise the absence in the new member countries of a right to open admission to higher education subject only to a qualification. On fees, see section 5.1.2 below.

3.4 Missions of institutions

The new members inherited a developed but often incoherent institutional map, a compromise between traditional universities and the Soviet plan of monotech teaching-only colleges with research carried out under Academies of Science. The starting-point of LRP advice was the central role of traditional universities combining teaching, research training and leading-edge research (for example, Bulgaria, 1992; Russia, 1992). Generally, enough of the old university pattern had survived for this advice to be welcome. It reflected general western European views as expressed in the Bologna *Magna Charta* and the traditions of the Council of Europe. This principle does not of course settle all the problems of the institutional landscape, and the LRP urged efforts to settle them in law or in government policy.

3.4.1 Research

The reaffirmation of research as a key mission of the university implied a redefinition of the role of the Academies of Science, traditionally the main operational managers of research as well as advisers to government. The LRP was somewhat hampered by the fact that neither it, nor its interlocutors in ministries of education, had an explicit mandate in research; however, it was evident that an unplanned radical downsizing of the academies was taking place by budget attrition, putting at risk a major part of the historic science base. The LRP cautiously recommended the restoration of a university monopoly over the granting of research degrees (Bulgaria, 1992), but also - and with greater emphasis - intensified co-operation between the sectors (Albania 1998 or 1997 Workshop 5, Kaunas, 1995). The funding of research through research councils, separate from the academies, was rarely discussed; it has since been addressed in the nearly completed CC-HER activity on the social sciences and the challenge of transition.

Differentiation of research within the university sector was addressed rarely and indirectly, through the question of concentration of pure research training (PhD programmes). The LRP recognised the wisdom of this in principle (Hungary, 1992; Ukraine, 1997), and urged that the choices be made on strictly academic criteria. The extreme scarcity of research funds in the new members has focused the minds of researchers on day-to-day survival, and the question was perhaps unripe. There is also no consensus in the older members whether the appropriate

policy stance to research concentration should be positive (picking winners), neutral (ensure fair competition for funds and let the market decide), or negative (dispersion for regional development). This issue, which is one for policy rather than law, remains unsolved.

3.4.2 Diversification and “professional” higher education

The key issue over the institutional landscape, in all parts of Europe, has been diversification. As mentioned above, the LRP had to give advice knowing that the “western” consensus only extends to the view that in mass higher education, the offer of courses must include job-oriented ones of three years or so as well as research training cycles twice as long. Setting up the shorter programmes has been a priority for the new members in the light of the economic transformation. In addition to discussions within country missions (for example, Czech Republic, 1997), the LRP has therefore organised two workshops (Workshop 2, Bratislava, 1993; Workshop 9, Dubrovnik, 1997), two study visits (Study Visit 8, Flanders, 1996; Study Visit 11, Dublin and Galway, 1997); two regional missions (Central Europe, 1996, 1999); and a publication, jointly with the ETF (1998).

Here the LRP has opted – at least in central Europe - for a view that the new programmes are best organised in a specific sector (*Fachhochschulen*), to limit the risks of academic drift or marginalisation if entrusted to traditional universities. The institutions should enjoy academic freedom, and have a mandate for applied research, even if this freedom ultimately blurs the boundaries of the binary scheme. Their governance should have stronger input from local or regional government and the productive sector. The law should provide for the articulation of qualifications and fair transfer options between sectors, in the spirit of the Lisbon Recognition Convention.

In the NIS countries, the more vocational character of the universities (in many cases renamed former monotechnics, some of great prestige) has made this emphasis unnecessary at the present stage of development. While a distinct college sector may emerge in the future, it seems more likely that these systems are likely to diversify within a unitary scheme, as in Spain or the United Kingdom. Paradoxically, but perhaps inevitably, the LRP has helped extend to the new members the cleavage already existing among the older ones.

3.5 Organisation of studies and degrees

As mentioned above, the new members have had to decide between two schemes for the organisation of studies: “stages” scheme (the “Atlantic” model of Bachelors or Doctorates/licence/Masters/PhD) or a long, research-based first degree (the “central European” model that goes back to Humboldt). The first task of the LRP was to explain the lack of a European norm, and underline the importance of the decision (Russia, 1992). To the extent that clear choices have been made, more countries have chosen the stage system, partly for the prospect of flexibility and cost savings, partly through the weight of the U.S. and Asian example. The pattern is not universal, and Hungary has kept the longer cycle for the first academic degree. Recently, there has been a significant shift within the older members towards the “Atlantic” model, as reflected notably in the Sorbonne and Bologna declarations.

4. Governance

In keeping with a widespread but not universal usage, “governance “ here denotes the entire system of rules and practices for the exercise of authority on a day-to-day basis. It includes, but is wider than, the concept of management, and emphasises the political and legal dimension – who decides what, and how - over the technical grounds for decisions.

4.1 Role of government

4.1.1 The Ministry of Education or Higher Education

All LRP missions, except in the exceptional conditions of Bosnia and Herzegovina, were carried out at the invitation of the Ministry of Education (or, more rarely, of Higher Education and Research), and the Minister was therefore the prime interlocutor. The LRP welcomed this fact, and emphasised the leadership role of the Minister and the Ministry. A single locus of government authority over higher education was thought desirable, implying in some cases a transfer of competences and institutions from other sectoral ministries such as health or agriculture; or failing this a strong co-ordinating role, especially over quality (Hungary, 1993; Romania, 1994). In addition, the Ministry should be the focus of legislative initiative, though the LRP could not question the rights of parliamentary commissions (Bulgaria, 1994). In Russia, the Duma has become involved in joint working parties with the LRP and the Ministry (Russia, 1998). For the special case of Bosnia and Herzegovina, see section 3.1 above.

4.1.2 Financing

The financial crisis accompanying the radical change in economic model made financial issues a top priority for governments and universities alike. How could a university be privatised? asked one senior interlocutor (Russia, 1992). The LRP affirmed the European tradition of higher education as a public service, meaning that the core funding of institutions must be provided by taxpayers through the state budget and the competent Ministry. The idea of a fully privately funded university system was an illusion, and was not borne out by the U.S. or Japanese examples. However, this starting-point was compatible with complementary funding from other sources: partial fees from students (see section 5.2.1 below), private research contracts, and in future endowments from alumni and charitable foundations. The LRP supported as sound in principle the wide delegation of financial responsibility to universities that had occurred by necessity. These broad principles, suitable for legislation, left open many problems of policy and practice, both at the level of the country and that of the university. As these problems were general, several multilateral workshops were held (Workshop 1, Sofia, 1992; Workshop 6, Budapest, 1995; Workshop 7, Tallinn, 1995) and a publication issued based on them.

One issue may perhaps be considered as unsolved not only in practice but in law. When governments abandon line-item budgeting for universities in favour of block grants, what becomes of the financial accountability to the taxpayer? How should universities report on the

use of funds, and be audited to prevent waste and fraud? Should there be constraints on the entrepreneurial activities of universities? A thorough comparative study of accountability for funds and for quality was planned within the LRP book series, but unfortunately could not yet be carried out.

On the planning of the higher education system, see sections 3.1.3 above and 5.3.1 below.

4.2 Self-government of institutions

4.2.1 Faculty autonomy (central and south-east Europe)

An important, but regionally limited, issue has been the legal personality of faculties and their consequent autonomy within the university. In former Czechoslovakia, this seems to have been a simple error in the 1990 legislation (Slovakia, 1993; Czech Republic, 1995). In former Yugoslavia, it was a deeply rooted heritage of the self-government system. The LRP has consistently recommended the abolition of faculty legal personality, to allow the university to organise its own development (Slovenia, *passim*; Bosnia, 1999, WB report). The law should however require an internally democratic scheme of governance to protect the interests of all members.

4.2.2 Governing bodies

There is no European norm on the size and composition of the central governing body or bodies of the university, let alone their titles (Senate, Council). The LRP has stressed that the issue is one of balancing competing demands for efficiency and representativity. Effective external participation was agreed to be desirable, but hard to achieve (Lithuania 1999). The fashionable scheme of “trustees”, used in US private universities – in origin, trustees of the funds given as an endowment by the wealthy founder - was thought to be artificial in the context of public higher education in Europe, and did not solve the issues of autonomy and accountability (Poland, 1997).

4.2.3 The rector

The LRP has underlined the importance of defining the powers of the rector’s office, including executive responsibility for administering the university’s funds and carrying out the decisions of its governing bodies, and representing the university to government and society generally. This corresponded to a view, now certainly part of the implicit European consensus, of the rector as the leader of the institution’s self-government, and articulator of its strategic choices. The LRP has also pointed out the need for a high-quality professional administrator to support the rector, especially if elected (Poland, 1997; Ukraine, 1997; Lithuania, 1999), and the value of a team of vice-rectors with delegated authority.

An activist concept of the rector means that appointment to the office is very important. The LRP has encouraged the model of internal election by a fairly wide collegium, certainly wider than the governing board or the professorial body, and including appropriate representatives of junior academic staff, students, and non-academic staff (Russia (1), 1992, and widely since). A second issue has been the involvement of the Minister. In a time of transition, a ministerial veto on appointments, or a procedure of formal confirmation, were thought

reasonable (Albania, 1993; Hungary, 1992). However, direct appointment by the minister was thought to be unnecessarily undemocratic. Rectors should be revocable, whether by the university itself or by the Minister, only for due cause and as a last resort (Belarus 1999, Lithuania 1999).

4.2.4 Student participation

Limited student participation in university government has become an implicit European norm ever since the crises of 1968. The LRP's presentation of this norm as a logical extension of the traditional concept of students as members of the university proved controversial. The same was true of newer ideas such as student evaluation of teaching. The issue is unresolved, and is being taken further in the new CC-HER project on universities as sites of citizenship.

4.2.5 International co-operation

Since the LRP was the creation and representative of a process of European co-operation, it naturally checked whether universities were free under law to make international agreements. This seemed to be the case everywhere; the same held for the appointment of foreigners to teaching posts (as provided for in Council of Europe Recommendation No. R (85) 21). Student mobility was always limited, except towards the main Russian universities, and is regrettably seen as something of a luxury now; the issue will no doubt re-emerge in the future.

4.3 Quality and accreditation

The pretty radical decentralisation of decision-making to public universities, and the emergence of private institutions claiming the title, have made quality and accreditation into priority issues for the new members. The LRP welcomed the principle of statutory recognition on accreditation procedures for the private sector (Romania, 1994; Workshop 4, Kaunas, 1995; and see section 3.3.1 above).

Distantly inspired by US practice, the new members set up accreditation commissions which were also designed to carry out the assessment of the public sector; a substantial innovation in European terms, but one which paralleled the emergence of quality assessment bodies in some older members. The LRP recognised the need for this innovation, and devoted considerable effort to the development and exchange of good practice. It organised three multilateral meetings (Workshop 3, Bratislava, 1993; Workshop 4, Prague 1994; Regional workshop, Budapest, 1996) and three study visits to older members (Study visits 4, Utrecht, 1995; 5, Stirling, 1995; 9, Lisbon, 1997). This work has contributed to an emerging implicit European norm on the organisation of quality assessment on the basis of self-assessment and professional external review, aiming at improvement beyond the minimum necessary for accreditation or recognition.

Legal advice has been more limited. An accreditation commission should be an academic and professionally autonomous body (Hungary, 1992; Baltic regional, 1994; Czech Republic, 1996). Foreign experts should be involved in site visits to ensure openness to international standards (Poland, 1997). The quality of the assessment process should be organised by a

professional Secretariat. Quality assessment should be just that, and should be kept separate from, and could not determine, policy decisions about provision and the development or closure of institutions (Azerbaijan, 1997). Decisions about recognition on accreditation must necessarily be differently applied to private and public sectors.

5. Learning

There are competing paradigms of higher education (see Volume I of the LRP book series): the market model of suppliers and customer, the public service model of agency and citizens, and the traditional corporate model of the learning community. The LRP, following the Bologna *Magna Charta* and the Council's traditions, has inclined to the last, which was shared by its interlocutors perhaps more than by some policymakers in the older members. It has encouraged statutory language in which teachers, students and trainee researchers are all seen as members, with different roles and status, of a corporate body with a single goal. It has combined this viewpoint with quite contemporary stances on reform of teaching methods, professional management, quality and equity.

In its many visits to universities and colleges, the LRP, like other observers, has been struck by the high staff-student ratios and packed timetables of usual teaching practice in the new members. Financial as well as educational factors militate for a substantial change in style, towards more individual learning linked to tutorials and seminars and fewer but higher-quality lectures; however, the culture of strong staff-student contacts should not be lost.

5.1 Students

5.1.1 Access and admission

Admission to universities in new member states is typically decentralised to universities, with minimal co-ordination of procedures. Especially since the adoption of Recommendation No. R (98) 3, the LRP has raised the questions of the transparency of the admission process to all applicants, and its fairness, especially towards minorities on under-represented groups, (Russia, 1998; Ukraine, 1998). This is a complex problem involving the scheme of school-leaving assessment, entrance examinations and independent tests, clearing houses, statistical monitoring, etc., and European practice is very diverse (see reports of the CC-HER project on "Access to Higher Education"). The issue must be seen as unfinished business.

5.1.2 Fees and financial support

Several countries faced a contradiction between an avowed goal of free (in the sense of non-paying) access and their cramped budgets. The typical solution was the provision of an insufficient number of state-subsidised free places, and licence to universities to admit additional quotas set at market-level fees. The LRP, the CC-HER project on access to higher education, and indeed the OECD, have criticised this compromise as unfair and inefficient. Two principles have been put forward: that equal access requires financial support

differentiated according to need, and that any fees should be partial, reasonable in level, and uniform across the public system (Russia (1998); Ukraine (1998)). At the end of the access project, they were made explicit norms in Recommendation R(98)3. But they remain controversial in the new members; the first principle is superficially similar to the discredited class-based admission preferences of the past, the second requires abandoning a convenient myth.

5.1.3 Student associations

The LRP has followed the general Council of Europe view that all education should be preparation for citizenship and personal fulfilment as well as – and through – preparation for employment. In addition to supporting student participation in governance (see section 4.2.4 above), the LRP has assumed that a diverse and active student associative life is not only the exercise of a fundamental right, but an important part of the educational experience. It challenged the proposals in several countries, reacting against the communist politicisation of all youth organisations, to ban political activity on the campus by law (Bulgaria, 1992; Hungary, 1992 and Belarus, 1999). The occasional problems of public order and good housekeeping that will arise are best left as issues of judgement to the universities.

5.2 Teachers

5.2.1 Appointment and tenure

In general, the universities in the new members have become the legal employers of all their staff, who are not civil servants as in some older members. The LRP did not question this extensive autonomy, accompanied as it was by general statutory rules about appointments (such as publication of vacancies). Detailed statutory regulation of procedures – resulting from a fear that autonomy would lead to abuse - was thought inappropriate (Bulgaria, 1992; Russia, *passim*). In several NIS countries, extreme budget shortages and a tradition of strong leadership have led to the abolition of tenure in favour of a general five-year ceiling on contracts. The LRP has not encouraged this, tenure being seen as a protection of academic freedom and a valuable performance incentive, and has strongly recommended safeguards to ensure the transparency and fairness of the review procedures (Armenia 1999 and Russia 1999). It has of course recognised, in the interests of flexibility and responsiveness that the times have required drastic action in some cases and the closure of whole courses and departments as an exceptional measure.

5.2.2 Pay

The radical shift in the demand from students and the economy, away from science and engineering towards law, business, and the social sciences, has created huge transitional inequalities in the bargaining position of the teachers in different subjects. In the favoured subjects, professors can double their pay in the business sector; in the others, teachers take on a second job to make ends meet. The universities, enjoying high financial and managerial autonomy, have had to recognise wide differentials in pay, or implicit ones in workload. The LRP has not challenged this situation, which is perhaps a sign of a shift in Europe to market-driven pay and working conditions (see the CC-HER main theme debate in 1997). It has

encouraged the interlocutors to regularise the situation, for example, through realistic part-time contracts. A real solution depends on economic progress and the development of professional human resources management in universities.

5.2.3 Other issues

Several important issues were not directly addressed by the LRP. “Lustration” – the purging of unqualified political functionaries – was not a question for outsiders. The loss of academics, an urgent matter of policy and not of norms or law, was tackled earlier by the CC-PU/CC-HER, in work which led to Recommendation No. R (95) 7 on the brain drain in the sectors of higher education and research. The reorganisation of university departments into bigger units with several professors, as against the “Chair” scheme, was a matter for university self-government, as a part of its general professionalisation. See the work of the Institutional Management in Human Resources (IMHE) and the CRE.

5.3 Qualifications

The question of the organisation of studies, which determines the scheme of higher education diplomas, is dealt with in sections 2.3 and 3.5 above.

5.3.1 State standards and orders

The new members inherited a scheme of detailed state regulation of curricula. In central Europe this was simply abolished, but in the NIS policymakers strongly feel the need to keep “state standards”, curriculum or performance specifications for a reduced but still large number of “specialities”. The LRP, reflecting a European norm that now extends to central Europe, has questioned the need in principle for any such regulation (except in the short list of “regulated professions” covered for instance by European Union directives). It has pointed out the fluid nature of demand for qualifications, the value of generic competences and broader programmes, and the huge practical difficulty for the government to run such a system at a time of rapid change (Georgia, 1998; Ukraine, 1997, Russia 1999). The LRP has encouraged the progressive replacement of ex-ante standards by ex-post accountability through a respected quality assurance process (see section 4.3 above).

The state standards are coupled in the same countries to a system of “state orders”, determining the number of places funded in each speciality. For similar reasons as with state standards, the LRP has questioned the scheme in principle as inflexible and unnecessary. It recognised that governments do have a role in formulating a general view about the labour market and, with the universities and colleges, in planning the capacity of the higher education system by broad branches of study (Azerbaijan, 1997; Bosnia, 1999, WB report, Russia 1999, Armenia 1999, Belarus 1999). Since this and the previous issue reflected a regional tradition, the LRP has organised two regional seminars on them for all the NIS countries (NIS regional workshops 1, Tbilisi, 1998, and 2, Kiev, 1999).

5.3.2 Recognition

The LRP has urged its interlocutors to accept the principles formulated at European level in the Council of Europe conventions, and latterly, in the Lisbon Recognition Convention (adopted at a date when the new members could play a part in the drafting). This implied an overriding general principle of fair recognition, dropping the search for exact equivalences between diplomas in favour of mutual recognition by their function, and the setting up of professional agencies to support the process. In some countries, interlocutors have given the impression of wanting to leapfrog the Lisbon *acquis*, and give priority to the development of credit transfer on the ECTS model and the narrower professional recognition norms of the EU directives (Bulgaria, 1998). However, general credit transfer and the modular qualifications required by a scheme of life-long learning are clearly unresolved issues for the future.

6. Convergence

6.1 Similarities and differences

Does the advice of the LRP and its reception indicate a convergence of the basic framework and principles of higher education in greater Europe? There is considerable evidence of convergence in governance of higher education: the LRP was able to consistent advice, based on a few explicit and many implicit European norms; and by and large this view was accepted. It would therefore seem possible to go beyond the Bologna *Magna Charta* and draw up more detailed principles of governance. The main differences over governance relate to federalism, a fundamental constitutional feature of some countries but not others. Quality assessment of public higher education is not really a counter-example; while some countries consider it unnecessary, there is a broad consensus over how it should be carried out if introduced.

There remain major differences in perception and in practice over the organisation of studies - the formal schemes of courses, qualifications, and institutions - and over the learning process, including the admission and accompaniment of students. There is no implicit consensus over staged degrees, a binary scheme of diversification, or selective admission, although the European average has shifted towards them. These arguments are more clearly educational, and the differences go back to the never-ending debate within a democratic society of what higher education is for, while those of governance are political ones, and their settlement is part of the new order of that society.

6.2 Resolved and unresolved issues

A final distinction is between issues that are more or less resolved, at the technical level, and those that are still largely open. The distinction cuts across the previous one - there is little new to be said about how to set up a sector of professional higher education, even though there is no agreement on whether to do so. Unresolved issues highlighted in this report

include: federalism; transparent and efficient admission procedures under selection; and life-long learning. Other such issues will emerge. The model presented by the LRP has been drawn from aspects of western European practice which appear to work reasonably well today. It does not pretend to foretell the changes which higher education in all of Europe will have to make in the new century, in a globalised information society. Neither its sailing charts of policy nor its written charters of law will ever reach a static perfection, for the law of knowledge itself is exploration and growth.

Part three: Activities of the LRP 1991 - 2000

Survey by the Secretariat

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Part three – Activities of the LRP 1991-1999

1. Aims and principles

1.1 The background in the Council of Europe

The fall of the Berlin Wall in November 1989 has become the central symbol of the initially peaceful revolution against communist rule that swept across central and eastern Europe a decade ago. This historical icon tends to overshadow the fact that the process was a complex historical process with deep and multiple roots all across Europe. In spite of the common theme, the revolution unfolded according to a different shape and timetable in each country. The participants understood very well what was at stake, but the specific course of events took them by surprise.

The same was true of those who responded to the crisis in western Europe. They were called to change from rather passive observers of the “other Europe” to actors in transformation, which though welcome had not been anticipated, let alone planned for. This was as true of the Council of Europe as of other western European and Atlantic organisations and their individual member states. The universal pattern was of a positive but *ad hoc* response, like scattered bodies of well-trained soldiers “marching to the sound of the guns” without waiting for an imaginary master plan.

The difference was that the Council of Europe, through its wide membership and simple membership obligations, was a natural first interlocutor for the post-revolutionary countries aspiring to rejoin Europe. Internally, its response replicated the general pattern, of a rapid and diversified response launched from different sectors. Co-ordination by the Committee of Ministers, the Parliamentary Assembly and the Secretary General was real but reactive. This led to a variety of programmes and projects, of which the LRP was one, with both common and specific features.³⁹

1.2 Common features of the Council’s assistance programmes

The most important common institutional feature of these programmes has been their dependence on the Organisation’s core values of human rights and a democratic constitution. The basic tests applied to applicants for membership in the Council have been evidence of a practical commitment to these, through ratification of the European Convention on Human Rights (including individual application) and fair parliamentary elections. Over the course of time and as a result of experience, more attention has also come to be paid to the closely related standards of media freedom and the treatment of minorities. All the assistance

³⁹

An overview of the Council’s many activities for its new members can be found on the web page <http://www.coe.int/ADACS/indexEN.htm>

programmes have been designed to embed the Council's values and standards in the daily practice of the new member countries.⁴⁰

A second feature has been their inevitable dependence on the Council's *acquis*, its stock-in-trade of standards and good practice created over the previous forty years of intergovernmental and parliamentary co-operation, and still developing over the past decade. This *acquis* may have been stated as international law in a European convention, declared in a recommendation or Ministerial resolution, or simply embodied in reports and working documents of a committee. In the intergovernmental cases, it is marked by the fact that the Council's statute lays down unanimity as the basic rule for standard-setting decisions (though for practical reasons, it has been made more elastic for recommendations). By making it difficult to secure agreement on common principles, this consensual style has limited the scope of the Council's *acquis*, but has perhaps also made it more robust and convincing to new members.

The Council has never been entrusted with major spending programmes; its budgets have always been small, and its focus has been on issues of policy rather than implementation. Nor, although the Statute speaks of economic as well as social and cultural progress, has it dealt on the inter-governmental side with economic policy. The new assistance programmes have reflected these constraints as much as older modes of co-operation. They have led to a concentration on advisory rather than field methods; a concentration on issues amenable to change through policy; and on rebuilding the public sector rather than the private economy – a task whose importance was widely underestimated and has since been recognised by other organisations.

1.3 Specific features in higher education

The LRP drew also on particular features of its own sector of higher education. Intergovernmental work here goes back almost to the origins of the Council of Europe.⁴¹ From the start, it reflected a considered position that the old principle of university autonomy (systematically violated by both Hitler and Stalin) was a cornerstone of a democratic political system. This principle eventually found expression in the Bologna *Magna Charter* of 1988, prepared by the CRE with the participation of the Parliamentary Assembly of the Council of Europe. Another statement can be found in the terms of reference of the Standing Conference

⁴⁰ The wording "new member countries" is used generally in this report. In fact, the assistance programmes were accessible to candidate states from a very early stage, even before accession to the European Cultural Convention, which preceded full membership of the Council of Europe. These politically important distinctions have had little impact on the LRP's daily operations.

⁴¹ See the reports prepared for the 40th anniversary of the Higher Education Committee in 1995, DECS-HE 99/15 and 99/25.

of University Problems (CC-PU) as revised in 1990 and 1993.⁴² This specific value was expressed institutionally in the dual composition of the committee through academic and university representatives. Some of the latter were well-informed about the opportunities of East-West inter-university co-operation that had opened up during the détente era of the 1970s, and never completely closed. The CC-PU (which reverted to the former title of Higher Education and Research Committee in 1994) was thus particularly open to the needs of the academic community in central and eastern Europe, and more prepared than other committees to seize the initiative. The LRP enjoyed much greater support and involvement from the Committee than would be typical of other sectors.

A second feature of the sector – shared by all those covered by the Cultural Convention – is the fact that culture (in the broad sense) is the product of society as a whole, and not only, or even mainly, the state. This has led to a less directive and more enabling concept of government policy, and the recognition of the key importance of voluntary initiative and “civil society”. The Cultural Convention sectors tend to be less legalistic, more sceptical about the power of law to change people, and more open to networking with non-governmental stakeholders. The LRP, in spite of its name, has always primarily been about higher education policy and practice seen through the prism of legislation, and only secondarily a technical programme to draft “good laws”.

1.4 Objectives of the LRP

The objectives of the LRP were defined in 1991-92⁴³ and have remained valid ever since.

- The main purpose has been to contribute effectively to the development of the higher education sector in countries of central and eastern Europe undergoing the difficult transition to democracy and full membership in the European family of nations.
- A secondary purpose of the LRP, as an arm of the CC-PU and the CC-HER, has been to contribute to a broader understanding of the complex relationship between legislation and reform in European higher education generally.
- The operative principle has been to support the process of reform of higher education, as this was embodied in a legal and regulatory framework.
- The methods were forms of direct and practical dialogue, primarily bilateral but also regional and multilateral, between professionals in the field from all parts of Europe.

The LRP has always been a part of the Council of Europe's overall action to support the establishment of a democratic society and the rule of law in the wider Europe. Short reports on its activities, like those of other programmes, have been submitted to the Rapporteur Group of the Ministers' Deputies on assistance programmes for democratic security. The

⁴² Especially: “The task of the Committee is to promote the development of European higher education on the basis of common democratic principles and of the values of the European university heritage, including the freedoms of learning, teaching, and research, and the self-government of institutions within a democratic society” (see, for example, DECS-HE 93/76, Appendix 3).

⁴³ See document DECS-HE 91/93, approved by the CC-PU in March 1992.

Directorate of Political Affairs, and where necessary the Deputies, have been consulted on politically sensitive missions.

2. Mandate and working methods

2.1 The initial concept

An *ad hoc* group of experts was set up by the CC-PU Bureau to consider the implications of the changes in central and eastern Europe. It met in Strasbourg on 4 November 1991 under the chairmanship of Dr Peter Fischer-Appelt, a recent former Chairman of the CC-PU. The group adopted a proposal for a new programme on legislative reform in higher education.⁴⁴ It was to have three interlocking forms of action:

- country specific **missions**, organised at the request of the country concerned, which would assist in finding practical legislative and regulatory solutions to problems of immediate concern to it; the missions would aim at making available the diverse experience of western European countries over recent decades pursuing very similar objectives through a slower process of reform;
- multilateral topical **workshops** providing a forum for an exchange of ideas and information between countries involved in legislative reforms, in all parts of Europe, taking advantage of the marked parallels between the concrete issues raised in each of the interlocutor countries, and between these issues and the problems faced, at the present time or in the past, by "western" countries. They would also provide a link to the classic intergovernmental co-operation carried out within the CC-PU and later the CC-HER;
- the creation of a body of **documentation** which would contain systematic information on legislation concerning as many countries as possible.

Broadly speaking, the first aim of giving practical help to the new members corresponded to the first working method (missions), and the second aim (greater understanding of reform in Europe) to the other working methods. However, since the idea was to conduct assistance through genuine dialogue, and to obtain the greatest possible synergy between bilateral and multilateral modes of co-operation, no strict division was applied or envisaged.

The proposal also covered management arrangements (the creation of a Steering Group) and finance (partly from voluntary contributions). More detail is given in chapters 3 and 5 below.

⁴⁴

Documents DECS-HE 91/93 and Addendum

2.2 Developments in working methods

These basic building blocks remained, but were revised or complemented as the work of the Project evolved. The main changes worth noting are the introduction of study visits as a working method and, second, the many attempts at a clearer definition of the work on documentary resources.

The LRP was initially created for a period of four years. During its first phase, the work undertaken concentrated to a great degree on missions to provide assistance to countries at the beginning of their process of reform. A typical topic was analysis and advice on draft "first generation" framework laws after the profound political changes.

Gradually, however, the LRP broadened its focus somewhat from legal reform to stimulating development of the mechanisms of policy development by which democratic societies continuously accommodate change. (This may have come about because LRP advice tended to resist the widespread tendency to make policy through detailed law, which naturally led to requests for alternative approaches.) The pan-European aspect, already outlined in the original mandate, was further emphasised rather than the "east-west" approach the LRP always tried to avoid. Accordingly, the mission of the LRP was formulated more broadly at the first meeting of the CC-HER on 27-29 April 1994, as follows: "The stimulation of, and assistance in, the continuous process of development of the higher education sector, in terms of legislation and related policy development, as well as their implementation, with a special view to central and eastern Europe."⁴⁵ The title was also changed from "Project" to "Programme".⁴⁶

This second phase of the LRP could generally be characterised by its assistance with the fine-tuning of legislation and related policy development and by the implementation of legislation. An increasing number of LRP activities involved the full range of the policy cycle: development - legislation - implementation. With the increasing sophistication of the interlocutors, some requests became more technical and complex, while others discussed the forward planning and development of the higher education and research sector.

It also became clear that the reform process took on its own speed and direction in each of the target countries. The diversity of the problems in higher education and, at the same time, paradoxically, the underlying similarity were striking. The road of transition was clearly much longer and more winding than it had seemed in 1991. The LRP was called on to demonstrate great flexibility in its approach.

