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Higher Education
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Conference**

INTRODUCTORY DOCUMENT



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Welcome

Dear Participants,

I would like to welcome you to this VI th International Higher Education Conference organised in cooperation with FE.CC.OO, FETE/UGT and the University of Malaga, (UMA).

The objective of the conference is to provide an opportunity for sharing of concerns regarding higher education policy and exchange experiences and good practices. The conference also aims at giving more visibility to union work and highlight initiatives taken by unions.

This Introductory Document has been compiled for the participants to the Conference addressing and explaining a number of issues, some of which will be discussed during this meeting. This reader aims to provide a comprehensive overview of EI's work on higher education at the international level, and the background to some of the debates that are currently at the forefront of the international debate on higher education.

Two main issues which this Document addresses are academic freedom and ranking of higher education institutions.

In 2006, EI sent a report to the joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) on the implementation of the 1966 UNESCO/ILO Recommendation on the Status of Teachers and the 1997 UNESCO Recommendation Concerning the Status of Higher Education Teaching Personnel. The EI report to CEART shows a clear deterioration of this principle in higher education systems worldwide. A specific Report on the current situation will be presented at the Conference as a basis for discussion .

Ranking of Higher Education Institutions is another issue which requires attention. We will have a discussion on it in the context of recent developments within OECD (initiative on Assessing Higher Education Learning Outcomes: PISA for higher education) and UNESCO.

Our Conference will also address the issues of Gender Equity and Careers which will be discussed in depth through Plenary Sessions and Workshops.

The 5th EI Congress held in Berlin in July 2007 adopted some key resolutions which are provided with the Conference folder and available on EI website <http://www.ei-ie.org/congress5/en/documents.php>

We are pleased also to welcome a number of guests from ESU (the European Student' Union - formerly ESIB), ILO and UNESCO to our meeting, who will be providing input throughout.

During the Conference , simultaneous translation in English, French and Spanish will be provided for plenary sessions and Workshop 2 on careers. All other workshops will be in English only

I would like to wish you successful work and a fruitful Conference.

Monique Fouilhoux
EI Senior Coordinator, Education and Employment

SECTION 1: UPDATE ON DEVELOPMENTS AND EI'S WORK ON HIGHER EDUCATION AND RESEARCH

Higher education and research issues are increasingly at the top of the agenda of international, as well as regional agencies. The World Bank recently declared its wish to "re-balance" internally in favour of higher education, and has launched the idea of a 'Fast Track Initiative' for higher education. This update is an overview of developments, initiatives and activities in higher education, at the regional (mostly European) and global level, and EI's work in this field.

§1.1 The Bologna Process (European Higher Education area – EHEA)

The Bologna Process was launched by the Ministers of Education from 29 countries who came together in 1999 at the University of Bologna. Taking part in the Bologna Process is a voluntary decision made by each country to endorse the principles adopted in the successive bi-annual Ministerial meetings, and there is no legally binding treaty or regulation. By 2007, when the last Ministerial meeting was held in London, England, the Bologna Process developed into a major reform movement encompassing 46 European countries and their higher education communities, committed jointly to creating a European Higher Education Area (EHEA) by 2010. All stakeholders (national authorities, higher education institutions, staff and students) are involved in the decision-making process and committed to the success of its implementation.

§1.1a The Structure of the Bologna Process

This is in a hierarchy. The highest level is that of European Ministers responsible for Higher Education. This is the first political level, where decisions are taken every 2 years. The most recent meeting of Ministers was in London, England (17-18 May 2007), where EI was present. The Ministers of Education have entrusted the management of the process between Ministerial meetings to the Bologna Follow-Up Group (BFUG). The BFUG produces a Work Programme which constitutes a series of seminars and other activities relevant to all involved in the Process. The seminars bear the unofficial label of 'Bologna Seminars'.¹ In these seminars, discussion takes place on the various issues of the Bologna Process, obstacles to implementation thereof, and possibilities for cooperation. The outcome of these seminars is of great relevance to the whole Process, and is often quoted in the Ministerial Communiqués.

The BFUG meets twice yearly. It is chaired by the country which takes over the EU Presidency (currently Portugal), and is made up of representatives from the Ministries of the 46 Bologna countries, the European Commission, and eight organisations as 'consultative members'. The EI Pan-European Structure has been a consultative member of the Bologna Process since the Ministerial Meeting in Bergen, Norway, in May 2005.

§1.1b EI's Involvement in the Process

EI has attended all the BFUG meetings since May 2005, and most of the Official Bologna seminars, where it has contributed by means of presentations at some of the latter. EI also organised an official Bologna Seminar on mobility of staff and students in London, England (8-9 February 2007).² During the period May 2005 - May 2007, EI was a member of two BFUG working groups: one on the 'External Dimension of the Bologna Process' and one on 'Social Dimension and Mobility'. EI will continue to contribute accordingly during the two-year period until the Ministerial Meeting in Louvain (April 2009), with a special focus on mobility of staff. Together with ESU – European Student's Union,

¹ Full list of past seminars: www.dfes.gov.uk/bologna/index.cfm?fuseaction=events.list.

² Link for the studies, proceedings and reports from this seminar: [http://www.ei-
ie.org/highereducation/en/calendarshow.php?id=68&theme=highereducation](http://www.ei-
ie.org/highereducation/en/calendarshow.php?id=68&theme=highereducation)

EI will carry out a project aiming at improving mobility of staff and students as well as increasing the pressure on governments to improve possibilities for mobility. Furthermore EI will take part in a number of working groups during the coming period as well as contribute to some of the seminars held in the framework of the process.

§1.1c Current Priorities of the Process

The Ministerial Meeting in London identified the following as areas of priority for the next Ministerial Meeting in 2009: mobility; the Bologna Process in a global context; and the social dimension. In the London Communiqué³ (May 2007), Ministers also refer to the ongoing importance of: the degree system; employability of graduates; recognition of degrees and study periods; implementation of all aspects of quality assurance in line with the European Standards and Guidelines for Quality Assurance (adopted in 2005); national qualifications frameworks; learning outcomes and credits; lifelong learning; and the recognition of prior learning.

EI has expressed extra interest in working with the areas mobility; the Bologna Process in a global context; employability of graduates, the third cycle (doctoral students) and the Bologna Process Beyond 2010.

§1.1d Relevance of the Bologna Process to Non-European Countries: The External Dimension

At the London Ministerial Meeting (17-18 May 2007), Ministers adopted a 'Strategy for the External Dimension of the Bologna Process' entitled 'European Higher Education in A Global Setting.'⁴ The Strategy refers to 'information and promotion activities intended to showcase and strengthen Europe's attractiveness' as well as a need for enhanced higher education cooperation with non-EHEA countries in a spirit of partnership and solidarity, aiming at mutual benefit on all levels and covering the full range of higher education programmes, including lifelong learning.

The notion of there being an "external dimension" to higher education in Europe, is not something new. Mobility of students and staff, particularly across the Atlantic, and from developing to developed countries, is not just a present day phenomenon. Legal efforts at national and international level, had eased such possibilities already before the inception of the Bologna Process. These, together with easier access to information across borders, had led to a greater awareness of an 'external dimension' at such time. The last decade has brought with it is an ever-increasing drive towards globalisation, which has left its impact in a number of areas, not least, higher education. In addressing the 'external dimension' specifically, the Bologna Process brought this up as matter for discussion among higher education stakeholders.

The following are a number of key documents which indicate how much pace the discussion on the external dimension to higher education in Europe has gained.

- 'Perceptions of European Higher Education in Third Countries': Outcomes of a Study by the Academic Cooperation Association (ACA):⁵ This is a study that ACA carried out for the EU between November 2004 and December 2005. One of the conclusions of this study was that overall, Europe is not perceived as a union as regards higher education, as most non-European students consider Europe to be a range of very different countries in terms of higher education.
- The 'Brisbane Communiqué' (April 2006):⁶ Ministers attending the Asia-Pacific Education Ministers' Meeting (4 April 2006) issued this Communiqué, in which they agree to establish an 'Officials Working Group', to be convened by Australia. It concludes by stating that the 'Officials' Working Group will maintain cognisance of future possibilities for compatibility with initiatives already in development, such as the European Bologna and Copenhagen processes.

³ For the London Communiqué: www.dfes.gov.uk/bologna/uploads/documents/LondonCommuniquedefinalwithLondonlogo.pdf

⁴ Link: http://www.see-educoop.net/education_in/pdf/05%20ExternalDimension-finalforconference.pdf

⁵ Link: <http://ec.europa.eu/education/programmes/mundus/acareport.pdf>

⁶ Link: www.dest.gov.au/NR/rdonlyres/05A09119-16B7-4525-8C16-BD45E1178946/10025/CommuniqueFINAL.doc

- The EUA-CUIB Asturias Declaration⁷(April 2006) is part of the collaboration between EUA (European University Association) and CUIB (Latin American University Council), which first started in May 2004, by means of a cooperation agreement between the two organisations. These two held a joint meeting in Oveido, Spain (10-11 April 2006), where they agreed on a joint statement – the Asturias declaration. The aims of this document were two-fold: first, to establish common priorities for future higher education and research cooperation, and second, to serve as input to the EU-LAC Summit in Vienna (11-13 May 2006), where higher education and research were then discussed in the context of knowledge sharing and human capacity building.
- The Declaration of Vienna from the EU-LAC (May 2006):⁸ This is based on 3 main pillars: Modern Technology [ICT, Science and Technology], Cooperation, and Culture. It sets these out in the form of an agreement at State level. The Declaration refers to the creation of an EU-LAC Common Area of Higher Education in which the stepping up of exchange between the two areas is envisaged. Furthermore, the latter declaration refers to cooperation in research activities.
- 'The Bologna Process and Australia: Next Steps' (April 2006):⁹ In this document, the Australian government expresses a wish to be more attuned to the Bologna Process in view of the broader context to, and a long-term vision for, higher education in Australia. This paper document notes that the 'Bologna Process could have a number of implications for the acceptance of Australian higher education awards and options for student mobility'.
- During the G8 Ministerial Meeting on Education, Moscow, Russia (1-2 June 2006), G8 Ministers of Education met and confirmed their commitment to cooperation in education at all levels in the 21st century, in 'the Moscow Declaration'.¹⁰ They indicated the '... importance of policy dialogue and the sharing of experience and expertise internationally (to) help all countries build effective, innovative and inclusive education systems that can allow people to fulfill their potential, to live in and contribute to a global society, and to work in a global economy.'
- The Joint Recommendation¹¹ adopted at the EU-Japan Business Dialogue Round Table (13-14 July 2006) agreed on five priority areas for increased cooperation between Japan and the EU, four of which specifically relate to research. The two groups also pledged support for the WTO negotiations in the context of the Doha Development Agenda of the WTO (World Trade Organisation).
- Just over a month after the G8 Ministerial Meeting on Education, in the Declaration of the G8 Summit 'Education and Innovation Societies in the 21st Century'¹² (16 July 2006), G8 leaders referred to education as one of the most effective tools to combat poverty and promote economic and democratic development.
- EUA and the CGS (Council of US and Canadian Graduate Schools) issued a joint press release¹³ (7 September 2006), entitled "Doctoral Education, the Focus of Transatlantic Dialogue between Council of Graduate Schools and European University Association - Competition and cooperation in an era of globalization". Two issues were addressed in this press release: what is needed for the US and for countries and regions around the world to attract and retain the world's top talent in the twenty-first century; and how much will depend upon each country's follow-through on national competitiveness strategies, and how much still depends upon the success of strong international collaborations.

