

# **Taking Stock of the Bologna Process at 20 The Possibilities and Limits of Soft Law Governance**

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# Purpose of the paper

- A stocktaking exercise;
- Broadly surveying the state of play of EHEA;
- Probing the major topics of current discussion, likely medium-term developments, and what this portends for the future direction(s) of this experience

## Sections of the paper

Non-  
implementation

EHEA – a policy  
forum

EHEA – a  
community of  
values

Period considered 2010– 2015 (& 2018)

# Bologna Process – a successful story?

Since its initiation it has been portrayed as:

- A success story;
- **an (infrequent) instance** of the effective functioning of a mode **of soft law governance**,
  - serving in the European context as something of a precursor for the European Union's subsequent development of the Open Method of Co-ordination (Ravinet 2008; Haskel 2009)
- **a model for regional cooperation** in higher education subsequently followed in other global regions (Huisman *et al.* 2012)
  - a model of a 'higher education regionalism' (Chou and Ravinet 2015)

## Bologna Process – the paradox

*even if seen as a  
success, it is always  
questioned*

### Examples of questions raised about the BP

- **2010** – the launch of EHEA & the beginning of the questioning of its core purpose or continuing utility;
- **2015** – a document submitted to the Yerevan conference mentioned that EHEA '*has come to a turning point where a new sense of direction is needed in order to move ahead*' (EHEA 2015a)
- Questions regarding the process & the risk that it:
  - has '*exhausted*' itself' (Harmsen 2015: 795)
  - is '*running out of steam*' (Bergan and Deca 2018: 298-302)

The  
Agora

Shared  
policy space

Perceived /real  
shortcomings  
of the process

# Examples of the perceived shortcomings

- Uneven implementation among the member states
  - E.g.comparability and recognition of qualifications needed to facilitate mobility;
  - Tools used incorrectly or in beaurocratic ways (EHEA 2015b).
- Slowing down/stalling rhythm of the reforms in the last decade
  - Possibly explained by the limits of the soft-law governance;
- Expectations to expand its objectives and topics

## Non - implementation

- Mid- late 2000s: discussions about the possibility and desirability of a 'hardening' of the soft-governing process;
- + discussions about a potential selection of the member states along with the transfer from an informal Bologna Process to a more formally constituted EHEA;
- the literature argued that if adapted to the EU instruments it would have provided a more effective implementation & a more transparent decision-making process (Garben, 2011; 2010);
  - The argument gained little political foothold and thus was taken off the table;

# Two contrasting perspectives on the future of EHEA

- EHEA as **an area of peer learning**, where countries develop good practice by learning from each other but where it is either not desirable or not possible – or neither desirable nor possible – to take measures where countries do not implement commitments' (Bergan and Deca 2018: 310);
- EHEA **requires some form of effective enforcement mechanism** to maintain its credibility and secure the existence of a pan-European higher education space in which qualifications are readily and unproblematically recognised across borders (e.g. Bergan 2015)

An analysis of the **possibilities and limits of the instruments** like: positive socialization, 'name and shame' mechanism, formal sanctions etc.

## From Bucharest to Yerevan – strengthening implementation

- After 2009: the stock-taking exercise was replaced by the '**Bologna Process Implementation Report**' (indicators of compliance for each key commitment) -> a more fine-grained snapshot of the implementation;
- **Bucharest, 2012:** setting up **a volunteer-based system of peer-learning** and reviewing offered to member states upon request;
  - With the intention to better use EU funds for Bologna Process implementation;
- **Yerevan, 2015:** **call to redouble efforts** for full and coherent implementation;
- + need for Collective enforcement position to guarantee credibility => **The advisory group on non-implementation**



## 2016 – 2018

### The advisory group on non-implementation

- Same format of work: regular meetings and reports;
- **Focus on the non-implementation of:**
  - 1). A 3-cycle system compatible with the EHEA Qualifications Framework and making use of ECTS;
  - 2). Compliance with the Lisbon Recognition Convention; and
  - 3). Quality Assurance in compliance with the European Standards and Guidelines (ESG)
- Proposed **an eight-stage cyclical process** to be implemented by a standing committee of the BFUG
  - Though it gained support, it also faced opposition (Tartu, 2017)
- **Proposal no. 2: reversed peer groups;**
  - Working with WG 1 and 2 in order to allay French (and others') fears;
- proposal of a new document on '**Support for the Implementation of Key Bologna Commitments**'