The later years of the LRP were marked by further differentiation, as the situation of the new members became more diverse. A group of economically successful central European and Baltic countries came quite reasonably to see themselves as post-transition, and limited their

⁴⁵ See document DECS-HE 94/14

⁴⁶ See report of the CC-HER meeting, DECS-HE 94/46

requests to a few issues such as diversification. A number of countries of the former Soviet Union, facing more severe problems, asked for advice that extended beyond higher education to the entire education system. Conflicts in the Balkans involved the LRP as a component of the efforts of the international community to reconstruct education, initially in Bosnia and Herzegovina. These changes have led the Secretariat to propose that the LRP be succeeded by a broader-based programme of mutual assistance that will permit co-ordinated action in all the fields of education where the Council has useful experience to offer.

3. Management

The management and financial structure of the project were put in place after the project had already started *de facto*. The initial, informal phase (July 1991 - August 1992) was implemented under the DEMOSTHENES programme for the advisory missions, and under the regular CC-PU programme for the first multilateral workshop. The project became autonomous with the opening of the Special Account, the receipt of the first voluntary contributions and the first meeting of the Steering Group in September 1992.

3.1 The Committee

The Standing Conference on University Problems (CC-PU) and its successor the Higher Education and Research Committee (CC-HER) played a very active role in the management of the LRP, which quickly came to be seen as its most important single project. They set up the Steering Group and revised its terms of reference; received detailed annual reports, on which the present overview is largely based; discussed the LRP at every plenary meeting, on several occasions at length,⁴⁷ and provided a grant to the Special Account that has represented a growing share of the Cultural Fund programme in higher education.

The Bureau of the Committee also monitored the progress of the LRP, and approved the draft budgets of the Special Account prepared by the Steering Group for submission to the Council for Cultural Co-operation (CDCC). The formal approval of the budgets by the CDCC, as annexes to the annual budget-programmes of the Cultural Fund, confirmed the LRP's status as a full part of the Council's work, even though the greater part of its resources were provided by voluntary contributions (see chapter 4 below).

3.2 The Steering Group

The CC-PU, at its March 1992 meeting, confirmed the existing *ad hoc* Group of Experts as a Steering Group to manage the LRP. The mandate of this group was to:

- prepare, implement and evaluate an annual programme-budget of work, ensure liaison with the CC-PU multilateral programme, other related assistance projects of the Council of Europe and relevant national or international activities;

⁴⁷

See the reports of the successive annual meetings listed in Appendix 3.

- report on progress at appropriate intervals to the CC-PU (and between sessions to the CC-PU Bureau), the CDCC, the Committee of Ministers and the voluntary contributors.

Revised terms of reference of the Steering Group were adopted by the CC-HER at its first meeting on 27 - 29 April 1994.⁴⁸ The main object of the revision, proposed by the Secretariat, was to change the emphasis of the work of the Steering Group. Instead of co-ordinating the activities of the LRP in detail, the Steering Group was asked to play a more strategic role. In 1994 the number of members of the Steering Group increased from seven to eight in order to give a seat to the Chairman of the Editing Board for publications initiated by the LRP. Further changes were adopted by the CC-HER in March 1996⁴⁹ with effect from January 1997, principally to extend the completion date to December 2000.

During the course of 1998, the arrangements for the final evaluation of the LRP were fixed. In the autumn of 1998, the Bureau – which had been given a supervisory role under these last terms of reference – decided to take over the (increasingly limited) functions of the Steering Group during the final phase of the programme, from 1999, and decided not to propose a new mandate for the members of the latter.

3.3 The Editing Board

At its meeting on 29 March 1994, the Steering Group approved a plan for publishing a series of comparative topical studies on important issues related to higher education reform in Europe and asked the Secretariat to study the feasibility of the project. The Higher Education and Research Committee agreed, in April 1994, that an *ad hoc* Editing Board should be set up in order to assist the Steering Group and the Secretariat in the implementation of the publication project. The LRP Editing Board was officially established at its joint meeting with the Steering Group on 13 September 1994 and ceased to exist at the end of 1998, as a consequence of the dissolution of the Steering Group.

3.4 Consultation meetings

Particularly in the early years, the LRP regularly held consultation meetings of representatives of the new members (similar meetings were held in many other sectors). Meetings were held in the autumn of 1993, 1994, 1995, and 1996 (see list in Appendix 3) In addition, one consultation meeting of experts involved in missions and workshops was held in 1994, in connection with a meeting of the Steering Group and the Editing Board.

The meetings served a number of purposes:

- to gather information on reforms and especially legislation planned in each country;
- to allow the countries to give feedback on the activities carried out by the LRP;
- to collect and discuss proposals for further work, and assess their feasibility in terms of financial and human resources;

⁴⁸ See DECS-HE 94/14, Appendix IV, and Appendix 2 to the present document.

⁴⁹ See DECS/LRP (97) rev. 1, Appendix 3

- to identify common problems, and promote a sense of collective awareness and solidarity;
- to discuss the priorities for multilateral workshops and study visits;
- to advise on general principles for the further development of the LRP.

The practice was discontinued in 1997, for several reasons. It was felt that the meetings had played a useful role in stimulating dialogue. However, at that stage the programming aspect could be dealt with satisfactorily by bilateral contacts between the Secretariat and the Ministries of Education of the new members, while the annual discussions in the plenary committee gave adequate opportunity for new members to state their views on policy issues.

4. Resources: finance and staff

From the beginning it was realised that the new programme needed specific and quite significant funding to achieve its goals. The chosen administrative instrument was a Special Account within the Cultural Fund, set up by the Bureau of the CDCC in June 1992. This was much more than a collection-box for receiving voluntary contributions. The arrangement meant that the LRP was financed under annual programme-budgets, prepared on behalf of the CC-PU/CC-HER by the Steering Group and the Bureau and adopted at the beginning of each year by the CDCC as an annex to the annual programme of the Cultural Fund. Its accounts were committed, disbursed and audited under the Council's Financial Regulations. Since the LRP was thus an extension of the Council's intergovernmental work programme, it enjoyed cost-free access to central services (linguistic and logistic) and the partial services of permanent staff. The LRP was able to roll over unused funds from one year to another. Although this naturally had no impact on the long-term real resources of the programme, the flexibility it provided was essential to cope with the frequently late arrival of contributions.

The total budget of the LRP was 20 669 000 FF (3 150 969 euros) over the period (1992-2000), an average of 2 296 556 FF per year (350 052 euros), including project staff. The general pattern was of a rapid initial increase, followed by an irregular plateau (see the table in Appendix 5). The breakdown of the net income is more instructive:

- *73% was provided by voluntary contributions from 17 countries; however, 57% came from two countries, the Netherlands and Germany;*
- *16% was provided by the Council of Europe, that is within the CC-PU/CC-HER part of the Cultural Fund. This rose steadily from a low base in 1993 and represents about a quarter of the CC-HER budget. A somewhat smaller additional contribution was made through drawing rights from the general budget for technical assistance (now called ADACS);*
- *the remainder (10%) was received in the form of project grants, essentially from the World Bank and the Nordic Council of Ministers. In more recent years, the grant from the Netherlands was also earmarked for a part of the programme in the former Soviet Union.*

Expenditure was divided among the main working methods, with the priority being advisory missions and essential management meetings, followed by publications and workshops. It

should be noted that experts only received expenses for advisory missions and that fees were paid solely for reports.

Significant resources were also provided by member states outside the budget. These included the costs of hosting multilateral and regional workshops - some, it should be noted, by the new members – and study visits, where the host countries covered almost all the costs.

The LRP unit was attached first to the Higher Education Section of the Secretariat, and from 1998 to the Technical Assistance and Co-operation Section. The staff team ranged from one to four with an average of three. Turnover was quite high, mainly because of the temporary nature of the contracts offered. A complete list of staff is included in Appendix 4. The Steering Group and Bureau insisted that staff costs be held to under half of the expenditure, and this was achieved.

To sum up: by the frugal standards of the Council of Europe, the LRP enjoyed a reasonably satisfactory level of resources. However, the reliance on diverse and uncertain sources of income created a large administrative, and even more a psychological, burden on the Secretariat and Steering Committee. The situation will be familiar to university researchers.

5. Activities

5.1 Advisory missions by country

The missions are described below by country in alphabetical order, and in chronological order within each country. Regional missions in the Baltics and Central Europe are described in Section 5.2. All missions took place at the invitation of the Ministry or other government authority competent for higher education, except where otherwise stated, and in Bosnia and Herzegovina. References to reports and the names of the experts taking part are listed chronologically in Appendix 7.

Albania

1992

An exploratory mission to Albania on new legislation on higher education took place in Tirana with the Minister for Education, the Director for Higher Education, the Ministry of Education and the Rectors of the University and the Polytechnic of the University of Tirana, 30 November-2 December 1992. A new law was being prepared with the aim of it entering into force by the start of the following academic year. A provisional draft, drawing on several foreign models, was given to the experts. Key issues included, as in other countries visited: the internal governance of institutions; relations between institutions and the government; the status of institutions (Albania had given the status of “university” to all of its higher education institutions). Albania had already made use of the conclusions of the multilateral CC-PU seminar on financing of higher education in transition, held in Sofia in June 1992.

1993

An advisory panel meeting took place on 22-23 February 1993 in Strasbourg, immediately before the meeting of the Steering Group of the LRP. The consultation reviewed the draft law, discussed the general structural organisation of universities and their governing bodies, and decided to provide for more detailed consultation on an article-by-article basis upon the next revision of the bill. A follow-up mission was requested for the near future as the Albanian authorities hoped to pass the bill through Parliament before the following academic year.

1994

Two advisory missions were carried out in Albania in 1994. The first was carried out from 23-24 March 1994. Discussions were held with the Deputy Minister of Education, the Director for Higher Education, the Parliamentary Commission and rectors, vice-rectors and other representatives of higher education institutions, both on the legislation and the statutes of institutions. The draft law on higher education was discussed in detail with the Parliamentary Commission. The Albanian Parliament adopted the first Law on Higher Education in Albania on 6 April 1994, laying down a number of general principles of governance, and requiring universities to enact statutes giving detailed effect to its provisions and to submit them for approval within a short time-scale. At the request of the Albanian authorities, a second advisory mission was carried out in August 1994 to further assist in the development of university statutes on the basis of drafts for four Albanian universities.

1995

An advisory mission was held in Tirana from 8-10 October. The mission focused on the role of the state in the areas of licensing, recognition and accreditation and institutional initiatives in quality assessment. The Law on Education made the Ministry of Education responsible for the accreditation of higher education institutions, and the development of a comprehensive system of quality assurance was in its early stages. The advisory mission provided information to the representatives of the Ministry and institutions about quality assurance in other European countries and North America and discussed current means of ensuring that higher education in Albania would meet the highest possible quality standards.

1996

1996 saw larger scale reforms. The new government had created a new Ministry of Higher Education and Research, which initiated an advisory mission on the topic of the re-integration of higher education and research legislation carried out from 11-14 September. The advisory team found there to be a very wide consensus on the direction of the reforms, although some technicalities (such as ratio of teaching and research time and financial autonomy of the university units) provided potential for difficulties. The recommendation of the advisory team was to avoid a simple merging of the legislation and of the institutions, but rather to consolidate governmental policy-making for higher education and research, to reformulate policy aims for the whole sector in a governmental white paper, and to draft a new framework law. The last was to address the important issues of institutional autonomy and governance,

institutional and professional missions, mechanisms of accountability (funding and quality assurance), public and private organisations and funding.

1997

Civil disorder in Albania forced the postponement of an advisory mission planned for the spring and finally held on 12-14 October. The first objective was to establish working links between the new government and the new Ministry of Education and to evaluate the situation of higher education in Albania. In spite of the intervening troubles, the situation with regard to the reform of higher education and research was much the same as in September 1996. The second objective was to support the renewed process of higher education reform and to identify further steps to be taken by the LRP. Issues of the governance of higher education institutions, integration of teaching and research and the institutional and financial structure of the higher education and research sector remained central.

1998

A new timetable for further reform was agreed in 1998. While much progress was made under very difficult circumstances at government level, the LRP experts observed that reforms at system and institutional level were lagging behind. Without such reforms it was regarded as difficult to maintain the credibility of progress already achieved. Seeking to identify possible practical measures, an exploratory mission was undertaken from 10-15 March 1998. Following an invitation from the Ministry of Education and Science, the LRP organised a Round Table meeting in Tirana (2-3 June 1998) to discuss evaluation and accreditation and in particular the proposed establishment of an Agency for Accreditation and Evaluation. This topic served to identify a structured agenda to help move Albania towards the revitalisation of the system that could usefully serve the cultural, social and economic needs of the country and meet the legitimate needs of the people. A follow-up programme of activities for 1999 was proposed to the Albanian authorities; however, lack of resources prevented field work in that year.

Armenia

1997

A first mission to Armenia, of an exploratory character, was held on 16-17 May 1997, preceding the missions to Georgia and Azerbaijan. The aim of the mission was to identify and explore policy concerns to which the LRP could contribute. New legislation on higher education was in preparation, after the failure of two previous attempts.

1998

In 1998, as there were no funds for a mission, LRP experts prepared a written opinion on the draft Law on Education at the request of the Ministry of Education, which was issued in February 1999. The opinion (DECS/EDU/LRP (99) 5) recommended treating the Law on Education as a framework of general principles, to be followed by specific legislation on higher education and other sectors to reflect their specificities of governance. It made a number of detailed comments and proposals.

1999

This written opinion was used in finalising the Law, adopted unanimously by the Parliament in April 1999. The LRP held a mission in Yerevan from 15-19 April to discuss the next stages of reform with the Ministry, the Parliament Committee, and representatives of higher education institutions. Discussions focused on the development of education legislation and its implementation. Major items of concern were the creation of a new system of financing, quality assurance, staffing structures in higher education institutions and conditions of employment. The Ministry was advised to highlight principal matters of concern in a Policy Paper and to work out a plan for education legislation development, with the continued assistance of the LRP. A preliminary mission on the drafting of the Law on Higher Education was held in Yerevan on 6-9 February 2000, concentrating on governance - where experts strongly urged respecting European standards of autonomy - and the financing of institutions and students. A report was delivered to the Armenian authorities and a mission will follow the preparation by the Ministry of a first draft of the law.

Azerbaijan

1997

A first mission to Azerbaijan, of an exploratory character, was held from 20-22 May, following the missions to Armenia and Georgia. The current key legislation was a framework law on all education, which was being amended. The main concerns were the implementation of a quality assurance system, and the reform of curricula through state standards. A regional workshop for CIS countries was planned on the latter issue in 1998.

Belarus

1994

An exploratory mission was carried out from 14-16 March 1994 to the Republic of Belarus. Discussions were held with the Ministry of Education and with representatives of the most prominent higher education institutions. The 1991 Law on Education, which restored autonomy to the universities, was considered sufficient at the time for the regulation of both education and higher education sectors. However, texts were being prepared on professional higher education and scientific and technical activities to complement the 1991 law. The discussions during the exploration mission focused on the objectives of the reform process, the fragmentation of ministerial responsibility for the higher education sector, the role of the institutions in the reform process and the mission and governance of higher education institutions.

1995

Two missions were carried out in 1995: "Institutional governance and checks and balances between state and higher education", 26-30 April, and "The system and the governance of higher education and research", 20-24 September. The latter mission followed up on the report of the first and led to a consolidated report containing wide-ranging advice on an

overall reform of the higher education and research system. The discussions during the missions focused on the direction and organisation of the reform process in higher education and research, and the mission and governance of higher education institutions.

1996

The Ministry of Education and Science and the higher education institutions held a National Conference from 1-4 February 1996 during which the consolidated report of the advisory missions carried out in 1995 was presented by the LRP programme manager and extensive discussions on further developments were held. It was found that the authorities in Belarus considered the mission report as an important guide for reforms.

1999

In the light of the deteriorating political situation in Belarus, activities were developed in close consultation with the political authorities of the Council of Europe, which authorised them as a contribution to strengthening the fragile civil society. A mission by one expert to Minsk from 13-15 March led to the setting-up of a joint working party on the draft Law on Higher Education. This group, including Ministry officials and representative of universities from Belarus, met in Paris from 26-29 May to discuss a draft opinion prepared by a team of international experts. The final report, sanctioned by the latter, was presented at a second meeting in Minsk from 4-8 September. In addition to many detailed comments on the draft, the report highlighted issues of freedom of political expression on campus, risks of politicisation of appointments, and due process in case of disputes.

Bosnia and Herzegovina

1996

The LRP's involvement in Bosnia and Herzegovina after the Dayton Accords of December 1995 was more intense than in any other country. Universities were called on to play a key role in the reconstruction process in Bosnia and Herzegovina, not just through their normal teaching and research activities, but because they created a social and cultural climate conducive to peaceful debate. However, the country was being drained of its knowledge and talent, and the burden of maintaining a functioning higher education system became increasingly heavy for teaching and research staff. The ability of its academic community to offer an attractive and efficient higher education system which compares in scope and quality to those of other European countries, has been widely recognised as being vital to the social and economic future of the country.

From 16-19 June 1996, the LRP carried out a first mission to the Federation of Bosnia and Herzegovina on the issue of legislation and university bye-laws. The mission produced an assessment of the highly complex situation with regard to higher education. The interlocutors agreed that a new regulatory basis for the higher education and research sector was desirable.

The legal, institutional and political circumstances in Bosnia and Herzegovina were considered to be particularly difficult with regard to building and maintaining a coherent system of higher education and research. The interlocutors seemed to agree that the Dayton Agreement provided a first step for the development of a coherent legal framework for higher education and research.

1997

Six activities were carried out in 1997, including a planning mission in Sarajevo and Pale on 7-9 February; a Secretariat observation mission with Unesco on 7-14 March to study the situation on the ground in the Republika Srpska; a Secretariat liaison mission in Sarajevo to attend a CRE Academic Task Force meeting on 1-2 May. On 2-4 June, a seminar in Graz on financing higher education was organised with representatives of all six higher education institutions. An advisory mission on 12-14 November discussed draft higher education law in the Una-Sana canton. On 19-20 November, an expert working group met in Strasbourg to draw up an opinion on a new regulatory basis for higher education in the country and its two entities.

The LRP remained in close contact with the OHR, the EU and Unesco to ensure co-ordinated assistance in the spirit of the Dayton Agreement. The situation was complex and sensitive. However, by the end of the year, the LRP had established a professional working relationship with major actors in the higher education community in both entities, and identified some prerequisites for a feasible reform strategy. In 1998-1999 these were pursued through three joint projects.

1998: International Higher Education Initiative

On 17 June, on the initiative of Ambassador Klein, Principal Deputy High Representative (OHR), the LRP organised an expert meeting in Vienna regarding the possible establishment of an international higher education institution in Bosnia and Herzegovina. A second meeting was hosted by the Central European University in Budapest on 7 November 1998. At these meetings, representatives of the Central European University, the Council of Europe, the OHR, and three European postgraduate institutions addressed general and specific conditions for the establishment of a postgraduate higher education institution, which would bring together students from a diverse regional and international base in an open and liberal academic setting. It was agreed to advance the initiative by planning a pilot summer school in Sarajevo for 1999, and securing further financial and other support for the establishment of a permanent postgraduate institution.

1998-1999: Council/Unesco joint project on a Council for Higher Education

The authorities and higher education institutions of the country, as well as academic associations and international organisations, have repeatedly underlined the need for the creation of co-ordinating structures to develop administrative, financial and legislative solutions and to lay the foundations for an attractive higher education system. Continuing a long process of discussion and activities, an LRP working group on higher education

financing held two meetings on 23 February in Strasbourg and 18-19 May in Paris. Bosnian experts from both entities took part, as well as Unesco/CEPES, the EU Commission and the OHR. At the latter meeting, agreement was reached on the need for the establishment of a Council for Higher Education for Bosnia and Herzegovina and of a Preparatory Group to commence work on the project. The Council of Europe and Unesco jointly presented this proposal at the Academic Task Force meeting of the European Association of Universities (CRE) in Sarajevo, from 25-27 June.

Following co-ordination with international and other organisations active in higher education in Bosnia and Herzegovina, the Preparatory Group held its first meeting on 29 August 1998 in Berlin under the patronage of Ambassador Klein. The members of the Preparatory Group reaffirmed their commitment to pursue the establishment a Council for Higher Education in Bosnia and Herzegovina composed of all authorities responsible for higher education in the country. Following the Berlin meeting, university rectors and Ministers responsible for higher education met on 2-3 December in Mostar, under the chairmanship of LRP experts, to elaborate statutes for the new institution.

A further meeting of this group was held on 4-5 February 1999 in Banja Luka. A study visit of Bosnian members was organised on 7-10 March to the Swiss University Conference, Berne, as an example of a national co-ordination structure in higher education working successfully under a highly decentralised constitution such as Bosnia and Herzegovina. Agreement was reached on substantial parts of a draft statute; however difficulties remained on key issues of the membership and decision-making procedure. The establishment of a Council was strongly recommended by the report to the World Bank on governance (see below). At the insistence of the international community, the Ministers of Education of the two Entities agreed in January 2000 to set up an interim national co-ordinating body for higher education.

On 2-4 May, the Sarajevo preparatory group met to discuss statutes.

1998 - 1999: Council of Europe / World Bank joint project on education governance, administration and finance in Bosnia and Herzegovina

This joint project aimed to produce a thorough report on education governance, administration and finance at all levels of education and in all parts of Bosnia and Herzegovina. The contract was signed with the World Bank in October 1998, using funds provided by the Government of Japan. It was carried out by a team of national and international consultants. The final report will serve as a basis for future World Bank activities in education in Bosnia and Herzegovina. Following substantial preparatory work in 1998, including the preparation of a survey plan and the recruitment of a team of local consultants in Sarajevo for fact-gathering, three field trips for the international team were organised on 19-29 January, 28 February-6 March, and 21 March 1999. Three meetings were held with international experts to co-ordinate the drafting of the report. Interim findings were presented to a high-level meeting of interlocutors in Strasbourg on 17-18 May, attended by a

good number of Canton and Entity Ministers of Education, and were favourably received.

The report (DECS/EDU/LRP (99) 19) was issued in November 1999. While recognising some strengths and the high value placed by the society on education, the report provided a critical, even unsparing, and documented analysis of the severe problems of organisation, quality, and funding facing education in the country, exacerbated by inter-community tensions and legal fragmentation. The experts made thirty-five policy recommendations. Eight of these were considered urgent, including the setting up, at country level, of a Higher Education Council (see above) and a Standards and Assessment Agency for school education.

The report was translated into Serbo-Croat, and presented in Sarajevo in January 2000 to national decision-makers, donors and international organisations, and the press. It was also used to brief the Parliamentary Assembly, at present considering the application by Bosnia and Herzegovina for full membership in the Council of Europe.

A drafting meeting of experts took place in Paris on 9-11 June.

Bulgaria

1992

Following a preparatory mission carried out 9-12 July 1991 by Dr Fischer-Appelt – which played an important part in the setting up of the LRP – and at the invitation of the Minister of Education and Science of Bulgaria, a group of experts undertook a mission to Bulgaria on 6-10 January 1992 to give advice on the draft Law on Higher Education. The draft had been approved by the former government and tabled in Parliament but had not been enacted before the elections. The new government was reviewing its legislative plans to ensure a coherent policy for all sectors of education, science and culture and in this climate the expert opinion provided by the mission may have been helpful on key issues. For example, the group encouraged the adoption of a specific Bill on higher education rather than comprehensive legislation on all aspects of education and science; specific legislation on higher education was the rule in other countries. The Minister was inclined to proceed with a specific bill on higher education and asserted that he would take into account the discussions held with the expert group in its final formulation.

Bulgaria hosted multilateral workshop no. 1 on the financing of higher education in transition in Sofia from 11-13 June 1992.

1993

The LRP carried out an advisory mission in Sofia from 11-13 July 1993, to discuss with the Bulgarian authorities the problems which had arisen in the preparation of the draft Law on Higher Education, following the previous discussions. Because of delay in the preparation of this draft law, discussion focused on a number of issues which remained unresolved in the transition to a new system. These revolved essentially around the question of autonomy and accreditation of institutions, including their internal management, and of the respective roles of government and of the institutions therein. A related question touched on the overall structure of the higher education system and categorising institutions within it.

1994

The LRP carried out two advisory missions in Sofia (March and October 1994). The purpose of both missions was to discuss the contents and the procedure of the draft Law on Higher Education. Meetings were held with the Vice-Minister, the advisory team of the Ministry, the rectors of several universities, the Parliamentary Commission for Science and Education, the President and the General Secretary of the Bulgarian Academy of Sciences and the National Attestation Commission. The main topic was the underlying policy and its reflection in the draft law. The implementation of higher education policy and legislation-related issues, such as general principles, transition to the new structure, democratisation of the management of higher education institutions, human resources management and accreditation were also discussed. The advisory team of the October mission expected that, after a number of technical changes, the presented draft law would be ready for submission to Parliament. It also noted with satisfaction that the academic community widely supported the draft prepared by the Ministry of Science and Education. On the basis of the draft prepared by the former government in 1994 with assistance from the LRP, the Bulgarian Parliament adopted the first framework law on higher education in 1995.

1996

At the request of the Ministry of Education, Science and Technology an advisory mission was carried out from 5-8 June 1996 on the future organisation of research. The main documents under discussion were the Concept on the elaboration of the Science, Research and Technological Development Act and the Medium-term Programme for the preservation of scientific and technological potential. The discussions during the mission provided the advisory team with the opportunity to recommend a number of concrete adjustments to improve the effectiveness of the strategic development at national level and the opportunities for innovation and self-determination of the institutions.

1998

The objective of the advisory mission held on 20-21 July was to provide support and advice to the Bulgarian Ministry of Education, Science and Technology and the Bulgarian National Evaluation and Accreditation Agency on the implications of the Lisbon Recognition Convention and new quality assurance procedures for recognition, equivalence and evaluation of higher education. The discussions on the longer-term needs for reform led to an assessment

that the current legislation was not adequate to meet the requirements of the international context of higher education and, in particular, the international recognition of Bulgarian higher education qualifications. An examination of the work of the new quality assurance agency showed that it has achieved some experience with evaluation and assessment of higher education institutions and programmes, which can well serve to support the governmental policy aims. The participants were very happy to learn more about quality assurance and recognition in other European countries and it is expected that new legislation in the near future will lead to greater compatibility between the Bulgarian system and that of other European countries. The experts proposed following up the activity with a second visit before issuing a written opinion, as discussions were not considered sufficiently conclusive.

Croatia

1993

An advisory mission was carried from 23-24 August 1993 to Zagreb, on the draft Law on Higher Education and the draft Law on Scientific Research Activities. These draft laws had already had their first readings at the Parliament (Sabor), and, following discussions in Parliament, a number of changes had already been incorporated in the texts. The draft Law on Higher Education was a comprehensive framework law which clearly sought to lay the groundwork for the future higher education system in Croatia. Issues of internal governance, appointment of professors, organisation of studies and research activities were the main areas of discussion. The co-ordination of the higher education sector, and the roles of the intermediate advisory bodies established to facilitate the dialogue between the Ministry and the academic community were also examined in detail.

1994

In connection to the implementation of the 1993 Higher Education Act, an advisory mission was carried out in Zagreb from 4-6 October 1994. The topic under discussion was the statutes and functioning of the newly established intermediate bodies for higher education. The Higher Education Funding Council, the Science Council and the National Council for Higher Education were represented during the discussions. The statutes and accreditation procedures of the National Council were discussed specifically in relation to the Higher Education Act and other European practices. It was felt that there was a need for some form of accreditation and quality assessment which would have to be adapted to the existing mandate of the National Council and its means and working methods. The financing of models for national and institutional allocation and funds were also discussed. Both topics were considered as requiring separate Advisory Missions in 1995.

1995

An advisory mission on the topic of quality assessment was held in Zagreb from 15-17 March 1995. The mission focused on the procedures for quality assessment which were being developed and implemented by the National Council for Higher Education. The legislative framework, the roles of the various actors and the procedures were discussed as well as the

future evolution of recognition and quality assurance in Croatia. The background for the discussions were the 1993 Higher Education Act, which laid down the procedures for accreditation of programmes and faculties and the composition and functions of the National Council, and the report of the previous LRP mission to Croatia in 1994. Progress was made in the area of recognition and quality assessment procedures and the role of the National Council and its timetable. However, the status of the faculties, university administration, the role of the Rectors' Conference and the outcomes of quality assessment still required more discussion.

An advisory mission on institutional allocation had been planned for later in the year. Unfortunately, due to the violence that also obliged the Secretariat to find another venue for the 6th workshop, this mission had to be cancelled.

1996

Croatia was one of the six participating countries of the regional advisory mission on the development of non-university higher education held in Prague from 13-15 June 1996 (see Section 5.2, regional advisory missions: Central Europe).

1997

An advisory mission was held on 2-5 March on the development of a professional higher education sector, implementing the Revised Higher Education Act of 1996. Issues included the possible ways of organising the new professional higher education sector, the legal separation of existing professional departments from the universities, and the consequences for financing, assets, diplomas and mobility. Following the recommendations of the advisory team, the Ministry indicated that it will introduce changes to the Revised Higher Education Act. Croatia also hosted the 9th workshop, also on professional higher education, in Dubrovnik.

1999

Croatia was one of the nine participating countries of the regional seminar for central European and Baltic countries on problems of technical and professional higher education, held on 23-26 September in Prague (see section 5.4 below).

Czech Republic*1994*

The Czech Republic hosted multilateral workshop no. 4 on regulating private higher education in Prague from 9-11 May 1994.

1995

The first advisory mission to the Czech Republic was carried out 23-26 April 1995. The draft Government Principles of the Higher Education Act were the subject of intensive and detailed discussions with all the major parties involved, including the Parliamentary Commission. The most important topics were: the introduction of a system of tuition fees; relations between state, intermediaries and institutions; structure and diversification of the system; accreditation and quality assurance and the legal provisions on institutional governance. Furthermore, many technical elements of importance when drafting legislation were touched upon.

1996

On 21-23 October, the Ministry of Youth, Education and Sport invited an advisory mission to discuss the development of recognition and accreditation of higher education in the context of the draft framework law on higher education. The team found that, while there were differences of opinion about how quality assurance should be undertaken, there was clear consensus about the value and need for both accreditation and quality assessment. As it was possible that the legal basis for the procedure of accreditation would be revised, discussion focused on the responsibilities of the various actors in the system and the outcomes in terms of decisions, sanctions, funding etc.

The Czech Republic was one of the six participating countries of the regional advisory mission on the development of non-university higher education held in Prague from 13-15 June 1996 (see Section 5.2, regional advisory missions: Central Europe).

