

*Policy Brief* No. 3

April 2007



**AN ALBANIAN TRIP  
INTO THE BOLOGNA  
PROCESS**

## TABLE OF CONTENT

<b>1. Introduction .....</b>	<b>4</b>
<b>2. Europe of Knowledge.....</b>	<b>5</b>
2.1 Merging and consolidation of the Bologna Process.....	5
2.2 What does the Bologna Process represent today.....	5
2.3 Main pylons of the Bologna Process.....	6
2.4 Albania's current situation versus Bologna requirements.....	6
<b>3. The unjustified infringement of university autonomy.....</b>	<b>7</b>
3.1 Rector: major actor of an "independent" university in the hands of the Minister of Education.....	7
3.2 University budget: financial mediocrity of the institution responsible for forming the Albanian doctrine.....	8
3.3 Academic titles: knowledge-builders dependent on government decisions .....	9
3.4 Acceptance quota for the first study cycle: overlap of the role of the Ministry of Education and Science .....	10
3.5 Scholarships: premises for arbitrariness.....	10
3.6 Centralization of the students IDs .....	10
<b>4. Quality of Education .....</b>	<b>11</b>
4.1 Why and should Albania be confronted with the Bologna system? .....	11
4.2 Teaching and text books: research or translation?.....	13
4.3 Accreditation of universities and the external quality control: the state or the university?.....	14
4.4 The boom of private universities.....	15
<b>5. Mobility .....</b>	<b>16</b>
5.1 European promotion of free movement of students versus Albanian legality of discrimination of foreign students .....	16
5.2 Mobility and international political barriers .....	17
<b>6. Waiting for 2010 .....</b>	<b>18</b>
<b>References .....</b>	<b>20</b>

*“All who have meditated on the art of governing mankind have been convinced that the fate of empires depends on the education of youth.”*

**Aristotle**

## 1. Introduction

Education is one of the formation pylons of a nation; therefore, it needs a proper attention, including an adequate legal framework that allows its autonomous development and evolution and is based on academic, scholar and political grounds.

The Albanian legal framework on education is a delayed and short-sighted one. Consequently, what we can study is the law currently in power and the latest draft-law on higher education, which has good chances of being approved by the Parliament. This is exactly the reason why this study is realized now: there is a new draft-law, which aims at *de jure* confronting the Albanian system with the Bologna system, while *de facto* it risks the establishing a system where higher education is put under the dependency of political decisions of the individuals in power, is not suited to the current situation and has not been proceeded by indispensable preliminary reforms.

For the government head the draft-law *On Higher Education in the Republic of Albania* (March 2007), is a text that embodies high European standards regarding higher education. He is quoted saying that “what is of a major importance in this law is deepening and consolidation of university autonomy”<sup>1</sup>. Actually, autonomy has been the most criticized item by the rectors.

In this analysis we shall examine some elements of the above-mentioned draft-law which do seriously inhibit or are totally in breach of the principle of university autonomy, which is a key element required by *Magna Charta Universitatum*<sup>2</sup>, providing for direct dependency from the executive (Ministry of Education and Science and up to the Council of Ministers). Via special titles, treated in separate parts, we shall present those elements of the draft-law that hamper higher education autonomy, allowing interventions in the higher education institutions that go beyond a normal administrative competence and paving the way to ungrounded administrative, economic and other-type competencies.

Speaking of a study on higher education, it is important to first of all offer an overview of the Bologna System and its components, just to recall which are the standards we shall fulfill. Meantime, a transversal study is also required for the draft-law on higher education, confronting it with other concerning phenomena in Albania. Besides, the study shall contain suggested solutions for each treated issue. Consequently, our analysis shall contain five parts:

- a) Overview on the Bologna System and Albanian legal framework;
- b) University autonomy and its infringement through legal instruments;
- c) Teaching quality and other phenomena related to it;
- d) Necessity of facilitation of free movement for students;
- e) Albanian chances until the end of the process (2010).

---

<sup>1</sup> Head of the government at a press conference on 7 March 2007.

<sup>2</sup> The first instrument of Bologna

This study is not aimed at rejecting or deshapening the understanding of the draft-law in its entirety, but at denouncing the legal inaccuracies or the provisions that violate university independence, necessary to a democratic state, and at helping in improving it in the future. As was already mentioned, we shall not only be refrained in analyzing the legal framework, but will also deal with a set of social problems in the country related to education, rendering the study tangible and practical.

## 2. Europe of knowledge

### 2.1 Merging and consolidation of the Bologna Process

In order to understand the part of the *puzzle* Albania is located into in regards to this movement and which is the Albanian framework requiring reformation, let us first explain what the Bologna Process is and which are its requirements.

On 25 May 1998, the Ministers of Education of France, Germany, Italy, and Great Britain convened in the oldest French university, “La Sorbonne”, to give a new dimension to the European co-operation: to establish the *Europe of Knowledge*, a common university space.