The above list is just an indication of the whole spectrum of developments and ongoing issues that need to be taken into account when considering the "external dimension" to European higher education. As part of an international organisation, EI affiliates are best-placed to contribute to the issues that are to be dealt with in the field of international higher education.

⁷ Link: www.eua.be:8080/eua/jsp/en/upload/EUA_CUIB_Asturias_Declaration_210406.1146834606320.pdf

⁸ Link: www.eu2006.at/includes/images/EULAC/EU-LACViennaDeclarationEN.pdf (pp.12-16)

⁹ Link: www.dest.gov.au/NR/rdonlyres/D284E32F-98DD-4A67-A3C2-D5B6F3F41622/9998/BolognaPaper.pdf

¹⁰ Link: <http://en.g8russia.ru/news/20060602/1151807.html>

¹¹ Recommendation Link: http://www.eujapan.com/roundtable/joint_recommendations_july06.pdf

¹² Link: <http://www.unesco.org/education/G8DeclarationonEducation.pdf>

¹³ Link: www.eua.be/eua/jsp/en/upload/PR_TAD_Salzburg_web.1157625794022.pdf

When considering the backdrop of globalisation against which higher education systems find themselves nowadays, issues related to the external dimension can be largely grouped into two main areas, namely the impact of trade in education on the Bologna Process, and the brain drain phenomenon.

A recent document¹⁴ submitted by the research intensive university "Group of Eight" to the Australian Government's Department of Education, Science and Training (May 2006) is particularly relevant to the discussion on 'the external dimension' and confirms EI's concerns about the impact of the trade agenda on the Bologna process. This was issued as a response to the above-mentioned Paper of the Australian government 'The Bologna Process and Australia: Next Steps'. The Paper notes: 'In the modern global marketplace successful economies are characterised by strong skills development and international partnerships in research and innovation. As Europe seeks to increase its competitive position, especially with an eye to developments in North America and Asia, the Bologna Process ... (is) seen as key ... (driver) ... of improved standards in teaching & learning and research & innovation.'

Apart from issues related to working methods and quality of cross-border provision, it is also important to consider further implications. The issue of brain drain is one of increasing concern. From EI's work in this field, it is clear that this is not just a potential, but a visible reality. In the Northern hemisphere, it is usual to hear of the movement of staff in higher education between North America and the UK or Europe. However, in recent times, increasing globalisation has led to the phenomenon of the migration of academics across a wide range of nations – East/West, North/South, developing and developed countries. This inevitably leads to brain drain for those countries from which there is a high rate of migration of academics. In particular, Africa has suffered from a depletion of its skilled workforce because of the high rate of emigration, while there has been the "brain gain" effect in the UK, due to the high rate of immigration. This is due to a number of so-called "push and pull factors" which result in movement of academics across the globe. This is an ethical concern, which should be taken into consideration when harping on about the "attractiveness" of the European Higher Education Area. A resolution on 'the Brain Drain'¹⁵ adopted at EI's fourth World Congress (July 2004), aimed at developing instruments to:

- Protect in particular the capacity of less developed countries which lose skilled personnel to brain drain.
- Protect from exploitation and discrimination in employment, skilled personnel traded from less developed countries to more industrialised nations.
- Ensure and guarantee the rights of skilled personnel who return to their home countries under fair conditions.
- Monitor and facilitate the integration of skilled personnel in their country of origin; to address the problems of supply of skilled personnel in industrialised countries and the problems of poor management of human resources in developing countries, problems which are one of the causes of brain drain.

Linked to the above-mentioned concern of trade in education, it is also important to note that, due to a process of commodification, and international efforts such as the GATS (General Agreement on Trade in Services) and the proposed EU Directive on 'Services in the Internal Market', both aiming to liberalise trade in services, higher education is becoming increasingly competitive and private interests are extending themselves. The result is that we are operating in an environment where the migration of skills leaves gaps in the system which private providers may enter. These, in turn, provide a different sort of service, which is driven by competition, and which is not the most suited to the development of knowledge and of young people.

§1.1e More Information on the Bologna Process

¹⁴ Link: <http://www.go8.edu.au/policy/papers/2006/Go8%20on%20Bologna%2019.05.06.pdf>

¹⁵ Link: http://www.ei-ie.org/worldcongress/docs/WC04Res_BrainDrain_e.pdf

More information on the Bologna Process is available from the present and past Bologna Process Secretariat Websites: www.bologna2009benelux.org/, www.dfes.gov.uk/bologna/ and www.bologna-bergen2005.no

§1.2 Research Matters

§1.2a Research Matters in the European Union (EU): Relevance for Non-EU Countries

For the past two decades, the EU, via its framework programme, has had a policy of supporting science and technology, aimed essentially at encouraging cooperation between European research players. On 18 January 2000, the EU Commission adopted a Communication entitled 'Towards a European Research Area'¹⁶ which was meant to contribute to the creation of better overall framework conditions for research in Europe. The ERA works to coordinate national research policies in the direction of shared objectives, expertise and resources. At the Barcelona European Council Meeting (March 2002),¹⁷ EU heads of state and government confirmed the ambition to give a decisive impetus to the ERA, by agreeing that the EU is to increase its global expenditure on research to 3 percent of GDP by 2010. This substantial increase was envisaged in order to enable the EU to bridge the gap with the US and Japan. The following EU directives hold particular relevance for non-EU nationals:

- (December 2004): European Council Directive "on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service" (includes doctoral students), referred to below as the "Migrant Students Directive".¹⁸
- (October 2005): European Council Directive "on a specific procedure for admitting third-country nationals for the purposes of scientific research" referred to below as the "Migrant Scientific Researchers Directive".¹⁹

When considering the issue of the admission of migrant doctoral students and of migrant scientific researchers from a European perspective, upon due consideration, and upon an examination of the above-mentioned directives, it becomes clear that there are three dimensions which need to be taken into account, in terms of cooperation and integration on these 2 themes:

- i. The EU Level: Involving 27 Member States - This is the level at which there is most integration, as it is a system subject to the supra-national character of the European Community, based on the binding system of EU law.
- ii. The European Level - This is a wider context, referring to the European Continent. This is the level at which work on the Bologna Process (46 European States) and within the Council of Europe (47 Member States) is done. The Bologna Process envisages an *ad hoc* framework, with a Bologna Follow-Up Group and Ministerial Meetings every 2 years. The Council of Europe is an organisation based on international law, and which is competent to adopt international law. It applies to the European level in terms of its practical geographical extent and mission. At this level the work done can be of 2 types:
 - The *ad hoc* formulation of the Bologna Process, which although having the characteristics of an international treaty, is not binding. Rather, it is a soft law exercise, with a great spirit of cooperation, and peer pressure and periodic stock-taking.
 - In the Council of Europe, the adoption of international treaties or other instruments.
- iii. The International Level - The following are the most prominent fora in which higher education and research are taken into consideration at this level:
 - UNESCO (192 Member States and 6 Associate Members in the fields of education, science, culture and communication).

¹⁶ Link: <http://ec.europa.eu/research/era/pdf/com2000-6-en.pdf>

EU Webpage on the ERA: http://ec.europa.eu/research/era/index_en.html

¹⁷ Conclusions (see pp.20): http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/71025.pdf

¹⁸ Link: http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_375/l_37520041223en00120018.pdf

¹⁹ Link: [http://eur-](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lq=EN&numdoc=32005L0071)

[lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lq=EN&numdoc=32005L0071](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lq=EN&numdoc=32005L0071)

- OECD (30 member countries, and active relationships with some 70 other countries, NGOs and civil society).
- WTO, the World Trade Organisation (150 members).

In terms of process, efforts at the international level are increasingly subject to difficult negotiations and compromise. Due to such difficulty in the process, apart from the classical form of international treaties (subject to the signature and subsequent ratification by national parliaments), there is an increasing diversity in the form of the agreements, which includes guidelines, recommendations, resolutions and others. The binding nature of these varies, depending on the parties adopting them, in terms of their competence and the political will.

The issue of admission of migrant doctoral students and that of admission of migrant scientific researchers into host countries is one which clearly appears at all 3 levels, in terms of the rules and procedures put into place at the respective levels.

In short, the relevant efforts at each level on the issue **of admission of migrant doctoral students** can be described as follows:

- **The EU Level:** The relevant document here is the "Migrant Students Directive", referred to above. Art.249 of the EC Treaty, provides that a directive is binding upon each Member State as to the result to be achieved, but leaves the choice of form and methods to the national authorities. As is stated in the preamble, this directive applies to all the EU Member States, with the exclusion of Ireland, the UK and Denmark.²⁰

Art.2b of the directive defines the term "student" as including those third country nationals admitted to a Member State to pursue a doctoral degree as their main activity.

In setting out the reasons for the adoption of the directive, the preamble refers the objective of Community action to 'promote Europe as a whole as a centre of excellence for studies and vocational training', and the promotion of 'the mobility of third country nationals to the Community for the purpose of studies as a key factor in that strategy'.

- **The European Level:** One of the action lines of the Bologna Process is the promotion of mobility. The Bologna Declaration refers to "the effective exercise of free movement with particular attention to students, access to study and training opportunities and to related services". Doctoral programmes also constitute another action line of the Bologna Process. In view of the issue of migration of doctoral students as such, it is relevant to consider that the Bergen Communiqué refers to the "need to achieve an overall increase in the numbers of doctoral candidates taking up research careers within the EHEA".

On 12 July 2006, the Committee of Ministers of the Council of Europe adopted a "Recommendation on the admission, rights and obligations of migrant students and cooperation with countries of origin",²¹ in which the definition of the term "student" is not as specific as in the above-mentioned EU "Migrant Students Directive", but refers to "a course of study that will lead to the award of a qualification" and can thus be considered to also include doctoral students. The recommendation has a wider reach than the EU directive, as it is addressed to the 46 Member States of the Council of Europe. However, in accordance with the Council of Europe Statute, a recommendation by the Council of Ministers is is not binding on the Member States. The preamble of the recommendation refers to a number of issues, including:

- The right to education.
- The importance of human capital as a resource that can contribute to sustainable development and social and economic progress.
- The aim of mobility to increase students' professional qualifications and skills.
- The need to improve the legal status of migrant students and to facilitate their access to educational institutions and educational resources and to social and economic rights in the member states, on conditions similar to those of national students.

The EU and Council of Europe texts are similar in that they both make provision for:

²⁰ By virtue of a protocol to the Treaty of Amsterdam [Treaty of the EU, 1997] these 3 countries have a special position, which allows them to opt out of adherence to certain directives, in the same way they opted out from the European Monetary Union and the Schengen Agreement.

²¹Link:<https://wcd.coe.int/ViewDoc.jsp?id=1019671&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

- The conditions for admission of migrant students.
- The prevalence of more favourable conditions than those mentioned in the texts.
- The granting of residence permits to third country nationals as referred to in the directive/migrant students.
- The possibility of employment opportunities within the hosting state.
- The possibility to pursue part of the course of study in an institution in another member state, and participate in exchange programmes.
- Procedural guarantees and transparency.

However, the Council of Europe text is different to the EU directive in that it makes more emphasis on the amount of the rights of migrant students, namely by also making reference to access by such students to healthcare, and access to university accommodation, or, if none is available, to social housing. The text of the Council of Europe Recommendation makes reference to the EU "Migrant Students Directive", yet when taking the above into consideration, it becomes visible that there is a clear distinction between the two documents in terms of the extent of the binding effect of thereof, and the reasons giving rise to their adoption. This also translates, in turn, into a clear distinction between the first 2 levels.

