

Preface

This volume of the Council of Europe Higher Education Series brings together two key concerns of the Council of Europe in higher education policies: contributing to building the European Higher Education Area (EHEA) and improving the fair recognition of qualifications. More broadly, the Council's concern for fair recognition links to the Organisation's commitment to basic rights as well as to its increasing role in the development of qualifications frameworks and the concept of qualifications.¹

The Bologna Process² was launched in 1999 at a meeting of the ministers responsible for higher education of 29 European countries. The Bologna meeting in June 1999 built on a meeting of four ministers – those of France, Germany, Italy and the United Kingdom – who met on the occasion of the 800th anniversary of the Sorbonne in May 1998. In Bologna, the ministers of the 29 countries adopted the Bologna Declaration and set an ambitious goal: that of creating the EHEA by 2010.

Today, the Bologna Process encompasses 46 countries, all of which are party to the European Cultural Convention. In addition, the competent public authorities of all 46 countries have committed in writing to the goals and policies of the Bologna Process, which has become the framework and the reference point for higher education reform in Europe. It has also attracted great interest from other parts of the world.

Ministerial conferences of the Bologna Process are held every two years, and each successive conference has set important new policies. Nevertheless, most of the policies have focused on structural reform in three areas:

- degree structures and qualifications frameworks;
- quality assurance;
- recognition of qualifications.

This is not to say that other areas are not important and, in particular in the latter part of the Bologna Process, there has been considerable focus on the social dimension of higher education as well as on the EHEA in a global context.³ Nevertheless, the three areas of structural reform have been particularly important, and most national reform efforts have focused in particular on these three areas.

1. See Bergan, Sjur (2007), *Qualifications. Introduction to a Concept* (Strasbourg: Council of Europe Publishing – Council of Europe Higher Education Series No. 6).

2. The best single source of information on the Bologna Process is its official website: www.ond.vlaanderen.be/hogeronderwijs/bologna/. The Council of Europe's higher education website also contains a section on the Bologna Process: www.coe.int/t/dg4/highereducation/EHEA2010/Default_en.asp.

3. For an overview of the different areas of the Bologna work programme, see: www.ond.vlaanderen.be/hogeronderwijs/bologna/actionlines/index.htm.

In each of the three areas, there are European standards and guidelines. In two of them, the standards have been developed and adopted within the Bologna Process. In 2005, Ministers adopted the overarching framework of qualifications of the EHEA and committed to developing their national frameworks to be compatible with the overarching framework.⁴ They set a target date of 2010 but, at the time of writing, it seems overwhelmingly likely that this deadline will be extended to 2012. In 2005, ministers also adopted the Standards and Guidelines for Quality Assurance in the Europe Higher Education Area,⁵ and in 2007 they agreed in principle that a European Quality Assurance Register for Higher Education (EQAR)⁶ should be established. The EQAR came into being in 2008.

In the third area, however, the main standards were developed before the Bologna Process was launched and the further development of standards has continued in a framework that is distinct from the Bologna Process even if the links between the two are close. The Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the Europe Region was adopted at a diplomatic conference in April 1997 and it came into force in February 1999. Since the official title is long and since the diplomatic conference was held in the capital of Portugal, the convention is often referred to as the Lisbon Recognition Convention. The Lisbon Recognition Convention was referred to already in the Sorbonne Declaration and, in 2003 in the Berlin Communiqué, ministers stated that all countries in the Bologna Process should ratify the convention. Indeed, the speed with which this convention has been ratified is quite impressive. As of 23 March 2009, it had been ratified by 48 countries and signed by a further five. Only four countries of the Bologna Process – Belgium, Greece, Italy and Spain – had yet to ratify the convention and, of these, only Greece had not signed it. On the other hand, the Lisbon Recognition Convention has been ratified or signed by a number of countries outside of the EHEA. By 23 March 2009, ratifications included those of Australia, Belarus, Israel, Kazakhstan, Kyrgyzstan and New Zealand, while Canada and the United States have signed but not yet ratified the convention.