1997

An advisory mission was carried out on 9–12 November on plans to replace the 1990 Law on Higher Education with a modern, European-oriented framework law which would create a more open system of higher education and allow a better balance between institutional autonomy and public accountability. The main items discussed were the diversification of the higher education system through professional higher education programmes and private ownership, the introduction of fees without a concomitant system of targeted social support, institutional governance and accountability, the accreditation commission and the role of the Ministry as policy-maker and guarantor of the public interest. A preliminary set of observations was to be followed up by more detailed recommendations in a written report. An

advisory mission was envisaged in 1998 on a planned white paper on education policy reform. Following the advisory mission, the Secretariat attended an OECD seminar on “Mass Tertiary Education: the diversification response” held on 12-14 November in Prague.

1999

The Czech Republic hosted, and provided a case study for, the regional seminar for central European and Baltic countries on problems of technical and professional higher education, held on 23-26 September in Prague (see section 5.4 below).

Estonia

1993

Following an exploratory mission carried out on 12-13 April 1993 by the Chair of the Steering Group, and at the invitation of the Estonian authorities, a group of experts undertook a mission to Tallinn on 21-22 July 1993. The mission was divided into two parts. During the first session, rectors and other representatives from institutions of higher education gave in-depth descriptions of their institutions, the problems faced and the future outlook. During the second session, discussions took place on the following issues: relations between universities and the Ministry; relations between universities and colleges; institutional survival during a time of transition. Other topics, such as those concerning accreditation, the grading system and issues related to private schools, received briefer consideration. The Estonian draft Law entitled The Law of Institutions of Higher Education was used as a point of reference in these discussions.

1994

An advisory mission to Estonia was held from 18 - 21 May 1994. The advisory team met with the Ministry of Culture and Education, the Quality Council and representatives of several universities to discuss quality assessment and accreditation. A number of regulations concerning the establishment of new higher education institutions and procedures for quality assurance were considered in connection with the draft Law on Higher Education, which was in Parliament. The further development of quality assurance in Estonia, however, was to be seen in the light of the Baltic initiative in this area.

1994 – 1997

See Section 5.2, regional advisory missions: Baltic States

Estonia hosted multilateral workshop no. 7 on the financial management of higher education institutions in Tallinn from 23-26 October 1995.

1999

Estonia was one of the nine participating countries of the regional seminar for central European and Baltic countries on problems of technical and professional higher education, held on 23-26 September in Prague (see section 5.4 below).

Georgia

1997

A first mission to Georgia, of an exploratory character, was held on 18-20 May 1997, between missions to Armenia and Azerbaijan. The aim of the mission was to identify and explore policy concerns to which the LRP could make a contribution. The key legislation at that time was a framework law on all education. A number of amendments on higher education were debated in Parliament. The Ministry's approach here was generally endorsed by the experts, who nevertheless advised that specific legislation on higher education would be necessary later.

1998

An advisory mission was held on 14-18 November in Gori and Tbilisi. The mission assessed the current situation through discussions in institutions of higher education, especially the appropriateness of the current framework Law on Education. Advice was formulated to the Ministry of Education and members of the Parliament on issues arising from the Law, and the main lines of the next phase of specific legislation on higher education. Discussion of actual legislative provisions was difficult due to poor translations and a lack of clear policy direction from the government officials involved. It was possible to provide advice on issues related to the governance of higher education institutions and actions which institutions can take to realise the goals of current law. The primary outcome of the meetings was to establish a frame of reference for future work both for the Ministry and for international co-operation. Written conclusions by the expert team were prepared during the mission and handed to Georgian interlocutors, covering (a) the current law on education and (b) a concept of future specific legislation on higher education.

The first regional seminar for NIS countries was held in Tbilisi from 19-23 December.

Hungary*1992*

An advisory mission to Hungary was held in Budapest on 18-19 June 1992. The mission discussed the draft law on higher education with the Minister of Education and Culture, M. Andrasfalvy; with senior officials in the Ministry involved with the reforms; with rectors of higher education institutions, and with student representatives. The group attended a meeting of the Democratic Forum on the subject. The group held a 20-minute panel discussion for Hungarian television, moderated by a Hungarian journalist and transmitted as one of a regular series. The general conclusion of the advisory team was that the draft law constituted a sound basis for the next steps in the reform process in Hungary. The strong international dimension in the new system for accreditation and evaluation was particularly welcomed. The Hungarian side acknowledged that the strengthening of managerial autonomy in universities had to be a gradual process.

1993

A mission took place on 26-28 April 1993 in order to comment on the last draft version of the draft Law to be put before Parliament in May 1993. The issue of greatest concern to the interlocutors was that of integrating the higher education system, both at the level of ministerial control and at the level of the institutions themselves. Integration was seen as a preliminary step in the process of reforming higher education generally. The team was asked to consider the revised text in the light of this central objective. The team felt that as the bill was shortly to go before Parliament, the priority was to review the law in terms of its success in encouraging a process of integration, rather than attempt a detailed analysis of the text. The discussions focused on: fragmentation and the structure of ministerial responsibility for higher education; fragmentation and institutional integration; institutional organisation and autonomy; issues of finance and the rights of academic staff and students.

Hungary hosted multilateral workshop no. 3 on the diversity of higher education structures in Bucharest from 23-25 September 1993.

1995

An advisory mission had been prepared, on a planned "Development Law for Higher Education". However, shortly before the mission, the Hungarian authorities decided not to pursue this option and instead adopted an "interim resolution". The mission was therefore cancelled.

Hungary hosted multilateral workshop no. 6 on financing higher education in Budapest from 11-13 May 1995.

1996

An advisory mission was held in Budapest from 29 - 31 May 1996. The main topic discussed was the draft Amendment to the Law LXXX of 13 July 1993 on higher education, based on Parliament Resolution 107/1995 (XI.4) on the policy for higher education.

Hungary was one of the six countries participating in the regional advisory mission on the development of non-university higher education held in Prague on 13-15 June 1996 (see Section 5.2, regional advisory missions: Central Europe).

1999

Hungary was one of the nine participating countries of the regional seminar for central European and Baltic countries on problems of technical and professional higher education, held on 23-26 September in Prague (see section 5.4 below).

Latvia

1993

An exploratory mission to Latvia was carried out by the Chair and another member of the Steering Group on 23 July.

1994 - 1997

See Section 5.2, Regional missions: Baltic States

1999

Latvia was one of the nine participating countries of the regional seminar for central European and Baltic countries on problems of technical and professional higher education, held on 23-26 September in Prague (see section 5.4 below).

Lithuania

1993

Following an exploratory mission to Lithuania, carried out by the Chair of the Steering Group on 12-13 April 1993, an advisory team met with representatives of the Ministry of Education and universities in Vilnius on 19-21 July 1993. The Lithuanian hosts set out the following topics for discussion: decentralisation, institutional autonomy and relations with the state; democratisation of higher education; quality assurance of higher education and research; private education; international agreements; problems of intellectual property; financing higher education and research and student matters. The Lithuanian Law on Science and Studies was used as a central reference point throughout the meetings. Because of the nature of the organisation of Lithuanian higher education, the experts felt that the greater part of the discussions should centre on the critical issue of institutional autonomy and relations with the state. Questions regarding democratisation of higher education, quality assurance of higher education and research, international agreements and student matters were also discussed.

1994 – 1997

See Section 5.2, Regional missions: Baltic States

Lithuania hosted multilateral workshop no 5 on separation, co-operation and integration in teaching and research in Kaunas from 20-22 October 1994.

1999

Two missions were carried out in 1999, with financial support from the Nordic Council of Ministers, on the draft Law on Higher Education prepared by the Ministry of Education with the support of the PHARE programme. During the first mission on 23-26 June, the advisory team evaluated the draft with respect to European standards of good practice. While the draft was seen as of high quality, a number of internal inconsistencies were identified. The team prepared a written opinion (DECS/EDU/LRP (99) 16) with further analysis and proposed solutions, including a system of student financial support recognising both merit and needs. This opinion was presented during a second mission on 14-17 October, and discussed with representatives of the Ministry, the Rectors' Conference and Parliament. Issues included the establishment of a contract-based relationship between the institutions and the ministry, including finance and student numbers, new self-governing structures in universities, and reform of admission procedures. Final advice was given in a second written opinion (DECS/EDU/LRP (99) 18).

Lithuania was one of the nine participating countries of the regional seminar for central European and Baltic countries on problems of technical and professional higher education, held on 23-26 September in Prague (see section 5.4 below).

Moldova

1995

A first exploratory mission to Moldova was held from 13-14 June 1995. The representatives of the LRP met with members of the government, Parliament and the higher education institutions. The host authorities informed the LRP team of the situation with regard to higher education reform and the Law on Education. Separate laws on higher education, vocational education and accreditation were being planned, but were delayed due to the dire economic circumstances facing the country. The major issues for continued co-operation with the LRP were: re-integration of the universities, the internal governance of institutions, relations between universities and the academies, the status and support of students.

1996

An advisory mission to Moldova was carried out from 24-27 September 1996 on the implementation of the 1995 law on higher education. The main topics of discussion were the financing of higher education institutions, co-operation with industry and student fees, quality assurance and recognition, institutional autonomy and management.

Poland

1994

An advisory mission on quality assessment and accreditation of institutions of higher education took place in Warsaw on 26-28 September 1994. The main objective was to discuss the draft proposal developed by the Polish Council for Higher Education for the introduction of a combined system of evaluating the quality of teaching and accreditation in higher education institutions, and to exchange experience in the introduction and functioning of systems of accreditation/quality evaluation in other countries. The two-day meeting with the advisory team of experts was attended by 40 participants including representatives from the Ministry of Education, members of the Council of Higher Education and by representatives from various universities and institutions for higher education (both public and private). The experts invited by the Council of Europe strongly advised the authorities not to introduce a classification/accreditation system within the system of quality evaluation, but to make a clear

distinction between the system of accreditation and the system of quality assessment. Conclusions were adopted at the close of the meeting.

1996

Poland was one of the six participating countries in the regional advisory mission on the development of non-university higher education held in Prague from 13-15 June 1996 (see Section 5.2, regional advisory missions: Central Europe).

1997

An advisory mission took place on 18-22 October on: the implementation of the Act on Schools of Higher Professional Education passed in June 1997; the development of accreditation and quality assurance; options for updating the 1990 Act on Schools of Higher Education; a draft overall strategy for development of the education system. The experts generally welcomed the strategy being followed for the expansion of higher education, the creation of new professional colleges, and the development of quality assessment. They recommended the early adoption of legislation to set up the quality assessment system, ahead of a comprehensive reform bill in the future. A number of more specific comments and suggestions were made. The mission took the form of a seminar with key stakeholders involved in advising the new government being formed at the time.

1999

Poland was one of the nine participating countries of the regional seminar for central European and Baltic countries on problems of technical and professional higher education, held on 23-26 September in Prague (see section 5.4 below).

Romania

1994

An advisory mission to Romania on the subject of ministerial co-ordination of the higher education sector took place from 2-- 4 March 1994. Discussions took place between the experts and representatives of: the Ministry of Education, the Romanian Academy, the National Council of Rectors, the University of Bucharest and the Polytechnic University of Bucharest. The mission team was provided with four texts: the Constitution of Romania (1991); the Decree Referring to the Measures to be Taken to Carry on Education 1993/95 (June, 1993); the Law Concerning the Accreditation of Higher Education Institutions and the Acknowledgement of the Diplomas (December 1993); and a white paper entitled The Reform of Education in Romania: Conditions and Prospects (1993). Given that the subject matter of

the mission, “ministerial co-ordination of the higher education sector”, was not specific to any particular text, yet was part of all of them, the expert team developed a thematic approach to the discussions with the different groups of interlocutors. This was the first LRP mission to Romania and combined the elements of an advisory and an exploratory activity.

1995

At the request of the Romanian authorities, an advisory mission to Romania on the subject of new mechanisms for higher education financing took place in Bucharest from 14-16 June 1995. Discussions took place between the experts and representatives of the newly formed National Council for Higher Education Funding, the National Council of Academic Scientific Research, the National Council for Academic Assessment and Accreditation, the Ministry of Education and the Education Committee of the Romanian Parliament. The mission team was provided with a large amount of documentation regarding the reform of higher education policy and legislation in Romania. Discussions focused on the role of intermediate bodies and the government in determining and allocating state funds to higher education, the mechanisms for determining costs and delivering funds and additional possibilities for finance from the private sector and other activities of the institutions.

1996

The Council of Europe Secretary General was requested to carry out an evaluation of the Education Law, adopted in 1995, with particular reference to the educational rights of minorities. However, this project was not pursued by the Romanian authorities.

Russian Federation

1992

An advisory mission to Lomonossov (Moscow State) University, to advise on the reform of the University's statutes in the context of the process of democratisation and reform of the higher education system in Russia, took place on 11-15 March 1992. Far-reaching changes had been made affecting the status of Moscow University, including its removal from the jurisdiction of the Ministry of Education to that of the president. The team met leading members of the University, and in particular the candidates for the first election to the office of rector. Issues raised for discussion included the role and autonomy of the rector; commercial activities undertaken through the university; the introduction of tuition fees; linguistic barriers to foreign recognition of diplomas; rationalisation of the periods of study required to obtain specific degrees; the movement from a highly specialised to a more general focus in first degree programmes.

An advisory mission on higher education legislation in the Russian Federation was held in Moscow at the Committee on Higher Education, Ministry of Science, Higher Education and Technical Policy on 15-19 August 1992. The advisory group was asked to consider the Decree of the Supreme Soviet of the Russian Federation concerning the implementation order and procedure of the Law on Education of the Russian Federation, the Law on Education itself, and to comment on the draft Law on Higher Education and the scientific and teaching personnel training. The draft was to be submitted to the sub-committee on Higher Education of the Duma's committee on Education for the fourth time. Professor Shadrikov, deputy chairman of the Committee on Higher Education, presented a list of ten questions and the experts' responses were grouped under the following issues: functions, organisation and governance of higher education institutions; access; vouchers and study finance; general studies; quality assurance and privatisation; mobility and the international dimension.

1995

The third advisory mission to Russia was carried out from 19-22 December 1995, to discuss the draft Federal Law on Higher and Professional University Education, which had already been through a second reading in Parliament. The draft represented a consolidation of existing decrees which had been in force for some time. A number of the measures in the law were, in fact, in operation in the universities. The discussions focused on implementation of the future law and the modifications which might be made in the future. Financing issues and the status and position of students and professors were the major elements of the draft law. However, provisions regarding the internal governance of the institutions and the status and role of intermediate bodies were lacking. This approach to legislative reform is in keeping with Russian legal tradition and could be seen as a way of trying out measures before enshrining the successful ones in law. This procedure, however, encourages a somewhat piecemeal reform of the sector as many important aspects were not treated at all and others were treated elsewhere in decrees.

1996

An advisory mission on the financing of higher education: student support and tuition fees, was held from 2-5 October 1996. The report of the previous mission considered at length the issues, merits and weaknesses of the law which provided a basis for the more narrow focus of this mission. The discussions concentrated on the implementation of the law with regard to access to higher education, admission procedures, tuition fees, private higher education and the social and economic conditions of students.

1997

Work in the Russian Federation was strongly influenced by the merger of the ministries responsible for schools and higher education, and the need to co-ordinate action with other

organisations. A Secretariat mission took place in Gent on 22-23 February 1997 for a meeting with Russian educational lawyers, organised by the Flemish Community of Belgium. On 14-17 June, the Secretariat attended the OECD Education Committee review of education policy of the Russian Federation in Moscow. Following this meeting, the LRP was invited by the Minister of General and Professional Education to advise on the draft *Concept of Education Reform*, a policy white paper to be adopted by the Government, covering all areas of education. This took place at an advisory mission on 19-23 October, organised with the help of the school education sector of the Council. Another advisory mission took place on 2-5 October on higher education financing and student support.

The problem of the division of competences under a federal structure was identified as a key issue to be addressed at a seminar in Russia in 1998, with the participation of local and regional authorities and republics. The Secretariat carried out a mission on 24-26 October to plan this meeting, and to liaise with the Russian Lawyers' Association.

1998

In mid-1998, the LRP Secretariat agreed with the Ministry of Education on an action plan for co-operation with the Russian Federation in 1998-1999, carried out under a grant from the Netherlands' MATRA fund. In 1998, priority was given to preparing amendments to the laws of the Russian Federation, "On Education" and "On Higher and Post-University Education", based on European standards in the field. A joint Working Group was set up, with eight experts from other European countries and eight Russian experts from the Ministry and institutions of higher education.

The Working Group held two meetings in 1998, on 11-13 October in Moscow, and 20-21 November in Paris. The latter was held in co-operation with the OECD and immediately followed the plenary meeting of the OECD Education Committee; the Working Group members discussed with OECD examiners the findings of the OECD "Review of Tertiary Education and Research Policy in the Russian Federation". The work focused on three major groups of topics for amendments: the governance and landscape of the education system including aspects of policy governance, legal governance, institutional governance and autonomy; the accountability and autonomy of higher education institutions including budget controls and external audit, regulation of tuition fees, and quality assurance; problems of access and equity regarding reform of admissions to higher education, student financial and social support (the replacement of privileged categories with equal access policies); and issues of staff employment conditions.

In addition, one meeting of an *ad hoc* sub-group on equity and access was held in Stirling on 10-13 December at the invitation of the University of Stirling. Amendments were drafted with regard to the right to education and to equal access. These included new definitions of higher

education, equity and access to higher education based on the principles of international law, and the norms and standards of the Council of Europe (especially Recommendation R(98) 3). Discussions were also pursued on the creation of a national testing system, equal treatment for citizens and non-citizens, the creation of uniform admissions regulations and the abolition of special privileged categories of applicants.

1999

The third and final session of the Working Group was held in Moscow on 11-14 February 1999. The Group reviewed its previous work in detail and adopted final proposals to the Russian government, for further consideration by the legislative bodies (DECS/EDU/LRP (99)7). The proposals included an amendment to Article 43 (3) of the Constitution of the Russian Federation, which prevents an equitable fees policy, and amendments to the Law on Education and the Law on Higher and Post-University Professional Education. The report also recommended further work on a national scheme for testing of school-leavers and admission to higher education.

In the second phase of the Action Plan, attention turned to draft Laws of the Russian Federation on Initial Professional Education and on Secondary Professional Education. Following the successful 1998 model, a new joint Working Group of Russian and international experts was set up. The Working Group held two meetings in 1999, on 27-30 October in Moscow and 20-23 November in Paris. The activity received additional financial and expert support from the European Training Foundation, a long-standing partner of the LRP in the TP/VE sector. An additional meeting of the Rapporteurs was held in Vienna from 2-3 December and prepared revised texts of the laws. The 3rd meeting of the Working Group was held in Moscow on 29 January-2 February 2000; it is expected to complete its work in the near future.

Slovakia

1993

An expert mission took place in Bratislava, 14-15 January 1993. Discussion focused on the Czechoslovak law of 1990 governing higher education and plans to amend it. Discussions were held in two sessions on 14-15 January with the rectors of Slovak universities, officials from the Ministry of Education, parliamentary members of a working party preparing new legislation, and a group of invited Czech rectors during a wider panel discussion on 15 January, with about 100 representatives of faculties and departments in Slovak universities. It was confirmed early in the discussions that any new legislation would respect the principles of academic freedom and self-government established by the law of 1990, clarifying some ambiguous and disputed points. The main issues discussed lay in (a) the composition of the

central bodies of institutional self-government (rector, senate, scientific council) and (b) the relations between these central bodies and those of the faculties, whose autonomy is entrenched by the law of 1990. The experts strongly advised their interlocutors to ensure that the central bodies of each institution had the mandate and instruments to provide effective and dynamic leadership in a rapidly changing world. Some participants regretted that an essentially internal and backward-looking problem was obscuring other key issues in the relationship between the institutions and society.

This mission was the first Council of Europe action of any kind in the newly-created Republic of Slovakia. In the context of the transition, the obvious willingness of the Czech and Slovak universities to work closely together was welcomed by the Council of Europe mission.

Slovakia hosted multilateral workshop no. 2 on accreditation and evaluation in higher education in Bratislava from 17-19 June 1993.

1994

An advisory mission was carried out from 28 February to 1 March 1994 in order to evaluate and analyse the draft principles for the Higher Education Act. This text was proposed by a drafting committee drawn from the higher education community (rectors, deans and professors) and from the Ministry of Education and Science. The main areas on which the expert team focused were: the autonomy of institutions in relation to the Ministry; the legal status of institutions and their constituent parts; executive competence of intermediate organisations and the competence of both the internal governing bodies of institutions and the external overseeing bodies; and students' rights. The LRP was invited to make an evaluation of the final text of the draft law, either in the form of another advisory mission or a written evaluation.

1995

On 20-22 November 1995, an advisory mission took place on the draft Amendment of the Higher Education Act 172/1990, a law dating back to the time before the Czech and Slovak Republics separated. The advisory team discussed the draft with the Minister of Education, the Parliamentary Commission and with representatives of all stakeholders in the higher education and research sector. It also met separately with representatives of three Slovak universities. Furthermore, the team discussed several issues with the Presidium of the Accreditation Commission, whilst attending part of a three-day meeting of this Committee. Discussions focused on the following main issues: the competencies of the Ministry of Education; the separate authority of the Academy of Science to award PhD degrees, an idea

that is vigorously attacked by the universities; accreditation procedures; the legal personality of the faculty and the position of rectors/the Rectors' Conference.

1996

Slovakia was one of the six participating countries of the regional advisory mission on the development of non-university higher education held in Prague from 13-15 June 1996 (see Section 5.2, regional advisory missions: Central Europe).

1999

Slovakia was one of the nine participating countries of the regional seminar for central European and Baltic countries on problems of technical and professional higher education, held on 23-26 September in Prague (see section 5.4 below).

Slovenia

1992

A mission from 2-4 December 1992 took the form of participation in a colloquy organised by the University of Ljubljana on the reform of the Slovene higher education system. Participants included the Deputy Minister of Education and Sport, senior officials of the Ministries of Education and of Justice, and about twelve representatives of the universities of Ljubljana and Maribor. The discussion focused on a bill prepared by the government to replace the existing law of 1980, revised in 1989 to restore institutional autonomy. This was likely to be submitted to the Parliament after the elections on 6 December 1992. The new bill aimed to set up a coherent framework for higher education, including the relations between the state and institutions and their internal governance. The mission found its approach generally sound. The main problem discussed was that the current law reduced the university to a confederation of autonomous faculties and institutes, whereas the bill proposed to strengthen the university's central organs of self-government. The mission supported this intention and gave practical advice on methods.

1994

The second mission to Slovenia was carried out in September 1994 on the topic of "The implementation of the Higher Education Act: Statutes of universities". Discussions were held

with the State Secretary and the leadership of the Universities of Ljubljana and Maribor. The major points for discussion were the organisation of, and the division of labour between university management (central level) and faculty management. In Slovenia faculties are legally 'members' of the university. The university received the status of legal personality in 1993. Its constituent faculties were, historically, legal persons. This transition and the search for workable checks, balances and efficient statutory procedures are causing a number of complex and interlocking legal and practical questions that cannot easily be solved on the basis of the interpretation of Article 10 of the Slovenian Act on Higher Education that deals with the issue of legal personality. However, the advisory team was convinced that these matters could be solved in the near future.

1995

Following the LRP advisory mission to Slovenia in September 1994, a third mission was carried out in November 1995. Discussions, partly in the form of a Round Table, were held with the Ministry of Education and Sport, the leadership of the Universities of Ljubljana and Maribor, the Council for Higher Education and representatives of the non-university sector. The Ministry of Science and Technology was represented as well. The major points for detailed discussions were the organisation of and division of labour between university management (central level) and faculty management, allocation of resources and financial management, and the issue of quality assurance. Overshadowing the discussions was the question of how to further develop the higher education and research system in Slovenia.

1996

An advisory mission on the topic of draft legislation on research was carried out in Slovenia from 21 - 24 February 1996. The mission considered the text of the second reading of the draft in terms of practicability and credibility for a country the size of Slovenia with its relatively small science community.

Slovenia was one of the six participating countries in the regional advisory mission on the development of non-university higher education held in Prague from 13 - 15 June 1996 (see Section 5.2, regional advisory missions: Central Europe).

Slovenia hosted multilateral workshop no. 8 on higher education policy and planning in Bled from 4-6 July 1996.

“The former Yugoslav Republic of Macedonia”*1996*

With a view to a possible advisory mission, an exploratory mission was conducted from 15-17 July 1996 to assess the state of higher education legislation and policy in “the former Yugoslav Republic of Macedonia” and to investigate the possibility and priority topics of co-operation with the authorities in Skopje. The national authorities concluded that an LRP advisory mission should take place in 1997 to discuss the draft law on higher education on the basis of a prior written expert opinion endorsed by the Secretariat.

1997

Following an exploratory mission in July 1996, an advisory mission was held on 17-19 March 1997 on the draft law on higher education. Because of the sensitivity of issues of language and non-state institutions, a draft written opinion was prepared beforehand, in consultation with the political, legal and human rights services of the Council of Europe. This draft opinion (DECS/LRP (97)4) was discussed in Skopje and finalised afterwards (DECS/LRP (97)7). It covers the purview of the law, the recognition of institutions and qualifications, and the mission and governance of higher education institutions. In November 1997, the government tabled a revised draft law on higher education, which took into account many of the recommendations made in the LRP opinions. At the invitation of the Ministry of Education, the LRP experts visited Skopje again on 25-27 November to discuss the revised draft law. Subsequently, a third written opinion was prepared and submitted to the government (DECS/LRP (97) 17).

Ukraine*1993*

An expert mission took place in Kiev on 3-5 March 1993, following contact made during discussions with the Ukrainian authorities on accession to the European Cultural Convention.

1994

An advisory mission to the Ukraine was carried out from 16 - 17 March 1994 to discuss policy objectives of the reform process. The 1991 Law on Education, together with the numerous ministerial decrees based upon it, was the legislative basis for the higher education system in the Ukraine. The team met with the Deputy Minister and other Ministry officials, as well as representatives of Kiev State University, Kiev Polytechnical Institute and other Higher Education Institutions. The discussions focused mainly on: the organisation of studies and

recent changes; ministerial co-ordination of the sector, and the role, function and implications of the Accreditation Commission and issues on institutional autonomy.

1995

An advisory mission to the Ukraine from 11-13 December 1995 discussed the draft law on higher education. The advisory team was able to provide urgently needed information to the Ministry and Parliament concerning student fee practices and the status of vocational education in other European countries, which were points of the draft being debated. Many other issues, however, which were considered to be missing from the law, were to be regulated for the time being by governmental legislative acts. This was not considered by the advisory team to be ideal, but it was understood that a re-organisation of the legislative framework for higher education would have to wait. In the meantime the current arrangement was adequate in most areas, though not in all. The advisory team found that much progress had been made in Ukraine since the last mission in 1994. However, the internal governance of higher education institutions was not at all regulated, with only the rector having legally defined status. The autonomy of institutions was still limited and only the rector had decision-making power within the institutions. Overall, the slow pace of reform was consistent with the desire to consolidate the state sector of higher education and maintain its characteristic elements while providing for limited competition within state sector higher education and between it and an emerging private sector.

1997

An advisory mission was held on 8-11 December 1997 on the draft law on higher education being prepared for submission to the Cabinet and the Parliament in early 1998. Major points raised in previous missions were reiterated and further developed by the advisory group: relationship to the (general) Law on Education, role of the Ministry in policy development and funding, role and appointment of rectors, international involvement in quality assurance, avoidance of academic drift through the accreditation process, and de-emphasising state standards.

1998

A Round Table was held in Kiev on 8-10 November with a view to proposing amendments to the draft Law on Higher Education before its second reading in the Rada (Parliament). Five LRP experts were joined by representatives of the Ukrainian Government, the Rada, the Ministry of Education, the Ministry of Justice, representatives of Trade Unions, and rectors of higher education establishments. Major items discussed were: the equilibrium between private and public education and diversification of higher education, a national quality assurance system for all higher education institutions, state policy in higher education and the role of the relevant ministries, including the risks of fragmentation, over-regulation and lack of

transparency. autonomy of higher education establishments and academic freedom; and modification of the present system of “state orders” and creation of a system of loans targeted on needs; and the creation of a transparent, fair and predictable system of access based on principles of equity.

The advisory team was informed that discussions with other Ministries were nearly concluded, with the aim of establishing the leading role of the Ministry of Education already laid down in the framework law on education. This corresponded to previous LRP advice and was warmly welcomed. The team also welcomed the intention of the Ministry to prepare a policy white paper, again in line with an earlier LRP recommendation. The global objectives of reform for the short, medium and long term should be put forward for public discussion and consideration in a white paper. As previously suggested, the document could tackle major issues which were relatively unsuitable for legislation: the total planned numbers of students, projected budgets, priorities for innovation in the curriculum, and the balance between types of provision.

Yugoslavia

1998

At the request of the Political Affairs Directorate, a written opinion for the Council of Europe on the Serbian Law on Universities was published on 28 May 1998. It criticised the Law, which abolished university autonomy, saying that it further undermined democratic reform efforts in universities and Serb society in general.

5.2 Regional advisory missions

5.2.1 Baltic States (Estonia, Latvia and Lithuania)

1994

A regional advisory mission was carried out in Riga from 23-25 October 1994. The mission was held in the context of the developing co-operation between Estonia, Latvia and Lithuania in the field of quality assessment and accreditation. The advisory team met at the first meeting of the newly established Baltic Rectors’ Conference and the representatives of the three ministries. The mission ended with the signature by the three Ministers of Education of a Declaration outlining their future co-operation and the decision to request another LRP regional advisory mission on the same topic in 1995.

1995

The LRP held a second regional advisory mission (Riga, 19-22 February 1995) in the context of the implementation of the agreement signed in 1994. The particular aim of this mission was to inform and to discuss with the representatives of the higher education institutions the procedures and mechanisms implied in quality assurance and to encourage their taking the initiative in the implementation in order to maintain a balance between the autonomy of the institutions and the need for accountability towards government and public. Participants included Ministry officials of the three countries as well as rectors, deans and representatives of the new intermediate bodies with responsibility for quality assurance.

A regional advisory mission was carried out in Vilnius from 7-10 June 1995 on the position of students in the governance of higher education. The mission was held in the context of the developing co-operation between Estonia, Latvia and Lithuania. Student representatives from Latvia and Estonia took part in the discussions with Members of Parliament, the Ministry and institutions. This gave the mission a more general character, focusing on the legal structures of governance both at national and institutional level as well as on the role and formal position of student unions in Lithuania, the academic and social position of students.