- **The International Level:** At the international level, GATS Supply Mode 2 makes it possible for there to be 'consumption abroad', without further qualification or regulation. As an international treaty, the GATS is binding, but opening up to the mobility of students is only possible to the extent that the different WTO members take commitments with respect to higher education services. The issue of mobility of students gives rise to further implications on an international level. EI's position paper on 'Globalisation, GATS and Higher Education',²² adopted in 2004, refers to problems in terms of balancing the movement of students from the developing to the developed world, with a need to minimise brain drain from the developing world, and the domestic impact for "export" countries, as higher education institutions continue to increase the number of foreign students studying in particular countries.

The UNESCO and OECD 'Guidelines for Quality Provision in Cross-border Higher Education' then provide an international framework to protect students and other stakeholders from low-quality cross-border provision and disreputable providers. They aim to sustain the development of quality cross-border higher education that meets human, social, economic and cultural needs. The Guidelines set out how governments, higher education institutions/providers, student bodies, quality assurance and accreditation bodies, academic and professional recognition bodies of the sending country and receiving country could share responsibilities, while respecting the diversity of higher education systems. However, as the name suggests, the guidelines are merely such, and do not have any binding effect. They would not supersede individual countries' authority to regulate the quality assurance and accreditation of their own higher education system.

In short, the relevant efforts at each level on the issue of **admission of migrant scientific researchers** can be described as follows:

- **At the EU Level:** The relevant document here is the "Migrant Scientific Researchers Directive" referred to above. As is stated in the preamble, this directive applies to all the EU Member States, with the exclusion of the UK and Denmark.

The rationale behind this directive can be most adequately described by what is stated in paragraph 4 of the preamble thereto. This provides that the "number of researchers which the Community will need by 2010 to meet the target set by the Barcelona European Council in March 2002 of 3% of GDP invested in research is estimated at 700 000. This target is to be met through a series of interlocking measures, such as ... opening up the Community to third-country nationals who might be admitted for the purposes of research."

In short, the following are a number of the aspects of this directive:

- It aims to make the Community more attractive to researchers from around the world and to boost its position as an international centre for research.

²² www.ei-ie.org/highereducation/en/policy.php

- It allows for the drawing up of bilateral and multilateral agreements to provide for this issue on a much more sophisticated level and in a manner which is more favourable than the directive itself.
- The flexibility of the procedure envisaged in the directive is very practical in terms of the Lisbon Objectives and facilitates the realisation thereof, in relation to the scope of the proposed directive.

On an close reading of the directive, a number of positive aspects emerge, such as:

- Rights afforded to third country students and researchers and non-discrimination and the equal treatment thereof.
- Emphasis on transparency and the reporting back process, which also discourages any exploitation of would-be researchers or students, or the misapplication of the directives.
- The possibility of the mobility of the concerned researchers within the ERA, which is very important in terms of quality of research.

However as no similar directive in research fields other than scientific research has been adopted or proposed, this particular EU policy instrument largely ignores the importance of research in the humanities and social sciences and the need for an increasing number of researchers also in this field. Furthermore, even though paragraph 6 of the preamble provides that the application of this directive should not encourage brain drain from developing or emerging economies, concerns regarding this issue necessarily arise, as it is inevitably from such countries that brain drain does occur. This is evident from current data on migration from south to north (particularly visible between South Africa and the United Kingdom), and migration from East to Western Europe, lately enhanced following the recent enlargement of the EU, and new phenomena such as that of the "Polish plumber".

This Directive was accompanied by:

- (September 2005): A Recommendation by the European Parliament and Council of Ministers 'to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research'.²³
 - (October 2005): A Council Recommendation 'to facilitate the admission of third-country nationals to carry out scientific research in the European Community'.²⁴
- **The European Level:** The Council of Europe does not have specific policy document referring to the admission of migrant scientific researchers. Admission of such persons would then be likely to fall within the ambit of the 1977 "European Convention on the Legal Status of Migrant Workers".²⁵ Unlike the above-mentioned "recommendation on the admission, rights and obligations of migrant students and co-operation with countries of origin", this has the status of an international treaty, and as such is binding on the Member States of the Council of Europe. However, the Council of Europe text is a generic treaty as it refers to workers in general, whereas the above-mentioned "Migrant Scientific Researchers" Directive is specific, and as such makes concessions for such migrant scientific researchers that are not applicable to other workers in general.
- **The International Level:** At the international level, under the GATS, "research services" are specifically considered as one of the areas in which WTO members are expected to make commitments, and thus contribute to the progressive liberalisation in the provision of such services. As an international treaty, the GATS is binding, though to the extent that the different WTO members take commitments with respect to research services. Against this background, in terms of admission of Migrant Researchers, GATS Supply Mode 4 makes provision for the presence of natural persons, which refers to the temporary entry of people from one member providing a service in the territory of another member. Yet again, this is more general than the above-mentioned "Migrant Scientific Researchers" Directive of the EU. The 1991 version of the UN CPC (United Nations Central Product Classification)²⁶ System, which was used in making the GATS Specific Commitments in 1995, refers to "research and experimental development

²³ Link: http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l_289/l_28920051103en00230025.pdf

²⁴ Referred to above, in the table listing EU policy instruments on research.

²⁵ Link: <http://conventions.coe.int/Treaty/en/Treaties/Word/093.doc>

²⁶ Link: <http://unstats.un.org/unsd/cr/registry/regdnld.asp?Lg=1>

services” on: natural sciences and engineering; physical sciences; chemistry and biology; engineering and technology; agricultural sciences; medical sciences and pharmacy; other natural sciences; social sciences and humanities; cultural sciences, sociology and psychology; economics; law; linguistics and languages; and other social sciences and humanities.

§1.2b The European Charter for Researchers and the Code of Conduct for their Recruitment²⁷

On 11 March 2005, the Commission of the European Union formally adopted a European Charter for Researchers and a Code of Conduct for the Recruitment of Researchers as a Recommendation. In short, “these two documents, addressed to researchers as well as to employers and funders in both the public and private sectors, are key elements in the European Union’s policy to make research an attractive career, which is a vital feature of its strategy to stimulate economic and employment growth. Giving individual researchers the same rights and obligations wherever they may work throughout the European Union should help counter the fact that research careers in Europe are fragmented at local, regional, national or sectoral level, and allow Europe to make the most of its scientific potential”:²⁸

- In particular, the European Charter for Researchers addresses the roles, responsibilities and entitlements of researchers and their employers or funding organisations. It aims at ensuring that the relationship between these parties contributes to successful performance in the generation, transfer and sharing of knowledge, and to the career development of researchers.
- The Code of Conduct for the Recruitment of Researchers aims to improve recruitment, to make selection procedures fairer and more transparent and proposes different means of judging merit. This is so that merit should not just be measured on the number of publications but on a wider range of evaluation criteria, such as teaching, supervision, teamwork, knowledge transfer, management and public awareness activities.

The principles of both the Charter and the Code are not legally binding, as both the Code and the Charter are not legally binding texts. These should be implemented on a voluntary basis, and the process has already started. So far, three conferences were organised, promoting the implementation of the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers:

- (8-9 September 2005) ‘Turning policy into practice: Building the pool of talented researchers to achieve Europe’s goals and future innovation’, London, UK;²⁹
- (1-2 June 2006) ‘A researchers’ labour market: Europe - a pole of attraction? - The European Charter for Researchers and the Code of Conduct for their Recruitment as a driving force for enhancing career prospects’, Vienna, Austria;³⁰
- (13-15 May 2007) ‘European Researchers of Tomorrow – Crossing the Borders of Academia and Industry’, Stuttgart, Germany.³¹

EI has worked extensively on the European Charter for Researchers and Code of Conduct for their Recruitment. As part of its work thereon, EI was represented at, and made a contribution to, all three of these conferences.

§1.2c The OECD Survey on the Labour Market for Researchers

²⁷ Link: http://europa.eu.int/eracareers/pdf/am509774CEE_EN_E4.pdf This is a brochure published by the European Commission in 2005, which contains the two documents, and a clear explanation thereof.

²⁸ From the EU Commission’s webpage on the Researchers’ Charter and Code of Conduct. Link: http://europa.eu.int/eracareers/index_en.cfm?l1=15&CFID=4666332&CFTOKEN=9b82e0c2406be92d-698D5B78-0BED-FA9B-271F0F4F52478BCD

²⁹ Conference website link:

www.grad.ac.uk/cms/ShowPage/Home_page/Events/Previous_national_events/UK_GRAD_European_Conference/p!efbdaXd

³⁰ Conference website link: <http://www.eracareersaustria.at/conference/>

³¹ Conference website link: <http://www.eur-future.eu/html/english/home/home.php>

As has been seen from the above considerations, there is an ongoing trend, visible at national, European and international level, of trying to identify how current barriers between researchers and the employers who need them, can be removed. The OECD Survey on the Labour Market for Researchers analyses the current situation in OECD countries this respect. The following is the background against which this survey is set:

- Concerns of OECD countries to ensure attractiveness of research careers: to attract young people to S&T and retain national and foreign talent in S&T careers.
- The key role of the public sector (universities and public research organisations) as the main sector of employment for researchers.
- Government policy influences both demand (researchers, highly skilled) and supply (graduates).

The OECD identifies a number of barriers to the attractiveness of "EU Research Labour Markets", these being:

- The Conditions of early stage researchers are opaque, so that more career advice and information on the reality should be communicated to graduate students early on.
- Longer-term institutional funding must be preserved as employment contracts are often linked to funding.
- Making careers attractive will require non-monetary incentives such as independence, autonomy as well as indirect funding for infrastructure, labs, IT, and support staff.
- There is room for improving management of human resources at institutions, but this will require incentives for institutions.
- Linking research compensation to performance remains a challenge, and there is a need to link researcher evaluation systems with institutional evaluation.
- It is necessary to offer third country foreign researchers career prospects, while avoiding "poaching" from developing countries.

§1.2d EI Policy on Research

At its September 2005 HERSC Meeting, EI's Pan-European Structure adopted a statement on 'The European Charter for Researchers and the Code of Conduct for their recruitment'. EI currently has a Resolution on "Higher Education and Research as a Public Service",³² adopted at EI's Fifth World Congress in Berlin, Germany (2007).

§1.3 Pan-European and International Organisations on Higher Education

§1.3a The Council of Europe

The work of the Council of Europe on higher education and research focuses on issues related to the recognition of qualifications, public responsibility for higher education and research and higher education governance. The Council of Europe assists countries in higher education legislation reform, and support integration in the EHEA. In view of the Council's work's on policy on higher education. EI has strengthened its cooperation with the Council of Europe. To this end, Mr. Sjur Bergan (head of the higher education and research division of the Council of Europe) was invited to make a presentation at the EI Pan-European Structure HERSC (Higher Education and Research Standing Committee) Meeting in September 2006. By means of this presentation, the participants gained more insight into the policy-building efforts of the Council. The Council of Europe recently adopted a number of instruments on higher education and research, including:

- A Declaration on the Responsibility of Higher Education for a Democratic Culture (June 2006);³³
- A Recommendation on Academic Freedom and University Autonomy (June 2006);³⁴ and
- A Recommendation on the Public Responsibility for Higher Education and Research (May 2007).³⁵

³² Link: <http://www.ei-ie.org/congress5/en/documents.php>

³³ Link: http://dc.ecml.at/contentman/resources/Downloads/Declaration_EN.pdf

³⁴ Link: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta06/ERec1762.htm>

In view of its enhanced cooperation with the Council of Europe, EI's Pan-European Structure applied for consultative status with the Council of Europe's Steering Committee on Higher Education and Research (CDESR). EI's Pan European Structure has now been recognised as consultative members of the Steering Committee on Higher Education and has attended one meeting of the Committee in September 2007.