The ministerial meeting of the Bologna Process in Berlin in 2003 was important, not only because it made explicit the need for countries of the Bologna Process to ratify the Lisbon Recognition Convention and because it made it possible for European countries that were not party to any of the higher education programmes of the European Union to accede to the Bologna Process, but also because for the first time ministers were not content only to devise plans for future action. In 2003, the Bologna Process had almost arrived at the halfway mark between the adoption of the Bologna Declaration in 1999 and the foreseen date for establishing the EHEA in 2010. That, as well as discussions about criteria for admitting new members, led

4. See the Bologna website on qualifications frameworks: www.ond.vlaanderen.be/hogeronderwijs/bologna/qf/qf.asp.

5. Available at: www.ond.vlaanderen.be/hogeronderwijs/bologna/documents/Standards-and-Guidelines-for-QA.pdf.

6. See EQAR website: www.eqar.eu/home.html.

the ministers to the conclusion that if the main goals of the Bologna Process were to be reached by 2010, they needed to assess progress well before that date.

Hence the stocktaking process was born and ministers agreed to submit to an assessment as to how far they had progressed in implementing the main policies of the Bologna Process. This was significant not only because the Bologna Process relies on implementation at national and institutional level of goals and policies agreed at European level, but also because ministers accepted a strong element of external assessment as to how successful they had been in implementing these policies. The first stocktaking report was submitted to the ministerial meeting in 2005 and other reports followed in 2007 and 2009. Even if overall progress in implementing the goals and policies of the Bologna Process has been good, it has been less than satisfactory in some policy areas, and some countries have registered low scores in several policy areas.

The national action plans for recognition are another indication of the fact that if the key policy goals of the Bologna Process are to be reached by 2010, we need to take stock of progress and to make plans well before then. The ministerial meeting in Bergen in 2005 recognised that while the main legal framework for recognition was in place through the Lisbon Recognition Convention and its subsidiary texts, the most important challenge is how the legal texts are implemented in practice. The Bergen Communiqué therefore stated:

We commit ourselves to ensuring the full implementation of its principles, and to incorporating them in national legislation as appropriate. We call on all participating countries to address recognition problems identified by the ENIC/NARIC networks. We will draw up national action plans to improve the quality of the process associated with the recognition of foreign qualifications. These plans will form part of each country's national report for the next Ministerial Conference.

With a few exceptions, countries submitted their national action plans in time for the London ministerial conference in 2007. Put together, the plans run to some 700 pages.⁷ The sheer volume of the plans provides a good reason for why a synthesis was desirable, but it was not enough simply to provide an executive summary of each national plan. Not only brevity, but also analysis, was of the essence and the task was confined to the European Network of Information Centres (ENIC) and the network of National Academic Recognition Information Centres (NARIC) (ENIC/NARIC networks). The London Communiqué clearly sets out the rationale for the task:

There has been progress in the implementation of the Lisbon Recognition Convention (LRC), ECTS and diploma supplements, but the range of national and institutional approaches to recognition needs to be more coherent. To improve recognition practices, we therefore ask the Bologna Follow-up Group (BFUG) to arrange for the ENIC/NARIC networks to analyse our national action plans and spread good practice.

7. Accessible through: www.dcsf.gov.uk/londonbologna/index.cfm?fuseaction=docs.list&DocCategoryID=17.

The ENIC and NARIC networks appointed a working party, chaired by Carita Blomqvist and for which the Council of Europe provided the secretariat, to oversee the analysis, which was written by Andrejs Rauhvargers and Agnese Rusakova.

The analysis shows only too well why a mere synthesis of the replies was not sufficient. In many ways, the results of the plans were disappointing, starting with the fact that while most reports purported to be plans for the future, they more often than not focused on describing the present state of affairs. Even if many answers provided examples of good practice, there was also no shortage of examples of the opposite. However, this state of affairs did not necessarily lead the country in question to devise a plan to improve practice. The chapters that follow analyse the issues in detail and this brief introduction is not the place in which to summarise the analysis except to say that it documents that improvement is needed in all areas covered by the survey:

- legislation;
- recognition practice;
- information provision;
- structures.

