

# COUNCIL OF EUROPE

## COMMITTEE OF MINISTERS

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RECOMMENDATION No. R (95) 7

**OF THE COMMITTEE OF MINISTERS TO MEMBER STATES**

**ON THE BRAIN DRAIN IN THE SECTORS  
OF HIGHER EDUCATION AND RESEARCH<sup>1</sup>**

*(Adopted by the Committee of Ministers on 2 March 1995  
at the 531st meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between the member states;

Recalling the firm intention of the heads of state and government of the member states to facilitate the social integration of lawfully residing migrants and to improve the management and control of migratory flows while preserving the freedom to travel within Europe, as expressed in the Vienna Declaration adopted at the Vienna Summit on 9 October 1993;

Recalling the Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Article 4, paragraph 2, thereof, and Article 2, paragraph 2, of Protocol No. 4;

Recalling the European Social Charter, in particular Article 1, paragraph 2 and Articles 18 and 19;

Recalling also the European Cultural Convention, in particular Articles 1, 4 and 5;

Having regard to the recommendations adopted by the Committee of Ministers and related to the subject of academic mobility, in particular Recommendation No. R (84) 13 concerning the situation of foreign students, Recommendation No. R (85) 21 on mobility of academic staff, and Recommendation No. R (90) 15 with a view to fostering the mobility of researchers;

Having regard to the final communiqué adopted in Vienna on 25 January 1991 by the Conference of Ministers on the Movement of Persons from Central and Eastern European Countries;

Considering that international co-operation and exchanges are indispensable to ensure successful European integration, to develop academic teaching and research as well as to ensure healthy economic, social and political development in member states;

Concerned to ensure that academic mobility, both long- and short-term, remains profitable to all countries concerned and does not endanger scientific and economic development through the negative effects caused by long-term or definitive loss of intellectual, scientific and cultural resources;

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1. When this recommendation was adopted, and in application of Article 10.2.c of the Rules of Procedure for the meetings of the Ministers' Deputies, the Representative of Austria reserved the right of his government to comply or not with Article 5.b of the appendix to the recommendation.

Aware that several member states, and in particular central and eastern European countries, are faced with serious problems linked to the brain drain or waste which could ultimately threaten their economic, scientific, social, cultural and political development;

Considering that the brain drain or waste problems concern not only the flow of qualified nationals, in particular from the academic sector, to other countries, but more generally the movement of such persons within their countries from higher education and research institutions to other sectors of the labour market, offering better economic conditions, which in some cases may result in the underutilisation of their knowledge and skills;

Concerned about the possible dangers of failure to retain the intellectual potential liberated by the conversion of the military industry complex, not the least of which may be the leak of know-how in military research and development;

Considering that there is a common European interest in developing co-operation with affected countries to maintain and strengthen their higher education and research sectors, and that it is the joint responsibility and moral duty of all member states to take appropriate measures to tackle the root causes of brain drain or waste and to reduce its negative effects,

1. Recommends that the governments of member states:

*a.* be guided in their policy on international co-operation and mobility in the fields of higher education and research by the set of measures set out in the appendix to this recommendation;

*b.* promote implementation of these measures by governmental agencies and by institutions of higher education and research within the limits imposed by their institutional autonomy;

*c.* ensure that this recommendation is distributed as widely as possible among all persons and bodies concerned.

2. Instructs the Secretary General of the Council of Europe to transmit this recommendation to the governments of those States Party to the European Cultural Convention which are not members of the Council of Europe.

#### Appendix to Recommendation No. R (95) 7

##### *Set of measures to combat the brain drain in the sectors of higher education and research*

The measures recommended here essentially aim at maintaining and strengthening the higher education and research sectors of the countries affected by long-term or definitive loss of intellectual, scientific and cultural resources, by improving their functioning and by promoting all forms of constructive international co-operation.

#### **I. Definitions**

The term "brain drain" designates long-term or definitive loss of resources beyond the "critical mass" level, where the functioning of the higher education and research sectors are in danger;

The term "brain waste" applies to countries experiencing the brain drain and to the underuse of qualified persons or students, independently from mobility;

The term "affected country" shall mean a country affected by the brain drain and/or brain waste;

The term "receiving country" shall mean a country receiving important intellectual, scientific and cultural resources from other – in particular affected – countries.

## II. Measures to be taken by affected countries

### *Article 1: Measures intended to strengthen higher education and research institutions*

Education, training and research being among the key elements to ensure the functioning of pluralist democracies and efficient economic processes, affected countries should take adequate measures to support and develop healthy public higher education and research institutions, such as:

- a. establishing a regularly updated plan on the basis of clear long- and short-term objectives in all sectors of higher education and research, specifying critical levels of human and material resources, to ensure the teaching and research function of institutions of higher education and research;
- b. developing ways to bring the funding of higher education and research institutions to a level which enables them to support and modernise their teaching and research facilities;
- c. promoting the integration of research and teaching in higher education institutions;
- d. removing unnecessary administrative obstacles, if necessary through legal reforms, to facilitate the introduction of flexible arrangements in order to limit the brain drain;
- e. creating a reasonable balance between full-time and part-time academic staff;
- f. bringing the outside work of academic staff within a legitimate framework of regulation and taking advantage of the potential benefits of staff working in other sectors, or abroad, for the functioning of higher education and research;
- g. promoting training activities for the development of skills necessary for the practical management of research projects, for the implementation of technological transfers and for the marketing of scientific products;
- h. encouraging the development of contacts and collaboration with the industrial and service sectors;
- i. encouraging national and multinational industry to support institutions of higher education and research, for example, by contributing to the cost of student education or to research projects;
- j. offering financial advantages and/or tax exemptions to institutions of higher education and research and to national or foreign companies that establish training and research contracts;
- k. promoting all forms of constructive international co-operation, encouraging in particular the establishment of networks of expatriate communities of academics and students with colleagues in the country of origin;
- l. promoting foreign language courses for students and for members of teaching and research staff, to facilitate mobility and access to international scientific literature;
- m. providing efficient systems of vocational guidance and retraining to staff leaving the higher education and research sectors, in order to limit brain waste problems and to improve the functioning of the internal labour market;
- n. improving or introducing fair and equitable means of student support to avoid waste of abilities.