The third regional Baltic mission of 1995 took place in Tallinn on 24-26 October, just before the 7th LRP workshop at the same location. Two draft laws: the Estonian draft law on applied higher education institutions and the Latvian draft law on higher education establishments were discussed. The Latvian draft was passed by the Latvian Parliament later the same year. The advisory team met with the Chair of the Estonian Parliamentary Commission and representatives of Ministries and institutions of all Baltic countries. The main issues of this short mission were the strategic planning and the general objectives of the (legislative) development in the Baltic countries, financing, problems of scale and organisation of the higher education system, curriculum development and quality assurance.

1996

A regional advisory mission to the three Baltic States on the topic of the white papers for higher education and research issued in the three countries, was carried out in Riga from 14-17 September 1996. With the Latvian authorities the emphasis was put on the design of the higher education and research system and impediments to its development and the implementation of the Law. Discussions on the re-integration of research and teaching and the development of non-university higher education were based on the Estonian situation. The discussions on Lithuania were mainly focused on the speed and direction of the general developments in the higher education and research sector.

1997

A regional advisory mission was held on 13-16 April in Vilnius to review the legal and practical arrangements for quality assurance and recognition of qualifications in the three Baltic States: Estonia, Latvia and Lithuania, taking account of their differences as well as common features. The advisory team noted that the systems which have been put into place by the three countries, although not yet fully operational, correspond to the principles generally accepted in Europe for an equitable and reliable system of quality assurance. Recommendations were made on implementation in the three countries and in the framework of the Baltic agreement on co-operation in higher education, which the LRP had helped establish in 1994.

5.2.2 Central Europe (Croatia, Czech Republic, Hungary, Poland, Slovakia and Slovenia)

1996

A regional advisory mission for Croatia, Czech Republic, Hungary, Poland, Slovakia and Slovenia, with the added representation of Austria, was held in Prague from 13-15 June 1996. The countries concerned by this activity had all requested an advisory mission of the LRP on the topic of non-university higher education and had agreed to undertake this mission together in the form of a regional advisory mission. The major areas of common concern with regard to diversification of the higher education sector were with regard to issues: access, costs, relevance and quality. The need for flexibility and mobility could also be considered as a driving force in the strategies.

The mission aimed to: exchange information about higher professional and continuing education in other European countries; consider how specific transition problems had been overcome and how structural and curricular issues had been addressed in other European countries; ascertain the stage of development and decisions which had been taken in the six partner countries; discuss in depth specific questions of institutional and programme diversification, qualifications, admission, mobility and financing of non-university or professional higher education. Most importantly, it aimed to address the next steps and the legal and procedural changes to be undertaken through a discussion of strategies for transition to a diversified higher education sector in each country's national context.

1999

A regional seminar for Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, and the Slovak Republic, with the added representation of Austria, was held in Prague on 23-26 September. The seminar, entitled "The Place of Tertiary Professional and Vocational

Education in the Higher Education System”, received financial support from and was hosted by the Ministry of Education, Youth and Sports of the Czech Republic. Participants identified the obstacles for the system’s development and studied the context of the on-going reforms, which are facing strong opposition from existing “classic” universities while the tertiary sector is being enlarged. The issues of mobility, permeability and transfer were focal points of discussion. Participants shared their country’s experience in creating tertiary professional and vocational education (TP/VE) links to the labour market and the involvement of the social partners. The participants highlighted that ensuring the quality of TP/VE is indispensable for establishing a proper link to the labour market and that this issue is of European concern.

5.3 Multilateral workshops

No. 1: Financing of Higher Education in Transition (Sofia, 11-13 June 1992)

The Standing Conference on University Problems (CC-PU) held a multilateral seminar on the Financing of Higher Education in Transition from 11-13 June 1992 in Sofia. All CC-PU delegations including those of observer countries and organisations were invited to participate, a precedent followed in subsequent LRP workshops. Essential background to the discussions was provided by the OECD report of 1990, *Financing Higher Education: Current Patterns*, which had been discussed by the CC-PU at its Barcelona colloquy in September 1989, held in co-operation with the OECD and the Committee on Culture and Education of the Parliamentary Assembly. The purpose of the seminar was to discuss the financing of higher education as a key feature in the formulation of national policies for this sector in the new political and economic context of central and eastern Europe. It drew on the collective experience of advanced industrialised democracies and on different approaches they have applied to specific issues, juxtaposing them onto the somewhat undeveloped objectives and efforts in this area in the countries in the process of transition. Four main themes that preoccupied the countries of central and eastern Europe were identified: financial resources required for higher education; the source of these resources in times of economic constraint; the best distribution of these resources; the nature and form of the relationship that should be established between the state and educational institutions. The summary by the Rapporteur (DECS-HE 92/82) gave a theoretical overview and clarified the essential problems.

No. 2: Accreditation and Evaluation in Higher Education (Bratislava, 17-19 June 1993)

The large-scale changes in higher education in all the countries of central and eastern Europe, in which new legislation was playing a major part, had created or revealed a number of problems of quality. The issue of the assurance and measurement of quality was of central concern to virtually all these countries. Formal accreditation machinery had, for example, been set up by Hungary, and it was under consideration, as were other means of quality evaluation, in most other countries. The rapid establishment of new structures of accreditation

and evaluation for these purposes was an ambitious undertaking. Accreditation no doubt faces internal challenges specific to each country. One common challenge was that of methods of implementation. How, in the most practical terms, are the new accreditation bodies to be set up and run? The Bratislava workshop was organised in an attempt to make a real contribution to answering this question. A report of the workshop's results was prepared by the General rapporteur, Mr Liam Ryan, Ireland (DECS-HE 93/119).

No. 3: Universities, Colleges and Others - Diversity of Higher Education Structures
(Bucharest, 23- 25 September 1993)

Many countries throughout Europe were in the process of enacting (or had recently enacted) changes to their higher education structures. The questions of employability, length of studies, vocational/professional training, adaptability to the labour market, in both the long term and short term view were being actively debated. This workshop aimed to serve the practical purpose of discussing these themes in the light of the immediate needs of central and eastern European countries and the recent experience of binary systems and integrated systems in western Europe. Forty representatives from twenty-two countries, including thirteen central and eastern European countries took part in this workshop, co-sponsored by Unesco/CEPES and the Romanian Ministry of Education. A final report was prepared by the General rapporteur, Professor Jan Fridthjof Bernt, Norway (DECS-LRP 94/05).

No. 4: Regulating Private Higher Education ***(Prague, 9-11 May 1994)***

This workshop addressed the rapidly growing private higher education sector in central and eastern European countries and the need for regulations concerning the legal status, quality and security of staff and students in these new institutions. Plenary sessions allowed for discussion of the desirability or inevitability of the development of private higher education and for the distinction, between different types of private higher education institutions: foreign branch campuses, commercial ventures and bona fide private universities or non-university institutions. Case studies of the experience of western countries and the working groups contributed to a discussion on the legitimacy of regulating private higher education and the elements of sound policy regarding it. The working groups also contributed to the development of a statement from the participants which was adopted at the end of the workshop. A final report was prepared by the General rapporteur, Mr Lyndon Jones (DECS-LRP 94/33).

No. 5: Teaching and Research: Separation, Co-operation and Integration
(Kaunas, Lithuania, 20- 22 October 1994)

This workshop brought together representatives of universities, academies of science, and ministries to discuss the relationship between teaching and research in the context of

institutional separation as it exists in the new member countries, encouraged by the Soviet model. The working groups and presentations provided a forum for the discussion of the level of communication necessary between teaching and research for various types of study programmes and ways and means of encouraging research by teachers and teaching by researchers as well as the involvement of students and industry in teaching and research processes. A set of recommendations by the participants was adopted at the end of the workshop. A final report was prepared by the General rapporteur, Professor Maurice Kogan, United Kingdom (DECS-LRP 95/04).

No. 6: Financing Higher Education

(Budapest, 11-13 May 1995)

Following a suggestion of the consultative meeting in November 1994, the two multilateral thematic workshops in 1995 addressed complementary aspects of the same theme, higher education funding. The first workshop was moved to Budapest at the last minute, due to renewed violence near the planned venue of Dubrovnik two weeks before the workshop. Issues related to the financing of the whole higher education sector and individual institutions or programmes. Various models of state allocation of resources to higher education and institutions were illustrated by presentations on the following themes: evaluating the costs of higher education; the boundaries of public financing; variations of criteria and principles of public funding; market mechanisms in higher education: possibilities and limits. These presentations were supported by a background discussion paper from the Secretariat and responses to a questionnaire. Smaller working groups discussed and reported on the following topics: accountability and autonomy; institutional financial autonomy and ministerial budgetary control; institutional strategies; diversification of funding sources or commercialisation of services; funding models; pros and cons of lump sums, running costs and contracts and criteria for state funding: student numbers vs. development plans/study programmes. Recommendations were adopted concerning common principles of resource allocation, negotiation, financial autonomy, accountability, transparency and distribution of state funds to higher education institutions. A final report was prepared by the General rapporteur, Janos Setenyi, Hungary (DECS-LRP 95/18).

No. 7: Financial Management of Higher Education Institutions

(Tallinn, 26- 28 October 1995)

The aim of the second workshop on funding was to discuss issues of higher education financing from the perspective of the higher education institutions. The main themes were: financial autonomy and institutional responsibility, diversification of institutional revenues, and institutional budgetary structures. Each theme was the subject of a presentation and a working group. The discussions focused upon how institutions could more efficiently re-allocate existing funds and exploit new opportunities for additional income in times of more

or less extreme stagnation (or even regression) of state funding and increasing accountability requirements. The importance of financial autonomy as an integral part of institutional autonomy was stressed. The presentations and discussions were animated and fruitful. This workshop was intended to be complementary to the previous workshop and, together, they formed a wide discussion of higher education funding from both the perspectives of the allocation of state resources and the re-allocation of resources within financially autonomous higher education institutions. The Tallinn workshop participants adopted a set of recommendations which should be considered together with the recommendations of the Budapest workshop. A final report was prepared by a group of Rapporteurs led by Professor Michael Daxner, Germany (DECS-LRP 95/31), later elaborated into a publication also drawing on the Budapest workshop.

No. 8: Higher Education Policy and Planning

(Bled, Slovenia, 4-6 July 1996)

The aim of this workshop was to provide a forum for discussion of common aspects of policy-making in a changing environment and of specific difficulties of policy development in the new partner countries. The participants in the workshop represented twenty-four countries, including nineteen of the new partner countries of central and eastern Europe. The discussion centred on the changing nature of the role of the state in "steering" higher education and upon practical issues of policy implementation. The preliminary finding was of the movement of higher education systems, which had been taken to represent models of state-centred policy (France, Germany), university-centred policy (U.K.), or market-centred policy (U.S.), towards a kind of middle ground which has been named "the supervisory state". This comes at a time when the new partner countries have themselves been defining the role of the state with regard to higher education in a similar manner, not abandoning the regulatory and financial role while strengthening the role of the academic community and increasing the influence of the market. Major differences could be seen, however, between countries with very large higher education sectors in terms of numbers of students and of institutions and smaller countries whose ministries of education can rely more heavily on direct intervention. A final report was prepared by the General rapporteur, Gehard Duda, Germany (DECS/LRP 96/32).

No. 9: From Theory to Practice: Legislation and Policy for Professional Higher Education

(Dubrovnik, Croatia, 4-7 October 1997)

Twenty-four countries were represented in the 9th LRP workshop, including 19 countries of central and eastern Europe. The experts responsible for the joint Council of Europe/European Training Foundation survey on tertiary professional/vocational education in central and eastern Europe also took part and presented their work to date. The objective of the workshop was to exchange the recent experience of older and new member states in creating a new professional sector of higher education, and to discuss instruments of policy and legislation at the national level. A final report was prepared by the General rapporteur, Mihal Karpišek, Czech Republic (DECS/LRP (98) 6).

5.4 Regional workshops and seminars

Regional Training Seminar on Quality Assurance in Higher Education: Peer Review and Self Assessment ***(Budapest, 10-16 November 1996)***

Approximately 40 participants from 16 countries of central and eastern Europe participated in the training seminar together with 7 trainers from western Europe, New Zealand and the United States. This seminar was co-funded by the LRP and the Higher Education Support Programme of the Open Society Institute and hosted by the Central European University in Budapest. The aim of the seminar was twofold. Firstly, to discuss the overall purposes and goals of quality assurance systems in terms of balancing the autonomy of higher education institutions and the legitimate demands for accountability on the part of the state, the students and the larger society. Secondly, to provide training for the skills necessary for implementing the two common pillars of quality assessment or accreditation: institutional self-assessment and external peer review. While the presentations allowed the delivery of information which was the basis of the seminar, the overall aim was to provide training in specific aspects of quality assessment through working groups, case studies and role playing.

NIS Regional Workshop 1: The Policy Role of the State in Higher Education - Quality Assurance, Accreditation and Educational Standards ***(Tbilisi, 19-23 December 1998)***

This regional seminar was the first held for Russia and the newly independent countries of the former Soviet Union. Previous bilateral and multilateral activities had demonstrated that NIS countries share a number of common problems and traditions, for example, the mechanism of “state standards” used much less widely in other parts of Europe. Common strategies in the development and review of educational standards and accreditation procedures in NIS countries were discussed in the light of current European standards, best practice and experience. The ambitious aim was to reach consensus on key aspects in the region. The participants included high-ranking officials of the Ministries of Education and representatives of higher education institutions from Armenia, Belarus, Georgia, Moldova, the Russian Federation, Ukraine, and two LRP experts. They expressed appreciation of the activity as a step towards a common Council of Europe-NIS understanding of legislative issues related to higher education policy in the region, and supported further bilateral and regional initiatives. Report: DECS/EDU/LRP (99) 09.

Seminar for the Central Europe Region: The Place of Tertiary Professional and Vocational Education in the Higher Education System (Prague, 23-26 September 1999)

The Seminar received financial support from and was hosted by the Ministry of Education, Youth and Sports of the Czech Republic and brought together representatives of central European countries and the Baltic States. Participants identified the obstacles for the system's development and studied the context of the on-going reforms, which are facing strong opposition from existing "classic" universities while the tertiary sector is being enlarged. The issues of mobility, permeability and transfer were focal points of discussion. Participants shared their country's experience in creating TP/VE links to the labour market and the involvement of the social partners. The participants highlighted that ensuring the quality of TP/VE is indispensable for establishing a proper link to the labour market and that this issue is of European concern. Participants commended the Legislative Reform Programme for its work in the field of TP/VE, and confirmed a strong need for continuous co-operation in this domain at regional level with the support of the Council of Europe.

Seminar for the North East Europe Region: Co-operation on Quality Assurance and Recognition Issues (Riga, 14-17 October 1999)

The Seminar, financed through a grant from the Nordic Council of Ministers, was hosted by the Ministry of Education and Science of Latvia and brought together representatives of educational authorities and evaluation boards from north-eastern European countries and regions of the Russian Federation. The key issues were information exchange, mobility, permeability and transfer, and the use of appropriate terminology. Different models of regional co-operation were presented as a supplement to, not a substitute for, other forms of co-operation. The participants were briefed on the Lisbon Recognition Convention as a European standard on recognition, on the legal framework for the Baltic and Nordic co-operation in the field of quality assurance and recognition and on the positive experience of the Baltic and Nordic countries in developing national legislation towards compatibility with international standards. Participants confirmed a strong need for continuous co-operation in this domain at regional level with the support of the Council of Europe. They requested the Council of Europe to develop further activities, including a meeting on quality assurance and recognition practice, training seminars, and advice in establishing regional quality assurance centres.

NIS Regional Workshop 2: The Policy Role of the State in Higher Education - Governance and Financing (Kiev, 16-19 December 1999)

The seminar was financed through a grant from The Netherlands' MATRA Foundation with an *ad hoc* contribution from the Cultural Fund. It was hosted by the Ministry of Education of Ukraine and brought together more than forty representatives of the Ministries of Education and higher education institutions from NIS countries signatories to the European Cultural Convention. Participants discussed common strategies in the field of development and review of the practice and procedures of governance and financing of higher education in the NIS

countries in order to reach consensus in the region. Complementing the first regional seminar in Tbilisi, discussions focused on the legitimate role, needs and obligations of the state with respect to the financing of higher education and different aspects of the governance of the higher education system within the region. Participants sought advice on the legal framework for developing and structuring the system of financing higher education institutions, and creating models for the sound governance of the sector.

5.5 Study visits

Several new partner countries indicated an interest in undertaking visits to older member states to receive first-hand information on the implementation of policy and legislation, for example, in higher education systems, internal governance, and accreditation or evaluation. A programme of study visits began in 1994, funded almost entirely by the host countries. As the groups of participants were multilateral, they also served to stimulate networking and debate between the new countries.

No. 1: Legislative and Administrative Issues in Higher Education

(Helsinki, 24-26 May 1994)

The first LRP multilateral study visit took place at the invitation of the Finnish Ministry of Education and the University of Helsinki. Eight experts from four countries took part. National reports on the host country and the participating countries were written on the basis of a list of common problems. The LRP commissioned a comparative analysis from one of the participants, Professor Ioan Mihailescu (DECS LRP 94/34), which goes beyond the visit to examine the relationship between the state and higher education institutions from several angles: systems, objectives, organisation, autonomy, staff policies and quality assurance.

No. 2: Internal Governance and Statutes

(Netherlands, 12-18 June 1994)

The second multilateral study visit in the Netherlands dealt with "Internal governance and statutes". This six-day intensive management course, with nineteen participants, was co-organised by the NUFFIC, the host institutions and the LRP Secretariat. Introductions on legislation, internal governance, its implementation and the daily practice of institutional management and policy-making were and given by the Dutch Ministry of Education and Science, one private and one public university, one private and one public *hogeschool* (polytechnic), a private university hospital, the two intermediate organisations for the university and the non-university sector, and NUFFIC. A report, edited by Maryke Delamarre, has been issued as DECS-LRP 95/03.

No. 3: *Freedom of Education* (Flemish Community of Belgium, 15-20 October 1994)

The Education Department of the Ministry of the Flemish Community hosted the third study visit on "Freedom of Education". Eleven academic and governmental experts from eight new members studied the Flemish system of higher education, including visits to the Universities of Gent and Leuven. Aiming at providing a broader understanding of the specific historical, economical and political relationships between higher education institutions and the Flemish authorities, the presentations focused on actual topics such as the autonomy of institutions, access to university and non-university institutions, links with the labour market and measures of internal and external quality assurance.

No. 4: *The Organisation of Quality Assurance* (Utrecht, Netherlands, 20-25 May 1995)

Representatives of nine countries joined in this study visit in two parts. They attended, for two days, the third meeting of the "International Network of Quality Assurance Agencies in Higher Education", a world-wide network, to discuss the latest methodological and organisational developments in quality assurance at plenary sessions and working group meetings. Two other days were devoted to detailed information on the specific approach of the Netherlands to quality assurance. This part of the programme was organised and hosted by the Dutch Inspectorate of Education, the Association of Universities in the Netherlands and Utrecht University. Each of the three organisations explained their role and function in the quality assurance system, and their view on the role of the others. A report has been prepared as document DECS-LRP 95/15.

**No. 5: *The Organisation of Quality Assurance*
(Stirling, Scotland, 30 September-6 October 1995)**

Nine experts representing national bodies responsible for quality assurance in higher education took part in this study visit of Scottish higher education, involving the universities of Stirling, Glasgow and Strathclyde, the Scottish Higher Education Funding Council, the Higher Education Quality Council of the Committee of Vice-Chancellors and Principals, and the Scottish Vocational Education Council. The central and eastern European countries concerned have all based their nascent systems of quality assessment and/or accreditation on the same two building blocks (self-evaluation and external review), but with distinctly different legal and organisational bases. The aim was to allow participants to examine the Scottish system from the inside, at a moment when the system was at a crossroads. They were able to assess for themselves both the value of some aspects of the Scottish system and the disadvantage of the multiplicity of overlapping forms of accountability and their toll on the universities in terms of human and financial resources. A report has been prepared as document DECS-LRP 95/30.

No. 6: The Management of Higher Education and Research, Flemish Community of Belgium

(Flanders, 24-29 October 1995)

Representatives of thirteen countries took part in the 6th study visit to Gent and Leuven. Two of the participants were Ministry officials, the others were rectors, deputy rectors and deans of institutions of higher education. They met with representatives of the Flemish universities and colleges. The aim of the study visit was to study the Flemish approaches to the management of higher education and research, and compare them to central and eastern European systems. Many current management issues were discussed, the most important of which were: management models imposed by the government; the position of a rector; new management models to existing values and coalitions; relating declining resources and the sources of funding; strategic planning and budgeting according to objectives; human resource management; research management; information management.

No. 7: Legislative Developments in Sweden, Denmark and the Baltic States on the Position of Staff and Students in the Governance of Higher Education

(Copenhagen and Lund, 16-21 January 1996)

Three participants each from Estonia, Latvia and Lithuania, representing the Rectors' Conferences, Ministries and student organisations, were invited to participate in the LRP's 7th multilateral study visit in Copenhagen and Lund. The study visit attempted to assist the development of individual and common perspectives on higher education in the Baltic countries with regard to the role and status of students. The work was carried out on the basis of analysing the educational culture, the structure and the legislation of the three countries. A report has been prepared as document DECS/LRP 96/02.

No. 8: The Development of Non-University Higher Education, Flemish Community of Belgium

(Dienze, 23-28 November 1996)

The study visit was attended by representatives from ministries and non-university higher education institutions from fourteen central and eastern European countries. The Flemish authorities presented with admirable frankness such aspects of their system which they regarded to be in need of reform. The participants had the opportunity to acquaint themselves with operational and managerial intricacies of a large and recently overhauled system, through on-site visits to Gent and Leuven. The study visit made apparent how important this sector of higher education is, especially for the smaller countries in transition. The interlocutors agreed that smaller countries often lack the financial resources and economies of scale that internationally competitive university systems require. Non-university higher education, which traditionally emphasises applied research, as well as a service function to the region, may be better suited to meeting the economic and social needs specific to these countries.

No. 9: Problems of Implementing Quality Assurance (Lisbon, 8-15 March 1997)

The 9th study visit brought together senior representatives of the quality assurance agencies recently established in eleven countries of central and eastern Europe: Belarus, Bulgaria, Croatia, Czech Republic, Estonia, Latvia, Lithuania, Poland, Romania, Slovakia and the Ukraine. It allowed them to study the new system of quality assessment in the Portuguese universities, and discuss it in depth with those responsible. The participants were able to gain an in-depth view of the system and its consequences for all stakeholders.

No. 10: Graduate Research Training (Bonn, Germany, 14-18 November 1997)

The 10th study visit took place in Bonn on 14-18 November in co-operation with the CC-HER project on "the research mission of the university". Seventeen participants from new member states took part in a seminar on models of graduate research training, and there was a critical discussion of experience from Germany and elsewhere.

No. 11: Professional Higher Education (Dublin and Galway, Ireland, 7-14 December 1997)

Experts from twelve countries took part in the 11th study visit, to observe and analyse the Irish binary system of higher education, with a particular focus on Regional Technical Colleges. The participation of the study visit in the national conference of the National Council for Educational Awards (NCEA) exposed the group to current national higher education policy debates in Ireland. This was followed by five site visits and discussions with approximately fifty representatives of the Irish higher education community.

No. 12: Tertiary Professional and Vocational Education (Helsinki, 15-19 May 1999)

The study visit was hosted by the Ministry of Education of Finland. It brought together representatives of Ministries of Education and academic communities of eight new member countries, including the three Baltic republics, which are presently reforming – with some difficulty – the sector of tertiary professional and vocational education. Participants learnt about the experience of the Ministry of Education, the Higher Education Evaluation Council, and several Finnish Polytechnics with the recent successful reform of the TP/VE sector of the Finnish higher education system. A major common concern of participants was the recognition of degrees awarded by tertiary professional and vocational education institutions, so the Finnish certification system and assessment criteria for the quality of polytechnics and their programmes were discussed with special interest. Other topics were the development of life-long learning in Finland through polytechnics, the reform of the steering system for higher education, and issues of ownership and funding. A report has been issued as DECS/EDU/LRP (99) 15.

5.6 Publications

At its meeting on 29 March 1994, the LRP Steering Group agreed a proposal for publishing a series of comparative topical studies on important issues related to higher education reform in Europe. The LRP Editing Board was officially established at its joint meeting with the Steering Group on 13 September 1994. Six volumes were planned for the book series “Legislating for Higher Education in Europe”, each prepared by a team of editors constituted at a working party. A framework agreement was drawn up with the well-established international publishing house Kluwer Law International (KLI) on publishing, printing, promoting, selling and distributing world-wide a hardback edition of each volume, intended for the institutional market. KLI also published a paperback edition for the individual market. The Council of Europe purchased, as it does in similar cases, a certain number of copies of the paperback for free distribution, from the Special Account.

Two volumes have been published:

- Volume 1: *Relations between State and Higher Education* in March 1996.
- Volume 2: *Democracy and Governance in Higher Education* in February 1998.

Work began on two further volumes:

- Volume 3: *Instruments of Change*, on the process of legislative reform.
- Volume 4: *Accountability*.

The Bureau, concerned by the slow progress being made – primarily caused by the lack of staff time required by these ambitious projects – decided late in 1998 that efforts and funds should be concentrated on the completion of Volume 3, while Volume 4 should be maintained in the programme subject to resources being found. However, Volumes 5: “Staff” and 6: “Students” were deferred, and possibly taken up within new multilateral projects. Following further lack of progress, the Bureau decided in November 1999 to call a halt to the publications project.

The LRP has issued three shorter publications:

- *Tertiary professional and vocational education in central and eastern Europe*, A cross-country report produced by the European Training Foundation and the Council of Europe, 1998 (linked to workshop no. 9, Dubrovnik, October 1997);
- *Higher education financing in a changing environment: balancing autonomy and accountability*, 1998, based on the papers and results of workshops 6 (Budapest, May 1995) and 7 (Tallinn, October 1995);
- *Education in Bosnia and Herzegovina: Governance, Finance and Administration*, 1999, the result of a joint project with the World Bank.

Publication details are given in Appendix 9. In addition, most of the workshops and some of the study visits have led to mimeographed reports (see Appendix 8).

The Steering Group established the following policy on access to reports. Reports of advisory missions were treated as working documents in a dialogue with the countries concerned; if the host country did not object, a request for wider dissemination of the report was met. Upon request, reports are available for academic purposes. The reports of workshops, multilateral study visits and other multilateral documentation are public.

Part four: Report of the Evaluation of the LRP for Higher Education and Research

Independent experts

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1. Introduction

At the end of 1999, through Professor Suzy Halimi, outgoing Chair of the Higher Education and Research Committee (CC-HER) of the Council of Europe, and through the Secretariat official responsible for the Legislative Reform Programme (LRP), contact was made with:

- Professor Baiba RIVZA, Chairperson of the Higher Educational Council of Latvia, Riga (Latvia),
- Professor Dominique ROSSELLE, Executive Director of the Pôle Universitaire Européen Lille - Nord Pas-de-Calais, Lille (France),

with a view to their participation in an external and independent evaluation of the Council of Europe's Legislative Reform Programme. The programme was approaching its operational end, and its impact therefore needed to be evaluated so as to determine the future path which the authorities might assign to it in the months ahead.

The major difficulty revealed when this contact was first made, by the Secretariat official responsible for the operation, was that of the extremely short deadline given to the external "auditors" for the evaluation. By the end of the first quarter of the year 2000, they had to familiarise themselves with the conditions set by the Council for the external review, draw up specifications acceptable to all the parties and produce an initial report. The final report was to be finished by the middle of 2000, following dialogue with the various authorities.

Once the two colleagues had agreed to take up the challenge, with the support of the Secretariat, despite the obvious difficulties, an initial working meeting was arranged to take place in Strasbourg on 6 and 7 January 2000. The basic details of the process were agreed by consensus at the meeting, namely:

- how the experts were to tackle their task of evaluation;
- what their aims would be;
- what methods they would use for their analysis and to produce initial results;
- the realistic timetable they were to adopt so as to complete their task in line with the initial request from the Council of Europe.

Decisive work was done at the very first meeting, in Strasbourg, thanks to the support of the Secretariat, its leader Mr James Wimberley, and his closest colleagues, including Ms Mary-Ann Hennessey and Ms Catherine Becarmin.

It proved possible, in several hours of intensive preparations, to centre the work on several essential steps, including:

- ⇒ A successful first meeting of the evaluation panel, providing the requisite consolidation. It has to be remembered, in fact, that the two persons concerned did not know each other prior to this visit to the Council of Europe headquarters.

- ⇒ The introduction of both independent experts to several significant figures involved in the programme, namely:
- Dr Peter Fischer-Appelt, President Emeritus of the University of Hamburg, Chair of the LRP Steering Group, and also General rapporteur on the programme;
 - the officials of Directorate General IV responsible for the education sector within the Council of Europe, and more particularly:
 - Gabriele Mazza, Director Responsible for Education;
 - James Wimberley, Head of the Technical Co-operation and Assistance Division.

The atmosphere when the two experts met was one of mutual trust, facilitating a common view of the problems. This enabled agreement to be reached rapidly not only on the methods of operation, but also, and in particular, on the philosophy to be adopted for this task.

In practice, following an initial exchange about personal experience in their respective university worlds, focusing more particularly on the experience accumulated through heavy involvement in the internationalisation of higher education and research, the two found that they clearly complemented each other.

Professor Rivza had in fact been involved in the LRP programme: having learned about it in her own country and having helped to develop it, she had made a significant contribution to the discussions which took place in the academic community of the Baltic States. Those discussions had culminated in the setting-up of a standing conference on higher education and research issues in the Baltic area.

In other words, it will not be difficult for Professor Rivza to appraise the “receiving” side of the LRP programme and the direct and indirect methods of action used in the field.

As for Professor Rosselle, he contributed the view of the uninitiated, since he had no direct knowledge of either the philosophy or the implementation of the programme.

In other words, he had a completely new approach, without any preconceptions. Furthermore, through his involvement in various evaluation processes, particularly at the request of DG XXII (Education, Training and Youth) of the European Commission in Brussels, including the qualitative evaluation of the Erasmus student mobility programme from 1987 to 1995, he was able to offer some methodological tips for achieving credible results in a particularly short space of time.

Both experts were in full agreement about the conditions of objectiveness which had to be complied with during the operation.