On 19 June 1999, Ministers of Education from 29 European countries signed the Bologna Declaration. They agreed on common important objectives to stabilize a coherent European Space of Higher Education by 2010. The first subsequent Conference was held in Prague, on 19 May, 2001. On 19 September 2003, Ministers of Education from 33 European countries met in Berlin and re-affirmed their position that higher education is a good idea and a public responsibility. They highlighted the objective that Europe should face the world economy with more dynamism, based on knowledge, capable of facing the economic growths through more new jobs and stronger social cohesion. The objective of these structures is to preserve the cultural wealth and language diversity, based on the diversity of assets and traditions possessed by the varied cultural groups.

It was in the Berlin-held Conference of Ministers of Education (2003) when these ministers accepted Albania’s request to adhere to the Bologna Process. They declared that membership meant a fundamental reform for the signatory countries, approximation of the legislation and establishing of a common, open and flexible higher education space.

### 2.2 What does the Bologna Process represent today?

Despite changes, European countries recognize the fact that systems of higher education encounter similar domestic and external factors, related to the growing request for education, limited ability of teaching in certain fields, extension of private education and multi-sectorial education, and, overall, possibilities for the graduated to get a job. The system of European education is based on a strong and rich tradition, and this physiognomy is required to be

preserved; but the Bologna Process tries to unify some principles and main formation pylons. The Bologna Process seeks to increase its influence, representation, prestige and the revenues of this academic world, reaching the first place in the world's university competition.

The European States founding this process decided to open it to EU non-member countries, making it crystal clear to all that being part of an elitary thought and research community does not necessarily mean being part of the same union of the market of development policies. This is the reason why other countries like Albania or Macedonia are included in this process. The investments made on higher education and its reformation is long-term processes, therefore the efforts to improve it should be based on a comparative and effective approach.

### **2.3 Main Pylons of Bologna Process**

Bologna Declaration, signed on 19 June 1999, includes six action plans, while anything else is a derivative of these pylons:

- a) An academic evaluation system that is easy to read and compare, accompanied by a supplement of a diploma that shall facilitate recognition of academic and professional qualifications between states;
- b) A system based on two main cycles: the first cycle (Bachelor), which lasts for three years and ends in a generation of the graduated that enter the labor market, and a second cycle (Master), a further specialization after termination of the first cycle. A third cycle (Doctorate), which does in minimum last for three years, does also exist;
- c) A system of credit accumulation and transfer. Each grade corresponds to a certain number of credits, facilitating the transfer of students in other universities within the European space. The credits are unified for the first and the second cycle, while the doctorate, given its specificity, does not function on a credit basis,
- d) Mobility (free movement) of students, lecturers and researchers.
- e) Academic quality assurance.
- f) European dimension of higher education.

### **2.4 Current situation in Albania versus Bologna requirements**

The draft-law *On Higher Education in the Republic of Albania* was passed by the Council of Ministers on 7 March 2007, on the Teacher's Day, and the head of the government qualified it "as a very good" draft-law. He did also add that "on its (draft-law) basis, higher education will change compatible to the Bologna Charter". In fact, the draft-law's *incompatibility* will be the focus of our transversal analysis.

According to the international and the European conceptualization, university is an independent institution in the heart of the society. It is the key element in the culture of a country, as via studies, analysis and research it realizes, it does directly affect the cultural

formation of the nation. Therefore, it is logical that the research and teaching be normally and intellectually independent of the any public authority or economic power.

The draft-law tries to be based in the international legal document of *Magna Charta Universitatum* (18 September, 1988). So, pursuant to item 2 of Article 3 of this draft-law, higher education in the Republic of Albania is organized according to the rules and principles of the European Space of Higher Education. Albania has pledged to conform to the European requirements, and the main requirement of all is an academic autonomous space free from political or state powers, functioning according to the norms established by it and not according to the requirements dictated by political or economic interests. Therefore, freedom and independence during the research and university building work is a fundamental principle of higher education, which is today an international education. As a result, the governments, as the universities themselves, should make sure that this indispensability is guaranteed.

### **3. The unjustifiable infringement of university autonomy**

Autonomy is the cornerstone of Bologna Process. The Member States believe that only being independent and not impacted by the political and economic pressures higher education can maintain its coherence, quality and continuity. This is the key issue of every study in this field and we will give more importance to each study in this field. The draft-law on higher education (March 2007) is criticized by different rectors and scholars regarding the dependency on the Ministry of Education or other government structures, established by certain provisions.

University independence is the fundamental principle of *Magna Charta-s* and as we already said the Bologna Process aim is to ensure independence -- this should be the focus of attention and should be confronted with any new reform or action.

We shall first speak about the much-talked Article 95 and 64, which infringe the independence of the main university character, the rector (A). Further on we shall analyze the mode according to which the university budget functions and the fields priority is given to in terms of the budget (B), the academic titles, university membership quotas, scholarships and student IDs (C, D, E, F), etc. All these elements make up for the essence of institutions of higher education, and where university independence is affected by the interventions of the Ministry of Education and Science, Minister of Education or other actors of the government as these interventions are stipulated in the draft-law in question, and might leave space for abuses, and establishment of university dependence from these institutions.