At CDESR's September 2007 meeting the following important topics were discussed;

- The role the Council of Europe plays regarding the implementation of the Qualifications frameworks agreed on in the Bologna Process. The Council of Europe will take the lead in this work and organise a number of European, regional and national conferences on the topic.
- Values, roles and the public responsibility for higher education in the frame of the Bologna Process. The Bologna Process has focused on structural changes and reform and less on the purposes and values of higher education. In order to focus again on these issues the Council of Europe will work on two projects on "The University between Humanism and Market: redefining its values and functions for the 21st Century" and on "Promoting intercultural dialogue in higher education". A launching conference on "New challenges to European Higher Education – Managing the complexities of a Globalised Society" is due to take place on November 20/21 2007 in Strasbourg.

§1.3b The OECD (Organisation for Economic Cooperation and Development)

The Organisation for Economic Cooperation and Development works extensively on policy development in higher education, and exerts a certain degree of influence on national policy choices. The OECD 'seeks to develop and review policies to enhance the efficiency and the effectiveness of education provision and the equity with which their benefits are shared'.³⁶ The OECD's work in this area is of great significance. The OECD organises a number of conferences, collects data, carries out projects, studies and research, and issues publications on the mentioned topics. The following are a number of key events and initiatives of the OECD in matters related to higher education and research.

§1.3bi Meeting of OECD Education Ministers on 'Higher Education: Quality, Equity and Efficiency' (27-28 June 2006, Athens, Greece)³⁷

In the words of the chairperson of this meeting, education ministers here agreed on a "new task: to go beyond growth, by making higher education not just *bigger* but also *better*." At the official opening of the Ministerial Meeting, the (then) new Secretary General of the OECD, Mr. Angel Gurría, former Finance Minister of Mexico, made a strong and controversial speech calling for change in Higher Education. He argued: "One model that surely doesn't work is the one which quite a few countries are saddled with, particularly in Europe. In these countries, higher education is publicly financed for the most part, but is inadequately resourced to meet the costs of expansion". However, rather than arguing that governments should increase public funding of higher education, Mr. Gurría stressed the OECD view "that contributions from graduates to the costs of study can be an efficient way of increasing resources". He also offered OECD's support for a new Programme for International Students Assessment (PISA) for higher education, however the meeting concluded with no clear consensus on this matter. His views were reflected in the final communiqué released by the Greek Minister as the Chair of the meeting.

During the Ministerial Meeting, EI cooperated closely with TUAC (the Trade Union Advisory Committee) and ESU (The European Students' Union – formerly ESIB). Jointly with TUAC and ESU,

³⁵ Link: [https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec\(2007\)6&Sector=secCM&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec(2007)6&Sector=secCM&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75)

³⁶ www.oecd.org

³⁷ Conference link: www.oecd.org/site/0,2865,en_21571361_36507471_1_1_1_1,00.html

EI pointed out that the growing commercialisation of higher education had adversely affected the quality of education, and stated that “assuring quality in higher education also requires that governments and institutions recognise the importance of attracting and retaining qualified staff”. EI, TUAC and ESU insisted that the path to efficiency requires collegial governance structures enabling teachers, students and other stakeholders to participate in change, rather than having change imposed upon them. EI’s participation at the Ministerial Meeting was centred around 3 main activities:

- i. Cooperation with TUAC: During the meeting, TUAC acknowledged the role of business as stakeholders, while also insisting on the role of the labour movement representing working families. TUAC and EI drew attention to the Universal Declaration of Human Rights, which states that “higher education shall be equally accessible to all on the basis of merit”. The TUAC/EI delegation found the contribution of employers, represented at OECD by the Business and Industry Advisory Committee (BIAC) to be constructive. BIAC recognised the importance of education for general development as well as vocational preparation, and supported the call on governments to accept their responsibilities. TUAC and EI however questioned the assumption that management models from the business world could be applied to higher education and warned that rules are needed for governing private sponsorship of research. Both TUAC/EI and BIAC supported the recently adopted voluntary OECD-UNESCO guidelines for quality provision in cross-border higher education.
- ii. Cooperation with ESU: In a joint letter to the Ministers, EI and ESU³⁸ addressed the Meeting on the following, in relation to the key topics of the conference:
 - Equity: EI and ESU opined that the issue of equity featured far less predominately in the Ministerial meeting than the other themes identified.
 - Quality of Education: EI and ESU referred to the negative affect that growing commercialisation of higher education has on the quality of education, and concerns on the proliferation of low-quality providers, indicating that consequently, increased public investment in higher education is needed, to ensure the maintenance of high quality standards
 - Collegiate Governance: EI and ESU stressed that traditional collegial governance structures are not contradictory with institutional efficiency.

EI and ESU opined that if higher education institutions are to fulfil their public mandate and to make their full contribution to the social, economic and cultural development of societies, a renewed public service vision of higher education must be embraced. EI’s ‘public service vision’ was put forward in a separate letter to the OECD Ministerial Meeting.

- iii. EI’s Alternative to the OECD Scenarios on the Future of Higher Education:³⁹ The Ministerial Meeting was preceded by a forum on the Future of Higher Education. During this forum, OECD presented four proposed scenarios for the future of higher education,⁴⁰ based on how four ‘major forces for change’ which might impact higher education, namely: technology, globalisation, demography, and new approaches to governance. The objectives of the Forum were to provide a forward-looking introduction to the ministerial discussions and to generate debate. The Forum was open to a wide range of invited stakeholders and to media covering the meeting. The audience comprising Ministers, ministerial staff and stakeholders expressed strong scepticism towards the four future scenarios being developed by the OECD Secretariat and their applicability to higher education systems.

As a participant to this forum, EI had the opportunity to ask questions and contribute to the discussion. In the days prior to the Ministerial Meeting, EI held a meeting for its European and OECD affiliates (26-27 June) during which, as a follow-up to the discussions held in Melbourne last December with the OECD Secretariat, participants discussed the proposed four scenarios on the future of universities and agreed to present an alternative scenario for “the

³⁸ Link: <http://data.ei-ie.org/docs/5/GHILOKAAOJGBHAIMKJOCDADEPDBN9DBYTY9DW3574HS/education/docs/DLS/2006-00171-01-E.doc>

³⁹ Link: <http://data.ei-ie.org/docs/7/GHILOKAAOJGBHAIMKJOCDADEPDBN9DBYTY9DW3574HS/education/docs/DLS/2006-00172-01-E.doc>

⁴⁰ This was linked to the above-mentioned project on future scenarios for universities.

Public Service University” in a response to the OECD proposals, annexed to the above-mentioned EI-ESIB Joint letter.

In this response, EI opined that none of the scenarios presented by the OECD are particularly desirable from the standpoint of academic staff, and that overall, the scenarios present inadequate descriptions of how a sustainable higher education system could develop in any OECD country. EI indicated that the proposed OECD scenarios form an inadequate basis on which to draw out the future because they are focused on short term political and economic drivers which are subject to change. EI’s alternative scenario for “the Public Service University” is characterised by public funding, integration of teaching and research, tenure and academic freedom, and equity and access for students.

The outcome of the June Meeting of Education Ministers shows just how relevant the work of OECD is to developments in higher education in Europe. This was an important meeting, where EI and its partners left an impact, but will consult rapidly on next possible steps, in light of the positions taken by the OECD Secretary General

§1.3bii OECD Study on ‘Funding Systems and their Effect on Higher Education Systems’

The OECD Institute for Management in Higher Education (IMHE) organised a series of workshops in line with an international study undertaken on funding of higher education undertaken by the Institute of Strategic Management at the Johannes Kepler University in Linz, Austria. The first workshop was held in Prague, Czech Republic, in 2004, and the second workshop was held in Porto, Portugal, in 2005. During the second workshop, it was agreed that the study would focus around the following issues:

- What are the main features of different funding systems of higher education?
- Are there formal, explicitly stated interrelationships between funding systems and national higher education policies?
- What are the intended and unintended effects of funding systems on higher education in general and on the basic core tasks teaching and research?
- Do funding systems influence institutional strategies? If yes, how do institutions respond strategically to funding systems?
- What are the strengths and weaknesses of funding systems?

The countries taking place in this study are the following: Austria, Czech Republic, Denmark, Germany, Ireland, Latvia, Norway, Portugal, and the Slovak Republic - with Latvia and the Slovak Republic being non-OECD countries. EI was present for the third workshop (14 September 2006, Paris, France). From this workshop, it was evident that the main trends in terms of financing of higher education are: ongoing and extreme reform, introduction of performance-based assessments, increase in research funds on a competitive basis. A typical reform along these lines is currently being implemented in Ireland.

§1.3biii The OECD ‘Future of Higher Education’ Project (also known as ‘University Futures’)

This is an ongoing project, launched by the OECD’s Centre for Educational Research and Innovation (CERI) in 2004. This project intended to stimulate discussion amongst stakeholders and policymakers on the various options available to member countries in responding to perceived challenges facing their higher education systems. It also intended to identify and reflect upon the trends and drivers that would supposedly reshape higher education over the next 15-20 years. In developing future scenarios, the project highlights 5 themes through a series of thematic meetings that explore key drivers of change for the future of higher education: technology, demography, globalisation, academic research and labour market demand. A brain storming session was organised by EI with the OECD coordinator of this project (Stephan Vincent Lancrin) at the December 2005 EI International Conference on Higher Education and Research (Melbourne Australia).

EI participated in the following events that OECD organised in relation to this project:

- OECD Meeting Conference on 'The Future of Higher Education: the Stakeholder's Perspective' (22-23 June 2006, Istanbul, Turkey). This conference convened around sixty higher education stakeholders (governments, local authorities, institutions, academics, students, businesses, trade unions, politicians and civil society) to discuss their changing expectations about roles in higher education. It was an opportunity for all stakeholders (including EI) to share their views and contribute to this project. The outcomes of this meeting were also brought to the attention of the participants of the Ministerial Meeting.
- OECD Meeting on the Future of Academic Research (19-20 October 2006, Vienna, Austria): EI was among the participants of this meeting, which comprised policymakers, university administrators, students, academic researchers, and industry and labour representatives. The meeting addressed the issues of trends and drivers of change in academic research; policy and regional responses and their impact on higher education systems; and the future of science and its impact on the future of academic research. During a scenario-building exercise for the future on academic research, some participants developed 4 possible scenarios (global elites in which academic research is concentrated in a handful of elite universities with a global focus and where local and regional institutions focus only on teaching; local public in which resources are spread more widely and where institutions are more focused on serving local research needs; Microsoft rules in which academic research as we know it has disappeared, with most research now funded and overseen by private companies and foundations; and local markets in which university research is privately funded by local companies). Other participants could not agree on any scenarios but debated the need for concentrating research. Among the conclusions, it was noted that no one scenario would adequately capture the desired future of universities. Rather, a combination of all scenarios are likely to characterise higher education systems in the future.
- OECD Meeting on 'How Might the Labour Market Transform Higher Education (12-13 February 2007, Paris, France): This expert meeting convened 30 participants from 16 countries and from diverse occupational backgrounds: economists, sociologists, educational experts, trade unions, business unions, university representatives, student representatives and policy-makers – among them, EI. The meeting aimed to identify recent trends and expected changes in OECD labour markets in the coming decades and how these changes might affect higher education in the future. It prolonged the work under the other strands of the CERI project on the Future of Higher Education. This meeting addressed the following issues: changes in the economy - skill and job forecasts; whether there is a risk of skill mismatches and 'over-education' in the transition of graduates into the labour market; the responsiveness of tertiary education institutions and systems; and possible scenarios on how the labour market might transform higher education. Different participants organised their discussion on possible scenarios around three dimensions: the labour market and production characteristics; the stability of the labour market; and governance of higher education.

