

'Role of the Legislative Changes in Advancing
Higher Education Institutional Reforms'

Distinguished representatives of the ministries, professors and colleagues from international organisations, ladies and gentlemen,

It is a privilege both for me and Dr Per Nyborg, who is the former Chair of the Higher Education and Research Committee as well as the former Secretary to the Bologna Follow-Up Group to be here, at the Dubrovnik Conference on Higher Education, which is a follow-up to the Novi Sad Initiative and which will address questions of institutional reforms in creating the European Higher Education Area.

The Council of Europe is proud of having played an important role in providing 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 market economies, in the countries of Central and Eastern Europe.

There were some 200 activities carried out by the Council of Europe in the framework of the Legislative Reform Programme from 1991 to 1999 and the results were impressive. To name a few, advice on higher education legislation contributed to 8 first generation laws: 4 higher education acts (Hungary, Croatia, Slovenia and Albania) and 4 law on education (Romania, Moldova, Georgia, Armenia), as well as provided advice on second generation legislation, supported 16 law projects, including 14 higher education acts.

The Council of Europe is still working in the field of advice on legislation. Our recent activities include expert advice on the Master Plan for Higher Education in Albania as well as Framework Law for Higher Education in Bosnia and Herzegovina, which we were pleased to learn was adopted in July 2007.

This law is a first step to pave the way for common higher education standards throughout the country, greater student and teacher mobility within BiH and abroad, and better university management through the integration of universities into one legal unit. The adoption of the law is also politically important, as it demonstrates to the other countries in the Bologna process BiH's commitment to the European Higher Education Area.

I would like to stress that it is important that higher education law does incorporate the main principles of the Bologna Process, including academic freedom, institutional autonomy, quality assurance, recognition and degree systems.

However, what is even more important is the implementation phase.

It is always good to bear in mind that laws only work if they codify practice. It is not laws that should determine practice, but practice that should find its way into legislation and thus be codified.

In Europe there is a tendency to have shorter laws complemented by secondary legislation. One important argument in favour of this practice is that secondary legislation can be modified more readily to take account of development of policy and practices. So, there is a good reason to limit the provisions of the law itself to core principles and issues that will- and should- not be easily affected by developing practice, such as e.g. the principle of academic freedom and institutional autonomy.

I would like perhaps to say a few words about institutional autonomy and integration of universities, as well as touch upon the theme of regional co-operation in higher education.

Institutional autonomy: a fundamental requirement of any democratic society is a higher education system that fosters academic freedom and university autonomy. A system that also promotes, as the Heads of State at the last Summit stated at their meeting in Warsaw in May 2005, a 'democratic culture among its citizens'. This is a key point for the Council of Europe, as is borne out by the Recommendation on *Academic Freedom and University Autonomy* adopted by the Parliamentary Assembly in June of last year.

When carrying out reforms, then, the Council of Europe would ask you to bear in mind this key question of university autonomy: on the one hand, Ministries expect from universities accountability, transparency and quality. Universities must also not move towards the isolation of an 'ivory tower' but instead react to the changing needs of societies that they should serve and help educate and develop.

But, in order to be sufficiently detached to maintain a critical distance and take a longer-term view - therefore contributing to solving fundamental problems in our societies - universities must be granted academic freedom and institutional autonomy in accordance with the Magna Charta Universitatum. History has proven that violations of academic freedom and university autonomy have always resulted in intellectual relapse, and consequently in social and economic stagnation¹.

And while we are fully aware that each country has its own specificities which justify a targeted approach to each of your countries in the area of higher education, the Council of Europe also believes that it is of paramount importance to initiate a platform for dialogue as a regional whole. The challenges you are facing are perhaps very similar, and the Council of Europe is

¹ PACE Resolution 1762 (2006), *Academic Freedom and University Autonomy*.

ready to assist you in considering **regional approaches** in your reform processes.

The Council of Europe has hosted to date four informal conferences of Ministers of Education from the Western Balkans, the last one took place in late November 2006 in Strasbourg. One of the conclusions of the Ministers was to give regional higher education cooperation impetus through the organisation of meetings at expert level.

There are issues, such as independent quality assurance and the development of qualifications frameworks, where the exchange of experience and perhaps even close cooperation at regional level would be highly beneficial and would set an example of good practice for other areas of Europe.

I am delighted to announce that right after this event, a Regional Conference on Qualifications Frameworks of South East Europe, organised under the Serbian Chairmanship of the Council of Europe, will take place in Belgrade. At their meeting in London in 2007, the Ministers mandated the Council of Europe to coordinate the sharing of experience in the development of national qualifications frameworks and this regional Conference will serve to coordinate national experiences in the region of South East Europe.

University autonomy, integrated universities and regional co-operation are, then, key to the future prosperity of your students and indeed all citizens.

The Council of Europe played an important role in the 'enlargement' of the Bologna Process and we are fully committed to continue accompanying the countries that have joined the Process along the road to the European Higher Education Area.