#### **3.1 Rector : major actor of an “independent” university in the hands of the Minister of Education**

Pursuant to Article 20 of the draft-law : “*The rector is the leading authority of a higher education institution representing the institution and acting on its behalf and account*”. The same article says that individuals from the academic staff of higher education and *persons outside it* can run for the

steering bodies. The possibility of choosing a person who is a stranger to the universities is absurd, but is somehow balanced by Article 21, which speaks about the election of the rector (or of the dean) by secret voting from the entire academic staff, non-academic staff and students. In fact this is the most democratic way of electing a leader of an independent institution. In case Article 95 was inexistent, the draft-law might have been approved enthusiastically.<sup>3</sup>

Therefore, this Article envisages that *a year prior to the end of the mandate, the Administrative Council ceases functioning and is replaced by the Steering Council, as the highest steering body of the Higher Education Institution, which leads and supervises the administration of the institution, and chooses its steering authorities (rector, dean)*. Said more clearly, after three years Article 21 will become void and if during the three coming years the rector and the dean will be democratically elected, at the end he will be *nominated* by the Steering Committee. What renders the situation more alarming is the fact that the same article stipulates that organization, functioning, competences and tasks of the Steering Committee shall be determined by the changes made to this law prior to functioning of this structure. Therefore, this article, which is part of the *permanent provisions*, seems to be the real law, as it makes all the other part of the law of a provisional status, waiting for changes, while this is not a democratic mechanism not at.

Speaking of steering bodies, Article 23 of the draft-law foresees that the dean of a *new* institution of a public higher education is *nominated* by the Minister of Education and Science. Should it not be the institution itself to decide on the dean and which is the justification of such an intervention by the Minister of Education? Premises for abuses are numerous...

Another problematic provision of the draft-law is Article 64, which stipulates that the Ministry of Education and Science can abrogate any act issued by the steering bodies and authorities of higher education institutions. With no preliminary confronting procedure, which is the minimum requirement in a democratic legal system, the Minister of Education and Science can *order* suspension of the rector and can name one of his deputies in the seat of the rector up to the election of the new one. Summarizing the situation, a figure as that of the rector, according to this law, chosen by the Academic Senate, can be easily dismissed by the Minister of Education and Science. Of course, the rector should be answerable and controlled by a structure, but would it not be more suitable to have the same structure that has elected it, which is more in focus of university problems and which can handle the situation from a closer approach, decide on releasing him? Is it justifiable to have a politically-nominated person (the Minister) have competencies to discharge an elected person (the rector). Last, how can a draft-law aimed at approximating the Bologna Process contain such a provision, which does openly violate the university autonomy, putting the most important leading figure of the university in the dependency of the government?

---

<sup>3</sup> This article was criticised by the deans Përparim Hoxha, Dhori Kule, Nonda Varfi and several NPOs and other actors interested on the education reform.

### 3.2 University budget: financial mediocrity of the institution responsible for forming the Albanian doctrine

Article 73 of the draft-law says that the institutions of higher education function according to the principle of financial autonomy. Given that the draft-law gives no definition or explanation on the financial autonomy, there is space for explanation or interpretation. Financial autonomy (at least according to this draft-law) does not mean that the institutions of higher education are financially independent from the state, perhaps if this was the case they would have been similar to the private universities, and distribution of financial resources and their use compliant to the budgetary programme rules and standards and public financial management was totally justifiable, but it means that after the budget allocation, the universities shall think about the financial projects they shall undertake; also, the revenues collected by universities are administered by them, including the revenues inherited from the previous year. In fact, the term “financial autonomy” is dangerous and, overall, avoided in the case of institutions of *public* higher education, given that the definitions themselves exclude it.

On the other hand, the Minister of Education and Science who *determines* the unconditional transfer from the state budget that goes for each public institution of higher education for a period of one year, according to a three-year plan. In fact, the alternative would result in the study of foreign systems in a longer-period planning, which extends the university work in time and allows the higher education institutions undertake long-term actions that ensure a continuity of time. This cannot be achieved in the lack of budgetary funds.

On the other side, in order to make a full analysis we shall get out of the draft-law and see what is happening with the university budget in practice. The draft-budget is prepared by the dean’s office, is approved by the Administrative Council, is approved by the Academic Senate and is controlled by the Minister of Education and Science to get the final approval. It includes some special lines, such as salaries, internal expenditures such as electricity, water, etc., internal investments (about 20%) and research. What is very concerning is the fact that as Europe and Bologna give primary and exclusive importance to research in universities, the budget this field gets is only 0,1%<sup>4</sup> in most of Albanian universities, which allows them to end only 6 or 7 projects in a year, undertaken by very minor groups of researchers and which remain superficial and mediocre in terms of quality. Even a very common non-profit organization manages to produce not only several more studies than what is produced by the Albanian university, but offers a higher quality, leaving universities with no kind of impact in establishing and evolution of the Albanian thought. Isn’t it high time for a radical preliminary reform for shaking this university apathy?

