

BFUG10 5a

APPLICATIONS TO JOIN THE BOLOGNA PROCESS

Introduction

1. This paper invites BFUG's initial views on the five applications to join the Bologna Process. It has been prepared in close cooperation with the Council of Europe.

Background

2. From its inception, it was anticipated that that new countries could join the Bologna Process. At every Ministerial conference, Ministers have admitted a number of new members:

- 3 in Prague in 2001 (plus a fourth member, Liechtenstein, implicitly, as it had been intended to invite Liechtenstein to the Bologna conference in 1999 but the invitation had in fact not been received);
- 7 in Berlin in 2003;
- 5 in Bergen in 2005.

3. The current criteria for membership were defined by Ministers in the Berlin Communiqué:

Countries party to the European Cultural Convention shall be eligible for membership of the European Higher Education Area provided that they at the same time declare their willingness to pursue and implement the objectives of the Bologna Process in their own systems of higher education. Their applications should contain information on how they will implement the principles and objectives of the declaration.

4. In other words, the Bologna Process has two criteria for membership:

- ratification of the European Cultural Convention¹;
- a commitment to the goals and policies of the Bologna Process, confirmed in writing by the competent authorities.

5. In preparation for the London Conference, information on the criteria and procedures for new members was posted on the Bologna web site² in November 2006, and the deadline for applications was set as 31 January 2007.

¹ A constantly updated overview of signatures and ratifications may be found at <http://conventions.coe.int>; search for ETS 018.

²<http://www.dfes.gov.uk/bologna/uploads/documents/ApplicationProcedureforJoiningtheBolognaProcess.doc>

Applications received

6. By the deadline, four applications had been received to join the Bologna Process at the London Ministerial conference. For the record, these do not include Montenegro, where agreement has already been reached at BFUG (Helsinki, October 2006) to recommend that Ministers admit Montenegro to the Bologna Process in view of its participation prior to its declaration of independence on June 3, 2006. The BFUG also decided to invite Montenegro to participate as an observer in BFUG meetings in preparation for the London conference.

7. In addition, on 12 February, Eurodoc applied to join as a consultative member.

8. The following gives a brief review of each of the five applications. Copies of all applications have been circulated separately.

Kyrgyz Republic

9. While the Kyrgyz Republic ratified the Lisbon Recognition Convention in 2004, it is not a State party to the European Cultural Convention, and there is – as far as is known – no consideration of expanding the geographical scope of this Convention.

10. It therefore seems clear that the Kyrgyz Republic is not eligible to join the Bologna Process under the criteria defined in Berlin.

North Cyprus

11. North Cyprus is not recognized as an independent political entity by any member of the Bologna Process except Turkey. It is therefore not a member of any international intergovernmental organisation, and it is not a party to the European Cultural Convention.

12. It therefore seems clear that North Cyprus is not eligible to join the Bologna Process under the criteria defined in Berlin.

Israel

13. Israel is not a party to the European Cultural Convention under which it does, however, have observer status. Hence, Israel participates in the meetings of Steering Committees under the European Cultural Convention – such as the CDESR – as an observer. While Israel is not a part of geographical Europe, it is a part of the UNESCO Europe Region.

14. Under the criteria defined in the Berlin Communiqué, it seems clear that Israel is not eligible for access to the Bologna Process.

Kosovo

15. Kosovo is not a party to the European Cultural Convention.

16. In virtue of UN Security Council Resolution 1244, the international community has taken direct responsibility for Kosovo through UNMIK. It has exercised *de facto* governmental authority in Kosovo since the cessation of hostilities in 1999, with considerable competence in many areas, including education, now having been divested to the Provisional Institutions of Self-Government (PISG). Therefore, while Kosovo is theoretically a part of the Bologna Process –as a part of Serbia – *de facto* it is not.

17. As BFUG members will be aware, UN-led negotiations have been conducted - under the leadership of Mr. Martti Ahtisaari, former President of Finland – for the future status process for Kosovo. President Ahtisaari has now submitted his recommendations to the parties on 2 February and invited them to reconvene as of 21 February 2007 in Vienna for further consultations. President Ahtisaari will then submit his recommendations to the UN Security Council, and it seems likely that this will be done relatively soon.

18. It seems clear that Kosovo cannot, under the present circumstances, become a member of the Bologna Process. In this sense, nothing has changed since Kosovo applied to join prior to the Bergen meeting in 2005. However, a number of reasons make the case of Kosovo less straightforward than the other three applications for country membership.