In this sense, it is important to note that the analysis concludes by providing examples of what has diplomatically been termed “good and not so good practice”.

However, it is important to underline why the present state of imperfection and the lack of plans to remedy this state represent a serious challenge to the EHEA, beyond the obvious concern that European countries committed to doing something many of them have failed to do. They should be putting forward plans to improve recognition rather than describing current practice with few indications of how learners may better obtain the fair recognition that is their due.

The EHEA is built on the assumption that mobility of learners and graduates is an important part of what it means to be European and that fair recognition of qualifications is an essential policy element to attain this key goal of the Bologna Process. Mobility does not depend on fair recognition alone and cannot be achieved without financial support, easy granting of visas and, where appropriate, work permits and a range of other measures. Nevertheless, each of these measures, however important each one may be by itself, will be of little avail unless qualifications are recognised fairly across borders.

Fair recognition does not mean that all qualifications must be recognised as the holder of the qualifications might wish, or that “anything goes”. The right to recognition, which is a key principle of the Lisbon Recognition Convention, implies that every holder of a qualification has the right to have his or her qualifications assessed on the basis of their true merit, without regard to extraneous factors such as, for example, the nationality or the political and religious convictions of the applicant. It means that the assessment must be conducted with an open mind and

with a view to making recognition possible if the merits of the qualification justify recognition. It also means that if the competent recognition authority reaches the conclusion that the qualification should not be recognised, it is up to the competent authority to demonstrate why this is a fair conclusion. It is not up to the applicants to demonstrate why the qualification should be recognised. The basic assumption of the convention is that foreign qualifications should be recognised and it is up to the competent authorities to demonstrate the validity of their reasons for refusing recognition. If recognition cannot be granted, the first alternative that should be explored is not outright non-recognition but partial recognition. This implies that even if the applicants cannot receive the full recognition they want, their qualifications will be assigned some value in the education system of the country in which they apply for recognition so that they may be able to obtain the recognition they want by completing some additional learning but without having to take all the courses leading to the qualification over again.

A key provision of the convention is that differences between the qualification for which recognition is sought and the similar qualification of the host country must be substantial if they are to constitute a valid reason for non-recognition. Small differences between qualifications are not valid reasons for non-recognition; indeed, the opportunity to learn something different from what one might learn at one's home institution is an important reason why many students wish to take a part of their education abroad in the first place. No legal text can provide a full overview of what might constitute "substantial differences", and one of the main aims of recognition policy at European level over the past few years has been to try to develop a common understanding of this key concept. The ENIC and NARIC networks have explored the concept at three consecutive network meetings – in 2006, 2007 and 2008 – and, at the two latest meetings, they have worked on concrete cases. A publication on "substantial differences" is under way and it is hoped we will be able to publish it in the Council of Europe Higher Education Series in 2010. Nevertheless, both the discussion in the ENIC and NARIC networks and the national action plans on recognition indicate that much remains to be done in this area and that many credentials evaluators tend to take quite narrow views of how different qualifications may be before the differences become "substantial".

In spite of infinite variations, it seems justified to refer to two broad categories of attitudes or "cultures".⁸ Some credentials evaluators see it as their main responsibility to "protect" their own education system and institutions from less good foreign qualifications, and they will want to be "110%" certain of the quality of a foreign qualification before they recognise it. They will often take a quite legalistic approach to recognition and they will tend to use legal regulations to find reasons to justify non-recognition. Other credentials evaluators will see it as their main task to assist individual learners in obtaining the best possible recognition for their qualifications. They will tend to recognise qualifications even if they may not fully correspond to

8. See Bergan, Sjur (2004), "A Tale of Two Cultures in Higher Education Policies: the Rule of Law or an Excess of Legalism?", *Journal of Studies in International Education*, Vol. 8, Issue 2.

the similar qualification in their own country, provided they are convinced that the learner has the potential to succeed in the further study or in the professional career for which he or she needs recognition. These are, of course, “ideal types” and, even if there seem to be systematic differences in attitudes to recognition, these should not hide the fact that there are many cases in which exponents of both broad sets of attitudes will agree either that recognition is warranted or that it would be inappropriate. The two “cultures” describe broad sets of attitudes and not absolute categories. It should also be underlined that they are individual attitudes and not national or institutional stereotypes. A given “culture” may be found more frequently in some countries than in others, but all credentials evaluators in a given country do not necessarily belong to the same “recognition culture”.