# From Paris to Rome

- Adoption of **a six-steps cycle** (starting with a self-identification phase and ending with highlighting the best practicing during the Ministerial Conferences);
  - *corresponds to the logic of the influential experimentalist governance model of Sabel and Zeitlin (2010: 3);*
  - *Underestimated potential for process learning;*
  - *Could facilitate a deepening and reshaping of our understanding of key commitments;*
- constitution of a Bologna Implementation Coordination Group (BICG) and three peer groups dealing with three key-commitments: the qualifications frameworks and ECTS; recognition; and quality assurance;
  - They began working and clarifying the concept of peer support;

# The EHEA as a Policy Forum (Between Policy Export and Global Dialogue)

- **facilitating policy dialogue and peer learning** for its member countries;
- 2003: ministers sought to **encourage cooperation with other parts of the world**, opening-up Bologna events to those interested;
- 2007: **Report on Bologna Process in a Global Setting** + a **Strategy on the External Dimension of the EHEA**;
  - *Bologna Working Group on European Higher Education in a Global Setting (2007-2009) recommended that Ministerial Conferences should be complemented by Bologna Policy Fora (opened to non-EHEA members);*
- 2009 – present: **five Bologna Policy Fora** were organised;
  - *Initial enthusiastic welcome followed by a drop in political participation in the next events;*
  - **Unsatisfactory:** *lack of political focus, superficial discussions, lack of follow-up, difficulty of finding a balance between national interests and internationally relevant topics of discussion, organizational problems (Bergan and Deca 2018).*
  - A **success:** *as policy dialogue was intensified in all these contexts.*

## Social dimension – a study case

- deemed essential in order for higher education to fulfill its societal mission, especially in view of contributing to social cohesion in the EHEA member states.
- *par excellence* an area of national specificity and jurisdiction, therefore:
- **policy-dialogue** was considered the best way forward;
- + project to support EHEA like [Peer Learning for the Social Dimension \(PL4SD\)](#) – support for EHEA: drafting country profiles & reviews; peer learning activities, database of good-practice examples.
- + **a strategy**: 'Widening Participation for Equity and Growth: A Strategy for the Development of the Social Dimension and Lifelong Learning in the European Higher Education Area to 2020'
- + **a call to set national target** (Leuven, 2009)

**CONCLUSION:** It can be argued that peer learning works primarily when the involved parties are already ready, willing and able to pursue a specific agenda.

# Is EHEA a successful Policy Forum in all its dimensions?

## Difficulties/limitations:

- lack of enthusiasm of the countries with globally competitive higher education systems to embark on a common EHEA promotion effort.
- external factors
  - political prioritisation and stability, national socio-economic context, perceived role of the higher education sector, capacity etc.
  - **Euroscepticism** and other political trends (pointing towards inward-looking approach to policy);
- perceived or presumed added value of the EHEA for each individual member;

## Effectiveness:

- the debates are more constructive in terms of policy learning if they benefit from an overlap with national political priorities;

- The 1999 Declaration notably made explicit reference back to the 1988 Magna Charta Universitatum;
  - a broad, humanist vision of the university as an autonomous institution rooted in an expansive vision of academic freedom and the unity of teaching and research;
- 2016 background document surveyed key issues surrounding academic freedom and institutional autonomy across the EHEA;
  - role of EHEA in the promotion or defence of core values (Bergan *et al.* 2016);
  - In severe instances of academic freedom limitation, EHEA is least able to (re)act (political sensitiveness);
- 2018, Paris Communiqué: strongly affirmed the 'fundamental values' + **task force established**;

## The EHEA as a Community of Values

# EHEA – a community of values (*what can be accomplished?*)

- take stock of the situation at European level as regards the existence of relevant benchmarks and standards;
  - build on existing work that has mapped a range of possible indicators that could be used in such an exercise (Karran *et al.* 2017);
- focusing on a definition and monitoring of academic freedom;
- expanding the range of sources used and/or actors involved in reporting beyond the self-reporting of participating states;

# Conclusions

- The most important **accomplishment of the EHEA** continues to be that of the construction of **an 'agora' or of a 'policy space'**;
- EHEA continues to **facilitate structured, continent-wide dialogue** on major issues of higher education policy (**unparalleled**);
- Led to the **development of clearly articulated European-level templates for structure reforms** of HE Systems;
  - Despite some structural reform issues, development have been limited (e.g. Social Dimension).
- **Implementation remains uneven** and stronger enforcement is difficult;
  - A proposed move to create a still comparatively light touch form of 'authority' in the process, allowing for states to be identified as non-compliant and to be required to develop a monitored action plan to address the indicated shortcomings, was blocked.
- **As a governance model**, the experience of the EHEA offers some potentially interesting lessons of wider applicability;
  - illustrating both the possibilities and limits of soft governance in practice.



# Thank you!

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