### 3.3 Academic titles: knowledge-builders dependent on government decisions

The academic title is a high assessment for an individual specialized in a certain field, sharing values and considerable academic capacities. Consequently, this title should be given by people specialized in the respective fields, who can assess the candidacies and can make a more accurate selection, based on the attributions about which not everyone can give an assessment on. Given

---

<sup>4</sup> The data are received from the Polytechnic University of Tirana

that the ones to hold these titles will be the ones on high teaching ranks or in academic studies, this selection should be a very careful one, because this is where the accuracy of knowledge for entire generations of students shall depend.

Hence, there is no ground for the draft-law to analyze and foresee the criteria and procedures of allocation of academic titles via decisions of the Council of Ministers, upon the proposal of the Ministry of Education and Science. According to the draft-law, the committee on assessment of academic titles is established in the Ministry of Education and Science, and is headed by the Minister, while the secretary of this committee is a Ministry of Education and Science staff. In fact, it is the Ministry the one that decides on who to give titles to or not.

Other European countries, and other countries, foresee another form of selection of academic title-holders. So, there is an outside structure, totally independent from the executive, attached to universities which make the selection. An example in the case of Albania would be the Academy of Science<sup>5</sup>, but this institution has ceased functioning a year ago due to a government decision that said the Academy was valueless ... Another possibility would be establishment of an *ad hoc* inter-university board, or meeting of the professors and specialists in the field. Anyhow, no logic leads to the idea that this role can be played by the Council of Ministers or the Ministry of Education and Science, as these structures have no specialization to justify the decision, and would not be very comfortable to assess major figures of Albanian knowledge who would belong to political beliefs that are contrary to theirs.

### **3.4 Acceptance quota for the first study cycle: overlap of the role of the Ministry of Education and Science**

The manner in which the quota is defined is somehow complicated. Therefore, first the Minister of Education *consults* with the public institutions of higher education and receives *recommendations* from the Council of High Education and Science (a consultative body in the Ministry of Education and Science); afterwards, the Ministry formulates its *proposal* that submits it to the Council of Ministers, which is the responsible body to *approve* it.

As already seen, the main role in this entire process is played by the Ministry of Education and Science, while for the sake of the autonomy of decisions and the benefit of education the best institutions to decide are the universities, which can decide what was logic, what would compose a shorter procedure and a more concentrated one to what the institutions want and recommend. The main question that might be asked is: why should the Council of Ministers be the decisive body in this process?

---

<sup>5</sup> As for instance happens in Croatia, Romania and Italy

### 3.5 Scholarships: premises for arbitrary acts

The draft-law accepts that scholarships for the students are paid by the state budget as an economic support for their studies and a stimulus for excellent results. On the other side, the Council of Ministers is envisaged to determine the state criteria and procedures to be followed. This legal point is differently provided in the previous draft, as this competence was envisaged to be allocated to the Ministry of Education and Science. We would prefer to have the institutions of higher education determine the criteria, or at least issue recommendations, co-deciding with the state structures.

Article 57 says that upon the proposal of the Ministry of Education and Science, the Council of Ministers can consider *other cases* for allocation of scholarships. Giving no definition or further criteria on the '*other cases*', this provision creates ground for abuses, leaving this decision in the hands of the structures that are independent from the university and violating a competence that should exclusively belong to the university institutions, on behalf of the autonomy of *Magna Charta*, and presence of the academic structure.

### 3.6 Centralization of the students IDs

Pursuant to Article 56, student IDs are a unique document, used by all the full-time students of the public and private university. Of course, it is logical to have this document have the same index for all the higher education institutions, following the logics of the Albanian passports, certificates or any other document that has the same indexes and elements.

On the other side, it is not justifiable to have the Ministry of Education and Science as the responsible body for the issuance of this document. Is there no sufficient trust in the capacity of higher education institutions to issue student IDs? A real chaos would be created if such a service was concentrated in the Ministry of Education and Science. Imagine thousands of students from all over the country knocking in the Ministry doors. Perhaps this is the reason why in the states of developed democracies this procedure is offered by universities. Perhaps another reason is that these states understand that centralization of power leads to authoritarian derivatives and they trust the capacity of the administration of their universities.

It is interesting to see also that the draft-law says that the profits of students from using the Students IDs will be paid by the state budget funds ... In all the countries of the world, the state prefers to negotiate processes or services with private or public subjects, avoiding use of its funds as much as possible.

## 4. Quality of Education

Europe has a long history in the field of education, which has been one of the elements rendering it more attractive versus the other continents. Europe is the country of cultures,

preservation and enriching of education. Consequently, European universities dedicate an important attention to the quality of education, teaching, text books, etc. the Bologna process emphasizes the education quality, insisting on making the European space of knowledge one of the most competitive spaces in the world. The issue of quality has been very debatable in Albania, in a reality when quality of education is low and needs radical reformations to face Europe.

Many questions are raised regarding this issue: first, is the Bologna system indispensable for Albania and how would it help the Albanian higher education system (A)? Second, how are the text books prepared and what is the situation of research in Albania (B)? Third, how is quality assurance made in the Albanian universities, and is the Accreditation Agency the most suitable body for this task (C)? Last, is the boom of private universities an indicative of lowering of the quality of public universities (D)?