The aim was to make an unembellished external critical examination of a major programme carried out by European academic colleagues, backed by the political will of the official representatives of Council of Europe member states and of several Council of Europe officials with responsibilities in the higher education and research sphere. The programme covers a huge and diverse geographical area deeply marked by the changes of recent history, expecting a great deal from the west European states.

In other words, it was clear to both experts that the work they had been asked to do could not be a superficial study. On the contrary, what they had to supply was a credible expert report of direct use to officials at every level taking subsequent decisions.

While both agreed that it would be possible to produce an operational report by the deadline which could subsequently be directly used by those who had commissioned it, the report would have to be succinct and selective, while respecting a number of methodological criteria. This was for the sake of credibility, and to avoid convenient preconceptions. The latter were a danger to any report not protected by a distance between the reporting experts and the subject of the report.

This of course meant that binding specifications had to be agreed. The Strasbourg meeting between Professor Rivza and Professor Rosselle culminated in a reference framework based on three fundamental focal points:

- ⇒ Firstly, a close agreement between the two experts on the path to take, the conditions in which factual information was to be collected, the form which this was to be given, the transmission of data acquired as the study progressed, the drafting of initial notes, criticism and revision prior to the study being given its final form. In addition, in view of the particularly short time available, it was decided to make full use of Internet facilities to exchange information through electronic mail between the three central points at which operations would be conducted, namely Lille, Riga and Strasbourg.
- ⇒ Secondly, the use of all documentation available connected with and relating to the programme. Here the Secretariat has co-operated fully, not only creating an initial body of documents, but systematically meeting requests for additional information, providing the relevant documentation particularly speedily. Appendix 10 shows the full list of documents and publications available to the experts for their survey. It will be noted that the large quantity made available to them forced the external auditors to select the most productive of the documents. A comprehensive analysis would actually have taken far longer than the time available, making it impossible to meet the Council of Europe's wish to have a usable study rapidly.
- ⇒ Thirdly, the use of discussions to "humanise" contact and introduce reference points more personal than those in the documents, which inevitably tend to "smooth" information. The aim was to achieve the most direct understanding

possible of the rôle of the various players.

- ⇒ These discussions could be more or less “directed”. It was also agreed to ask the protagonists to return questionnaires aimed at fleshing out certain points highlighted in the reading of the documents or the first discussions.
- ⇒ Finally, the experts were convinced that it was essential to await the first reactions of the plenary assembly before finalising the report commissioned by the Council of Europe.

The experts were in full agreement about a hierarchy of the most appropriate “potential targets” for interviews.

- A first group should brief the experts on what might be called the political conduct of the project (later programme):
 - Dr Peter Fischer-Appelt, for the genesis of the project, and also for its general conduct in his capacity as chairman and later general rapporteur;
 - Dr Per Nyborg, as member of the Steering Group, for a view of the linkage of this group to the experts and the permanent Secretariat.

Particular attention would be paid to the collective management of this committee in terms of the evaluation of the scheme or of its different players.
- Professor Suzy Halimi, not only as Chair of the committee responsible for the political steering of the relations between the various member states and the players within the LRP, but also as a participant in the decisions about the mode of evaluation of the programme.
- A second group would be made up by the direct or indirect questioning of members of the group responsible for preparing the various publications of the LRP programme, and in particular Professor Jan de Groof.
- A third group should be in a position to enlighten the independent reviewers, firstly about the interaction between staff of the Council of Europe with policy responsibilities and the directorates responsible for conduct of the project, particularly the Education Directorate, but also, and mainly, to maintain direct contact with those involved on a permanent basis and who had made visits abroad or had carried out regular monitoring from the base in Strasbourg: Gabriele Mazza, James Wimberley, Peter Kwikkers, Mary-Ann Hennessey, Madelena Grossmann, Sjur Bergan.
- A fourth group would be formed by experts who had taken part in the missions in the countries selected for the various operations of the LRP, or by official representatives of the countries having received such missions.

It is important to make it clear again that these discussions were conducted either through personal meetings or on the telephone, so that no time was wasted. It should nevertheless be

noted that, in spite of the efforts and assistance of the Secretariat, it was impossible to make all the theoretical contacts planned, because of the dispersion of those involved, changes in duties and, of course, the time factor.

These few introductory comments were primarily intended to:

- make members of the Council of Europe aware of the actual objective conditions in which the two experts worked;
- indicate clearly what action was to be taken during the first semester of the year 2000;
- draw attention to the sources consulted, so that no misunderstandings would arise as to their use or reading;
- confirm both experts' wish to provide an honest critical study facilitating decision-making and relating to the past and to the future of this programme of assistance to the former "Iron Curtain countries".

2. From project to programme

The experts felt that it was necessary, before even starting to measure and evaluate, as requested by the Council of Europe, for a brief overview to be given of the environment which existed before the LRP project took shape.

The roots of the project clearly lie in the taking into account of European political developments during a decade which was fundamental both to the continent of Europe and to the world as a whole. If we had not borne this in mind, our criticism of the project as a whole would probably have been very different.

This brief introductory overview is essentially based on three main types of input:

- a theoretical approach based on all the publications issued through the LRP, frequently referring to this historical-political background which first inspired, and then provided the basis for, all the work of the various persons involved;
- the consolidated reports by Dr Peter Fischer-Appelt and the summary review of the work by James Wimberley;
- the exploitation of the discussions with several key figures, first during the meeting of the experts at the Council of Europe headquarters in Strasbourg in January 2000, second during the 7th plenary session of the Higher Education and Research Committee at the end of March, also in Strasbourg.

2.1 The background

The origins of the LRP programme must in fact be judged in the light of its position in a dual context:

- that of the political development of what had been known as "the eastern bloc" or "

the Iron Curtain countries";

- that of the Council of Europe's creation, aims and development, specifically in interaction with the sometimes chaotic changes in the European geopolitical landscape.

In fact, as confirmed by all players questioned on the subject, everything started when the Berlin Wall fell, the visible symbol of what had been the Iron Curtain set up by the Soviet leaders after the spoils of war were divided up in 1945. It was not just a concrete wall which collapsed, for it took with it the myth of a whole political, economic and social system which had, since 1917, claimed to "set an example to the rest of the world".

The end of communism brought back into action the democratic counter which had stood still or been seized up for many decades. It was precisely when it started turning again, often in a diffuse and confused context, that a challenge was set for the leaders of the major European and world organisations, starting with the Council of Europe, which, it has to be acknowledged here, was very quick to spot the positive changes, many of which were imperceptible, in the former eastern bloc countries.

The Council of Europe was always to the fore when it came to receiving applications from many countries, including those of central and eastern Europe, which wished in one way or another to rejoin the continent as they sought a permanent place in Europe. The Council did not only pay heed to political or economic aspects in this context, but also looked at "cultural" or educational issues. But it has to be pointed out, and with some emphasis, that the Council always and rightly, imposed clear constraints before opening up. The key constraint was respect for human rights, and the Council ensured that applicants fully complied with the values of the European Convention on Human Rights. But it also managed to go beyond the use of the "right", reassuring, words affirming a will for action indelibly founded in the law and by the law. It takes the view that the promulgation of democratic constitutional provisions corresponds to a public taking into account of specific commitments in respect of the electoral system, with a system under which citizens and voters have complete freedom, the press has freedom, and therefore "opposition" can be freely expressed, and where minorities of any origin, whether ethnic or religious, enjoy respect.

It was clearly this environment which triggered the favourable attitude towards the eastern academic community.

2.2 The key ideas

The General rapporteur on the programme, Dr Peter Fischer-Appelt, made his views clear about the philosophical conduct of what was to become the LRP. The philosophy may be summarised in his accurate words, for he referred to "the end of defence through exclusion" with a view to "including" the east European academic world, for too long cut off from its traditional European cultural foundations.

It is here that attention needs to be drawn to the happy coincidence of a slow, but positive, move by west European academics to help their eastern colleagues and the systematic adoption by the Council of Europe of a policy of extending the hand of friendship, although it did not do this at any price.

As the academic community has a common cultural heritage since Europe's "mother universities" were founded in the middle ages, it has successfully included university co-operation as a favoured vehicle of a policy of openness towards what were called the east European countries. Of course, the road has been a long one, strewn with pitfalls and paved with suspicion and withdrawal, but eventually the way was found towards the positive results of which we are now aware.

Some significant steps along the way have been the CRE meeting in May 1975, the CSCE meeting in Hamburg in 1980, the start of the European Commission's TEMPUS Programme in 1990, the beginning of the DEMOSTHENES Programme, also in 1990, and the idea of the LRP, in 1991.

Simple, but key, ideas hallmarked all of these steps:

- the academic and scientific community is "one", and absolutely must engage in exchanges going beyond ideological or political straitjackets;
- the university is vital to the democratic positioning of a society;
- the relationships between the university and the state undeniably reflect progress or slippage in contemporary development;
- the independence of its universities is a strong sign of a "democratic state", according to the criteria of western Europe; the Bologna *Magna Charta* was one of the vital and decisive steps in this context;
- there is a strong link between Higher Education, its reform and national legislation.

Secure in this knowledge, some European academics were clear in their own minds that the way of successfully expanding future Europe by "re-attaching" former eastern bloc countries to the European Union group was to start direct discussions among leading university figures. Thus, a democratic process would begin, centred on higher education legislation, ensuring firstly that the "university of tomorrow" would emerge and be consolidated, and, subsequently, through positive association, leading to the development of all the legislation in the countries in the process of acceding.

In short, higher education could be used as a lever to set up a democratic society through the "good practice" passed on by colleagues, while respecting "universal" academic ethics.

That was the main origin of the LRP project, which was started in 1991, finally accepted in 1992, and then became a full Council of Europe programme.

2.3 Chronology and method

Here again, the documentation available reminds us that the introduction of the programme was very much the work of Dr Fischer-Appelt, Chair of the CC-PU, who was the real inspiration behind the work of the group of experts which, from November 1991 onwards, structured the project by combining the three kinds of action outlined below.

- specific visits to those countries so requesting. These were intended through exchanges and the provision of information to make clear the progress made by west European countries in terms of strategic discussions, and to enable a possible methodology to be worked out with local leaders for a far-reaching process of reform, respecting the specific features of the country concerned;
- thematic workshops devised as real multilateral fora for exchange, especially for the countries which were ready to embark on, and had already embarked on, the process of legislative reform. Practical demonstrations were an absolute priority at these get-togethers, so that they enriched a process of development which can, by its nature, be a long one, especially when there is no historical and cultural background comparable to that of the countries of western Europe, and often has been none since 1945;
- a body of documentation enabling all concerned to have access to systematic and comparative information.

These main kinds of action which emerged from the forward-looking work done by the experts as early as the autumn of 1991, have nevertheless evolved in the light of the perception and the progress of the programme. Three stages may be singled out, stages which have also been confirmed by the reports of Dr Fischer-Appelt and James Wimberley, namely;

- 1992-1993, with direct assistance to 12 countries taking the form of 22 activities;
- 1993-1996, with no fewer than 56 activities of various kinds;
- 1996-1999, with a total of 55 activities.

This chronology also gave rise to changes in working methods and in aims, with, for example:

- a change from conventional visits to true study trips, the objectives of which are defined in advance;
- a move from support for the process of university reform to a broader taking into account of interaction with policy and with general changes in society. There does seem to be some risk involved in this attitude. The risk of an ever-greater requirement for general legislative sophistication, "interfering with" the development which higher education and research needs and which has to remain general;
- more consideration of the different level of progress made in the different countries. Some countries, such as the Baltic States, show maturity enabling them to define a

form of collective self-management of their university development within a given space, therefore requiring no more than straightforward one-off activities. Other countries, in the same period of time, remained at a completely theoretical level of discussion, probably because of the extreme complexity of their internal problems.

This at least enables us to see that there has been a great flexibility in the solutions found through the LRP. We have real evidence of the efficiency of the managerial structure of the arrangements, which involves the following elements:

- the committee derived from the Standing Conference on University Problems, and then from the Higher Education and Research Committee;
- the "Steering Group" comprising experts responsible for the conduct of the LRP;
- "consultation meetings", particularly useful in the early stage, and as the programme was built up;
- the Editing Board, until it was dissolved at the end of 1998.

There seems no need in the present study to make an "organic" criticism of these various bodies.

However, in case the evaluation process is taken further, the experts feel it would be useful to draw up a sort of X-ray of the relationships between different levels, particularly the Bureau, the plenary committee, and the Steering Group, including their relationships with the Editing Board and naturally the permanent Secretariat.

3. The visible results

As we read and listen to the words of the main leaders of the programme, such as Dr Fischer-Appelt and James Wimberley, we learn that the project, and then the programme, has progressed through three phases, a fact which enables a number of results to be made "visible". This preliminary situating of the LRP is necessary before going on to an evaluation, which will therefore appear in the present Part Three of this report on the LRP. Note in passing that this differentiated phasing was one of the reasons advanced by Professor Suzy Halimi in launching the evaluation process.

3.1 The initiation phase

While we can legitimately exclude the period of "pre-consultation" of the countries of central and eastern Europe, which took place in Strasbourg on 19 and 20 September 1991, as well as the time taken to obtain financial contributions, we must regard the Legislative Reform Project as having begun in the spring of 1992, when the 15th Session of the CC-PU gave it official approval, and say that the first stage finished at the end of 1993.

This cut-off point was also confirmed by various speakers during the first discussions held in Strasbourg, who emphasised the arrival in the team, deemed a positive development, of Mary-Ann Hennessey, who provided additional support to the Secretariat responsible for the LRP,

led by James Wimberley. The members of the Steering Group, as well as the leader Dr Peter Fischer-Appelt, came from Bulgaria (one), the Netherlands (two), Hungary (one), Slovakia (one) and Turkey (one).

It is interesting to note the large numbers of participants from the Netherlands, demonstrating that country's interest in the international cause of higher education. This attitude should not surprise us, for we are aware of the Netherlands' activity, and even "activism", in forward-looking and strategic work on the development of universities and education systems at international level. Its interest is also reflected in the size of its financial contributions, which immediately give rise to a discriminatory aspect to which we shall be obliged to return.

There is in fact an extremely wide difference in the levels of financial contributions made by countries, if we look beyond the Council of Europe's initial figure of FF 300 000.

The largest contribution came from the Netherlands, with FF 3 730 000, followed by Germany, with FF 1 120 000, Sweden, which contributed FF 220 000, Norway, at FF 160 000, and Switzerland, which gave 100 000 francs. We shall be returning to the subject of financial contributions later in this report.

The amount of the appropriations initially available in 1992 and 1993 (FF 1 350 000 and 4 230 000 respectively) easily covered the total expenditure, as the latter was 130 000 francs in 1992 and FF 1 870 000 in 1993. Thus the project leaders had working capital available to them of the not inconsiderable sum of FF 3 430 000 for what was to be called the second phase of the LRP.

It should also be noted that the Secretariat unhesitatingly provided the experts with all the financial information they needed to understand the budget of both the project and the programme.

An analysis of activities during this initial period shows that the planned activities were indeed carried out, with bilateral "missions" (18) and multilateral workshops (three). There was a total of 22 activities under the LRP, covering a broad geographical area. The countries concerned were: Albania (2), Bulgaria (3), Croatia (1), Estonia (2), Hungary (2), Latvia (1), Lithuania (2), Romania (1), the Russian Federation (1), Slovakia (2), Slovenia (1) and Ukraine (1). There was also one "other activity", to use the term adopted by the Rapporteurs.

The documents which we have been able to consult make perfectly visible the impact of the first contacts between the countries visited and the representatives of the LRP project. There was a significant number of legislative texts, even more significant for the short period for reaction since the initial exchanges and the start of the discussions:

- Croatia: Decree on Higher Education (1993),
- Hungary: Higher Education Act (1993),
- Romania: Decree on Higher Education (1993),
- Slovenia: Decree on Higher Education (1993).

Thus the four legislative texts include a complete Act in Hungary.

It is also of some interest to note the subjects covered by the various workshops held during this period; a range of subjects was covered, as shown by the list below:

- June 1992, Sofia, CC-PU Conference on funding conditions for higher education in the countries described as being “in transition”;
- June 1993, Bratislava, Multilateral conference on accreditation and evaluation problems in higher education;
- September 1993, Bucharest, Conference on structural differentiation in higher education, which looked *inter alia* at the respective positions of universities, colleges and other categories of establishments.

It is clear that the most strategic aspects of university development have not been avoided - indeed the contrary is the case - and that the major themes of discussion or subjects of controversy in the most advanced European countries have been able to be highlighted. This shows not only the complexity of university issues, but also the need for exemplariness through case comparisons.

We also note that these seminars were also covered by outstanding reports, such as those by Lian Ryan and Professor Bert, of the University of Bergen. One final point is that direct and indirect documents frequently mention the high quality of the contributions made by the various players, as well as the fact that shared concerns have often rapidly emerged.

3.2 The building-up phase

This encompassed three complete years, 1994, 1995 and 1996. A crucial development occurred in 1996, namely the shift from the LRP project, under the auspices of the CC-PU, to the status of a full programme, officially recognised by the Council of Europe.

Did this *de facto* and *de jure* recognition act as a stimulant to activities? We might have that impression if we refer to both quantitative and qualitative achievements over this period.

The first point to note during this phase was the arrival of a new player at the Secretariat tasked with dealing with the LRP. This was Peter Kwikkers from the Netherlands. Mary-Ann Hennessey continued her activity, guaranteeing continuity of technical treatment in every field, right from the start.

Great stability has also prevailed within the Steering Group. Only Paul Zoontjens from the Netherlands left, and Professor Suzy Halimi, representing France, arrived. On the other hand, the group decided to equip itself with an instrument for disseminating information, by setting up an Editing Board, co-ordinated by Jan de Groof of Belgium, and comprising another five members, one each from the United Kingdom, France, Slovenia, Germany and the Netherlands.

It is interesting to note that several representatives of France joined the team after a long period during which France did not take part. This participation may have been indicative of

a more permanent awareness by France of the general philosophy of the Legislative Reform Programme. We shall of course have occasion to come back to this point in the evaluation part of the report.

The financial situation took on a very different dimension during this second period.

In **1994**, the programme was able to rely on the carrying forward of FF 3 430 000, to which were added FF 2 180 000 from the initial donor countries, including Germany, the Netherlands and Switzerland. But new countries also made contributions, such as Greece (FF 45 000) and Ireland (FF 80 000), giving a total for the first year, 1994, of FF 5 610 000. This enabled expenditure on the various activities under the programme to be increased considerably, reaching FF 1 430 000 that year, a clear rise as compared to the previous budgetary year. Nevertheless, and in spite of this increase, the LRP again carried over a surplus, of FF 2 930 000, a figure well below the 1994 figure, which had been the highest in the history of the programme.

Plentiful funding was matched by a high level of activities, with almost 20 events being held in 1994, consisting of 12 bilateral “missions” and two multilateral workshops similar to the previous activities (subjects to be specified). New kinds of activities have also to be added, however, with one regional “mission” to Latvia, consultation meetings with the agencies of the European Commission and no fewer than three study visits (subjects to be specified).

The total income in **1995** reached FF 4 430 000, thanks to the carrying over of a surplus of FF 2 930 000, and with the traditional contributions by Germany and the Netherlands, as well as new contributions from countries such as Italy (FF 120 000) and Norway (FF 80 000). Activities remained at a high level with, as in the previous year, 20 events, broken down as follows:

- 11 bilateral "missions"
- 2 multilateral workshops (subjects to be specified)
- 3 regional meetings
- 1 consultation meeting with the European Commission
- 3 study visits (subjects to be specified).

Expenditure on all of these activities was 3 million francs, which was the highest level of expenditure throughout the period under observation.

In **1996**, it was possible to carry forward 1 320 000 FF from the previous year, enabling a volume of 3 700 000 FF to be reached, thanks to the regular contributions from Germany, Italy and the Netherlands, with further support from an Irish contribution of FF 160 000 and a Swiss contribution of FF 120 000, and this was at a time when expenditure slowed down very slightly (at FF 2 800 000 as compared to the previous year's figure). There was, however, still a surplus, and it was possible to carry forward over FF 750 000 to the following year.

There was a slight, but legitimate decline, in the level of activities, probably directly related to the decreased level of expenditure. Nevertheless, there were:

- 9 bilateral "missions"
- 2 multilateral workshops (subjects to be specified)
- 2 regional meetings
- 1 consultation meeting with the European Commission
- 3 study visits (subjects to be specified)

Over this period, it is interesting to observe the geographical dispersion of efforts:

- only one country saw an uninterrupted continuity of LRP activities, and this was Albania, which benefited from no fewer than six bilateral activities since 1992, four of these in the years 1995 to 1997 alone.
- during this building-up phase, two countries benefited from four activities: the Czech Republic and Slovenia.
- five countries benefited from three activities: Belarus, Bulgaria, Estonia, Hungary and Latvia.
- seven countries were involved in two activities, Croatia, Lithuania, Moldova, Romania, the Russian Federation, Slovakia and Ukraine.
- Bosnia and Herzegovina and Macedonia each benefited from a single activity.

The combination of these field activities was not without effect, for the various reports reveal the following selection of legislative texts:

- Albania: Higher Education Act (1994),
- Moldova and Romania: Education Act (1995),
- Belarus and Bulgaria: Decree on Higher Education (1995),
- Croatia: Higher Education Act (1996),
- Czech Republic and Estonia: Higher Education Act (1995, amended in 1996),
- Hungary: Decree on Higher Education (1996),
- Latvia: Higher Education Establishments Act (1995),
- Lithuania, Macedonia, Romania, Russia: Acts (1996),
- Slovakia: Decree on Higher Education (1996),
- Ukraine: Education Act (1996).

Another noteworthy fact is the concentration of five of the six regional “missions” in the Baltic States. It has to be emphasised that this led to the setting-up of a general agreement on co-operation in the higher education sphere among all the countries of the Baltic, which in its own right deserves special attention.

The workshops covered private education, the integration of education and research, the

financial management of establishments and the basis for a higher education policy, and we should not overlook the impact of no fewer than ten multilateral visits, which saw particular activity by the Flemish-speaking community of Belgium and by the states of northern Europe: Denmark, Sweden and Finland, as well as the Netherlands and Scotland.

The building-up phase was undeniably marked by an increase in the number of activities, but also by a very clear will to create something which can be used by a broader group than that of conventional “decision-makers”, particularly through the introduction of a publication policy intended to bring results together in the best possible conditions.

3.3 The final years of the LRP

The third phase of the programme encompassed **1997, 1998 and 1999**. It seems likely that the Council of Europe’s geographical priorities carried most weight during this phase, to judge from the various reports. More than half of the activities in practice related to the sectors in greatest crisis in south-east Europe, such as the Russian Federation and the group of east European states which have recently gained independence (NIS).

There has been a twofold development during this period, with an increase in the number of activities which can without any doubt be referred to as technical assistance and an increase in rapid one-off activities to help those countries which have a genuinely urgent need for action. The carrying out of activities of this kind again demonstrates the adaptability of the arrangements.

This adaptability has brought closer links with the World Bank or the European Training Foundation (ETF), with favoured targets being Bosnia and Herzegovina or the Russian Federation, which was calling for appropriate assistance so as to find a federal approach to development of the education system. But it is coupled with a capacity for vigilance in respect of the obtaining of expert opinions on the protection of minorities in Macedonia and in Serbia.

The legislative harvest during this period was far from negligible:

- Azerbaijan: Education Act (1997)
- Georgia: Education Act (1997)
- Poland: Vocational Education Act (1997)
- Russian Federation: texts on vocational education (1997)
- Czech Republic: Educational Institutions Act (1998)
- Albania: Higher Education Act (1999).

There are also legislative plans in the pipeline for the year 2000, for example in Ukraine, Lithuania and Macedonia.

This reflects the particularly attentive activity of the whole Steering Group and of the programme Secretariat, under the leadership of James Wimberley, Mary-Ann Hennessey and

Andreas Kleiser. There were some changes to the Steering Group, with the arrival of representatives of Hungary, Norway and Portugal.

This final phase, 1997-1999, involved the use of ever-greater sums of money:

- a total of FF 2 300 000 in **1997**, thanks to the carrying forward of FF 750 000, combined with another German contribution of FF 505 000 and the arrival of new support, from the Holy See (FF 95 000), Denmark (FF 80 000) and Ireland (FF 80 000), not forgetting a contribution from Norway (FF 85 000) and a recent contribution from Portugal of FF 175 000. Expenditure was FF 1 910 000, reducing the amount carried forward in the budget to FF 135 000, the lowest level since LRP activities began.
- income was FF 3 417 000 in **1998**, with a significant increase from the Cultural Fund (FF 350 000), a final German contribution of FF 505 000, a contribution from the Holy See of FF 85 000, a second year's contribution from Norway of FF 75 000 and contributions from Poland (FF 33 000), Spain (FF 12 000), Sweden (FF 110 000) and Switzerland, which returned to the LRP with a contribution of FF 245 000, and the United Kingdom contributed FF 27 000 during this period. All of these contributions, while not negligible, were far exceeded by two major contributions, one from the World Bank of FF 460 000 and, in particular, that of the Netherlands' MATRA programme, which gave FF 1 010 000.

These financial contributions made it possible to inject over a million francs of extra expenditure, enabling the figure of FF 2 780 000 to be reached, giving a final surplus of FF 637 000 for the last budgetary year.

- The sum of FF 4 449 000 was available in **1999**, partly due to FF 500 000 from the Cultural Fund, FF 810 000 from the Netherlands' MATRA programme and no less than FF 1 350 000 from the World Bank. These three contributors accounted for more than half the funds made available.

The level of expenditure was significant, with a higher rate of budget execution than in any other year, over 3 million francs, reducing the amount carried forward to FF 1 434 900.

As we stated in the introduction, this final period demonstrates the adaptability of those involved in the LRP, with the course set being maintained through the use of conventional tools of intervention, such as bilateral meetings and multinational workshops, while, virtually in real time, account was taken of the imperatives linked to the often difficult geopolitical developments in eastern Europe.

The analysis carried out on the basis of the body of documents and of the discussions highlights without any possible dispute the importance of the work done by the various agencies of the LRP.

- Firstly, perseverance has to be applauded: the LRP operated over eight years, at least six of which were full years of activities. With each year that went by, it

involved greater numbers of academic colleagues or qualified figures, while benefiting from a "light" permanent structure in terms of permanent staff, bearing in mind the heavy tasks which had to be carried out on a daily basis.

- It next has to be pointed out that, throughout the period under observation, great consistency was achieved between planned and actual activities. This bears witness to the foresight of the initiators of the project as to its overall design, and also to the regulating work of the Steering Group which permitted the working methods to endure without becoming rigid.

On this role of the Steering Group, note also its readiness to take responsibility for the main directions of the project: positive in the case of the creation of the Editing Board, negative in that of a separate and independent action in favour of research.

- Finally, the effort to achieve "geographical coverage" has to be applauded, as virtually none of the countries in the east failed to benefit from the sagacity of the LRP investigators.

The harvest garnered in return is an outstanding one, thanks to the number of legislative texts produced in the different countries which had been in contact with the LRP "missionaries". It is nevertheless legitimate to wonder at this stage of the analysis what the process has achieved in qualitative, as well in quantitative, terms. In other words, what are the "invisible" results?

4. The invisible results

4.1 Case study – the Baltic States

Analysing the indirect effects of the LRP's work is surely the hardest of the methodological challenges facing any systematic attempt to assess a fairly sizeable educational policy programme: the shifting contexts, the multiple factors and the inherent difficulty of social sciences in identifying causes and effects in the complex interplay of human relations. The expectations of those who have commissioned this study prevent the authors from taking the path of least resistance and hiding behind an *a priori* scepticism. They have adopted the pragmatic approach of attempting an impact analysis in a specific region well-known to one of them, that has enjoyed a fairly large and wide-ranging effort by the LRP, and may serve as a sample of the whole: that is to say, the three Baltic States of Estonia, Latvia, and Lithuania.

It remains true that each region or country has its own unique characteristics, and this case study should only be generalised with caution. Thus, to take account of the wishes expressed by certain countries during the March plenary session in Strasbourg, it was proposed that the latter could, through replies to a questionnaire, bring forward additional elements to those of the baltic countries.

4.1.1 The reform context

During the period of 1993-1995 major changes took place in higher education reform. Resistant political and academic groups were hampering democratic changes. There were attempts to reduce the freedom of academics and the autonomy of institutions. Advice on the transition from centralist models of administration towards self-government of the academic society was needed.

The strategic aims of higher education reform in the Baltic States include:

- The restructuring of higher education to take into account the fundamental social, economic and political changes which have occurred in society.
- The accessibility of higher education and stable development of the institutions of higher education.
- The creation of a system of higher education that serves the needs and abilities of the Baltic countries and that can take its place on the international scene.
- The formation of an open and democratic society in the Baltics by development of the higher education system.

After the Baltic States regained their independence, a number of new higher education institutions were founded. The growth in the number of higher educational institutions founded by legal persons is particularly characteristic for the Baltic States today; new branches of studies have been formed, while the contents and quality of study programmes are more often judged in accordance with internationally comparable standards and oriented towards the development of the region. But there remain a considerable uniformity and parallelism of types of higher educational institutions and study programmes, as well as an extremely narrow specialisation, a lack of professional relevance, a decline in individual authority, and a mismatch to the needs of the labour market in the Baltic States.

Furthermore, society expects high quality higher education. The return to institutional autonomy also means that higher education institutions must develop into self-regulating and self-developing systems, quality assessment (through self-assessment, evaluation by national and international peers and the self-improvement process) being an important mechanism in improving the quality of higher education and research.

These considerations illustrate the importance to the Baltic countries of the following LRP themes:

- Legislative and administrative issues in higher education;
- Accreditation and evaluation in higher education;
- Teaching and research;
- Financial management of higher education institutions;
- The organisation of quality assurance;

- The position of staff and students in the governance of higher education;
- The development of non-university higher education.

4.1.2 The LRP in the Baltic States

Table 1 summarises the LRP activities carried out in the Baltic countries; it should be compared to the overall summary reproduced in Appendix 6. A chronological list, extracted from Appendix 7 of the same document, is reproduced in Appendix 10 below. We see that a third of all exploratory missions and regional missions took place in Baltic countries. The share of workshops and advisory missions was comparatively less. It should be noted that higher education specialists from the Baltic States took part in many study visits, for example in Finland, Netherlands and Belgium in 1994. These visits were dedicated to questions about legislative and administrative issues, internal governance and statutes, and freedom of education.

