



Draft State-Level Framework Higher Education Law Bosnia and Herzegovina

The work of the Council of Europe drafting group has been based on the clearly expressed intention to make BiH higher education a part of the European Higher Education Area by joining the Bologna Process and by the commitment to ratify the Lisbon Recognition Convention.

The work has been guided by the Report on the Legal Framework of Higher Education in BiH adapted 11 July 2001 by the Higher Education Co-ordination Board and the Message to the People of Bosnia and Herzegovina on Education Reform dated 21 November 2002 and the commitment by the responsible ministers to the pledges of that message.

As the Bologna Process gains momentum, it has become clear that legislation in many European states must be adjusted to allow for the continuous development. The drafting group has tried to prepare for such development by submitting a draft state law that deals with the general principles, leaving the necessary legal regulations for institutional governance and management to laws on entity level.

Building on the pledge of the Educational Reform to obtain agreement from the cantonal authorities in the Federation to defer their powers in the field of higher education to the entity level, more detailed regulations should be left to bylaws and to institutional statutes.

Autonomy of higher education institutions is a central element in the Bologna Process, as the ministers responsible for the process see the institutions as partners in the process. As the university is assumed to have the responsibility for all its activities, it follows that it should also have responsibility for its faculties.

Autonomy must be balanced by accountability. Greater autonomy for higher education institutions therefore also means greater accountability relating to budgets, appointments, student intake, degrees awarded and the quality of teaching and learning.

A number of elements in the Bologna Process will have consequences legislation:

- Concerning autonomy, the law must delegate the necessary decision power to the institution – for changes in curricula and teaching methods, for internal self-governance, for interaction with other organisations nationally and internationally and for economic transactions. Accountability must go hand in hand with autonomy.
- For universities to be responsible partners, the university leadership must be in charge of institutional activity and in control of the economy. Faculties within universities should not be legally independent persons relating directly to the Ministry of Education. Only the university leadership should relate directly to the ministry.

- The Bologna Process assumes that students are full members of the higher education community. They should participate in the organisation and content of education. Student participation in institutional governance should be prescribed by law.
- The Bologna Process requires adoption of a system of degrees essentially based on two main cycles, undergraduate and graduate. (The doctorate may be considered a third cycle.) The law must allow for the introduction of the new degrees.
- Quality assurance systems will be important cornerstones in each national system of higher education. The quality assurance system must be independent of political and institutional interaction and it must have a basis in the legislation. The Bologna Process will build on the co-operation of national quality assurance systems. This means that BiH should have a quality assurance system on state level. Also the national information center prescribed by the Lisbon Recognition Convention should be on state level.

The Bologna Process is not a process moving towards a fixed goal: it is a dynamic system. This means that an effective law on higher education should only regulate that which is essential to regulate and which cannot effectively be regulated in any other way. It should be written to allow for change, remaining relevant as the higher education system develops.