§1.3biv OECD Thematic Review of Tertiary Education⁴¹

Due to many OECD countries' experience of rapid growth in tertiary education, and the new pressures being faced by their tertiary education systems, the OECD's Education Committee requested a major review of tertiary education. 24 countries participate in this review: Australia, Belgium (Flanders), Chile, China, Croatia, Czech Republic, Estonia, Finland, France, Greece, Iceland, Japan, Korea, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Spain, Sweden, Switzerland, and the UK. The review examines how the organisation, management and delivery of tertiary education can help countries achieve their economic and social objectives. It focuses primarily on national policies for tertiary education systems rather than on institutional policies and practices. The draft synthesis report includes discussions and policy proposals in key areas such as the economic and social objectives of tertiary education and trends and values in tertiary education; sustainability, structures, links and mechanisms to ensure quality; mobilising adequate funding resources and creating solid basis for funding tertiary education; and national policies and mechanisms to ensure effective governance. Furthermore the areas of effectiveness of

⁴¹ Link: http://www.oecd.org/document/9/0,3343,en_2649_34859749_35564105_1_1_1_1,00.html

academics; equity in tertiary education; enhancing the role of tertiary education in research and innovation; strengthening links with the labour market; and discussions about the internationalisation of tertiary education are dealt with. Finally the OECD is also introducing a discussion on how to develop and implement tertiary education policy. The draft synthesis report is emphasising market solutions, effectiveness and streamlining the governance and organisation of the higher education institutions. The importance of higher education for economic objectives is underlined whereas other important purposes of higher education such as strengthening democracy or ensuring critical citizens is less recognised.

The overall purpose of the review is to provide policy makers with information and analysis to assist them in formulating and implementing policies to achieve national social and economic objectives through tertiary education. It has several key objectives:

- To synthesise research-based evidence on the impact of tertiary education policies and disseminate this knowledge among participating countries.
- To identify innovative and successful policy initiatives and practices.
- To facilitate exchanges of lessons and experiences among countries.
- To identify future policy options.

The review will produce a range of outputs that will be disseminated through print and electronic means, workshops and seminars:

- A framework to guide analysis and policy development.
- Country Background Reports produced by all participating countries.
- Country Notes for all countries visited by teams of experts.
- Commissioned papers.
- Proposals for data development.
- A final comparative report with the conclusions of the study (Spring 2008).

Timelines and Developments so far:

- In April 2004, countries agreed on the framework, scope and process for the review and identified the major issues for investigation and the review was officially launched. (See Guidelines for country participation).
- The 1st workshop of participating countries, hosted by the Swiss Federal Office for Professional Education and Technology, was held in Bern on 6-7 June 2005.
- Review visits by experts to countries participating in the Country Review strand began in March 2005 and will continue until September 2006. Country Background Reports will be posted on the website as they become available.
- The 2nd workshop of participating countries was held on 26-27 January 2006 at OECD in Paris.
- The third workshop of participating countries, hosted by the Czech Ministry of Education, Youth and Sport, was held in Prague on 30 November - 1 December 2006.
- The fourth workshop of participating countries was held at OECD in Paris on 27-28 September 2007. Drafts of the chapters for the final report were discussed and commented upon.
- Review teams are preparing Country Notes based on their site visits. The majority of them will be posted on the Country Reviews page as they become available.
- The final synthesis report will be completed early 2008. Dissemination activities will then be launched.

EI participated through TUAC delegation in the first two and the fourth of the above-mentioned workshops for participating countries.

§1.3bv 'PISA for Higher Education' Proposal

For more information on this, see Section 3 on 'International Rankings of Higher Education Institutions'.

§1.3c UNESCO

UNESCO has reorganised its Education Sector into four divisions, one of which deals with higher education and VET (vocational education and training), including teacher education.

UNESCO has also recently decided to update and re-launch the Committee in charge of the follow-up of the 1998 World Conference on Higher Education⁴². The UNESCO General Conference on November 1st 2007 requested the Director-General to convene a World Conference on Higher Education+10 event in 2009 to take stock of developments since 1998 and to re-examine the Framework for Priority Action for Change and Development in Higher Education adopted in 1998 so it can provide a basis for UNESCO's activities to promote access to quality higher education; This event will be preceded by regional events which could constitute the basis for the global debates;

UNESCO also held a Colloquium on Research and Higher Education Policy entitled 'Universities as Centres of Research and Knowledge Creation: An Endangered Species?' (29 November-1 December 2006, Paris, France). EI was present for this second international colloquium organised by UNESCO's Forum on Higher Education, Research and Knowledge, and which brought together more than 800 researchers, policy-makers, experts and stakeholders from all parts of the world. The colloquium focused on the challenges facing universities in sustaining adequate programs of research and inquiry. While these challenges vary considerably between and even within nations, the general question posed in the colloquium was whether current developments such as the commercialisation and globalisation of university research are limiting universities to being institutions of knowledge dissemination rather than knowledge creation.

§1.3d UNESCO and OECD

UNESCO has elaborated 'Guidelines on Quality Provision in Cross-border Higher Education'⁴³ in cooperation with the Organisation for Economic Cooperation and Development (OECD). These Guidelines were issued as a Secretariat document following the resolution of the 33rd Session of the UNESCO General Conference (October 2005). Within OECD, the Guidelines were adopted as a Recommendation of the OECD Education Council to the OECD Member States.⁴⁴ These Guidelines are based on United Nations and UNESCO principles and instruments, and aim to serve as an educational response to the growing commercialisation of higher education.

The initiative to develop these Guidelines is a follow-up to a resolution adopted by the 32nd General Conference of UNESCO (29 September-17 October 2003), inviting the Director-General to develop practices and principles to guide cross-border provision of higher education, drawing on the competence of UNESCO and other international agencies, in cooperation with quality assurance agencies and educational providers. This resolution confirmed the leading role of UNESCO in higher education, as reasserted through the World Conference on Higher Education (WCHE, 1998, WCHE+5, 2003) and the Global Forum on International Quality Assurance, Accreditation and the Recognition of Qualifications (2002, 2004).

The UNESCO-OECD Guidelines on 'Quality Provision in Cross-Border Higher Education' were developed through a drafting process (April 2004 to March 2005) consisting of 3 international drafting meetings - for which EI was present, and to which EI contributed extensively - and a public consultation of the text. The objective of the drafting process was to elaborate guidelines based on the specific needs of Member States and addressing real problems. All UNESCO and OECD Member States, experts from UNESCO and OECD Member States as well as stakeholders including EI, higher education institutions, student associations, quality assurance and accreditation agencies, recognition agencies, professional bodies, the private sector and other international organizations were invited to take part in the process.

⁴² Link to conference website: <http://www.unesco.org/education/educprog/wche/eng.htm>

⁴³ Link to the Guidelines in English French and Spanish: http://portal.unesco.org/education/en/ev.php-URL_ID=48330&URL_DO=DO_TOPIC&URL_SECTION=201.html

⁴⁴ Link to the Recommendation: <http://webdomino1.oecd.org/horizontal/oecdacts.nsf/Display/9A81109A12021464C125729700321ABF?OpenDocument>

These Guidelines address key higher education issues in a more globalised society and are equally relevant for developed and developing countries. The Guidelines were conceived as being voluntary and non-binding in character and as providing orientation for developing national capacity and international cooperation in this area. They are neither a normative nor a standard-setting document. The Guidelines propose tools and a synthesis of best practices that can assist Member States in assessing the quality and relevance of higher education provided across borders and to protect students and other stakeholders in higher education from low-quality higher education provision. They address six stakeholders in higher education: governments; higher education institutions/providers including academic staff; student bodies; quality assurance and accreditation bodies; academic recognition bodies; and professional bodies. They provide a set of orientations to practitioners, and seek to promote mutual trust and international cooperation between providers and receivers of cross-border higher education

§1.3e UNESCO and ILO - CEART

In October 2006, EI submitted its report to CEART⁴⁵ on the UNESCO/ILO Recommendation Concerning the Status of Teachers (1966), and the UNESCO Recommendation Concerning the Status of Higher Education Teaching Personnel (1997)⁴⁶. CEART is the Joint ILO-UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers. CEART's task is to examine reports on the application of the Recommendation submitted by governments, by national organisations representing teachers and their employers, by the ILO and UNESCO, and by relevant intergovernmental or non-governmental organizations. The committee of independent experts meets every three years to examine the means and procedures for implementing the two Recommendations on the status of teachers. It then draws up its own report, in which it communicates its findings to the ILO and UNESCO, so that they may take appropriate action.

In the part of the EI report to CEART pertinent to the 1997 UNESCO Recommendation on the Status of Higher Education Teaching Personnel, EI focused on two main issues:

- Academic freedom and tenure for teachers: The report stresses that these are crucial to education systems that are free from political, economic, ideological or religious influences. It also notes that recently teachers experienced more centralised control over curriculum and pedagogy, along with interference in educational matters by government authorities, the media and the church. Globalisation, commodification and market forces all increase these pressures on free academic inquiry and research.
- Collegiate governance: The report notes that while collective decision-making is acknowledged to be of utmost importance, and faculty participation in governing bodies used to be guaranteed, today academic personnel are excluded from governing bodies of higher educational institutions to an unprecedented degree. In the report, EI strongly opposes the trend toward unilateral management of higher education institutions and advocates a return to collegiate governance.

EI presented its Report to CEART at the EI press conference and Round Table for World Teachers Day on 5 October 2006, and was present for the Ninth session of CEART (30 October – 3 November 2006), where it stressed the fact that in all major areas addressed, key elements of the Recommendations are disregarded.

The Report of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART)⁴⁷ (referred to below as 'the CEART Report') recommends that all parties concerned should see that the relevant provisions of the Recommendations are promoted, implemented and observed. Noting in particular that the 1997 Recommendation is not well known or even totally unknown, it recommends 'as a matter of urgency' that UNESCO and ILO should 'take steps to better promulgate the contents of the 1997

⁴⁵ EI Report. Link: [www.ei-ie.org/statusofteachers/file/\(2006\)%20EI%20Report%20to%20the%20CEART%20en.pdf](http://www.ei-ie.org/statusofteachers/file/(2006)%20EI%20Report%20to%20the%20CEART%20en.pdf)

⁴⁶ Link for the 1997 UNESCO Recommendation Concerning the Status of Higher Education Teaching Personnel: http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html

⁴⁷ Link: <http://www.ilo.org/public/english/dialogue/sector/techmeet/ceart06/cearttr.pdf>

Recommendation to governments, university governing bodies and staff organizations involved in higher education, as well as to regional bodies (such as, for example, the Association of African Universities)'.