### *Article 2: Incentives specifically aimed at higher education and research staff*

Affected countries are encouraged to take measures and to create incentives for highly qualified staff to stay in higher education and research in ways that reconcile the rights and interests of the individual with the interests and values of a democratic society, such as:

- a. improving the conditions of employment, including pay scales, taking into account the conditions of the private sector;
- b. improving working conditions by providing adequate working space, documentation and technical facilities, by diminishing the teaching load of staff involved in research projects and by enabling staff attendance to international conferences and colloquia;
- c. giving special grants to staff who present inter-institutional, intersectorial or international education and research projects;
- d. enabling individual research workers to profit from their research by exploiting intellectual and industrial property rights, either directly or through their institutions;
- e. if necessary, and as a temporary measure, creating properly regulated part-time contracts rather than reducing the number of essential staff;
- f. enabling staff members to combine their work at home with work abroad, on a part-time basis;

- g.* granting leave of absence to staff members to work or study abroad in order to gain experience, and allowing them to recover their posts when they return;
- h.* regulating the status of university teachers and staff in order to ensure appropriate security of employment.

*Article 3: Incentives specifically aimed at students and young graduates*

In order to avoid the loss of the intellectual potential of students and young graduates discouraged by the lack of perspectives offered by the existing graduate and post-graduate study programmes or attracted by study or employment opportunities offered in other countries, or in sectors that do not do justice to their potential, affected countries are urged to:

- a.* provide efficient services of training, guidance and employment orientation for students through co-operation with the main sectors in the labour market;
- b.* improve career perspectives for students by developing flexible, interdisciplinary studies based on curricula which take account of the knowledge and skills needed by the country's labour market;
- c.* improve scholarships and study-loan systems for both undergraduate and postgraduate students, providing for a fair and equitable repayment system;
- d.* promote international student exchange programmes, for instance within the framework of inter-institutional agreements;
- e.* facilitate the recognition in their national study programmes of study results obtained in foreign institutions of higher education, on the basis of the principles found in the European Convention on the General Equivalence of Periods of University Study (1990, European Treaty Series No. 138);
- f.* facilitate the recognition of degrees obtained in foreign institutions of higher education, on the basis of the principles found in the European Convention on the Academic Recognition of University Qualifications (1959, European Treaty Series No. 32);
- g.* reserve attractive employment opportunities in higher education and research institutions and in the public service for the best students for when they return having completed their studies abroad;
- h.* discharge students and scholars from military obligations in return for teaching and research assistance in the higher education and research sector;
- i.* consider the advisability of exacting public service obligations in return for training received, on the understanding however that their content and scope be known in advance and that the obligations be of a limited nature.

*Article 4: Role of institutions of higher education and research in the conversion of military staff*

In order to avoid military brain drain, institutions of higher education and research should be encouraged to play an active role in the conversion of military staff originating from the research and development sectors, either by integrating them in their own activities or by retraining them to facilitate their re-employment; in both cases, the recognition of diplomas of the above-mentioned personnel should be made easier.

**III. Measures to be taken by receiving countries**

*Article 5: Measures to support higher education and research in affected countries*

Receiving countries are encouraged to provide generous and timely assistance to affected countries in their efforts to remedy the brain drain or waste problems and to reform higher education and research by encouraging and supporting public and private institutions and research centres to:

- a.* provide direct assistance to higher education and research institutions in affected states;
- b.* grant access to research workers from affected countries to a part of their national research funds, by open competition on equal terms to their nationals;
- c.* provide both long-term and short-term grants and positions in order to enable talented scientists from affected countries, both senior and junior, to continue their research and teaching activities in centres of international repute to the mutual benefit of both sending and host institutions;
- d.* assist research and training centres in affected countries in obtaining financial support for the adequate supply of scientific journals and other literature, and for the supply and maintenance of sophisticated equipment and materials for ongoing research projects;

- e. create affiliated research and development centres in the affected countries;
- f. provide funding for joint, mutually beneficial research projects to be executed in countries affected by the brain drain and particularly in those where research facilities exist and are not fully used.

#### **IV. Measures regarding international co-operation**

##### *Article 6: Measures for structured international co-operation and mobility*

To ensure successful European integration and to develop international exchange and co-operation, including academic mobility, in ways that strengthen higher education and research in all countries and diminish the risk of a brain drain, countries are strongly encouraged to:

- a. develop structured programmes of European and regional, bilateral and multilateral co-operation at government level;
- b. develop the exchange of specialists between affected countries and other countries by offering temporary employment or periods of study within the framework of appropriate bilateral or multilateral agreements;
- c. support the establishment of twinning arrangements between institutions of affected countries and other countries in order to facilitate the exchange of teachers and researchers in the realisation of teaching and research projects;
- d. encourage programmes for short-term mobility, with specific incentives to return to the home country being offered by both the affected and the receiving countries;
- e. encourage international organisations to support the funding of research projects submitted by institutions of affected countries;
- f. facilitate the access of teachers, researchers and students from the affected countries to international scientific networks and databases.

##### *Article 7: Action to evaluate and monitor brain drain issues*

Economic developments may modify present trends of brain drain or waste. Therefore, it is important to organise the monitoring and evaluation of exchange and co-operation programmes as recommended in Article 6, paragraph a.