Nevertheless, these broad sets of attitudes also seem to be reflected in the national action plans. Some countries have quite restrictive recognition practices, often coupled with relatively cumbersome recognition procedures. Only rarely do the national action plans reveal a concern that these attitudes and practices might need revision, and rarer still are the plans for such revision. In some cases, the national action plans even seem to indicate that it is the countries with the most advanced practice in a given recognition area that are also planning to develop that practice further. One of the goals of the ENIC and NARIC networks is to develop a joint understanding of “best practice”, and the national action plans indicate that this goal is only partially achieved.

Stimulating academic mobility is one of the main goals of the EHEA and there is justified concern within the Bologna Process that much work remains to be done before this goal can be achieved. The fair recognition of qualifications is not the only factor that could help achieve the goal, but the analysis of the national action plans clearly demonstrates that substantial work remains before the recognition community can be satisfied that it has done its part in promoting academic mobility.

This is not the only reason for concern. That much remains to be done is a clear challenge but the greater challenge may nevertheless be that in too many countries there seems to be little sense of urgency in the matter, nor is there a feeling that each country can make a difference by improving its recognition policy. The Bologna Process has helped move the recognition of qualifications away from being the domain of specialists, tucked away in corner offices where they could build up detailed knowledge of individual education systems relatively unperturbed by broader concerns, to being a key area of higher education policies. Hence, the way in which individual recognition cases are approached must build on broader concerns of principle and must be aligned with the stated purpose of improving mobility as well as with the key principle of the Lisbon Recognition Convention – the only legal text of the Bologna Process – of providing individual learners with fair recognition of their qualifications. The analysis of the national action plan justifies the conclusion that the international legal framework is largely in place but that implementation is still lacking. The analysis also justifies a quite strong concern that many countries of the Bologna Process either have not quite realised the importance

of recognition policies in making the EHEA possible or are unwilling to take the necessary steps needed to make fair recognition of foreign qualifications a characteristic of the EHEA. This will remain a major challenge to “Bologna beyond 2010”, and it is one that requires clear policies with some sense of urgency.

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The importance of the analysis of the national action plans for recognition made it natural to aim for a broader circulation and a longer shelf life than what would have been the case had it simply remained a “Bologna document” available on a website and as a traditional document. By publishing this substantial study in the Council of Europe Higher Education Series, we hope to give it the attention it deserves and to help stimulate not only debate on recognition issues but also action at international, national and institutional level to make it easier for learners to obtain fair recognition of their qualifications.

The study was entrusted to two highly qualified authors. Andrejs Rauhvargers, the co-ordinator of the study and the author of chapters 1 and 2 and of the introduction, conclusions and executive summary, is Professor of Education at the University of Latvia and he is probably the most experienced policy maker in the area of recognition in Europe. He started his international career by setting up and running the Latvian national information centre on recognition in the 1990s and rapidly became one of the leading members of the ENIC network. He was President of the ENIC network from 1999 to 2001 and then President of the Lisbon Recognition Convention Committee from 2001 to 2007. He was also a member of the Bureau of the Council of Europe’s Steering Committee for Higher Education and Research (CDESR) from 2003 to 2009, and has represented Latvia in the Bologna Follow-Up Group since 2000. Andrejs Rauhvargers is also no stranger to analysing national contributions to the Bologna Process since he has chaired the Bologna Stocktaking Working Group since 2005 and has thus led the work on the two stocktaking reports submitted in 2007 and 2009. Agnese Rusakova is a doctoral student in management at the University of Latvia and is the main author of chapters 3 and 4 of the report. Hence, both authors hail from Rīga, which – along with Lisbon and, I hope, Strasbourg – has become something of a “recognition capital” in Europe.

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