EI was present for the 96th session of the International Labour Conference (ILC) Committee on the Application of Standards, where 'the CEART Report' was discussed. In its address, EI referred to the following issues:

- While 'the CEART Report' clearly shows that some progress has been made in almost all the areas addressed, the two Recommendations are not being properly applied or are being largely disregarded in the current policies of many governments.
- The Committee has made a number of Recommendations to all stakeholders, and EI sincerely hopes that all will face up to their responsibilities. Teaching unions nationally and within their international organisation will continue to press for the two Recommendations to be implemented, not least by producing promotional material and staging many activities, especially for World Teachers' Day on 5 October. EI referred to its international conference on higher education and research this coming November, focused on the principles of the 1997 Recommendation.
- EI called on the other stakeholders, governments, employers and agencies to shoulder their responsibilities so that the relevant provisions of the two Recommendations are applied through dialogue with teaching personnel and their representative organisations.

During this session 'the CEART Report' was unanimously adopted by the ILC and by the UNESCO General Conference last October.

§1.3f The WTO - Trade in Education and GATS (the General Agreement on Trade in Services)

EI has continued its work on GATS, the following being a number of initiatives in this respect:⁴⁸

- (July 2004) 'Resolution for a New International Instrument for Higher Education' adopted at EI's 4th World Congress in Porto Alegre, Brazil.
- (October 2004) EI package on 'Globalisation, GATS and Higher Education' consisting of campaigning documents intended for use by EI and affiliates; strategy documents and working tools to assist in the delivery of the strategy; and the policy resolution.
- (April 2005, UNESCO, Paris, France) Organisation of a Conference on 'GATS and Education'.
- (December 2005) 'Statement to the Delegations to the 6th WTO Ministerial Concerning GATS and Education' at EI's International Conference on Higher Education and Research in Melbourne.
- (2005 – 2007) A series of lobby meetings in Geneva,
- (December 2006) New EI GATS Kit to assist affiliates in national lobbying.
- (Ongoing) Regular issues of "TradEducation News". The format of this news has recently been changed from (previous) bi-monthly issues to frequent news updates on GATS.

§1.4 EI's Work on Higher Education and Research

The following is a break-down of EI's recent main initiatives in higher education and research.

§1.4a Cooperation with Other Organisations

At the European level, EI has reinforced its cooperation with ESU (the European Students' Union – formerly ESIB – with which it signed a partnership agreement in 2004), and has been more involved in the work of the Council of Europe. At the international level, EI has continued its cooperation with UNESCO and the ILO.

§1.4b Events Organised

⁴⁸ For more information on GATS and on EI's work on GATS, and the GATS package (2007), please consult the materials for the Congress Breakout Sessions on GATS.

- (30 October – 1 November 2003, Dakar, Senegal): EI International Conference on Higher Education and Research.
- (21-23 October 2004, Gdansk, Poland): EI-Europe HERSC (Higher Education and Research Standing Committee) Meeting.
- (10 February 2005, Brussels, Belgium): EI-Europe HERSC Meeting.
- (11/12 February 2005, Brussels, Belgium): EI Conference: From Bologna to Bergen: A mid-term review from the Academics' point of view
- (26-28 September 2005, Brussels, Belgium): EI-Europe HERSC Meeting.
- (7-9 December 2005, Melbourne, Australia): EI 4th International Higher Education and Research Conference.
- (16-18 March 2006, Sesimbra, Portugal): EI HERSC Meeting.
- (26 June 2006, Athens, Greece): Meeting for EI's OECD and European affiliates in conjunction with the OECD Education Ministers Meeting.
- (8 September 2006, Jakarta, Indonesia): EI-Asia-Pacific Higher Education Caucus.
- (14-16 September 2006, Sofia, Bulgaria): EI Central and Eastern European Round Table, which included a session on recent developments in higher education.
- (20-21 September 2006, Brussels, Belgium): EI working seminar with UNESCO.
- (26-28 September 2006, Oslo, Norway): The EI HERSC Standing Committee Meeting.
- (5 October 2006, Brussels, Belgium): EI Round Table on World Teachers' Day.
- (5-7 October 2006, Brussels, Belgium): EI Round Table on VET (Vocational Education and Training), related to World Teachers Day.
- (4 December 2006, Luxembourg): EI-Europe Higher Education Caucus.
- (7 February 2007, London, England): EI HERSC Meeting.
- (8-9 February 2007, London, England): EI organised an Official Bologna Process Seminar in London, England, on Mobility of Staff and Students.
- (20 July 2007, Berlin, Germany) Caucus 5th World Congress
- 11-12 October 2007, Brussels, Belgium): EI HERSC Meeting.

§1.4c Taskforces Set up

- (2005 - 2007) Set up a VET (Vocational Education and Training) Task Force.
- (2003 - 2004) Set up a Task Force on the Impact of Globalisation on Higher Education.

§1.4d Studies and Reports

- (February 2005) Study on 'the Role of Academics in the Bologna Process'.
- (October 2005) Study on the situation of academic freedom in Latin America: 'Academic Freedoms in neo-liberal times. A glance from Latin America'.
- (February 2006) Study on 'The Status of Higher Education Teaching Personnel in Australia, Canada, New Zealand, the United Kingdom, and the United States'
- (June 2006): Survey on 'The impact of privatisation and the casualisation of the functioning of institutions and career development in higher education in a context of reform: Towards restructuring higher education?'
- (September 2006) EI Report to CEART on the Implementation on the 1966 Recommendation on the Statue of Teachers, and on the 1997 Recommendation Concerning the Status of Higher Education Teaching Personnel.
- (March 2007): 'Constructing Paths to Staff Mobility in the European Higher Education Area'.
- (Ongoing) Report on Advancing Gender Equity for the EI International Higher Education and Research Conference in Malaga, Spain (November 2007).
- (Ongoing) report on academic freedom and mobility of staff for the EI International Higher Education and Research Conference in Malaga, Spain (November 2007).

§1.4e Key External Events Attended

- (October 2004; January 2005: Paris France; Tokyo Japan): 2nd and 3rd UNESCO-OECD Drafting Meetings for Guidelines on "Quality Provision in Cross-Border Higher Education".
- (11-12 October 2004, Sydney, Australia): UNESCO-OECD Forum on Trade in Education.
- (22-23 February 2005, Paris, France): UNESCO Round Table on the Revitalisation of Higher Education in Iraq.
- (6-8 April 2005, Paris, France): UNESCO NGO Consultation.
- (19-20 May 2005, Bergen, Norway): Bologna Process Ministerial Meeting.
- (6-7 June 2005, Bern, Switzerland): OECD Thematic Review of Tertiary Education 1st Workshop of Participating Countries.
- (October 2005) UNESCO General Conference, Paris France
- (24-25 October 2005, Santiago, Chile): OECD Global Forum on Education
- (26-27 January 2006, Paris, France): OECD Thematic Review of Tertiary Education 2nd Workshop of Participating Countries.
- (18-19 September 2006, Paris, France): Meeting of the Follow-Up Committee of the World Conference on Higher Education Higher Education
- (30 October – 3 November 2006, Geneva, Switzerland): 9th Session of CEART
- (14-16 November 2006, Geneva, Switzerland): United Nations Conference on Trade and Development (UNCTAD): "Expert Meeting on Universal Access to Services".
- (29 November – 1 December 2006, Paris, France) UNESCO Colloquium on Research and Higher Education Policy – 'Universities as Centres of Research and Knowledge Creation: An Endangered Species?'
- (20-25 January 2007, Nairobi, Kenya): 7th Edition of the World Social Forum.
- (17-18 May 2007, London, England): Bologna Process Ministerial Meeting.
- 16-17 April 2007, Paris, France): TUAC Education Committee Meeting.
- (1 June 2007, Geneva, Switzerland): The 96th session of the International Labour Conference Committee on the Application of Standards.
- (20-21 September, Strasbourg, France): CDESR, Council of Europe
- (27-28 September 2007, Paris, France): OECD Thematic Review of Tertiary Education 4th Workshop of Participating Countries.
- (3-4 October 2007, Lisbonne, Portugal) Bologna Follow-up Group
- (October/November 2007) UNESCO General Conference

§1.4f Publications

- (2004) Brochure on 'The 1997 UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel'
- (2005) Brochure on the Bologna Process.

SECTION 2: ACADEMIC FREEDOM

Please see the specific report on this issue "Academic Freedom Study" <http://data.ei-ie.org/docs/1/JEFHOIMDEGENHCJLGNNJCPDPPDB39DBYGW9DW3571KM/education/docs/DLS/2007-00248-01-E.pdf> and the statement adopted at the european level: <http://www.ei-ie.org/highereducation/en/policy.php>

SECTION 3: INTERNATIONAL RANKINGS OF HIGHER EDUCATION INSTITUTIONS

§3.1 The Notion of Rankings of Higher Education Institutions

University rankings - or 'league tables' as they are also known - have experienced different levels of popularity in different countries. There are all sorts of rankings – by newspapers, academic bodies, etc. Some critics have derided the whole concept of ranking institutions as a trivialisation of higher education. Critics have also pointed to weaknesses in various ranking systems in different countries. However they also appear to be used by some governments, students and parents of students.

In the US higher education system, there is a long tradition of university rankings. They have been a popular and much-used tool for decades. There are other countries where rankings are much less of a tradition, and have only been recently brought in. For instance, in Germany, it is only 5 years ago that one of the German magazines started to mention rankings - which ranks programmes, rather than institutions - and ranking is not as important as in the US, as the tradition of ranking is not so well established, and there is some measure of mistrust in rankings as they have only just started. In some cases, such as that of small higher education systems (e.g. in Malta, Luxembourg, etc.) rankings at the national level do not feature at all. As another example, the United Kingdom is somewhere in the middle between central European countries and the US. Though rankings have not been used for as long as they have been in the US, they are now quite an elaborate and sophisticated aspect of the UK higher education system, with periodical rankings issued by daily newspapers such as 'the Guardian' and 'the Times Higher Education Supplement', which use different mechanisms.

International university rankings are a fairly new phenomenon. They could be said to be of universal application due to their very nature, though how much consideration is given to these in individual countries may be another matter altogether. For instance, though both national and international university rankings are available in Japan and China, national rankings seem to be those which are most consulted. The concept of rankings is quite controversial in Europe, especially among academic staff and students. In a statement on 'typology',⁴⁹ ESU (The European Students' Union – formerly ESIB) indicates that 'such an instrument can only cause more harm to higher education in Europe and would provoke and stimulate various negative effects e.g. ranking, unproductive competition, and ruining the diversity of higher education etc.' The most popular international rankings feature those of the *Times Higher Education Supplement* and the *Shanghai Rankings* of the Shanghai Jiao Tong University Institute of Higher Education. Other attempts at rankings, typology of HEIs of comparison also exist.

§3.2 Justifications for the Use of Rankings

Justifications that are provided for the development of university rankings cover a range of issues:

1. Better information for increasingly mobile students and academics: the need for information for a growing number of mobile people in higher education.
2. Policy Advice – to Inform (and map) Policy Decisions: Policy in higher education has started to look more at where the national system ranks in the world landscape. More and more policy decisions nationally are taken with a hint of what is going on internationally. Sometimes international developments are a very clear justification of what is done as a reform package nationally.
3. Quality Assurance of Public Spending in Higher Education: in order to somehow measure what the return on investment is on the money spent. Thus, the development of an institution's international ranking may affect the amount of public funding it gets - it may even depend on an institution going up or down a ranking.
4. Measuring the Improvement of Institutions: The same rationale is used by different universities to justify certain policy decisions e.g. the amount to spending on research as compared to universities in other countries.