#### **4.1 Why and should Albania be confronted with the Bologna system?**

To show that the Albanian universities have deficiencies in the entirety of their mission for a healthy European society, it is enough to recall concerning phenomena of university education in years, such as corruption, limited information, residues from the old forms and theories deriving from the communist time, and sometimes, processing of unsafe information in regards to their accuracy, non-contemporary teaching methodologies, etc. Therefore, it is easy to protect the theses that a reform of higher education in Albania is necessary. But, the question is, “is the Bologna system the necessary reform?”

Despite a ‘yes’ or a ‘no’ answer, Bologna is a good alternative. Bologna is not perhaps indispensable for Albania, but is still a good and a fruitful example to follow. And after all, it is a success story.

In a critical manner, the studies of European lecturers have informed the public opinion that the Balkan states in general cannot be totally included in the principles of the *Magna Charta* package and of the Bologna Process. Denisa Kostovicova, a Serbian lecturer in the London School of Economics (LSE), made a study on the impact of the implementation of the European system in the education reform of Serbian universities, analyzing the situation in details and came in the conclusion that application of the European principle in Serbia would not by all yield positive results. According to her, by-side effects would appear in certain levels, as in for instance, misinterpretation of European methods of teaching, lack of capacities to get a movement of students in the European space, etc. On the other hand, these by-side effects would render more difficult the education system in Serbia or in other Balkan countries where Bologna would be applied, leaving the country with the same indexes at the end of the process; therefore, the socio-economic phenomena should be considered prior to any kind of legal reform.

Under these conditions, given that the Bologna reform was a logic consequence of education in European countries that undertook this initiative before, it would not be indispensably successful (or better suitable) for the other countries which integrate it as a *ready-made* process in their legal system. This is the reason why today Europe is flexible to the manners of applications of requirements it imposes, allowing the compliance with the reality of countries. This is also the

reason why along a good translation of foreign texts, the Albanian reforms need a better study of the real situation of higher education in the country.

Albania is not short of universities or directives on how to run universities, and quite often the funds to administrate them do not lack, nor is the request for education barren. What misses is the common wish to process these elements in a unique unity and to raise them to the European level. Europe helps in establishing the foundation: a university in the attention and assistance of the state, but an autonomous university. And it is the autonomous university which shall later develop itself. It is a simple rule of the market. Competition drives you towards progress. But the legal text should suit the Albanian reality. What we see lacking in the draft-law on higher education is this approach. For instance, the draft-law speaks of research for professors and students, but it is clear for all of us that the research in Albania is almost inexistent. In this situation, what are the provisions foreseeing its modalities needed for?

Albania is a country where people want to get transformed by getting improved, but the reforms required are never common ones, which means they are never a product of all the interest groups; quite often they come from one solely person and serve to only one person. This is a harming climate, particularly in a field like that of education, which affects the most sensible strata for the future of the country, which will later be the decision-making, leading and implementing strata of the Albanian developments.

## **4.2 Teaching and text books: research or translation?**

Beyond the legal elements, there is another important issue that should be studied, the one related to teaching, its quality, and the administrative impediments that can harm free development of education and academic creativity.

Various studies made in this sector show that the quality of text books leaves much to be desired. What happens often is that they are old and edited texts still in circulation, but even worse, they are sometimes translated and adapted books used for teaching purposes. Quite often professors ask students to translate foreign manuals, violating not only the copy write rules, but also violating the symbol of the lecturer as equivalent to the creator and developer of the academic world. As a consequence, the texts are not only badly translated and written, but also not suitable to the Albanian reality and society. As Bologna insists in the major importance of research that should accompany the academic work, Albania should have closed both eyes in this point, as we have heard no institutions release critics so far.

Consequently, students become very theoretical and it is very difficult for them to suit to the practice in the field latter, which, at the end, is the real life. Therefore, learning becomes more a speculation of the academic word than a real preparation of youth for the labor market.

On their behalf, students complain for the lack of texts for many courses. It is uncomfortable thinking that as we speak of big European policies and Bologna process, Albanian students still work with photocopies. Even when there are books written by the course professors, the students are obligated to buy them despite the price (many abuses are remarked in this field) as the professor is very careful in preparing a list for all the students that have bought the book,

and not surprisingly, the ones who are not part of the list would not be assessed with the expected grade.

The situation is different from what happens in Western European countries like France or Great Britain: there are no text books – which mean that there are no texts exclusively approved by the university steering bodies. Of course, given that in such countries, the professor is accompanied with great values, they work for years before deciding to write a teaching manual. A consequence of this individual work, is, first, every lecturer has a book for the course he teaches, and, second, the analysis and theses raised by different professors are various, therefore the student has the right to research and choose himself, to read a little of everything, get familiar with the doctrine in general, and come to a synthesis of his own, as the university considers him as sufficiently mature to make this selection.

Everything said is a logical derivation of university autonomy, which once again explains the importance of this fundamental principle.

### **4.3 Accreditation of universities and the external quality control: the State or the University?**

Higher education is the path to ensuring a sound future for the Albanian society, consequently, the society, and particularly the policy-makers should always be concerned on how the universities fabricate the pylons of education in Albania.