19. First, the international community has taken direct responsibility for Kosovo, through UN Resolution 1244, in a way unparalleled in any other part of Europe, or indeed elsewhere.

20. Second, Kosovo – whatever its future political status - is clearly a part of geographical Europe, and its higher education system has undergone extensive reforms, with international participation, to implement the main Bologna reforms. This has been done in part with a view to a future integration into the Bologna Process, and a flatly negative decision in London, following the negative decision prior to Bergen, could be perceived as a defeat of reform and as a defeat of the policy objectives supported by International Community organisations. In a situation of likely political tension regarding the status of Kosovo, such a decision could also be used to strengthen nationalist politics, and thus contribute to increasing unrest in the territory.

21. Third, there is a precedent for inviting Kosovo – under the current arrangements as UNMIK/Kosovo with a delegation co-chaired by UNMIK and the PISG – as an observer to Ministerial conferences within the frameworks of the Council of Europe and the European Union, in the latter case where such conferences are open to non-members, e.g. in the case of conferences including South East Europe.

22. Fourth, renewed consideration of Kosovo's application in 2009 could be seen as less than an attractive alternative because this would be very close to the establishment of the European Higher Education Area in 2010. Kosovo could therefore feel it would have been left out of the entire process leading up to the EHEA.

23. These are not arguments in favour of granting Kosovo membership of the Bologna Process, which would require amending the criteria established through the Berlin Communiqué. Rather, these are arguments for considering whether Kosovo could be associated with the Bologna Process in a category adapted to its special situation, such as through "guest status" or "special observer". This alternative, which would allow Kosovo to attend meetings of the BFUG as a guest or special observer, is therefore put forward for the BFUG's consideration. It should be understood that the term "Kosovo" is here used to refer to whatever institutional arrangements will be or come into force. Currently, this would be the arrangement referred to above – a delegation co-chaired by UNMIK and the PISG and referred to as "UNMIK/Kosovo", but these arrangements may change in the future.

Eurodoc

24. Eurodoc represents the interests of doctoral candidates. It is active on Bologna issues, particularly in the project on doctoral studies being lead by EUA. It has member organisations in 26 of the Bologna countries and new members are expected from other countries within the EHEA.

25. Criteria for consultative membership are: added value to the Bologna Process; relevance of the stakeholder group; representativeness; and status as a non governmental or inter-governmental organisation.

26. It therefore seems clear that Eurodoc broadly meets the criteria for membership. However, its interests are more limited in scope than other consultative members and it therefore seems more appropriate for Eurodoc to become a BFUG partner, rather than a consultative member. Partners receive information about BFUG meetings, are invited to participate in BFUG meetings for relevant agenda items, to seminars, and to attend Ministerial conferences as observers.

PROCEDURE

27. The role of the BFUG with regard to applications for country and consultative membership of the Bologna Process is to advise Ministers, and if the BFUG advises Ministers to accept one or more new members, this advice will be reflected in the draft London Communiqué. It goes without saying that Ministers will decide whether or not to take the advice of BFUG in this as in other matters.

28. Nevertheless, the discussion in the BFUG should give a fair indication of the position of the members of the Bologna Process, and it is important that BFUG delegations seek political advice so that they can represent the position of their countries.

29. It is suggested that the BFUG have a first discussion at its meeting on March 5 – 6 and a second discussion at its meeting on April 17 – 18, with the aim of formulating its advice to Ministers at the April meeting. This schedule is suggested to allow delegations time to seek further political advice if needed.

30. It is nevertheless suggested that the advice on the applications from the Kyrgyz Republic, North Cyprus and Israel are relatively straightforward, and that the BFUG could advise Ministers not to accept these three applications. This would not prevent BFUG members, organisations, or HEIs, collectively or individually, cooperating with the applicants.

31. It is also suggested that the decision on Eurodoc is straightforward, and that BFUG should advise against awarding them consultative membership. Decisions on partner status have been delegated to BFUG and BFUG could therefore agree to offer partner status to Eurodoc before the Ministers meet.

31. It is further suggested that the application by Kosovo may need more extensive consideration. The BFUG –and the Ministers – would of course also need to take account of any developments in the status negotiations or UN decisions on these that may be taken before the London Conference. It might therefore be appropriate for BFUG to agree in principle what its advice to Ministers would be, if the negotiations reach a conclusion before the Ministers meet in London in May.

Bologna Secretariat
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