⁴⁹ Link: http://www.esib.org/index.php?option=com_docman&task=doc_download&gid=635&Itemid=263

5. Identifying Trends and Developments.
6. Harmonisation Pressure: Where a need is felt to compare one's own system with other systems in order to see how it is doing.

It is necessary to address the aims of such rankings, to see whether there are more adequate tools (or otherwise) to reach these aims. For instance, in terms of the justification offered in terms of mobile students and academic staff, a reasonable alternative to rankings would be the dissemination of adequate information on universities. Indeed, a list of universities in order of 'performance' has little to show in terms of different departments, areas of expertise, languages of instruction, and also non-academic aspects, such as facilities for disabled people, representation of cultural differences, tolerance within the university, etc. 'The UNESCO-OECD Guidelines on Quality Provision in Cross-Border Higher Education' show that the phenomenon of cross-border higher education requires a series of checks and balances that is made up of much more than a simple list of universities in the order of their overall performance. 'Up-to-date, accurate and comprehensive *information* on recognised higher education institutions/providers' features as a specific tool of empowerment for individuals' capacity to make their choice in terms of one higher education institution or another.

At the national level, the Times Higher Education Supplement (THES) publishes further rankings, by:

- Subject (top institutions in 62 subjects in 2006),
- Student-to-staff ratio;
- Research Assessment Exercise;
- Facilities Spending;
- Completion;
- Entry Standards;
- Student Satisfaction;
- Library and Computing Spending;
- Good Honours;
- Graduate Destinations

The THES also ranks:

- The World's top 100 science universities;
- The World's top 100 biomedicine universities; and
- The World's top social science universities.

This goes some way in addressing the concerns regarding individual disciplines, though still does not look at departments specifically, and still does not provide adequate information. Rankings are furthermore subject to further consideration in terms of concerns mentioned below in terms of criteria used.

§3.3 What is Compared in International Rankings

Looking more in-depth into the way in which such international rankings are carried out, the indicators used further give an indication of the inadequacy of rankings as a tool for comparison.

<p>The THES 'World University Rankings' (top <u>200</u> universities) uses the following as indicators:</p> <ol style="list-style-type: none"> 1. Peer Review Score – 40% (1300 academics in 88 countries) 2. Recruiter Review – 10% 3. Citations of faculty members – 20% 4. Faculty to student-ratio - 20% 5. International Faculty – 5% 6. International Students – 5% 	<p>The Shanghai Rankings (top <u>500</u> universities) use the following as indicators:</p> <ol style="list-style-type: none"> 1. Nobel prizes and international awards - 30% 2. Citations – 40% 3. Publications in 'Science' and 'Nature' Journals – 20% 4. Compensation for small universities – 10%
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A Closer Look at the THES World University Rankings Criteria:

1. Peer Review Score (40%): this refers to the appreciation of universities by 3703 academics around the world (in 2006) i.e. evaluation by people in the field internationally. Each was asked which area of academic life - science, medicine, technology, the social sciences or the arts and humanities - they are expert in, and then asked to name up to 30 universities they regard as the top institutions in their area. There are clear limitations to the use of this measure, which are extremely important, as this criterion accounts for 40% of the score. One must ask how well such academics are positioned to make judgments about the rest of the world.

2. Recruiter Review Score (10%): This is based on the opinion of graduate recruiters (as a group of outsiders), especially those who work internationally or on a substantial national scale. The sample includes people from companies in manufacturing, services, finance and transport, as well as from the public sector. 736 recruiters were sampled in 2006. They were asked which universities they like to recruit from, a question that 'reveals something about the quality of the students an institution can attract and the teaching they receive there'.⁵⁰
3. Citations per faculty member (20%): This is data derived from a citation index. It is meant as a proxy for research quality. It '... is intended to examine how much intellectual power a university has relative to its size. It is based on citations of academic papers, since these are regarded as the most reliable measure of a paper's impact' (ibid). However, it is well-known that the best citation indices are based in the US. It is also important to see which journals are looked at when there is a construction of a citation index. A main problem is that of selecting the most representative/adequate citations index. For the THES 2006 rankings data from Thomson's Essential Science Indicators (ESI) database (by Thomson Scientific in Philadelphia, formerly the Institute of Scientific Information) - processed by Evidence Ltd. in Leeds - was used. In an explanatory article (ibid), the following was noted: 'the ESI concentrates on the world's most highly cited and influential research. Our analysis uses data covering 2001-06. This ... provides a statistically valid amount - more than 40,000 papers and more than a million citations each for Texas and Harvard universities, the world's top two generators of scholarship on this measure. To compile our analysis, we divide the number of citations by staff numbers to correct for institution size and to give a measure of how densely packed each university is with the most highly cited and impactful researchers. There are well-known problems with citations as a measure of research. One is the under-representation of papers in languages other than English in citations data. Thomson is addressing this issue by sampling more journals in Asian and continental European languages. But it is also becoming less of a factor as English becomes the language of choice for academic publishing across the world'.
4. Faculty-to-Student Ratio (20%): This 'captures a university's commitment to teaching. (...) We measure teaching by the classic criterion of staff-to-student ratio. The measure of staff-to-student ratio is intended to determine how much attention a student can hope to get at a specific institution, by seeing how well stocked it is with academic brainpower relative to the size of its student body' (ibid.). Thus, if the student-staff ratio is low, this is seen as something positive. There are some limitations to the use of this as a criterion. One must question whether this really does work as a proxy, as big lectures can also play a very productive role in teaching. Furthermore, this is the only criteria that relates to teaching, counting for only 20% of the score. Can we say that this is an information tool for students?
5. International Faculty: The institution's attraction to foreign academics (5% of total score).
6. International Students: The institution's attraction to foreign students (5% of total score).

The last 2 measures concern the attractiveness of an institution to outsiders which is 'intended to determine how global universities are. This ... is intended to help mobile staff and students by giving them an impression of how international a university may be. But because this measure counts for only 10 per cent of the total score, it is not possible for an institution to do well in the overall table on this measure without being excellent in other categories' (ibid.). Some limitations also arise in the use of these two criterion: They are probably unfair to non-English speaking students; in relation to these criterion, there are restrictions in movement e.g. visa issues, etc. which do not fall within the responsibility of higher education institutions; and one must furthermore question whether the ratio of international academics really an indicator for quality.

A Closer Look at the Shanghai Rankings Criteria:

1. Nobel prizes and international awards (30%).
2. Citations (40%): The citation indices used are a bit broader than of THES, but still US-biased.
3. Publications in 'Science' and 'Nature' Journals (20%): These are the top 2. This creates a bias towards technical institutions.

⁵⁰ *Insiders and outsiders lend a balanced view.* Article by Martin Ince, 6 October 2006

4. Compensation for small universities (10%): This is an assumption (why 10% and how is it calculated exactly? Not much information on this is available at all in English).

What can be deduced from the indicators used is that a number of assumptions are made *a priori* in these 2 ranking exercises. The first assumption is in terms of what to compare. Both ranking exercises use different indicators, and both assume that these are adequate. However the basis for these assumptions (e.g. as to why a small student-staff ration is better; e.g. as to why small universities need compensation) is vague. Furthermore, practical issues such as language are bound to condition exercises of peer review. Citation indices used create a bias in favour of US Universities.

This is visible from a look at the Top 20 universities in the THES World University Rankings for 2006:

- | | |
|--|---|
| 1. Harvard University, US | 11. University of Chicago, US |
| 2. Cambridge University, UK | 12. Columbia University, US |
| 3. Oxford University, UK | 13. Duke University, US |
| 4. Massachusetts Institute of Technology, US | 14. Beijing University, China |
| 5. Yale University, US | 15. Cornell University, US |
| 6. Stanford University, US | 16. Australian National University, Australia |
| 7. California Institute of Technology, US | 17. London School of Economics, UK |
| 8. University of California, Berkeley, US | 18. Ecole Normale Supérieure, Paris, France |
| 9. Imperial College London, UK | 19. National University of Singapore, Singapore |
| 10. Princeton University, US | 20. Tokyo University, Japan |

These comprise: 11 US universities; 1 Continental European (France) University; 4 UK universities; 3 Asian universities; and 1 Australian University. From this, it is visible that there is a dominance of US Institutions, and a clear indication that other regions are not doing very well.

This is also visible from a look at the Top 20 universities in the Shanghai 'Academic Ranking of World Universities' for 2006:

1. Harvard University, USA
2. University of Cambridge, UK
3. Stanford University, USA
4. University of California – Berkeley, USA
5. Massachusetts Institute of Technology, USA
6. California Institute of Technology, USA
7. Columbia University, USA
8. Princeton University, USA
9. University of Chicago, USA
10. University of Oxford, UK
11. Yale University, USA
12. Cornell University, USA
13. University of California - San Diego, USA
14. University of California - Los Angeles, USA
15. University of Pennsylvania, USA
16. University of Wisconsin – Madison, USA
17. University of Washington – Seattle, USA
18. University of California - San Francisco, USA
19. Tokyo University, Japan
20. Johns Hopkins University, USA

These comprise: 17 US universities; 2 UK universities; and 1 from Asia (Japan)

Questions thus arise as to *what* it is exactly that should be compared during such an exercise. From the above, it is clear that uncertainties arise from what is currently being compared. An article published following the publication of the THES World University Rankings in 2006 (ibid.), noted the difficulties in choosing criteria for international comparison:

'We have considered a wide range of other criteria, such as graduate employment and entry standards, as possible quality measures. But these have all failed the test of being applicable evenly around the world. For example, a university in a particular country could show poor graduate employment figures because of the state of its national economy, not because it provided a bad education.

Likewise, universities are under pressure to produce spin-off companies and other forms of knowledge transfer. But their success in doing so will depend to a large extent on the economic system in which they are embedded. In the same way, it is impossible to devise a universal measure for entry standards'.

§3.4 How Comparisons are to be Made in International Rankings

Apart from questions on 'what' to compare, concerns also arise as *how* comparisons are to be made in international rankings. The latter issue arises from a concern that indicators which rely upon the respective universities as sources of information may yield incorrect results, or results that have been tampered with. It is also questionable whether university rankings are an exercise that can simply be left up to any organisation, or whether they are to be carried out by specific bodies of a certain expertise, particularly when it comes to comparative issues in higher education, so as to ensure the adequate consideration of all aspects of higher education that impact upon universities, and that need to be taken into account.

§3.5 The Berlin Principles on Ranking of Higher Education Institutions

Apart from the above-mentioned international ranking exercises, there have also been efforts to lay down the principles of university rankings, such as those emanating from a project of UNESCO-CEPES (European Centre for HE) and IHEP (the Institute for HE Policy, based in the US). Together, they have formed an International Rankings Expert Group (IREG) which includes select 'managers' and professors from higher education institutions in Australia, Austria, Belgium, Canada, China, France, Germany, Ireland, Japan, Netherlands, Poland, Portugal, Romania, Russia, Slovakia, Ukraine, USA, some representatives from higher education policy organisations, and representatives from the OECD, World Bank. The outcome of its second meeting, in May 2006, was a document entitled 'The Berlin Principles on Ranking of Higher Education Institutions'. The Berlin Principles comprise 16 principles, articulating standards of good practice, including recommending that rankings should:

- Recognise the diversity of higher education institutions (HEIs) and take different missions and goals of HEIs into account;
- Be transparent regarding the methodology used for creating the rankings;
- Measure "outcomes" in preference to inputs whenever possible;
- Use audited and verifiable data whenever possible;
- Provide "consumers" with a clear understanding of all of the factors used

In a position that one actually comes to accept the idea of rankings in general, the Berlin principles contribute to the discussion in a positive way in that they refer notions of diversity, transparency, quality, ethical and cultural issues. However they also make a negative contribution in the following manner:

- Principle No. 8 which indicates that rankings are to be based on a measurement of 'outcomes', thus output, rather than 'input' and 'externalities'.