The Higher Education Accreditation Agency is the only state institution in Albania that monitors universities and does the external quality control through special experts or people named by the Ministry of Education and Science. The Accreditation Council is part of this Agency, which although is considered as ‘*independent*’ in Article 60, is composed of representatives from the Ministry of Education and Science, the Higher Education Council (another structure in the Ministry) as well as representatives from the higher education institutions in the country. And at the very end, the above-mentioned only propose candidacies for this body, while the one who makes nominations is the Minister of Education himself. Therefore, the dependence of this council on the executive is clear. But, what seems even more surprising is that the Chairperson of the Accreditation Council is named and dismissed by the Prime Minister upon the proposal of the Minister of Education ... On the other hand, this agency is legally financially bound on the Prime Minister’s Office. Based on all these facts, it is difficult to not be skeptical on the quality assurance in case it is offered by this structure.

Article 62 envisages that based on the recommendations made by the Accreditation Council, the final decision on the institutional accreditation of the programmes of higher education *of the public and private sector*, is made by the Minister of Education and Science. This does not only abrogate the entire procedure explained above, but gives a clear idea that the last say on accreditation belongs to the Minister – said in other terms, this means that the universities are in direct dependency of the Minister.

It is also worth mentioning Article 62.8, which stipulates that the *external* quality assurance is paid by the *higher education institutions themselves*, be them public or private ones. It is not justifiable;

if the Ministry of Education and Science or the government feels the need for this assurance, the expenses have to be paid by them, not by the university fund, which needs to cover many other expenses.

Facts show that European universities offer a better teaching quality and better formation of students, dictated by the tradition, continuity of education, the encouraged state policies and the importance attached to this field. Meantime, the Albanian universities are in an amorphous situation, striving between the strong idealistic method of socialist realism preserved in the text books or in the manner of organization of lectures and a liberal European method, not inherited, but loaned, that is often difficult to be applied without creating incoherencies.

Most of the big European universities realize the quality assurance by internal specialists nominated by the Academic Board of the university. This is a reasonable manner, as these states consider universities as independent institutions, meriting the trust for self-control and for raising quality based on their interest to go towards the education perfectionism. These universities are entitled to such an initiative that allows them to undertake reforms based on what they judge as necessary for the progress of the university life, and, therefore, it is in their interest to make the judgment on quality as objective as possible.

The draft-law on higher education envisages *an internal* quality assurance by the institutions of higher education, but this is simply a result “for internal use”, and an *external* quality assurance is also entitled to be made by the Accreditation Agency, which, as already stressed, is dependent on the executive and can make subjective decisions given that it is not part of the university, but can become an initiator of interventions within universities and other “reforms” that can cause negative effects.

#### **4.4 The explosion in number of private universities**

One of the most interesting phenomena in the field of education during the last years is the mass opening of private universities. If you navigate in the official web page of the Ministry of Education and Science<sup>6</sup>, the striking element you might find is the fact that Albania has 11 public universities and 15 private universities<sup>7</sup> ...

The first question that can be addressed in this case is the reason why the phenomenon has got these dimensions. The most natural answer is the *growth of requests for education*, which, if analyzed in more depth, in Albania seems to be more an equivalent of *having a diploma* than of gaining more knowledge. This is an index to the fact that the diploma has at the same time lost and won value: it has lost value, because its “issuance” by various institutions that have a very different level make it be attained “more easily”; and gained value because the increase of the number of private universities shows that the youth consider a diploma useful, no matter what kind of a diploma it is.

---

<sup>6</sup> [www.mash.gov.al](http://www.mash.gov.al)

<sup>7</sup> [http://www.mash.gov.al/arsimi\\_larte/home.html](http://www.mash.gov.al/arsimi_larte/home.html)

Another contrary argument would be the non-compliance of requirements from the public universities, and as a supplement, failure in teaching, infrastructure, etc. Less than a year ago Albania underwent a liberalization reform of higher education, driven by the good will of getting everyone (or almost everyone) the possibility to have a university formation. What was not foreseen and rendered possible by this reform was the establishment of a necessary infrastructure for a qualitative welcome to the numerous students in universities. In this case, the private universities served as “complimentary” or “replacing” the conditions liberalization failed to meet. Also, infrastructure of public universities leaves much to be desired, while conditions offered by private universities can very rarely be criticized. On the other hand, even professors (due to the legal gap) are the same as the one teaching in public universities (who get a payment of ALL 3,000 or more ALL instead of ALL 310 they receive in a public university per one class).

Therefore, at the very end the ones who make the change are the students, who, in most of cases are the ones who could not win the competition in public universities, or the ones who have considered themselves weak to attend a public university. As a result, there is no novelty when saying that the level of students in private universities is low; anyhow, in the conditions of a lacking strategy, they keep constantly increasing.

## 5. Mobility

Mobility of students and of the whole academic university staff is one of the basic pylons of the Bologna Process, aimed at promoting a movement with minimal barriers for the students of members states, favoring the exchange of cultures, increase of quality due to the common competition and promotion of the common European space of study.