Table 1
Number of activities in the Baltic countries

	Number	% of total
Exploratory Missions	4	33
Advisory Missions	4	8
Regional Missions	7	100
Workshops	2	22
Study Visits	10	91

Representatives from the Baltic States took part in the 1995 study visits “The organisation of quality assurance” in the Netherlands, Scotland and also Belgium. The same was true for 1996 and 1997. The visits in 1996 were devoted to the development of non – university higher education and the position of staff and students in the governance of higher education. The study visit of 1997 was concerned with questions of quality assurance.

The positive role of study visits was that representatives from the Baltic States became acquainted with the strengths of European and Scandinavian higher education legislation, and that they had the opportunity to engage in discussion with colleagues.

The study visits had a considerable impact on people’s understanding of the need for reform of the higher education system.

4.1.3 Impact of the LRP

Political implications

The team of LRP experts visiting the Baltic countries in early 1993 helped to consolidate the efforts of all political groups and to find appropriate ways and means of implementing a programme of further reforms. Later, advice was given to changing governing bodies (Ministry of Education and Science, Department of Science and HE), the Rectors' Council and the Science Council, the Council of Higher Education and others.

An opinion of the Council of Europe experts is very highly valued by Lithuanian, Estonian and Latvian academics and politicians. The Council of Europe's ideals of human rights imbue academia as well as progressive parliamentarians and government officials and therefore discussions carried out with LRP experts have always influenced higher education reforms.

Recently, a considerable number of comments from LRP experts were taken into account while drafting the new Law on Higher Education in Lithuania. Experts of the Council of Europe visited in the summer of 1999 and January 2000, and as the Rector of Kaunas University of Technology, Professor Kestutis Kriščiūnas, has mentioned, this contribution was tremendously important. It has had a serious and positive impact on the quality of the Law on Higher Education in Lithuania. The Law was adopted on February 15, 2000 by the Parliament of Lithuania.

Practical impact

The practical impact of the LRP has been felt in several fields:

1. Contribution to the legislative and policy-making process of higher education and research. For example, the Higher Educational Institutions Law in Latvia adopted on 17 November 1995 includes many new norms, dealing with newly elected professors, associated professors, masters' and doctoral studies, the Council of Higher Education, the accreditation of study programmes and higher educational institutions, and others. The Law of Universities was adopted in Estonia in January 1995; Laws on Research and Sciences were adopted in December 1994 in Estonia and a little later in Latvia, and the Law on Higher Education in Lithuania was adopted in February 2000.
2. Contribution to the understanding in the Baltic States of the meaning and importance of international indicators, for example, the ratio of students to the number of inhabitants, the number of the institutions of higher education, the financing of higher education as a percentage of GDP, and others. The Baltic States still lag behind the smaller states of central Europe and the Nordic countries in which the proportion of students is between 2.4 and 3.9 percent of the number of inhabitants.
3. The development of quality assessment criteria for study.
4. The advice of LRP experts from the Council of Europe was used in establishing a quality assurance system, setting up a well managed centre for the recognition of foreign qualifications, for example, the Lithuanian ENIC, which is part of the

Lithuanian Centre for Quality Assessment in Higher Education.

5. The concerns of students were raised during the joint mission of the LRP to the Baltic in 1994, which provided a forum for discussion and encouraged the activities of student organisations as well as their links to national governments and institutional administrations.
6. The sharing of knowledge: many ministries and universities representing the Baltic countries were involved in seminars, discussions and working sessions.

International impact

The LRP helped to establish a broader network of West-East co-operation promoting better understanding and mutual support.

In this context, it is worth mentioning a regional organisation, established with considerable support from the LRP: the Baltic Higher Education Co-ordination Committee (BHECC), which influences developments in Estonia, Latvia and Lithuania in such fields as quality assurance, academic recognition and mobility.

This LRP success was stressed by most of the experts interviewed from Latvia, Lithuania and Estonia, for example, E. Lavendelis – former Rector of Riga Technical University, A. Raughvargers – Vice state secretary of the ministry of Education and Science of Latvia, J. Čakste – Director of the Department of Higher Education and Science of the Ministry of Education and Science, Latvia, P. Cimdiņš - previous State Minister of the Ministry of Education and Science of Latvia, K. Kriščiūnas – Rector of Kaunas University of Technology, B. Mockienė – Deputy Director of the Lithuanian Centre for quality assessment in higher education, O. Aarna – President of the Rectors' Conference of Estonia, R. Vaikmae – Head of the Research and Higher Education Department, Ministry of Education, Estonia, J. Aavisko – Rector of Tartu University, Estonia, A. Pumputis – Rector of the Department of Higher Education and Science, Ministry of Education and Science, Lithuania.

The BHECC meets each year, for example:

- Vilnius, 15 April, 1997
- Tallinn, 14 December, 1998
- Riga, 29 November, 1999
- Riga, 14 April, 2000.

In these meetings the BHECC discusses questions such as:

- The legal framework and expansion of the BHECC. Rules of procedure for the election of the BHECC co-ordinator;
- Quality assessment of study programmes and higher education institutions in the Baltic States. Current situation and further co-operation. Practical procedures;

- Mutual academic recognition (qualifications giving access to higher education, higher education qualifications, credits and scientific degrees);
- Stimulation of student and academic staff mobility within the Baltic States. Current situation and further activities;
- The organisation of seminars, conferences, training courses for academic staff from the Baltic States;
- The publication of the Baltic International Bulletin and other publications;
- The proposal to establish a Baltic Open University;
- EU integration aspects in higher education, platforms for accession negotiations in education-related issues, EU directives, ECTS, vocational qualifications;
- North-eastern Europe co-operation issues (Nordic-Baltic working group report on common Nordic-Baltic educational space, regional co-operation seminar in Riga, Nordic-Baltic admissions manual);
- Further action on the Baltic recognition agreement;
- Problems of trans-national education in the Baltics.

In January 1995 in Riga all the Ministers of Education of the Baltic States, *Peter Olesk*, Minister of Culture and Education of the Republic of the Republic of Estonia, *Jānis Vaivads*, Minister of Education and Science of the Republic of Latvia and *Vladislavas Domarkas*, Minister of Education and Science of the Republic of Lithuania, signed the Statute on the International Co-operation in Quality Assessment of Higher Education in the Baltic States. According to this Statute the Baltic Higher Education Co-ordination Committee (BHECC) was established as an international body for co-operation in the field of higher education quality in the Baltic States. The functions of the BHECC are as follows:

1. To stimulate co-operation among the Baltic States in the quality assessment of study programmes and higher education institutions. In particular, the BHECC works on practical procedures for international co-operation in the quality assessment of study programmes and higher education institutions and the questionnaire for international peer group members.
2. To stimulate student and academic staff mobility within the Baltic States.
3. To stimulate internationalisation of the higher education institutions of the Baltic States, particularly establishing courses taught in English.
4. To establish common higher education standards for the Baltic States.
5. To publish summaries of the quality assessment results in all Baltic States at least once a year.
6. To organise common activities such as seminars, conferences and training courses for academic staff with the participation of all three Baltic States.

The Statute also includes the Common Regulations in Practical Organisation of the Quality Assessment in Individual States:

1. Each Baltic State establishes an independent national body for the quality assessment of higher education.
2. Each national body for the quality assessment of higher education carries out the practical procedure of examining study programmes and higher education institutions in the corresponding state.
3. An international assessment procedure for higher education institutions is performed as follows:
 - 3.1 Members of the peer group that are to visit an institution are chosen by the national quality assessment body of the appropriate state.
 - 3.2 Each peer assessment group consists of at least three experts, but not more than one of them may be from the country where the institution is domiciled. International peers from the two other Baltic States are nominated by two national bodies at the request of the head of the national body of the country in question.
 - 3.3 As far as is possible and reasonable, experts from outside the Baltic States may additionally be included in the peer groups.
4. The assessment procedure consists of some basic elements: self-evaluation in accordance with the questionnaire prepared, analysis of the self-evaluation report, a site visit, preparation of a draft report, production of the final report including remarks made on the draft report, dissemination and publication of the final report.
5. The international peer visits are financed by the state where the institution in question is domiciled.

The accreditation process in public and private higher education establishments started in 1966 in Latvia, 1997 in Estonia and 1998 in Lithuania.

The BHECC has also adopted documents concerning the Baltic education study space, for example, the *Protocol on Mutual Recognition of Qualifications concerning higher education*.

Publications

Although printed materials become very rapidly outdated in the region, the LRP compendia on *Relations Between State and HE* as well as *Democracy and Governance and HE* are of great historical value. The articles are very interesting and often quoted by different authors, analysing reforms in western, eastern and central Europe. Moreover, experiences described in the books are compared in introductory articles, which are, to some extent, useful not only as academic reading, but also as a tool giving practical knowledge and advice.

Multinational events

Several seminars and study visits were organised by the LRP and served as useful events to share experiences, establish networks, and to verify steps undertaken in different countries to improve the HE system.

4.1.4 Outstanding problems

Despite the great progress made by the LRP to implement modern legislation in Latvia, Lithuania and Estonia, the Baltic States still have problems:

- Little success is being achieved in improving the financial systems of higher education and research. The situation in the Baltic States has not improved in terms of finding an appropriate model of financing for HE.
- More could have been done in the area of student status.
- Higher education institutions are apparently losing prestige as opposed to other sectors of society in most European countries. Academics are rewarded purely financially, which diminishes their motivation to facilitate reforms.
- Knowledge production is no longer a monopoly of HE institutions.
- The entrepreneurial approach should be more fully debated and implemented in a modern university.

4.1.5 The future mission of the LRP

The Council of Europe/Unesco Convention on the Recognition of Qualifications Concerning Higher Education in the European Region, which Lithuania, Latvia and Estonia have all ratified, is what has been driving reform. The Baltic States have been obliged to follow the principles and procedures for recognition of diplomas and qualifications regulated by the Convention. The Bologna Declaration, signed by the Estonian, Lithuanian and Latvian Ministers of Education and Science and encouraging European co-operation in the area of higher education, announced a new position towards these institutions in 19 June 1999. The European Higher Education Area is the place for new missions.

In future the LRP should form part of the “rolling agenda” thus giving all member countries the opportunity to exchange best practice in legislative reforms. The programme should continue to broaden its scope and emphasis on educational and related scientific policy issues. The internal organisation should be improved, an information network should be developed and a stronger response should be given to the specific needs and features of national educational systems. In the engagement of experts, preference will be given to those from eastern Europe.

4.2 Feedback from other central and east European countries

Many countries (Slovenia, Hungary, Bulgaria, Estonia, Armenia, Czech Republic, Croatia, Moldova) would like to stress that active co-operation in the LRP was (and still is) of national importance and that it is a part of the development policy for higher education.

The countries wish to participate in various forms of European, and world, integration processes which can strengthen the possibilities for integration and co-operation, at the same time preserving their own identity, only by means of high-quality education.

Reform endeavours, since 1992, are oriented mostly towards:

- the transition from the ancient regime to parliamentary democracy and thus to a plural system of values;
- efforts to join European integration processes;
- the development of production processes and scientific disciplines, which also require changes in the field of education.

The activities of the LRP have provided additional opportunities to achieve some of these goals and to present, in the wider context, the national policy and developments in higher education in the PHARE beneficiary countries and EC/EU member states.

4.2.1. Slovenia

In December 1993, the Slovene Parliament passed the new Law on Higher Education under which both universities regained their traditional status. Since, at that time, Slovenia could participate actively in the Council of Europe, the series of workshops and advisory missions were organised before preparing the Law (in 1992, 1993 and 1994).

The summer of 1995 was the time when the first stage of legislative reform of Slovene higher education institutions was accomplished and the time for the second international exchange of views and achievements. Several international events were organised, such as the 2nd Joint Meeting of ENIC and NARIC Networks (CE, Ljubljana, June 1995), Interaction between Education, Training and Labour Market (OECD, Bled, June 1995), Higher Education and Human Rights (CE, Ljubljana, October 1995), The Development of Higher Education Policy and Planning (CE-LRP Bled, July 1996). The period after the summer of 1995 brought further changes and this was when the impact of the LRP was most felt.

In 1994 the Government appointed a new professional body - the Council of the Republic of Slovenia for Higher Education. Universities experienced some institutional changes and changes to study programmes. In the academic year of 1995/96, the first new professional higher education programmes (3-year studies) were offered. In 1996/97, all existing programmes were either aligned with new legislation or new ones adopted. A further important new feature was the establishment of free-standing higher education institutions not founded by the state.

The new law has introduced many changes. It grants higher education institutions autonomy in all academic matters, stipulates framing conditions for their operation, especially their financing, and regulates matters concerning status and curricula which are directly or indirectly related to the quality of higher education and international comparability. For the first time, the new legislation offers an opportunity to set up, on the basis of a special

accreditation procedure, independent (free-standing) higher educational institutions as well as state universities.

4.2.2. Armenia

The participation of Armenia in the LRP considerably influenced education policy and development strategy in education to achieve compatibility between the national educational system and European standards fixed in the corresponding conventions and declarations.

The political impact of the LRP on the Armenian first framework-type of educational law (May 1999) was significant. In response to the recommendations of LRP experts based on the evaluation of the draft law and preceding discussions with the Armenian legislative task force and policy-makers, an important section (Clause 28) on institutional autonomy and academic freedoms was developed and added to the draft. Co-operation was also established in the drafting phase of the follow-up higher education law.

Participation in the LRP has significantly stimulated international academic co-operation, especially its European component. Joint activities in the LRP have created a framework for bilateral academic links between institutions and relevant governmental structures of Armenia and the European partner countries involved.

4.2.3 Moldova

The LRP has had considerable influence on Moldova in areas such as the development of new standards based on universalism, educational concepts, democratisation of the educational system, guaranteeing of the rights of minorities, and minimising social tension. Concerning the practical impact, note the drawing-up and acceptance of educational law in November 1995; the development of the accreditation and research law project; differentiation in higher education and the acceptance of new professional programmes.

Participation in the LRP has also stimulated international co-operation, for example, the harmonisation of the Moldavian educational system with European systems, in corresponding conventions on co-operation with several countries (Ukraine, Romania, Bulgaria, Turkey). Important fields are international recognition of diplomas and mobility of students.

4.2.4 Summary of additional feedback

According to these countries, the strong points of the LRP are as follows:

- internationalisation of best practice (from west, central and east);
- creation of a European higher education and research environment in one unique space;
- strong expert potential;

- clear development strategy and guidelines;
- close response to the aims and resolutions of Council of Europe;
- the quality of published materials.

According to the same countries, the weak points of the LRP are as follows:

- lack of homogeneity in the participation of different countries and regions and a lower rate of activity from NIS countries;
- weak overall co-ordination and absence of an LRP information network;
- premature and thus incomplete laws caused by the transformation process of ex-USSR countries;
- insufficient financing;
- minimal access to the publications of the Council of Europe.

5. A critical reading

An initial quantitative assessment of the LRP programme emerges from the preceding pages, thanks to clearly identified material and to input from discussions. A clear appraisal on an annual basis may be made of the number of experts present in the field, the geographical area visited, the method used, the subjects covered and the results published, not forgetting the amount of money invested, thanks to contributions varying in both amount and origin.

On this basis alone, we might say that this arrangement, intended to be "experimental", found its way and achieved a certain level of maturity in its operation fairly rapidly. This led to the appearance of new legislative practices which made a clean break with the practices of the recent past. We might also add that this process has not yet extended to all its potential territories, nor has it covered all the fundamental subjects on which legislation needed for the development of higher education and research always depends.

Overall, it seems that all the conditions exist for the programme to be continued.

This would be a relatively easy path to take, being based essentially on a quantitative measurement, but it would not be enough, not only in the light of the "commission" given by the Council of Europe, but also in that of the sums involved: no less than 16 million francs over a period of eight budgetary years. But there is also insufficiency where the political implications are concerned, which are considerable, not only in the light of the academic aspect, but also because they are a part of a broader problem area of the "enlargement" of Europe at the start of a new millennium, when the page is being turned on a twentieth century marked by two major upheavals in the shape of world wars, leading to the ideological divide in the period after 1945.

Even though there is little time to do so, these implications necessitate an attempt to take a more "qualitative" critical approach to the LRP programme before drawing a conclusion which can be directly used by Council of Europe officials.

Taking this critical view, we shall endeavour to refer to the philosophy and methods of the implementation of the programme, as well as reviewing its management during the past eight years.

5.1 The philosophy of the LRP

Anyone who has attentively listened to and read the words of Dr Fischer-Appelt cannot fail to be very favourably impressed by the high ideals of the project designer. The main reason is that he undeniably knows all the ins and outs of the geopolitical development of Europe, not only as an academic, but also as an administrator of one of the major universities in a country which itself has had to deal with the painful question of geographical partition. From the very first, Dr Fischer-Appelt set the very difficult target of helping to bring democratic standards to former eastern bloc countries by giving particular assistance with the reform of university structures in states which, prior to the collapse of the Berlin Wall, had been under the Soviet yoke.

This high level set at the outset provided the basis for the instructions given to the group of experts around the project leader, and this was a positive development. All were aware that, once they were in the field, they would have to set a high target for their discussions on the role of the state and the law in the creation of a genuinely democratic system. For the aim was to adapt higher education legislation in the light of the main democratic principles, such as:

- the culture of mutual respect,
- a harmonious balance between the role of the state and the independence of the individual establishments,
- academic freedom enabling every player to conduct his or her teaching and research activities without constraints.

In other words, the aim was to put forward a liberal concept of higher education and research in an environment which was particularly difficult to alter, since it was still under the influence of the "bad habits" derived from the principles and from the political, economic and social standards applied in those countries for over half a century.

Thus the LRP was designed as a lever to bring about radical change in the former university system based on the Soviet model, by creating a dynamic process that was at one and the same time new and irreversible. The aim of this process was to foster a gradual rise in the level of academic communities in eastern Europe, so as to create the conditions for dialogue on a relatively equal footing with their counterparts in western Europe, with whom they henceforth intended to work more closely.

Another point which should be made is that this "lever" was devised by an academic and

operated by academics in the service of the academic community of eastern Europe. Clearly, the initial idea was a simple one, but proved particularly effective.

The high initial target set was fully in harmony with the general change in mentality towards an openness to the east, and with the aims of the major international organisations, especially those of the Council of Europe. We can clearly see how well the LRP programme fits in with the requirements of the Council of Europe for human rights to be respected, for the provisions of constitutions to be applied transparently and for citizens to have individual freedom. There was surely some connection between the quality of the initial project and the level demanded by the designer and the fact that the Council of Europe fairly rapidly changed the status of the project to that of a proper Council-approved programme.

Thus a high intellectual and conceptual level was set, as well as consistent targets, necessarily having an influence on the methodology adopted.

5.2 Implementation

The critical appraisal of implementation will look at several points, deliberately restricted in number, but they are significant ones.

The first is the general methodology adopted as to how the various countries concerned were contacted. Activities only commenced once a formal request had been received in Strasbourg from one of the countries that had been informed of the existence of the programme. This is a fundamental point, placing the future relationship on a positive basis, with better scope for development than would exist in an imposed framework not the subject of a consensus. It would be worthwhile, in the event of a more in-depth analysis of the programme, to investigate by questionnaire how information was circulated from Strasbourg, how this was integrated in the countries concerned, and how quickly the LRP was able to formulate its response.

A second positive point has to be added to this first one, that of the quality of dialogue. This not only underpinned the mutual learning which occurred between those making and those receiving visits, but also offered reassurance, since it was immediately stated that no pre-established models would be imposed. It can also be pointed out that the LRP experts were, in contrast, in a position to respond as a matter of priority to the needs of the countries in transition. This demonstrated both a capacity to be flexible and great mutual respect, respect inherent in the rules of professional ethics which prevail in the academic community.

Another aspect to be welcomed is the progressive nature of the system devised and developed by those involved in the LRP. The roles of the various types of activity are in fact clear.

- The exploratory "missions" to each country visited were fundamental and proved a vital basis. These trips, made largely by the same small group of players, systematically attempted to find pragmatic ways of getting the message across that legislative reform was crucial and required a particular environment, illustrated by a prudent description of the different developments which had hallmarked the university system of western Europe for several decades.

It is worth noting the very large range of subjects tackled, going well beyond the conceptual framework of the introduction of legislative reform affecting higher education, and extending to a genuine and complete structure. The structure encompassed the quality of the different institutions, especially those described as intermediate, the range of rights and freedoms attached to a modernised academic world, the definition of the tasks of establishments, according to their status, but also to their natural vocation, and the awkward question of the organisation of studies and qualifications.

- Multilateral workshops had another purpose, that of making participants go beyond the merely bilateral dimension to make comparisons with other countries, from western, central and eastern Europe. These provided an excellent means of emulation, but also brought obligations to exchange information and to take account of new ideas, and, especially, of experiments which could be adapted to suit the situation in each country. Another advantage of the system was that it created a link with the representatives of official Council of Europe committees, especially the CC-PU and, later, the CC-HER.

No fewer than ten workshops took place, on subjects of importance to European higher education, such as the financing of education, evaluation problems, relations between public and private education, links between education and research, the management of establishments and the role of the state and various authorities.

Both the quality and the quantity of active participants show not only that this system was appreciated, but also that it was capable of providing a credible basis for developments specific to each of the countries concerned. One of the best examples is certainly that of the reactive capacity of the Baltic community once it had benefited from the two LRP methodological experiments.

- Study visits positively complemented the first two kinds of activities, firstly because they took place over relatively long periods, and also because they enabled the countries implementing legislative changes to make a practical appraisal of progress made in comparison with frameworks already existing in higher educational establishments in western Europe.

It should be noted that few Council of Europe member states received visits of this kind. It is therefore appropriate to applaud the important role played, in particular, by the Flemish-speaking community of Belgium, which hosted almost one-third of all the workshops, the Netherlands, Finland, Scotland, Denmark, Sweden, Portugal, Germany and Ireland.

5.3 Management of the programme

At this stage of the analysis we should review the way in which the programme has been managed over the past eight years, giving particular attention to the fate of the men and women involved, the budget and the publications policy.

5.3.1 The men and women involved

As in any collective undertaking, the selection and activities of the men and women concerned are decisive for both the conduct and the success of a programme. The LRP is no exception. The extent to which the quality of the project leader is decisive is in fact clear, and there can be no doubts about Dr Fischer-Appelt: the programme benefited from a high quality designer, who found an alter ego at the Council of Europe to deal with technical management of the programme, in the shape of James Wimberley. During separate discussions, it rapidly became clear that not only did their views converge, but they had a similar approach and vocabulary. The quality of contact between the two main protagonists was important to the excellent start made by the project. Their "complicity" also had beneficial effects on the teams of experts and on the group of administrative and technical colleagues, who could see that the first rung on the decision-taking ladder was occupied by a very cohesive group.

Thus it is clear that continuity of players is very important to success, and that any interruption may lead to considerable qualitative changes, but continuity of players does not necessarily mean invariable representation by the same persons. It is obvious in fact that there should be a regular changeover of experts. Hence, to avoid disruption of the working process, there should be a predefined "ideal profile" for experts, so that changes in leadership should be smooth and not affect the impetus of the process.

When we look at the external conduct of first the project, and then the programme, we again find this problem of continuity. Work progresses well when people stay for a sufficiently long time. Sadly, this is rarely the case of people with ministerial responsibilities, who are by the way of things exposed to rapid "turnover", depending on local political and electoral circumstances. Nothing is more damaging to detailed activity. In respect of the Baltic experiment, for example (one of the major achievements of the LRP on the ground), it is clear that several changes of minister in charge of the university sector curbed the progress of local discussion. Consequently, these might not only have been more coherent, but would certainly have been executed more rapidly, had the activity of the initial decision-makers been ongoing.

Another striking feature of the human conduct of the project, over and above the continuity and discontinuity problem, is the problem of internal and external evaluation of the activities.

Discussions have clearly shown that there was no culture of evaluation in the Secretariat. It nevertheless has rapidly to be made clear that the members of the Secretariat were aware of this shortcoming and knew that such a culture had to be created. It was therefore necessary to give this team a methodological basis for acquiring experience in this field. This is

undeniably an important area for work on future programme management, particularly where education programmes are concerned.

On the other hand, we must applaud the desire for transparency displayed by members of the Secretariat, who fully accepted the need to reveal the strengths and weaknesses of the system, advances as well as setbacks, difficulties as well as successes. They thereby displayed great intellectual maturity and professional skill. They also showed that they were adhering to the philosophy of the programme. This latter point is a positive one, for this is not always the case where permanent players are concerned.

Finally, perhaps too much caution was shown in respect of what we might call a communications culture. Perhaps this stems from the constraints and rules which have to be complied with in a major European organisation. Undeniably, efforts need to be made to go beyond the factual element to publicise the strengths and weaknesses of the system, through the dissemination of critical memoranda to those in positions of responsibility, intended to enrich and guide the debate. In other words, there is a need for more qualitative interaction between teams of experts and Secretariat. In our view, this is necessary, but without transferring the responsibilities relating to each area of activity. Everyone in his or her own place, but in full harmony, thanks to the rapid and sincere circulation of information.

It is quite clear that, most of the men and women who worked on the LRP did so honestly, efficiently and with a will to achieve the objective set by the designer, Dr Fischer-Appelt.

5.3.2 The budget

Budgetary aspects revealed some contrasts throughout the period under observation. It of course has to be said that the Council of Europe does not have such a large budgetary capacity as other European or international bodies, and that it has therefore developed a culture of caution in its financial support for its various activities.

In spite of this legitimate budgetary caution, however, the LRP did benefit from no less than 16 million francs over an eight-year period, which may be regarded as both much and little, in view of the target set. It is not very much when the aim is to cover such a broad geographical and geopolitical area with a theoretical average of 2 million francs a year. It is a lot if we view it in the context of the Council of Europe's major investments in specific ongoing programmes.

The most striking point is the difficulty experienced by programme leaders in achieving budgetary regularity over several years. Support in practice went up and down, not making it easy to continue a programme over a long period.

Much thought needs to be given to this subject. Should the programme be continued, care will have to be taken to build up a planned budget spanning several years, and particularly to make sure that this is financed through definite contributions each year. As a counterweight, the requirements for critical evaluation will be able to be increased, including closer budgetary scrutiny.

The second striking aspect is the extraordinary discrepancy between the amounts granted by

the different contributors, ranging from several million francs to just a few tens of thousands! It is difficult for someone on the outside to understand this discrepancy, especially as the "major" countries, such as France, for example, contributed absolutely nothing to this activity intended to provide targeted assistance to higher education in the former eastern bloc countries. For a nation which is to the fore in the defence of human rights and as an advocate of European openness, this is an unexplained contradiction.

Looking beyond this, however, care should be taken in future to distribute the effort more efficiently, so as to avoid "domination" by certain countries. In this context, let us take as an example the Netherlands, which, with Germany, enabled the programme to be carried through thanks to very generous contributions. This positive attitude, however, may have repercussions, particularly on intellectual investment, which may, intentionally or not, lead to a specific "model" solution to shared problems being favoured. This could happen as a result of a greater investment by experts from the largest contributor countries.

In other words, in order to avoid possible aberrations, nothing is as vital as the establishment of a regular scale of contributions, based on the relative size of each contributing country. A different course of action could, however, be taken in respect of sums given by foundations, which essentially determine their activities in the light of their support for specific objectives, but without having to limit their financial contributions.

In future, quite particular attention will have to be given to:

- creating the conditions for an advance guarantee of funding over several years for the programme. This guarantee could be obtained on the basis of a contract covering objectives between those "commissioning" the work and the team which carries it out;
- greater financial contributions from the member states, according to their population size and economic wealth.

5.3.3 Publications policy

The experts also have mixed feelings when consulting the various works produced by the LRP Editing Board. Opinions are divided on the results based on the number and quality of the publications, enabling a number of concepts directly or indirectly dealt with during internal or external activities under the LRP to be made visible.

The same works, however, are slightly awkward, in that they frequently seem much too "theoretical" in relation to actual experience. It has to be said that their contents seem disconnected from the practical side of the detailed work carried out by the field "missionaries". We wish to make it clear, however, that the publications issued are of high intellectual quality, for they find a natural place within the conceptual contributions made by educational specialists.

Consequently, rather than favouring "deluxe" works, both in form and in substance, it would be better to advocate the supply of "working papers" of a more synthetic and operational

nature, and more immediately usable than these heavy, and certainly costly, publications. It is also reasonable to query the capacity to disseminate results through this conventional form of publishing, although promotional duties were carried out well by the publisher.

It would also be interesting to favour the "new technologies" path, *inter alia* by fostering the internal dissemination of these papers. It would be conceivable to regularly distribute methodological messages or case studies, which might ultimately lead to a handbook of "good practice" written in a simple form and directly usable by the largest possible number of people. For those countries which do not yet have full electronic facilities, use of the universal and tried and tested technique of telecopying, in the form of "express fax" would enable the most relevant information to be made available in real time, without any need to wait for a conventional publication to be issued, requiring a long, sometimes too long, intellectual, material and financial gestation period.

Generally speaking, although a particularly tight deadline was given for this external appraisal to be completed, the experts reached a positive conclusion in respect of the genesis and conduct of the LRP programme.

This positive view inevitably influences the conclusion of this brief document, as well as the small number of recommendations derived from the conclusion.

6. Conclusion and recommendations

The time has now come to weigh up this external study of the LRP programme on the basis of a few straightforward questions:

- was the LRP idea an appropriate one?
- were the right decisions applied?
- what impact can be measured after eight years of activity?

These questions also cover the whole area which the Council of Europe asked the two external auditors to consider.

Following these initial reactions, several recommendations will have to be made with a view to determining an approach which will help when the final decision is taken at the different levels of responsibility on continuation or termination of the programme.

6.1 The appropriateness of the idea

Reasonably enough, this is the easiest point to determine, thanks to the large numbers of consistent references to this preliminary aspect of the LRP process.

The time has now come to give a final opinion:

Yes, the idea of setting up the LRP was undeniably not just appropriate, but also one which led to practical action. First of all, it was based on a straightforward idea devised by an academic for the benefit of other academics, making use of volunteer

colleagues' skills for its development. Secondly, it is capable of speedily attaining a very high conceptual value, directly influencing the highest levels of responsibility in each country which wished to accede to the programme.

This is a good initiative, clearly capable of achieving even a particularly ambitious aim, that of "re-attaching" the university community of former eastern bloc countries to the academic world of the west, and of doing so on the basis of a body of shared values guaranteeing them certainty and quality of dialogue.