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- Principle No. 15 refers to 'consumers' of higher education, which is very telling of the contribution they make to the market-based approach in higher education.

The Berlin principles are meant to serve as guidelines which groups that produce rankings are free to adopt. The IREG expects this initiative to have set a framework for the elaboration and dissemination of rankings—whether they are national, regional, or global in scope—that ultimately will lead to a system of continuous improvement and refinement of the methodologies used to conduct these rankings. Given the heterogeneity of methodologies of rankings, these principles are expected to be good ranking practice will be useful for the improvement and evaluation of ranking. That said, nothing is binding in these principles. In Berlin, the meeting participants agreed to the Berlin Principles (without formally committing their respective institutions or organisations) while UNESCO-CEPES and the Institute for Higher Education Policy have taken responsibility for widely disseminating the principles and continuing to convene these international dialogues.

The Berlin Rankings have not been formally adopted, and have not even been endorsed by the organisations to which the individual 'experts' pertain. The IREG is not a formal international grouping in the same way as an international organisation such as the Council of Europe, UNESCO or OECD, and as such they have no legal value. Indeed, the IREG could be described as a very loose gathering of those who are interested in participating with a view to advancing the idea of ranking. Indeed, the premise for the project ideated by UNESCO-CEPES and the Institute for Higher Education Policy is to somehow 'develop rankings'. Any opposition to the very idea of rankings does not seem to be welcome. This is clear by the lack of consultation, in that these two organisations did not invite other higher education stakeholders to form part of the IREG. This is very uncharacteristic of the way in which cooperation in European higher education is currently developing – both in EU and Bologna Process fora.

The IREG plans to better understand how rankings are linked to economic competitiveness and how they contribute to quality in higher education. The next gathering of the International Rankings Expert Group is planned for Shanghai in October 2007 and will include discussion of establishing a more formal and deliberative body to continue the work outlined in the Berlin Principles.

§3.6 The OECD – PISA for Higher Education

In terms of *what* to compare in international rankings of higher education institutions, other concerns arise apart from those already mentioned above. As higher education systems across the world are diverse, in terms of their regulation, cultural context, organisation, size, and priorities, a comparison of higher education institutions internationally seems to be a rather difficult and arduous task.

In October 2006, OECD published a preliminary paper on 'PISA for Higher Education',⁵¹ thus outlining first attempts at formulating a PISA-like study for higher education. This document was a first step towards introducing the 'idea' of having a PISA for higher education. Rather than concrete suggestions, it put forward a number of questions and issues to be addressed. It referred to the time period between October 2006 and March 2007 as initial exploratory phase, envisaging that terms of reference for the exploratory phase will be presented to the OECD Education Committee in April 2007, which committee would then decide on how to pursue the matter. EI has been working on this issue for a number of months, with input from affiliates on this matter, and presented a first draft paper for the TUAC Education Committee meeting in April 2007.

A number of concerns arise in consideration of the possible setting up of a PISA for higher education. PISA (the Programme for International Student Assessment) is a carried out on 14-year

⁵¹ OECD Document# EDU/EC/CERI/RD(2006)3

old children in secondary education, where three main areas – Mathematics, literacy and science – are compared. Apart from the inherent differences in terms of the greater diversity and higher level of learning that takes place in higher education, issues that arise in PISA itself could serve as an indication of the potentials and pitfalls of devising such a study in secondary education e.g. that such comparisons are unfair due to different levels of complexity in students' mother tongue, examined under 'literacy'.

The OECD document itself points to a number of key issues that indicate the complexity of setting up a PISA for higher education. These refer to 'what' and 'whom' to assess, as well as 'what to compare'. There will be an obvious difficulty in finding acceptable solutions to the large number of countries involved - for the normal PISA on 14-year olds, envisaged to be 62 countries in the next PISA study in 2009. In this context, the intrinsic complexity of the higher education sector and the obvious differences between secondary and higher education sector lead us to make a number of considerations, outlined below. Given the use of the current PISA data, a main concern would be that very simplistic conclusions will be drawn about complex higher education systems and processes.

A PISA for higher education would not so much be a comparative assessment, but more of a ranking. As higher education is an extremely competitive sector, this is not the same as carrying out the same exercise in secondary schools, and may lead to a number of negative consequences which arise from ranking. Indeed, the very notion of assessing student outcome, as referred to in the OECD document is one main criticisms against rankings and performance indicators, as these are generally detached from 'inputs' and 'externalities'. For instance, one key "outcome" that features in many rankings and performance indicators is the employment rate of students after graduation. This automatically biases results in favour of the urban universities where unemployment rates across the board are lower.

As higher education is the level of education at which specialisation takes place, the amount and branches of knowledge being dealt with are much more vast than in secondary education, where a basic education is dealt with. Whereas certain basic areas of secondary education assessed in the current PISA study (mathematics, literacy and science) are present in all secondary education institutions across the countries being examined, higher education institutions vary considerably in terms of what, and the extent to which, they teach and research a certain subject area. Thus, unlike PISA for secondary education, a PISA for higher education would indeed be comparing something which is not comparable, or excluding subject areas simply because they cannot be compared.

A key difficulty with a PISA-like study for higher education is related to a fundamental difference between secondary and higher education, as in the latter case, attendance at a college or university is not universal and is based on some selective standards. In effect, countries and institutions that have highly competitive and selective admission requirements will likely perform better on a PISA-like study than countries and institutions that are more accessible to the broader population. For instance, a study may show that public colleges in the United States produce poorer outcomes than private ones. However, this would likely be a function of the fact that public colleges are more affordable and have less restrictive admission requirements, and not necessarily a reflection of the "quality" of education students receive.

The key difficulty with a PISA-like study for higher education is that countries and institutions that have highly competitive and selective admission requirements will likely perform better than countries and institutions that are more accessible to the broader population. This makes it necessary to consider the ongoing dichotomy struggle between equality and excellence. In this respect, for instance, a study may show that public universities produce poorer outcomes than private ones, which is however most likely to be a function of the fact that the former are more affordable and thereby attract students of a disadvantaged demographic.

Though it could be said that higher education is already being scrutinised enough at present, the jury is not out against a PISA for higher education. In this respect, if it were to be set up, key elements should be included, which indicate the complexity and peculiarity of the higher education sector, namely: academic freedom for staff and students; the status of the higher education and research professional, the maintenance of the public sector ethos; and student background (demographics) and equality of access.

§3.7 Underlying Issues and Possible Alternatives to the Use of Rankings

Robinson (1999)⁵² looks at evidence from international studies on the attainment of students from different countries in international tests of literacy and numeracy and science (at secondary level). In this context, he argues:

'Barely hidden beneath the surface of the writing of many policymakers on this topic is a degree of 'panic' about Britain's relative economic performance. It seems to be widely assumed that Britain is remorselessly slipping down the international 'league table of economic prosperity'. This assumption gives a justification to the hunt for scapegoats for this alleged problem. ... The current favourite scapegoat is the education system'.

Le Métais (1999)⁵³ contends that 'the relationship between policy-makers and comparative research is like the familiar game where the apparent progress promised by the roll of the dice can be undermined by landing on a snake'. Although she largely refers to international studies based in secondary schools (e.g. the Third International Mathematics and Science Study - TIMSS, Key *et al.* 1996), she makes some arguments relevant to international league tables in higher education.

Le Métais notes: 'whilst cultural studies may simply confirm cultural differences without bringing about improvements in our own system, evaluating our performance relative to others can help to avoid 2 weaknesses of self-review: uncritical acceptances of traditional problems and traditional solutions; and undue influence of local and current priorities. Such external evidence takes us beyond the task of understanding other systems and moves us towards identifying causes and suggesting priorities for action *within our own context*. It must be borne in mind, however, that changes may be difficult to implement, have significant ramifications for other aspects of the service and may involve choices between different resource priorities'. (ibid).

While Le Métais admits that politicians operate under considerable pressures, she notes that research findings and survey reports seldom appear at the most propitious political and budgetary moment, and that media reports tend to sensationalise, often taking a negative view, and clamour (on behalf of the people) for 'solutions' or, at the very least 'action'. She stresses that education is, however, a long-term activity offering limited scope for instant reforms and no instant outcomes. She suggests that 'the optimum solution lies in a combination of research and information activities which can be drawn on in different ways, and at short notice' (ibid.). Her proposed combination includes:

- Ongoing collection of information on systems and policies and contexts in different countries (to inform cross-national meetings or visits and contextualise survey results);
- In-depth studies of curriculum and teaching, to identify the theoretical basis, and help evaluate the likely effectiveness of new incentives; and

⁵² Robinson, P. (1999): The Tyranny of League Tables: international comparisons of educational attainment and economic performance. In: Alexander, R., Broadfoot, P., Phillips, D. (eds.) (1999): *Learning from Comparing. New directions in comparative educational research*, Vol. 1, 217-235

⁵³ Le Métais, J. (1999): Snakes and Ladder: Learning from international comparisons. In: Alexander, R., Broadfoot, P., Phillips, D. (eds.) (1999): *Learning from Comparing. New directions in comparative educational research*, Vol. 2, 41-52

- Short-term case studies to evaluate initiative and identify the characteristics and circumstances which contribute to their success.

Le Métails contends: 'We need to look for a best-fit compromise between political imperatives and quality research. The most important contributor is ongoing dialogue whereby we can clarify objectives, explain constraints and identify opportunities'.

§3.8 Conclusion on Present International Ranking Exercises

At the present time, it could be said that, rather than providing an informed basis on which individuals and governments are to base their judgements and inform their choices, rankings at the international level rather provide an inadequate and 'flawed' idea of different universities at the international level. Indeed, they are rather predictable in that Universities such as Harvard, Oxford, Cambridge and other renowned universities always feature at the top. Yet they are also unreliable in that certain universities suffer a decrease or enjoy an increase of a substantial level from one year to the next. E.g. In the THES rankings, there are some moves up and down, which are not convincing:

Vanderbilt University, US: 114 in 2005 to 53 in 2006;

Brussels Free University (French), Belgium: 73 in 2005 to 165 in 2006.

Furthermore, the discrepancy between the different rankings also raises questions of reliability:

E.g. The University of Oxford is 2 in THES 2006, but 10 in Shanghai;

E.g. London School of Economics is 17 in THES 200, but 219 in Shanghai 2006

This leads to a situation in which policy-makers cite which ranking they prefer, in supporting policy directions they may take.

Applying the reasoning by Le Métails to international rankings of higher education institutions, what is needed is an emphasis on research and explanation, rather than a simple list of higher education institutions, which addresses the issues referred to above, and which adequately covers all aspects of university life, including student opinion, facilities and learning environment, apart from simple academic peer review, citations, and excellence in research. The indicators chosen need to reflect the importance of a university, not only for its own ends, but also for its students and society.

§3.9 EI Policy on Rankings

The HERSC (Higher Education Standing Committee) of the EI Pan-European Structure adopted a statement on this matter at its meeting in Oslo, Norway (September 2006).

English version see: <http://www.ei-ie.org/highereducation/en/policy.php>

French version see: <http://www.ei-ie.org/highereducation/fr/policy.php>