What is the most sensible thing is the capacity or incapacity of free movement (or at least a facilitated free movement) between a country like Albania, a member of the Bologna Process, but not a member of the EU. Speaking of students, mobility should be seen in two aspects: mobility of foreign students to Albania (A) and mobility of Albanian students abroad (B).

### 5.1 European promotion of free movement of students versus Albanian legality of discrimination of foreign students

Since the Prague Conference of 19 May 2001, the European Ministers said that the mobility of students, professors, researchers or of the administrative staff within the EU is indispensability. This principle is re-affirmed in the Berlin Conference (2003), which expressively says that the signatory countries should remove *any obstacle* of free movement within the European Space of Higher Education and that the Ministry of Education should undertake all the necessary steps to eliminate discrimination between students coming from other member countries of the Bologna Process, by, for instance, applying different tariffs to them from the tariffs applied on the national students. Another *communiqué* comes from the last conference on the Bologna Process, held in Bergen on 19-20 May of 2005. Freedom of movement of students, teachers and staff

seems another major concern during this Conference, as one of the keys to this process. What is happening in Albania?

According to the draft-law, the criteria on selection of the candidates for the first cycle of studies shall be made by the universities. It stipulates that the criteria of acceptance in the case of foreign students shall pass in the long path of approval delineated for the membership quotas (a very long procedure, centered in the Ministry of Education and Science not at all in the university itself). This provision does first of all show an improper knowledge on the European law that it is said to refer to<sup>8</sup>, as it provides for an unjustifiable discrimination for the foreign candidates, who should go through a prolonged procedure, centered in an government body, and, second, how can one try to conform with the European legislation that aims at creating a totally free university space when the former limits the administrative freedom within this space without any limit?

It is also not justifiable that this provision exists only for the students of the first cycle, while the criteria of the academic standards for the second and the third cycle are provided in the statutes of higher education institutions ... The situation seems more than absurd.

## **5.2 Mobility and the international political barriers**

Albania has imposed itself the task of being part of the common European intellectual space. A requisite condition to achieve this goal remains free movement of students in the open European space, so as to get a mixed education between the Bologna Process member states. The Albanian society, more than ever, needs to be open to the European education impact, and in this context the Bologna Process should be considered of a major importance.

Meantime, various universities, thanks to the co-operations and policies directly emerging from the Bologna requisites, offer or profit different programmes that give all the students the possibilities to get registered in these universities, and to take part in various programmes, as in the Erasmus programme for instance.

It is not difficult to recognize the good work of several Albanian students abroad or the not-always-simple road they have taken to fulfill their ambition. What does currently happen with the higher school students who, in most of cases, go in Western Europe or in America? As the Albanian state knows, the Albanian youth have managed to become part of the multi-cultural education community thanks to their insistence and personal information, given that the Albanian state is almost entirely invisible in this process, and the Albanian students have to do everything on their own.

Transfers or state scholarships for countries that are part of the Bologna Process do not exist in Albania. Consequently, as Albanians within Bologna, but outside the European Union, students attending university in the Albanian territory do not benefit from the scholarships offered by this system.

---

<sup>8</sup> The Bologna Process insists on a totally fair treatment of all the students coming from other members with the domestic students

Article 29 of the draft-law provides for training programmes after completion of higher education to deepen the previously-received information, but it mentions nowhere modalities or criteria on the eventual mobility of these students in the other Bologna Process participating states.

The other question that might rise is whether students for these programmes will be selected by the Ministry of Education and Science. If this was the case, there would be many spaces for abuses and the law would be in violation of the principles of other European universities, as they have a strong say in such programmes as Erasmus Mundus, Socrate, Leonardo Da Vinci etc.. It should be stressed that Albania suffers of other problems that have an impact on the process of facilitation of movement of people (mainly students) in the European zone.

Albania has a visa facilitation agreement including students as one of its categories, but this agreement has just been signed<sup>9</sup>, and there are no modalities provided yet, which, for instance, do not treat the issue of a foreign consul who negates a visa to a student that was been accepted in a foreign university. Consequently, the situation remains in a “status quo” position.

There are many debates on establishing the right situation for a possible agreement between the EU and Albania on visa liberalization, and an important category would be the students. Meantime, any of them has to wait in the long lines in front of the embassies.

## **6. Waiting for 2010**

The draft-law on higher education has since long become a focus of debate between professors, university leaders and the Ministry of Education and Science. The major concern for the rectors was the lack of university autonomy. As analyzed above, this keeps still being a concern. The Ministry of Education and Science is in the heart of the draft-law, and this institution was highly appraised by the head of the government for the good job done in

drafting this important bill for Albania. It is true that the law is a very important one and expected long ago, but based on our analysis, it is ambiguous, leaves spaces for interpretation, and leads to the lack of the real autonomy and to establishment of an unjustifiable control by the Ministry. Overall, it has reflected nothing from what was loudly echoed from the interest groups.

The draft-law has been passed by the Council of Ministers, and, according to the procedure, it is being examined by the responsible parliamentary committee, and will later be sent for a vote in the plenary session of the Parliament.