6.2 The methods applied

Here again, the evaluators had plenty of reference points available to them to help them to make their final assessment. The evaluation is positive overall, but with some slight reservations:

- ⇒ a positive view is taken of the creation of different levels of activity in the field: exploratory "missions", multilateral meetings, regional workshops and study visits made a genuine intellectual and material contribution to the final success of the structure of the project. This is all the more remarkable for the fact that the initiators of the project, from within, managed to develop the system so as to make it particularly adaptable to reactions on the ground, thus making the LRP a model of flexibility and efficiency.
- ⇒ However, there are three aspects which are not so positive, all of which had a direct or indirect effect on the arrangements set up under the LRP:
 - firstly, the continuity/lack of continuity of persons in decision-making roles. Indeed, inasmuch as the programme successfully acquired coherence, this was because its initiator, Dr Fischer-Appelt, was present and active throughout. It was undeniably he who was the conceptual and intellectual guarantor of the programme.

Paradoxically, this solitary leadership could have been dangerous, since there was no provision for alternative leadership had there been any problems. If the programme continues, it is vital to avoid this same situation. Changes in players must come from inside, even if it only to take into account internal developments in each country and the emergence of new problems.

The problem of continuity emerged in a different way in the Secretariat. We noted a quite high turnover at the key level of programme manager, as shown in the table of staff included in Appendix 4 to the final report. In themselves such changes are a normal management prerogative of the Secretary General, and bring in fresh ideas and wider experience. In the event, it appears that they led to a certain discontinuity in the basic approach to university development. It has to be made clear that, in order to

win the trust of those involved, the initial philosophy must be maintained. In other words, no attempt should be made to impose a model; several should be put forward and an honest description be given to those involved of the advantages and drawbacks of the different practices identified.

- secondly, the financial conditions created for the programme deserve to be improved, so as to achieve continuity, and in particular, regularity in the conduct of the programme. This of course means more financial contributions, and contributions of a more balanced nature, so as to avoid "cultural disparities" and the dissemination, deliberate or otherwise, of models deemed more appropriate than others simply because of the large numbers of experts present and the origins of the funds.
- lastly, doubt may persist about the decision taken on publication arrangements. There can certainly be no denying the high quality of the publications issued. However, the form and substance adopted do not make it easy to access the information contained in them. Too many conceptual aspects, and even too much intellectual sophistication, eventually mask operational abilities. It would therefore seem more reasonable to opt for "working papers", more accessible, more numerous, more interactive, and particularly making use of new technologies. Overall, the experts are convinced that this development would be less costly and more practically useful.

6.3 Measurement of the impact

This is undeniably the most awkward aspect of this report. It must be said that opinions differ on this matter.

1. As far as the legal and legislative impact is concerned, the answer is clear: the LRP has fully played its part and is, in particular, capable of being expanded. Indeed, its task is far from being completed. It must therefore continue, not only so as to increase its geographical coverage, but also in order to create the conditions for the start of "new legislative generations", thereby giving ever-increasing added value to higher education and research in the countries in the process of acceding.

2. As far as the "cultural" impact of the LRP is concerned, it is virtually impossible to measure this objectively, which is a matter for regret. While it is clear, in practice, that high-level decision-makers (ministers, secretaries of state, senior officials, members of parliament, politicians, rectors) have received and made use of a message, it is not very easy to say what the level of support is among the grass-roots players in higher education and research, namely lecturers and researchers, administrative staff and, of course, students.

There is a large vacuum which needs to be filled, which will only be possible through further

studies, involving, *inter alia*, the use of questionnaires. While recognising that the exercise involved will be rather sensitive, the independent reviewers consider that before proceeding further, it will be necessary to work closely with the various countries visited to see just how the LRP is perceived.

The target groups would be:

- policymakers responsible for the educational system, of two categories:
 - official representatives of the ministries
 - heads of institutions, representing the “front line”;
- teachers, identifying representative groups of disciplines and taking care to involve players in research;
- students, using relevant sampling methods determined according to the higher education demography of each country.

The processing of these questionnaires would provide a sort of compass for the continuation of the programme, and indicate new avenues for its work.

This is the only way in which it would truly become possible to give a verdict on the real impact of the LRP.

These remarks lead us to put forward the following recommendations for action:

1. The maintenance in full of the initial philosophy, namely a programme devised by academics for academics, without any imposition of a dominant model.
2. The maintenance, as far as possible, of continuity in terms of academic and administrative players, so as to maintain a high level of consistency. This does not mean the permanence of individuals. It is therefore necessary to establish binding conditions for the “rejuvenation” of the personnel so as to respond better to the evolution of the programme.
3. The creation of an evaluation culture in all parts of the programme, that is:
 - monitoring of the work in the field, implying evaluation of the fieldwork of experts, and evaluation of its reception in the host countries so as to fine-tune subsequent operations,
 - administrative monitoring, implying access by the Secretariat to running status reports on the programme in real time, and also to medium- and long-term strategic plans defined by a steering group and validated by the representative bodies of the Council of Europe,
 - financial monitoring, which also implies a detailed analysis of the evolution of the various lines of expenditure, so as to reinforce strong points or certain types of activity.

4. The development of an information supply to the member states of the Council of Europe, so that they may involve themselves more, in a balanced way, in the arrangements. In other words, creation of the conditions for expanding the circle of people involved.
5. The creation of genuine "financial security", by taking advantage of the greater involvement of the member states to ensure that contributions to the budget are better balanced.
6. The seeking of additional funding through the creation of better relationships with major organisations. We are thinking particularly of the European Union and its system to assist the world of education (Socrates, Leonardo).
7. The creation of indicators covering the impact of the LRP, through the building up of relay stations in each country in the process of acceding, so as to set up a veritable network of correspondents able to submit reliable reports which can be used for the strategic conduct of the programme.
8. The setting-up of a real network of west European universities able to back up Council of Europe activity by providing pragmatic assistance to establishments in the countries in the process of acceding, through mutual efforts to receive visits.
9. Redefinition of a publications policy, directing it much more towards working papers of which direct use may be made, especially through more rapid dissemination thanks to the new Internet technologies, or, where this is impossible, by fax.
10. The setting-up a computerised database covering all the work recorded, as well as the creation of a specific Internet site. These facilities could, for instance, send direct electronic messages in response to the concerns, questions and proposals expressed by grass-roots players, thereby enriching the discussions of LRP leaders.

These proposed recommendations are intended only to confirm even more strongly to the decision-makers the final opinion of the external evaluators, which is that:

The LRP is an excellent programme which has major implications for the future of Europe's universities. It might be a serious political mistake to fail to take this into account, and as a result, prematurely to terminate this ambitious process.

D. ROSSELLE

B. RIVZA

June 2000

APPENDICES

Appendix 1: Issues by level of legislation or regulation

A synthesis of the suggested allocation of competences drawn from the work of the LRP (extract from a study by Dennis J. Farrington)²³

Primary legislation

Define higher education
 Define types of institution delivering higher education
 Permit creation of private institutions
 Delimit circumstances under which private institutions may be accredited
 Describe how public institutions are created, merged or closed
 Define and regulate the use of the word 'university'
 Provide for and delimit extent of autonomy of different types of institution
 Delimit the legal personality of institutions
 Define arrangements for certification, recognition of diplomas etc.
 Prescribe in general terms how public institutions are governed
 Prescribe in general terms how public institutions are funded*
 Delimit the conditions which may be attached to funding
 Prescribe arrangements for financial audit
 Delimit the extent to which institutions are required to report to the state
 Prescribe the extent of accountability of governing bodies for use of funds
 Prescribe in general terms arrangements for accreditation of institutions
 Prescribe in general terms arrangements for quality assurance
 Provide for academic freedom of staff and protection against arbitrary sanctions
 Delimit powers of public institutions to charge fees to local and non-local students
 Delimit extent of commercial activity allowed to public institutions
 Describe in general terms systems for student financial support
 Describe in general terms rights of students and staff to organise
 Provide mechanisms for resolving disputes between the state and institutions

*this may (and in some countries does) include a legally-established minimum percentage of state budget to be devoted to higher education

Secondary legislation

Set out minimum requirements for democratic internal governance and management
 Prescribe details of system of allocation of funding
 Prescribe conditions attached to funding
 Prescribe nature of statistical information required from institutions
 Prescribe requirements for institutional plans, budgets, reports etc.
 Prescribe detailed mechanisms for accreditation and quality assurance
 Prescribe details of student support arrangements
 Prescribe mechanisms for fixing salary scales for different groups of staff
 Prescribe arrangements for public institutions charging fees to different groups of students
 Set out minimum requirements for the effective resolution of internal disputes

Domestic legislation (charter, statutes, articles, etc.)

Set out name, general powers and objectives, prescribe seal and other symbols and emblems
 Delimit membership of institution (staff, students, etc.)
 Provide for staff appointments, terms and conditions, discipline
 Detail arrangements for governance and management:
 Constitution of internal bodies
 Management positions
 Elections and appointments
 Responsibilities of internal bodies
 Financial accountability
 Regulate admission of students, progress and discipline
 Provide for staff and student organisations
 Regulate arrangements for student accommodation, etc.
 Regulate mechanism for making academic awards
 Regulate intellectual property arrangements
 Provide mechanisms for resolving disputes between members and the institution

Appendix 2

Terms of reference of the Steering Group (1994 - 1996)

1. Name: Steering Group of the Legislative Reform Programme.

2. Type of committee: Select Committee of Experts

3. Source of terms of reference: Higher Education and Research Committee

4. Terms of reference:

4.1 The Steering Group is established to guide and evaluate the work of the Legislative Reform Programme (LRP). The group is placed under the authority of the Higher Education and Research Committee.

4.2 The task of the Steering Group is to implement the mandate of the Legislative Reform Programme, which is the "stimulation of, and assistance in, the continuous process of development of the higher education sector, in terms of policy development and legislation, and its implementation, with a special view to central and eastern Europe."

4.3 The Steering Group shall:

- i. be responsible for the planning of the LRP;
- ii. stimulate policy development and law reform in higher education and research;
- iii. give instructions and make recommendations to the Secretariat of the LRP as appropriate, to stimulate the development of the programme;
- iv. adopt principles governing the composition of teams of experts for advisory missions and oversee the composition of these teams;
- v. evaluate annual reports and reports of activities;
- vi. propose the draft budget and annual reports to the Higher Education and Research Committee;
- vii. ensure liaison with the multilateral programme of the Higher Education and Research Committee, other related assistance projects of the Council of Europe, and relevant national and international activities;
- viii. report on progress, at appropriate intervals, to the Higher Education and Research Committee, the CDCC, the Committee of Ministers and voluntary contributors.

5. Membership of the committee:

The members of the Steering Group shall be appointed by the Higher Education and Research Committee. They shall be selected according to the following guidelines:

- i. there should be a balanced representation of governments, intermediate bodies, higher education institutions and specialists in the fields covered by the LRP;
- ii. members should have a wide experience in law/legislation, public management, institutional management, research and policy development in higher education;
- iii. there should be a balanced gender and a broad geographical representation from the Organisation's member states.

The Steering Group shall have up to eight members.

The members of the Steering Group shall be appointed until 31 December 1996.

To provide the necessary liaison, the Chair of the Higher Education and Research Committee, or its representative, should be a member of the Steering Group.

Other persons may attend meetings at the invitation of the Steering Group.

6. Working structures and methods:

The Steering Group shall organise its work in accordance with the provisions applicable to intergovernmental co-operation structures laid down by the Committee of Ministers.

7. Duration:

These terms of reference shall be reviewed before 31 December 1996.

Terms of Reference of the Steering Group (1997 - 2000) : modifications

1. Name: Steering Group of the Legislative Reform Programme for higher education and research
2. Type of committee: Steering body
3. Source of terms of reference: Higher Education and Research Committee
4. Terms of reference:
 - 4.1 The Steering Group is established to guide and evaluate the work of the Legislative Reform Programme (LRP). The Group is placed under the authority of the Higher Education and Research Committee.
 - 4.2 The purpose of the Legislative Reform Programme is to stimulate and assist in the

continuous process of development of the higher education and research sector, in terms of legislation and related policy development, as well as their implementation, with a special view to central and eastern Europe.

4.3 The Steering Group shall for this purpose in particular:

- i. stimulate policy development and legislative reform in the higher education and research sector;
- ii. be responsible for the planning, monitoring and evaluation of the work of the LRP;
- iii. give instructions and make recommendations to the Secretariat of the LRP as appropriate, to stimulate the development of the programme;
- iv. adopt principles governing the composition of teams of experts for advisory missions and oversee the composition of these teams;
- v. evaluate and approve the annual reports of the LRP to be submitted to the Higher Education and Research Committee;
- vi. propose, for approval, the draft budget of the LRP to the Council for Cultural Co-operation through the Higher Education and Research Committee;
- vii. ensure liaison with the multilateral programme of the Higher Education and Research Committee, other related advisory projects of the Council of Europe, and relevant national and international activities.

5. Membership of the Group:

The members of the Steering Group shall be appointed by the Higher Education and Research Committee. They shall be selected according to the following guidelines:

- i. there should be a balanced representation of governments, intermediate bodies, higher education institutions and specialists in the fields covered by the LRP;
- ii. members should have a wide experience in law/legislation, public management, institutional management, research and policy development in higher education;
- iii. the Council of Europe's general guidelines on gender balance should be taken into account.

The Steering Group shall have up to eight members.

The members of the Steering Group shall be appointed for the period of 1 January 1997 until 31 December 1998.

To provide the necessary liaison, the Chair of the Higher Education and Research Committee, or an appointed member of the Bureau, should be a member of the Steering Group.

Other persons may attend meetings at the invitation of the Steering Group.

6. Working structures and methods:

The Steering Group shall organise its work in accordance with the provisions applicable to intergovernmental co-operation structures laid down by the Committee of Ministers.

7. Duration:

These terms of reference shall be valid until 31 December 2000, subject to revision by the Higher Education and Research Committee and subject to the prolongation of the terms of reference of the Committee itself.

Appendix 3 : Management meetings

CC-PU and CC-HER plenary sessions

31 March – 2 April 1992	CC-PU 15 th	DECS-HE 92/29 rev.
24 – 26 March 1993	CC-PU 16 th	DECS-HE 93/76
27 – 29 April 1994	CC-HER 1 st	DECS-HE 94/46
29 – 31 March 1995	CC-HER 2 nd	DECS-HE 95/37
27 – 29 March 1996	CC-HER 3 rd	DECS-HE 96/26
19 – 21 March 1997	CC-HER 4 th	DECS-HE 97/36
25 – 27 March 1998	CC-HER 5 th	DECS-HE 98/39
16 – 18 March 1999	CC-HER 6 th	CC-HER (99) 31

Steering Group

18 September 1992	Strasbourg 1 st	DECS-HE 92/80
19 November 1992	Paris 2 nd	DECS-HE 92/88
24 February 1993	Strasbourg 3 rd	DECS-HE 93/27
25 March 1993	Strasbourg informal	DECS-HE 93/74
18 June 1993	Bratislava 4 th	DECS-HE 93/105
22 November 1993	Strasbourg 5 th	DECS-HE 93/131
29 March 1994	Strasbourg 6 th	DECS-HE 94/14
13 September 1994	Strasbourg 7 th	DECS LRP 94/25
13 February 1995	Strasbourg 9 th	DECS LRP 95/05
12 May 1995	Budapest 10 th	DECS LRP 95/12
23 October 1995	Strasbourg 11 th	DECS LRP 95/29
12 February 1996	Strasbourg 12 th	DECS LRP 96/05
6 November 1996	Strasbourg 13 th	DECS/LRP (96) 31
3 February 1997	Strasbourg 14 th	DECS/LRP (97) 3
4 – 5 November 1997	Strasbourg 15 th	DECS/LRP (97) 13
4 September 1998	Strasbourg 16 th	DECS/LRP (98) 36

Editing Board

31 May 1994	Strasbourg	DECS LRP 94/12
13 September 1994	Strasbourg	DECS LRP 94/25
24 March 1995	Strasbourg	DECS LRP 95/11
5 – 6 October 1995	Strasbourg	DECS LRP 95/25
26 – 27 March 1996	Strasbourg	DECS LRP 96/11
3 November 1996	Strasbourg	DECS/LRP (96) 30
17 April 1997	Strasbourg	DECS/LRP (97) 11
4 November 1997	Strasbourg	
23 November 1998	Paris	

Consultation meetings with new members

8-9 November 1993	Strasbourg	DECS-HE 93/124
12 - 13 September 1994 (experts)	Strasbourg	DECS-LRP 94/24
7 - 8 November 1994	Strasbourg	DECS-LRP 94/29
6 - 7 November 1995	Strasbourg	DECS-LRP 95/33
4-5 November 1996	Strasbourg	

Appendix 4 : Steering Group, Editing Board and staff members

Steering Group

Professor Janos Csirik 1997 - 1998	Jozsef Attila University, Szeged, Hungary
Professor Jan de Groof 1994 - 1998 (Editing Board Chairman)	Antwerp University, Belgium
Mr Alexander Draguiev 1992 - 1996	Ministry of Education and Science, Sofia, Bulgaria
Dr Peter Fischer-Appelt (Chairman) 1992 - 1998	Hamburg University, Germany
Mme Suzy Halimi (Bureau representative) 1994 – 1995	Université Sorbonne Nouvelle, Paris, France
Dr Per Nyborg (Bureau representative) 1997 - 1998	Norwegian Council of Universities, Bergen, Norway
Mr Jacob Scheele 1992 - 1998	Ministry of Education, then Inspectorate of Higher Education, Netherlands
Mr Peter Soltesz 1992 - 1996	Ministry of Culture and Education, Budapest, Hungary
Professor Juraj Švec 1992 - 1998	Comenius University, Bratislava, Slovakia
Professor Ergün Togrol (Bureau representative) 1992 – 1996	Istanbul Technical University, Turkey
Professor José Veiga-Simão 1997 - 1998	Portuguese Association of Universities, Lisbon, Portugal
Dr Paul Zoontjens 1992 - 1994	Catholic University of Tilburg, Netherlands

Editing Board

Professor Jan de Groof	Antwerp University, Belgium	(Chairman)
Professor Guy Neave	International Association of Universities, Paris, France	
Mr André Staropoli	National Evaluation Committee, Paris, France	
Professor Alenka Šelih	Faculty of Law, Ljubljana, Slovenia	
Professor Ulrich Teichler	Centre for Research on Higher Education, Kassel, Germany	
Professor Roel in 't Veld	Utrecht University, Netherlands	

Staff members

(* denotes permanent staff with other additional duties)

Programme managers

James Wimberley (*)	1991-1993, 1997-99
Peter Kwikkers	1993-1996
Michael Vorbeck (*)	1997

Programme officers

Mary-Ann Hennessey	1993-1999
Anita van der Kar	1994
Madelena Grossmann	1994-1995
Markus Adelsbach	1994-1995
Andreas Kleiser	1995-1999

Programme assistants

Olivia Dorricott	1998
Drino Galicic	1998
Gennadiy Kossiak	1997-1999

Secretariat

Debbie Orme	1995
Joanne Quinn	1996
Theresa Lad	1994 - 1999
Catherine Becarmin (*)	1998 - 1999
Caroline Dubois-Lenihan	1999

Appendix 5 :Income and expenditure, 1992-2000

Contributor	1992	1993	1994	1995	1996	1997	1998	1999	2000
Carry-over from previous year		1,220,000	3,430,000	2,930,000	1,320,000	750,000	135,000	637,000	1,434,900
ADACS (not received in the Special Account)		150,000	250,000	110,000	150,000	250,000	250,000	250,000	650,000
Cultural Fund		100,000	200,000	200,000	200,000	200,000	350,000	500,000	500,000
Czech Republic (not received into the Special Account)								35,000	
Denmark						80,000	80,000	80,000	
Finland (not received into the Special Account)								150,000	
Germany	370,000	750,000	750,000	760,000	750,000	505,000	505,000		
Greece			45,000						
Holy See						95,000	85,000		
Ireland			80,000		160,000	80,000		80,000	80,000
Italy				120,000	120,000				
Malta							40,000		
Netherlands	900,000	2,830,000	755,000	230,000	765,000				
earmarked NL Matra programme							1,010,000	810,000	
Nordic Council of Ministers earmarked								300,000	50,000
Norway	80,000	80,000		80,000		85,000	75,000		
Poland							33,000	33,000	
Portugal						175,000			

Spain									
Sweden		220,000					110,000		
Switzerland		100,000	100,000		220,000		245,000	123,000	121,000
UK (not received into the Special Account)							27,000	45,000	45,000
World Bank earmarked							460,000	1,350,000	
Other income (reimbursements etc.)					15,000	75,000		56,000	
Total income	1,350,000	5,450,000	5,610,000	4,430,000	3,700,000	2,295,000	3,417,000	4,449,000	2,880,900
earmarked income	N/A	150,000	250,000	110,000	150,000	250,000	1,747,000	3,314,500	1,542,450
non-earmarked income	N/A	5,300,000	5,360,000	4,320,000	3,550,000	2,045,000	1,670,000	1,134,500	1,338,450
Total expenditures	130,000	1,870,000	2,430,000	3,000,000	2,800,000	1,910,000	2,780,000	3,014,100	2,880,900
Carry-over to next year	1,220,000	3,430,000	2,930,000	1,320,000	750,000	135,000	637,000	1,434,900	0

Feb-00

Appendix 6 : Number and type of activities

Activity	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Exploratory missions	1	1	4	1	1	1	5	2	-	16
Advisory missions and working groups (1)	-	5	7	11	10	8	11	11 (4+7)	18 (4+15)	81
Regional missions	-	-	-	1	3	2	1	-	-	7
Workshops	-	1	2	2	2	1	1	-	-	9
Regional workshops	-	-	-	-	-	1	-	1	3	5
Study visits	-	-	-	3	3	2	3	-	1	12
Meetings of experts	-	-	-	1	6	7	4	-	-	18
Consultation meetings	-	-	1	2	1	1	-	-	-	5
Written opinions (2)	-	-	-	-	-	-	-	1	-	1
Publications	-	-	-	-	-	1	-	3	1	5
Total operational activities	1	7	13	18	19	16	24	18	27	136
Meetings of Steering Group	1	2	3	2	3	2	2	1	-	16
Meetings of Editing Board	-	-	-	2	2	2	2	1	-	9

1. in 1998 and 1999, all of the meetings organised under the joint project with the World Bank are counted as working groups
2. excluding simple reports of advisory missions

A table by country and date is included in the first part of the policy report, CC-HER (2000) 9

Appendix 7 : Chronological list of activities

Does not include the many Secretariat liaison missions to partner countries and organisations, and the management meetings listed in Appendix 3.

1991

9 - 12 July **Bulgaria:** Exploratory mission, Sofia
New legislation on higher education
 Expert: Fischer-Appelt

1992

6 - 10 January **Bulgaria:** Advisory mission, Sofia & Plovdiv Report: DECS-HE 92/26
The draft law on higher education
 Experts: Fischer-Appelt, Kallen, de Moor, Papadopoulos

11 - 15 March **Russia:** Advisory mission, Moscow Report: DECS-HE 92/90
The statute of Moscow State University
 Experts: Fischer-Appelt, de Moor

11 - 13 June **Multilateral workshop 1, Sofia** Report: DECS-HE 92/82
Financing of Higher Education in Transition (under CC-PU forum role)
 Rapporteur: Papadopoulos

18 - 19 June **Hungary:** Advisory mission, Budapest Report: DECS-HE 92/92
Draft higher education law
 Experts: Fischer-Appelt, Soares, Demichel

15 - 19 August **Russia:** Advisory mission, Moscow Report: DECS-HE 92/60
New higher education legislation
 Experts: Fischer-Appelt, de Moor, Soares

30 November **Albania:** Exploratory mission, Tirana
 2 December *The draft law on higher education*
 Experts: Fischer-Appelt, Papadopoulos

2 - 4 December **Slovenia:** Advisory mission, Ljubljana Report: DECS-HE 93/24
The structure and governance of higher education in Slovenia
 Experts: Fischer-Appelt, Soares, Švec, Togrol

1993

14 - 15 January **Slovakia:** Advisory mission, Bratislava Report: DECS-HE 93/28
Preparing new higher education legislation
 Experts: Fischer-Appelt, Soares, Togrol

22 - 23 February **Albania:** Advisory consultation, Strasbourg Report: DECS-HE 93/69
 Steering Group, Papadopoulos

3 - 5 March	Ukraine: Exploratory mission, Kiev Experts: Fischer-Appelt, Togrol	
12 - 13 April	Estonia: Exploratory mission, Tallinn Expert: Fischer-Appelt	
19 - 20 April	Lithuania: Exploratory mission, Vilnius Expert: Fischer-Appelt	
26 - 28 April	Hungary: Advisory mission, Budapest <i>The draft higher education law</i> Experts: Fischer-Appelt, Soares, Kwikkers	Report: DECS-HE 93/80
17 - 19 June	Multilateral workshop 2, Bratislava <i>Accreditation and evaluation in higher education</i> General rapporteur: Ryan	Report: DECS-HE 93/119
12 - 13 July	Bulgaria: Advisory mission, Sofia <i>Draft law on higher education</i> Experts: Fischer-Appelt, Halimi, Papadopoulos, Soares	Report: DECS-HE 93/104
19 - 21 July	Lithuania: Advisory mission <i>Future of the higher education system</i> Experts: Fischer-Appelt, Nyborg	Report: DECS-HE 93/92
21 - 22 July	Estonia: Advisory mission, Tallinn <i>Draft legislation in higher education</i> Experts: Fischer-Appelt, Nyborg, Togrol	Report: DECS-HE 93/91
23 July	Latvia: Exploratory mission, Riga Experts: Fischer-Appelt, Togrol	
23 - 24 August	Croatia: Advisory mission, Zagreb Report: DECS-HE 93/97 <i>Draft law on higher education and draft law on scientific research activities</i> Experts: Fischer-Appelt, Soares, Togrol	
23 - 25 September	Multilateral workshop 3, Bucharest <i>Universities, colleges and others: diversity of structures of higher education</i> General rapporteur: Bernt	Report: DECS-LRP 94/05
1994		
28 February- 1 March	Slovakia: Advisory mission, Bratislava <i>Draft principles of the higher education act</i> Experts: Soares, de Groof, Bull	Report: DECS-LRP 94/07
2 - 4 March	Romania: Advisory mission, Bucharest <i>Ministerial co-ordination of the higher education sector</i> Experts: Nyborg, De Schrijver, Heywood	Report: DECS-LRP 94/09

14 – 16 March	Belarus: Exploratory mission, Minsk Expert: Fischer-Appelt	
16 - 17 March	Ukraine: Advisory mission <i>Reforming legislation governing higher education</i> Experts: Fischer-Appelt, Scheele, Švec	Report: DECS-LRP 94/10
21 - 22 March	Bulgaria: Advisory mission, Sofia <i>Draft higher education law</i> Experts: Fischer-Appelt, Papadopoulos, Nagy	Report: DECS-LRP 94/30
23 - 24 March	Albania: Advisory mission, Tirana <i>Draft law on higher education in Albania: statutes of universities</i> Experts: Fischer-Appelt, Papadopoulos, Farrington	Report: DECS-LRP 94/14
9 - 11 May	Multilateral workshop 4, Prague <i>Regulation of private higher education</i> General rapporteur: Lyndon Jones	Report: DECS-LRP 94/33
18 - 21 May	Estonia: Advisory mission, Tallinn <i>Accreditation and quality assurance</i> Experts: Ryan, Vroeijstijn, Richet	Report: DECS-LRP 94/11
24 - 26 May	Multilateral study visit 1, Helsinki <i>Legislative and administrative issues in higher education</i> Report: <i>A cross-national comparative analysis</i> edited by Ioan Mihailescu	DECS-LRP 94/34
12 - 18 June	Multilateral study visit 2, Netherlands <i>Internal governance and statutes</i> Report, edited by Maryke Delamarre:	DECS-LRP 95/03
23 - 25 August	Albania: Advisory mission, Tirana <i>Statutes of the universities</i> Experts: Fischer-Appelt, Farrington, Souviron	Report: DECS-LRP 94/19
19 - 20 September	Slovenia: Advisory mission, Ljubljana <i>Implementation of the higher education act: statutes of universities</i> Experts: Fischer-Appelt, Farrington, Kostal	Report: DECS-LRP 94/26
26 - 28 September	Poland: Advisory mission, Warsaw <i>Quality assessment</i> Experts: Fischer-Appelt, Staropoli, Scheele	Report: DECS-LRP 95/19
4 – 6 October	Croatia: Advisory mission, Zagreb <i>Statutes and functioning of intermediate bodies</i> Experts: Soares, Nyborg, Ribier	Report: DECS-LRP 94/27
9 - 12 October	Bulgaria: Advisory mission <i>Draft higher education bill</i> Experts: Fischer-Appelt, Papadopoulos, Nagy	Report: DECS-LRP 94/30

- 15 - 20 **Multilateral study visit 3, Flanders**
October *Freedom of education*
- 20 - 22 **Multilateral workshop 5, Kaunas** Report: DECS-LRP 95/04
October *Teaching and research: separation, co-operation or integration*
General rapporteur: Maurice Kogan
- 23 - 25 **Estonia/Latvia/Lithuania:** Regional advisory mission, Riga
October *Co-operation for quality assurance in higher education*
Experts: Frazer, Mihailescu, Van Der Weiden Report: DECS-LRP 94/32
- 1995**
- 19 - 22 **Estonia/Latvia/Lithuania:** Regional advisory mission, Riga
February *Quality assessment and accreditation*
Experts: Vroeijenstijn, Butcher, Setenyi Report: DECS-LRP 95/06
- 15 - 17 **Croatia:** Advisory mission, Zagreb Report: DECS-LRP 95/07
March *Quality assessment and accreditation*
Experts: Soares, Ryan, Rona-Tas
- 23 - 26 **Czech Republic:** Advisory mission Report: DECS-LRP 95/13
April *Draft principles for the law on higher education*
Experts: Soares, Teichler, Cerych
- 26 - 30 **Belarus:** Advisory mission, Minsk Report: DECS-LRP 95/14
April *Internal Governance; Checks and Balances between the State and Institutions*
Experts: Farrington, Gieseke, Tavernier
- 11 - 13 May **Multilateral workshop 6, Budapest** Report: DECS-LRP 95/18
Financing Higher Education Institutions
General rapporteur: Janos Setenyi
- 20 - 25 May **Multilateral study visit 4, Utrecht, Netherlands**
The organisation of quality assurance I Report: DECS-LRP 95/15
- 7 - 10 June **Estonia/Latvia/Lithuania:** Regional advisory mission, Vilnius
The position of students in higher education
Experts: Karlsson, Billgren, Grogan Report: DECS-LRP 95/16
- 13 - 14 June **Moldova:** Exploratory mission, Chisinau Report: DECS-LRP 95/36
Expert: Fischer-Appelt
- 14 - 16 June **Romania:** Advisory mission, Bucharest
Financing higher education
Experts: Fischer-Appelt, Bekhradnia
- 20 - 24 **Belarus:** Advisory mission, Minsk Report: DECS-LRP 95/28
September *The system and the governance of higher education and research*
Experts: Farrington, Gieseke, Monballyu

30 September	Multilateral study visit 5, Stirling, Scotland	Report: DECS-LRP 95/30
6 October	<i>The organisation of quality assurance II</i>	
8 - 10 October	Albania: Advisory mission <i>Institutional quality assurance</i> Experts: Fischer-Appelt, Ryan, Heron	Report: DECS-LRP 95/32
24 - 26 October	Estonia/Latvia/Lithuania: Regional advisory mission, Tallinn <i>Development of the higher education system: draft laws of Estonia and Latvia</i> Experts: Švec, Scheele, Brennan	Report: DECS-LRP 95/37
24 - 29 October	Multilateral study visit 6, Flanders <i>The management of education and the management of research</i>	
26 - 28 October	Multilateral workshop 7, Tallinn <i>The financial management of higher education institutions</i> Rapporteurs: Daxner, Tavernier, Woodhall, Strøm, Setenyi	Report: DECS-LRP 95/31
20 - 22 November	Slovakia: Advisory mission, Bratislava <i>Draft law on higher education institutions and the academy of sciences</i> Experts: Papadopoulos, Galabov, Baumgartner	Report: DECS-LRP 95/34
22 - 24 November	Slovenia: Advisory mission, Ljubljana <i>Restructuring university: autonomy, quality and allocation of funds</i> Experts: Tavernier, Veiga-Simão, Farrington	Report: DECS-LRP 95/35
11 - 13 December	Ukraine: Advisory mission, Kiev <i>Reform of higher education (draft law)</i> Experts: Fischer-Appelt, Farrington, Cebreiro	Report: DECS-LRP 95/38
19 - 22 December	Russia: Advisory mission, Moscow <i>New higher education legislation</i> Experts: Papadopoulos, Teichler, Scheele,	Report: DECS-LRP 95/39
1996		
16 - 21 January	Multilateral study visit 7, Copenhagen/Lund <i>Legislative developments in Sweden, Denmark and the Baltic States on the position of staff and students in the governance of higher education</i>	Report: DECS/LRP 96/02
1 - 4 February	Belarus: Secretariat presentation <i>National Conference on the development of the higher education and research sector</i>	Report: DECS-LRP 96/06
21 - 24 February	Slovenia: Advisory mission, Ljubljana <i>Draft law on research</i> Experts: Van der Molen, Hoffmann, Veiga-Simão	Report: DECS-LRP 96/07
29 - 31 May	Hungary: Advisory mission, Budapest <i>Draft new law on higher education</i> Experts: Soares, Adé, Cerych	Report: DECS/LRP 96/12

- 5 - 8 June **Bulgaria:** Advisory mission, Sofia Report: DECS/LRP 96/13
Future organisation of research
 Experts: Veiga-Simão, van der Molen, Weber
- 13 - 15 June **Croatia/Czech Republic/Hungary/Poland/Slovakia/Slovenia:**
 Regional advisory mission, Prague Report: DECS/LRP 96/15
The development of non-university higher education
 Experts: De Bettignies, Schmidt, Wood
- 16 - 19 June **Bosnia and Herzegovina:** Advisory mission Report: DECS/LRP 96/16
Toward new legislation
 Experts: Fischer-Appelt, Gevers, Weber
- 4 - 6 July **Multilateral workshop 8, Bled, Slovenia** Report: DECS/LRP 96/32
Higher education policy and planning
 General rapporteur: Gerhard Duda
- 15 - 17 July **“the former Yugoslav Republic of Macedonia”:** Exploratory mission, Skopje
 Report: DECS/LRP 96/17
 Expert: Fischer-Appelt
- 11 - 14 September **Albania:** Advisory mission, Tirana Report: DECS/LRP 96/23
Draft law on higher education and research
 Experts: Scheele, Braga
- 14 - 17 September **Estonia/Latvia/Lithuania:** Regional advisory mission, Riga
White papers on developing the higher education and research system
 Experts: Scheele, Csirik, Teichler Report: DECS/LRP 96/24
- 24 - 27 September **Moldova:** Advisory mission, Chisinau Report: DECS/LRP 96/25
The implementation of the 1995 law on higher education
 Experts: Fischer-Appelt, Farrington, Papadopoulos
- 2 - 5 October **Russia:** Advisory mission, Moscow Report: DECS/LRP 96/27
Tuition fees and student support systems
 Experts: Teichler, Bekhradnia, Lucena
- 1997**
- 21 - 23 October **Czech Republic:** Advisory mission, Prague Report: DECS/LRP 96/29
Implementing legislation: quality assessment
 Experts: Soares, Vroeijenstijn, Thune
- 10 - 16 November **Regional training seminar, Budapest**
Implementing quality assurance: Peer review & self-assessment
 Experts: Woodhouse, Peace-Lenn, Ryan, Mitchell, van Vucht-Tijssen, van der Weiden, Jaszak
- 23 - 28 November **Multilateral study visit 8, Deinze, Belgium**
The development of non-university higher education: starting point, objectives and process management

- 7 - 9 February **Bosnia and Herzegovina:** Planning mission Mostar, Sarajevo, Pale
Expert: Fischer-Appelt
- 2 - 5 March **Croatia:** Advisory mission, Zagreb
The development of higher professional education according to the revised Higher Education Law
Experts: Soares, Ryan, Schmidt
- 7 - 14 March **Bosnia and Herzegovina:** Secretariat mission, Sarajevo/Pale
Observation mission with Unesco
- 8 - 15 March **Multilateral study visit 9, Lisbon**
Problems of implementing quality assurance
- 17 - 19 March **“the former Yugoslav Republic of Macedonia”:** Advisory mission
Draft law on higher education written opinions: DECS/LRP (97) 4 and 7
Experts: Fischer-Appelt, Wyss
- 13-16 April **Estonia/Latvia/Lithuania:** Regional advisory mission, Vilnius
Quality assurance and recognition of qualifications
Experts: Švec, Hildebrand, Thune Report: DECS/LRP (97) 8
- 16 - 17 May **Armenia:** Advisory and exploratory mission, Yerevan
State of reforms
Experts: Fischer-Appelt, Papadopoulos
- 18 - 20 May **Georgia:** Advisory and exploratory mission, Tbilisi
State of reforms
Experts: Fischer-Appelt, Papadopoulos
- 20 - 22 May **Azerbaijan:** Advisory and exploratory mission, Baku
State of reforms
Experts: Fischer-Appelt, Papadopoulos
- 2 - 4 June **Bosnia and Herzegovina:** Advisory seminar, Graz
Financing higher education Report: DECS/LRP (97) 9
International experts: Ischi, Debreczeni, Fischer-Appelt,
Vansteenkiste, Unesco/CEPES, OHR
- 2 - 5 October **Russia:** Advisory mission, Moscow Report: ECS/LRP(97)15
The law “On Higher and Post-University Professional Education”:
higher education financing and student support
Experts: Teichler, Lucena, Bekhradnia
- 4 - 7 October **Multilateral workshop 9, Dubrovnik, Croatia** Report: DECS/LRP (98) 6
Legislation and policy for professional higher education
Rapporteur: Mihal Karpišek

- 12 - 14 **Albania:** Advisory mission, Tirana
 October *Higher education and research*
 Experts: Scheele, Farrington DECS/LRP (98) 8, DECS/LRP (98) 9
- 18 - 22 **Poland:** Advisory mission, Warsaw Report:DECS/LRP(98) 29
 October *Law on professional HE and amendments to HE law*
 Experts: Scheele, Boland, Mönch
- 19 - 23 **Russia:** Advisory mission, Moscow Report:DECS/LRP (97) 16
 October *Round Table on the draft white paper for education reform*
 Experts: Lesage, Teichler, Kallen, Cerych, Carneiro, Woodhall
- 24 - 26 **Russia:** Planning mission, Moscow
 October *1998 seminar on HE legislation in federal system, liaison with the Russian Lawyers Association*
 Experts: Duda, de Groof
- 9 - 12 **Czech Republic:** Advisory mission Report: DECS/LRP (98) 25
 November *Draft framework law on higher education*
 Experts: Fischer-Appelt, Soares, Borset
- 12 - 14 **Bosnia and Herzegovina:** Advisory mission
 November *Draft higher education law of Una-Sana canton*
 Experts: Papadopoulos, Ostrowski, Fischer-Appelt
- 14 - 18 **Multilateral study visit 10, Bonn, Germany**
 November *Graduate research training*
- 19 - 20 **Bosnia and Herzegovina:** Expert meeting, Strasbourg
 November *Higher education finance and reform*
 Experts: Grin, Ischi, Fischer-Appelt, Benedek, Papadopoulos, Heon
 OHR, Unesco/CEPES Report:DECS/LRP (98) 4
- 25 - 27 **“the former Yugoslav Republic of Macedonia”:** Advisory mission
 November *Draft law on higher education* Written opinion: DECS/LRP (97) 17
 Experts: Fischer-Appelt, Wyss
- 8 - 11 **Ukraine:** Advisory mission, Kiev Report:DECS/LRP (98) 5
 December *Draft law on higher education*
 Experts: Nyborg, Farrington
- 7 - 14 **Multilateral study visit 11, Dublin and Galway**
 December *Professional higher education*
- 1998**
- 23 February **Bosnia and Herzegovina:** Joint working group, Strasbourg
Higher education finance and reform Report:DECS/LRP(98) 10
 Experts: Grin, Fischer-Appelt, Papadopoulos, Bosnian experts, OHR
- 27 March **Albania:** Co-ordination meeting with Germany, Bonn
 Expert: Papadopoulos

- 18-19 May **Bosnia and Herzegovina:** Joint working group, Paris
Higher education finance and reform (final meeting)
 Experts: Fischer-Appelt, Grin, Papadopoulos, Bosnian experts,
 OHR, EU Commission Report: DECS/LRP (98) 16
- 2-3 June **Albania:** Advisory mission, Tirana Report: DECS/LRP (98) 19
Round Table on evaluation and accreditation
 Experts: Farrington, Kogan, Papadopoulos
- 17 June **Bosnia and Herzegovina:** Consultation meeting, Vienna
OHR initiative for founding a European university in Sarajevo
 Experts: Isouyotoulos, Martinoni, Varady, Zahn Report: ECS/LRP(98)34
- 25-27 June **Bosnia and Herzegovina:** liaison mission, Sarajevo
Presentation of proposal for HE Council at CRE/ATF plenary
 Experts: Fischer-Appelt, Papadopoulos
- 20-21 July **Bulgaria:** Advisory mission, Sofia
The amended draft law on higher education
 Experts: Demand, Fischer-Appelt, Graça Fialho
- 29 August **Bosnia and Herzegovina:** joint commission, Berlin
Preparatory commission for Higher Education Council
 International experts: Fischer-Appelt, Ischi. Papadopoulos, OHR, EU Commission,
 CRE Report: DECS/LRP (98) 35
- 11-13 October **Russian Federation:** joint commission, Moscow
First meeting of Working Group I on the laws on Education and HE,
 International experts: de Groof, Farrington,, Hackl, Lenzen, Ortega, Schulz-Hardt
 Interim report: DECS/EDU/LRP (99) 3
- 7 November **Bosnia and Herzegovina:** consultation, Budapest Report: DECS/LRP (98) 44
2nd meeting on the OHR initiative for founding a European university in
Sarajevo
 Experts: Central European University, OHR
- (17 November) **Federal Republic of Yugoslavia: Serbia** Report: DECS/LRP (98) 41
Written opinion for the Council of Europe on the Serbian Law
on Universities of 28 May 1998
 Expert: Fischer-Appelt
- 14-18 November **Georgia:** Advisory mission, Tbilisi and Gori
The Law and Education and future legislation on higher education
 Experts: Fischer-Appelt, Gasiorowski, Lampinen
- 8-10 November **Ukraine:** advisory mission, Kiev
Round Table on draft higher education law
 Experts: Farrington, Nyborg, Ream, Veny, Zoontjens, Ukrainian experts
 Conclusions presented to the Ukrainian authorities at the end of the mission

- 20-21 **Russian Federation:** joint commission, Paris
 November *2nd Meeting of working group 1 (linked to OECD Education Committee)*
 International experts: de Groof, Farrington, Grolimund, Hackl, Ortega,
 Schulz-Hardt Interim report: see DECS/EDU/LRP (99) 3
- 2-3 **Bosnia and Herzegovina:** joint commission, Mostar
 December *First meeting of the Preparatory Expert Group for a Council for Higher Education*
 International experts: Fischer-Appelt, Ischi, Papadopoulos, OHR
 Report: DECS/LRP (99) 45
- 10-13 **Russian Federation:** joint commission, Stirling (UK)
 December *Ad hoc sub-group on equity and access*
 Experts: Farrington, 2 Russian members DECS/EDU/LRP (99) 3
- 19-23 **1st Regional Seminar for NIS countries, Tbilisi**
 December *Policy role of the State in Higher Education - State Educational Standards and State Orders for Specialists*
 International experts: Reuhl, Ryan Report: DECS/EDU/LRP (99) 9
- 1999**
- 19 - 29 January **Bosnia and Herzegovina:** Council of Europe / World Bank project on Education Governance, Administration and Finance
Visit to Sarajevo, Gorazde, Mostar, Zenica, Jajce, Bihac, Banja Luka
 International experts: Booth, Carneiro, Papadopoulos, Singh
- 4-5 February **Bosnia and Herzegovina:** joint commission, Banja Luka
Preparatory Group for a Higher Education Council:
2nd meeting of the Working Group on statutes Report: DECS/LRP (99) 45, 47
 International experts: Fischer-Appelt, Ischi, Papadopoulos
- 11-14 February **Russian Federation:** joint commission, Moscow
3rd Working Group meeting on the laws on Higher Education and on Education
 International experts: Farrington, Hackl, Schulz-Hardt
 Report (final proposals, also in Russian): DECS/EDU/LRP (99) 7
- 15 February **Bosnia and Herzegovina:** Council of Europe / World Bank project
2nd meeting of the group of experts, London
 International experts: Booth, Carneiro, Papadopoulos, Singh
- 28 February **Bosnia and Herzegovina:** Council of Europe / World Bank project
 -6 March *Visit to Sarajevo, Goradze, Tuzla*
 International experts: Booth, Carneiro, Papadopoulos, Singh
- 7-10 March **Bosnia and Herzegovina:** joint commission, Berne
Preparatory Group for a Higher Education Council: Study visit by Bosnian members to Swiss Universities Conference

- 13-15 March **Belarus:** Advisory mission, Minsk
The draft Law on Higher Education
 Expert: Boland
- 21 March **Bosnia and Herzegovina:** Council of Europe / World Bank project
Meeting of national consultants, Sarajevo
 International expert: Singh
- 9-10 April **Bosnia and Herzegovina :** Council of Europe / World Bank project
Third meeting of group of experts, Lisbon
 International experts: Booth, Carneiro, Papadopoulos, Singh
- 15-19 April **Armenia:** Advisory mission, Yerevan Report: DECS/EDU/LRP (99) 5
Seminar on the draft law on Education,
 International experts: Farrington, Fischer-Appelt, van den Berg
- 2-4 May **Bosnia and Herzegovina:** Joint commission, Sarajevo
 Preparatory Group for a Higher Education Council :
 3rd meeting of the Working Group on statutes
 International experts: Fischer-Appelt, Jochi DECS/EDU/LRP (99) 19
- 15-19 May **Study Visit No.12,** Helsinki Report: DECS/EDU/LRP (99) 15
Tertiary Professional and Vocational Education in Finland
- 17-18 May **Bosnia and Herzegovina :** Council of Europe / World Bank project
Seminar with interlocutors to present preliminary findings, Strasbourg
 International experts: Booth, Carneiro, Papadopoulos, Singh
- 26-29 May **Belarus:** joint commission, Paris Report: DECS/EDU/LRP (99) 17
1st meeting of the Joint Working Party on the draft Law on Higher Education
 International experts: Boland, de Kok, dos Santos
- 9-11 June **Bosnia and Herzegovina :** Council of Europe / World Bank project
Drafting meeting of experts, Paris
 International experts: Booth, Carneiro, Papadopoulos, Singh
- 23-26 June **Lithuania:** Advisory mission, Vilnius Report: DECS/EDU/LRP (99) 16
Draft Law on Higher Education
 International experts: Farrington, Nyborg, Tigerstedt
- 4-8 September **Belarus:** joint commission, Minsk
2nd session, joint Working Party on the draft Law on Higher Education (based on report of May meeting)
 International experts: Boland, de Kok, dos Santos
- 23-26 September **Regional Seminar -** central European countries, Prague
The Place of Tertiary Professional and Vocational Education in the Higher Education System

- 14-17 October **Regional Seminar** - Baltic States and NW Russia, Riga
 Co-operation in quality assurance and recognition issues
 International experts: Hildebrand, Kristoffersen
- 14-17 October **Lithuania:** Advisory mission, Vilnius Report: DECS/EDU/LRP (99) 18
 Draft Law on Higher Education
 International experts: Farrington, Nyborg
- 27-30 October **Russian Federation:** joint commission, Moscow
 1st meeting of the Working Group on the draft legislation on Initial and Secondary Professional Education
 International experts: Hackl, Setenyi
- 20-23 November **Russian Federation:** joint commission, Paris
 2nd meeting of the Working Group on the draft legislation on Initial and Secondary Professional Education
 International experts: Hackl, Pedersen, Scheele, Setenyi
- 16-19 December **Regional Seminar** - 2nd NIS seminar, Kiev
 The Policy Role of the State in Higher Education: Governance and Financing
 International experts: Bain, Farrington, Setenyi

Appendix 8 : Workshops and study visits

A Multilateral workshops

- 1 Financing of Higher Education in Transition, Sofia, 11 – 13 June 1999
Report by George Papadopoulos: DECS-HE 92/82
- 2 Accreditation and Evaluation in Higher Education, Bratislava, 17 – 19 June 1993
Report by Liam Ryan: DECS-HE 93/119
- 3 Universities, Colleges and Others: Diversity of Higher Education Structures, Bucharest, 23 – 25 September 1993
Report by Jan Fridthjof Bernt :DECS-LRP 94/05
- 4 Regulating Private Higher Education, Prague, 9 – 11 May 1994
Report by Lyndon Jones: DECS-LRP 94/33
- 5 Teaching and Research: Separation, Co-operation and Integration, Kaunas, 20 – 22 October 1994
Report by Maurice Kogan: DECS-LRP 95/04
- 6 Financing Higher Education, Budapest, 11 – 13 May 1995
- 7 Financial Management of Higher Education Institutions, Tallinn, 23 – 26 October 1995
Report by Michael Daxner et al.: DECS-LRP 95/31
- 8 Higher Education Policy and Planning, Bled, 4 – 6 July 1996
Report by Gerhard Duda : DECS/LRP 96/3
- 9 From Theory to Practice: Legislation and Policy for Professional Higher Education, Dubrovnik, 4 – 7 October 1997
Report by 12 Mihal Karpišek: DECS/LRP (98) 6

B Regional workshops and seminars

- Quality Assurance, Budapest, 10-16 November 1996 (central European countries)
- Policy role of the State I, Tbilisi, 19-23 December 1998 (NIS countries)
Report: DECS/EDU/LRP (99) 09
- Tertiary Professional Education, Prague, 23-26 September 1999 (central European countries)
- Quality Assurance and Recognition, Riga, 14-17 October 1999 (Baltic States, NW Russia)
- Policy role of the State II, Kiev, 16-19 December 1999 (NIS countries)

C Study Visits

- 1 Legislative and Administrative Issues in Higher Education, Helsinki, Finland, 24 – 26 May 1994
Study by Ioan Mihailescu: DECS LRP 94/34
- 2 Internal Governance and Statutes, Netherlands, 12 – 18 June 1994
Report, ed. Maryke Delamarre: DECS-LRP 95/03
- 3 Freedom of Education, Flemish Community of Belgium, 15 – 20 October 1994
- 4 The Organisation of Quality Assurance, Utrecht, the Netherlands, 20 – 25 May 1995
Report: DECS-LRP 95/15
- 5 The Organisation of Quality Assurance, Stirling, Scotland, 30 September – 6 October 1995
Report: DECS-LRP 95/30
- 6 The Management of Higher Education and Research, Flemish Community of Belgium, Flanders, 24 – 29 October 1995
- 7 Legislative Developments in Sweden, Denmark and the Baltic States on the Position of Staff and Students in the Governance of Higher Education, Copenhagen and Lund, 16–21 January 1996
Report: DECS/LRP 96/02
- 8 The Development of Non-University Higher Education, Flemish Community of Belgium, Deinze, 23 – 28 November 1996
- 9 Problems of Implementing Quality Assurance, Lisbon, Portugal, 8 – 15 March 1997
- 10 Graduate Research Training, Bonn, Germany, 14 – 18 November 1997
- 11 Professional Higher Education, Dublin and Galway, Ireland, 7 – 14 December 1997
- 12 Tertiary Professional and Vocational Education, Helsinki, Finland, 15-19 May 1999
Report: DECS/EDU/LRP (99)15

D Participation by country

	Workshops									Study Visits											
	1	2	3	4	5	6	7	8	9	1	2	3	4	5	6	7	8	9	10	11	12
Albania		x		x	x	x		x	x		x	o	x		x		x		x	x	
Armenia									x			o					x		x		
Azerbaijan								x	x			o							x		
Belarus		x	x	x	x	x	x	x	x		x	o	x		x		x	x	x		
Bosnia and Herzegovina						x			x			o							x		
Bulgaria	x	x	x	x	x	x	x	x	x	x	x	o	x		x		x	x		x	
Croatia				x	x	x	x	x	x		x	o		x				x	x		
Czech Republic	x	x	x	x	x	x	x	x	x		x	o		x	x		x	x		x	x
Estonia		x	x	x	x	x	x	x	x	x	x	o		x		x	x	x		x	x
Georgia								x				o									
Hungary	x	x	x	x	x	x	x	x	x		x	o	x		x		x		x	x	x
Latvia	x	x	x	x	x	x	x	x	x		x	o		x	x	x	x	x	x	x	x
Lithuania	x	x	x	x	x	x	x	x	x	x	x	o	x	x	x	x	x	x	x	x	x
Moldova						x		x				o	x				x		x		
Poland	x				x		x	x	x		x	o		x	x		x	x	x	x	x
Romania		x	x	x	x	x		x	x	x	x	o		x	x		x	x	x	x	
Russia	x	x	x	x	x	x	x	x	x		x	o			x				x	x	
Slovakia	x	x	x	x	x	x	x	x	x		x	o	x	x	x			x	x	x	x
Slovenia		x	x	x	x	x		x	x		x	o		x	x		x		x	x	
“FYROM”								x	x			o					x		x		
Ukraine		x	x	x	x		x	x	x			o			x			x	x		x

Appendix 9 : Publications

References to other reports are given under the relevant activities in Appendices 7 and 8.

Relations between the State and Higher Education, Volume 1 in the series "Legislating for Higher Education in Europe", in't Veld R., Füssel H-P., and Neave G., Kluwer Law, The Hague, 1996 (ISBN 90-411-0246-9)

Democracy and Governance in Higher education, Volume 2 in the series "Legislating for Higher Education in Europe", de Groof J., Neave G., and Švec J., Kluwer Law, The Hague, 1998 (ISBN 90-411-0245-0)

Tertiary professional and vocational education in central and eastern Europe, A cross-country report produced by the European Training Foundation and the Council of Europe, Hennessey M-A., Lampinen O., Schröder T., Šebkova H., Setényi J., and Teichler U., Strasbourg/Torino 1998

Higher education financing in a changing environment: balancing autonomy and accountability, Daxner M., Woddhall M., Setényi J., Tavernier K., Strøm G., and Reisz R., Strasbourg 1998 (based on LRP workshops 6 (Budapest, May 1995) and 7 (Tallinn, October 1995))

Education in Bosnia and Herzegovina: Governance, Finance and Administration, report by the Council of Europe for the World Bank, Strasbourg,/Sarajevo 1999

Appendix 10 : Chronology of activities in the Baltic region

(including multilateral study visits where Baltic representatives took part)

1993

12-13 April	Estonia: Exploratory mission <i>Legislation on higher education</i> Expert: Fischer-Appelt	
19-20 April	Lithuania: Exploratory mission <i>Legislation on higher education</i> Experts: Fischer-Appelt	
19-21 July	Lithuania: Advisory mission Experts: Fischer-Appelt, Nyborg	Report: DECS-HE 93/92
21-22 July	Estonia: Advisory mission Experts: Fischer-Appelt, Nyborg	Report: DECS-HE 93/91
23 July	Latvia: Exploratory mission Experts: Fischer-Appelt, Togrol	

1994

18-21 May	Estonia: Advisory mission <i>Accreditation and quality assurance</i> Experts: Ryan, Vroeijnstijn, Richet	Report: DECS-LRP 94/11
24-26 May	Helsinki, Finland: Multilateral study visit 1 <i>"Legislative and administrative issues in higher education"</i> Report: A cross-national comparative analysis, ed. by Ioan Mihailescu	DECS-LRP 94/34
12-18 June	Netherlands: Multilateral study visit 2 <i>"Internal governance and statutes"</i> Report, edited by Maryke Delamarre	DECS-LRP 94/05
15-20 October	Flanders, Belgium: Multilateral study visit 3 <i>Freedom of education</i>	
20-22 October	Kaunas, Lithuania: Multilateral workshop 5 <i>Teaching and research: separation, co-operation or integration</i> General rapporteur: Maurice Kogan	Report: DECS-LRP 95/04
23-25 October	Estonia/Latvia/Lithuania: Regional advisory mission, Riga <i>Co-operation for quality assurance in higher education</i> Experts: Frazer, Mihailescu, Van Der Weiden	Report: DECS-LRP 94/32

1995

19-22 February Estonia/Latvia/Lithuania: Regional advisory mission, Riga
Quality assessment and accreditation
 Experts: Vroeijenstijn, Butcher, Setenyi
 Report: DECS-LRP 95/06

20-25 May Utrecht, Netherlands: Multilateral study visit 4
The organisation of quality assurance I
 Report: DECS-LRP 95/15

1995 contd.

7-10 June Estonia/Latvia/Lithuania: Regional advisory mission, Vilnius
The position of students in higher education
 Experts: Karlsson, Billgren, Grogan
 Report: DECS-LRP 95/16

30 September - Stirling, Scotland: Multilateral study visit 5
 6 October *The organisation of quality assurance II*
 Report: DECS-LRP 95/30

24-26 October Estonia/Latvia/Lithuania: Regional advisory mission, Tallinn
Development of the higher education system: Draft laws of Estonia and Latvia
 Experts: Švec, Scheele, Brennan
 Report: DECS-LRP 95/37

24-29 October, Flanders, Belgium: Multilateral study visit 6
The management of education and the management of research
 26-28 October Tallinn, Estonia: Multilateral study visit 7
The financial management of higher education institutions
 Rapporteur group: Daxner, Tavernier, Woodhall, Strom, Setenyi
 Report: DECS-LRP 95/31

1996

16-21 January Copenhagen, Denmark and Lund, Sweden: Multilateral study visit 7, *Legislative developments in Sweden, Denmark and the Baltic States on the position of staff and students in the governance of higher education.*

14-17 September Estonia/Latvia/Lithuania: Advisory mission, Riga
White papers on developing the higher education and research system

23-28 November Experts: Scheele, Csiric, Teichler Report: DECS-LRP 6/24
 Deinze, Belgium: Multilateral study visit 8
The development of non-university higher education: starting point, objectives and process management

1997

8-15 March Lisbon, Portugal: Multilateral study visit 9
Problems of implementing quality assurance

13-16 April Estonia/Latvia/Lithuania: Regional advisory mission, Vilnius
Quality assurance and recognition of qualifications
 Experts: Švec, Hildebrand, Thune Report: DECS-LRP 97/8

14-18 November Bonn, Germany: Multilateral study visit 10
Graduate research training

8-15 December Dublin and Galway, Ireland: Multilateral study visit 11
Professional higher education

1999

15-19 May Helsinki, study visit No.12
 Tertiary Professional and Vocational Education in Finland
 Report: DECS/EDU/LRP 99/15

23-26 June Lithuania: Advisory mission, Vilnius
Draft Law on Higher Education
 Experts: Farrington, Nyborg, Tigerstedt
 Report: DECS/EDU/LRP 99/16

14-17 October Regional Seminar - Baltic States and NW Russia, Riga
Co-operation in quality assurance and recognition issues:
 International experts: Hildebrand, Kristoffersen

14-17 October Lithuania: Advisory mission, Vilnius
Draft Law on Higher Education
 Experts: Farrington, Nyborg
 Report: DECS/EDU/LRP 99/18

Appendix 11 Baltic agreement on the recognition of qualifications

Vilnius, April 15, 1997

Following the Final Act of the Diplomatic Conference for the adoption of the Convention on the Recognition of Qualifications Concerning Higher Education in the European Region and assuming that Estonia, Latvia and Lithuania have signed the above-mentioned convention in Lisbon, on 11 April 1997

Representatives of:

Estonia: Prof. Ain HEINARU, Prof. Hanno SILLAMMA, Prof. Teet SEENE

Latvia: Dr. Janis ČAKSTE, Prof. Baiba RIVŽA, Dr. Andrejs RAUGHVARGERS

Lithuania: Prof. Algirdas ČIŽAS, Prof. Kęstutis KRIŠČIŪNAS, Mrs. Birute
MOCKIENE

Have agreed upon the following:

1. The Baltic co-operation on mutual academic recognition shall include the following items:
 - 1.1. recognition of qualifications giving access to higher education,
 - 1.2. recognition of higher education qualifications,
 - 1.3. recognition of periods of study in higher education,
 - 1.4. recognition of scientific degrees,
 - 1.5. regular exchange of information on higher education institutions,
 - 1.6. regular exchange of information on higher education qualifications.
2. Experts from each Baltic country shall be nominated for the joint groups of experts in charge of academic mobility and recognition.

Agreement among the Governments of Republics of Latvia, Estonia and Lithuania on the academic recognition of educational qualifications in the Baltic Education Space was signed on February 18, 2000 by representatives of these three Governments.