Year 2010 is the deadline the Bologna Process member countries have established for achieving their objectives; consequently, this is the year Albania should have an education system equal to the system of other member countries, or at least the time for having a competitive system.

---

<sup>9</sup> This means that the parties have legally agreed on the text, but it should be passed by the European Council and other structures, should be signed and then ratified ...

The coming European ministerial conference is expected to be held in London in May, 2007. In the latest conference, it was restricted that the European space on higher education is based on transparency and quality. Cultural diversity and the great inheritance of the member states was also stressed as being a great asset that should be preserved and that helps in building a society based on knowledge and capable of assessing these changes. This idea should be present in the European political and economic formation; this is why it is referred to as “united in diversity”. What remains on top of the Bologna Process requirements is the university autonomy, as the cornerstone and the most crucial element for a democratic state

Given that higher studies compose an important element, the 45 participating states in the Bologna Process think that public responsibility in this field should increase. As a result, drafting of a law is not enough. Albanian universities need a better infrastructure because the liberalization needs more suitable conditions to receive students, better venues, professional pedagogic staff, and developed infrastructure. It is high time to have a university that creates opinions, is not refrained only in teaching, but deals with research, requires ideas, proclaims theses, representing the most suitable group of the society to undertake these initiatives. What happens in the other countries that are part of the Bologna Process is entirely different from what happens in Albania: in these countries, universities are the leading engine of the reform, opinion, knowledge and analysis of law, economic, political and other fields. In order to be able to perform these tasks, universities should be free from political and economic pressures so as to avoid impacts of other actors in the formation process.

The Bergen Conference (2005) highlighted the central role of higher education institutions, considering the staff and the students as partners in the Bologna process. In Albania, there are legal texts that strengthen this idea, but there is a lacking willingness to apply these texts in real life. Organization of meetings or debates with students and professors is a valueless initiative if advice received from them is not applied and meetings are held only for the sake of formality.

Albania should consider universities as a separate power, capable of affecting the development of the country, strengthening of intellectual, cultural, social and technical dimensions. The universities should be the mobile structure of development, an independent force and not in function of the political actors, but in function of the development of the country and promotion of Albanian opinion in all the European and international bodies.

## References

**Resolution of the Council** and of the Representatives of the Governments of the Member States meeting within the Council, **28 June 2001**

Council Resolution, 27 June 2002

Council Directive 2004/114/EC

**Magna Charta Universitatum**, Bologna, Italy, September 18, 1988

**Sorbonne Declaration**, May 25, 1998

Towards the European Higher Education Area, **Prague, May 19<sup>th</sup> 2001**

Communique of the Conference of Ministers responsible for Higher Education, **Berlin, 19 September 2003**

Requirements and Procedures for Joining the Bologna Process, BFUG B3 fin, 6 July 2004,

Communique of the Conference of European Ministers Responsible for Higher Education, **Bergen Communique**, 19-20 May 2005

**Dennis Farrington**, Papers on Higher Education, Legislative Initiatives in the Context of the Bologna Process, A Comparative Perspective, Bucharest 2005

Relation and tables of compliance of the Bill on “Higher Education in the Republic of Albania” with the Bologna Declaration and Directives 89/48 EEC, 2005/36EC and the Resolution 2002/C 163/01

Bill on “Higher Education in the Republic of Albania” 23/3/2007

On the Promulgation of the Science and Higher Education Act, **Croatia**, July 23, 2003

Bulletin Officiel du Ministère de l'Éducation Nationale et du Ministère de la Recherche, Code de l'Éducation – partie législative, **France**, 13 Juillet 2003

**Italy**, (On the Education) Law No. 148 of 11 July 2002

Decree no. 509 of 3 November 1999

## Sources from the Internet

[www.bologna-bergen2005.no/](http://www.bologna-bergen2005.no/)

[www.mash.gov.al](http://www.mash.gov.al)

**AGENDA Institute** was founded in 2006 as a *think tank*, non-governmental, independent organization which operates in the areas of Good Governance, European Integration and Neighbourhood European Policies, and Policies for Social and Economic Development.

### *Mission*

- To encourage and empower currently democratic experiences, by promoting democratic values during the debate processes, analyses and of the public policies implementation in the country.
- Making the process of policy-making less politicized, by offering to the policy-makers key information based in researches.

### *Groups of Interes*

- Public
- Policy-makers
- Media
- Business Community

### *Researches Areas*

- Good Governance
- European Integration and Neighborhood Integration Policies
- Policies for Social and Economic Development

### *Policy Briefs*

*Policy Briefs* are series of analyses on country's main public policies and strategies, prepared by AGENDA Institute with the support of Open Society Institute (OSI), Hungary and The Royal Netherlands Embassy in Tirana.

**Rr. Mustafa Matohiti, Nr. 4/3,  
Tirana, Albania  
Tel/Fax: +355-4-258884  
Website: [www.agendainstitute.org](http://www.agendainstitute.org)  
E-mail: [info@agendainstitute.org](mailto:info@agendainstitute.org)**