



International Initiatives Relevant to Transnational and Cross-Border Higher Education

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AALS Annual Meeting, San Francisco
January 6, 2011

Overview

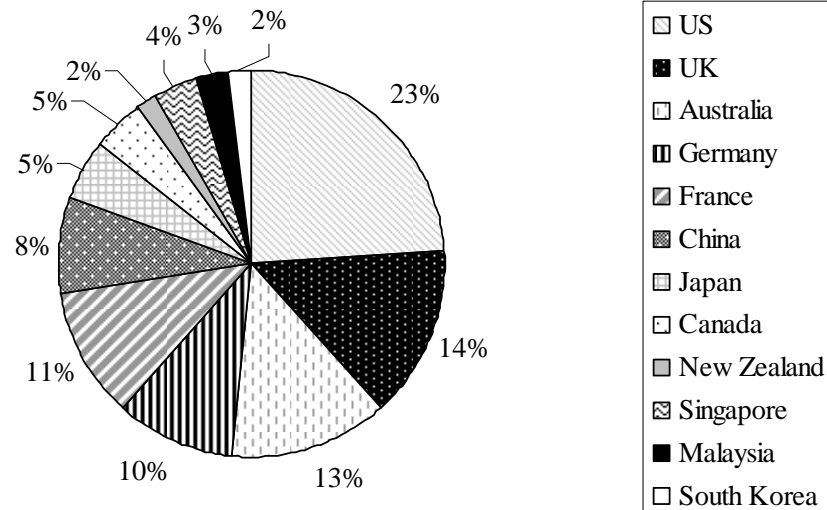


- Global mobility in higher education
- Internat'l initiatives that encourage mobility:
 - EU initiatives including ERASMUS
 - The Bologna Process and the EHEA
 - Who, what, when, where, why?
 - Why the Bologna Process matters outside of Europe
 - APEC education initiatives
 - The GATS and the World Trade Organization
- US DOE efforts to monitor these initiatives
- Concluding Remarks

[WTO] Table 4: Students Sent Abroad

	1999 (thousands)	2007 (thousands)	% increase	% share in 2007
North America	60	90	50.0	3.8
Latin America and the Caribbean	100	170	70.0	7.1
EU 15 ^a	100	100	0.0	4.2
Central and Eastern Europe	190	310	63.2	12.9
Arab States	120	190	58.3	7.9
Central Asia	60	100	66.7	4.2
South and West Asia	100	250	150.0	10.4
East Asia and the Pacific	440	810	84.1	33.8
Sub-Saharan Africa	90	220	144.4	9.2
Not Specified	60	160	166.7	6.7
Total (excluding intra EU 15)	1,320	2,400	81.8	100.0
Intra EU 15 Students	270	240	(11.1)	
Total with Intra EU 15 Students	1,590	2,640	66.0	

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**2007 Distribution of students abroad
according to national destination**

Source: WTO EDUCATION SERVICES, Background Note by the Secretariat, S/C/W/313 (April 1, 2010) at paragraphs 35 and 37 ⁴

EU Initiatives

- **1987**: The Erasmus exchange program begins
- This led to the ECTS (European Credit Transfer System)
- EU mobility programs are now global with Erasmus Mundus, Tempus and Atlantis
- **2000**: The EU adopts the Lisbon Strategy
- **2010**: Europe 2020 Strategy
- **2014**: Proposed launch date of the Int'l Higher Education Programme and Education and training Programme
- EU Members took a leading role in launching the Bologna Process, which led to the EHEA

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WHO: Current European Higher Education Association (EHEA) Members (47 + Eur. Comm.:)

 Albania	 Germany	 Norway
 Andorra	 Greece	 Poland
 Armenia	 Holy See	 Portugal
 Austria	 Hungary	 Romania
 Azerbaijan	 Iceland	 Russian Federation
 Belgium	 Ireland	 Serbia
 Bosnia-Herzegovina	 Italy	 Slovak Republic
 Bulgaria	 Kazakhstan	 Slovenia
 Croatia	 Latvia	 Spain
 Cyprus	 Liechtenstein	 Sweden
 Czech Republic	 Lithuania	 Switzerland
 Denmark	 Luxembourg	 Additional member European Commission
 Estonia	 Malta	 "the former Yugoslav Republic of Macedonia"
 Finland	 Moldova	 Turkey
 France	 Montenegro	 Ukraine
 Georgia	 Netherlands	 United Kingdom

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WHAT: The EHEA and the Bologna Process



- The Bologna Process was established to create the European Higher Education Area (EHEA)
- Primary Goals: to make European higher education more competitive and more responsive
- Action Lines: During their 7 meetings, Ministers established ten “action lines,” an overarching social dimension & later a global strategy
- It has been very “top down” and very influential

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WHEN:

- 1998: Four EU Education Ministers sign the Sorbonne Declaration
- 1999: the Bologna Declaration is signed
- 2001-2010: Six subsequent Ministerial Conferences and numerous meetings
- 2010: the European Higher Education Area is launched (and has a new webpage)

<http://www.ehea.info/>

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WHERE ...and why it matters

- 2001 (Prague)
- 2003 (Berlin)
- 2005 (Bergen)
- 2007 (London)
- 2009 (Leuven)
- 2010 (Vienna-Budapest)



- ***All except the first and the last had (and still have) their own webpage with relevant documents and served as the Bologna Process Secretariat***

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Action Items Included:

- European Quality Assurance Standards
 - Internal quality assurance
 - External quality assurance
 - Standards for external QA agencies
- Framework of Qualifications for the EHEA
 - Lists ECTS credits for BA and MA degrees
 - Lists desired outcomes for BA, MA and PhD
- European register of accreditation agencies
- 2005, 2007 & 2009 “Stocktaking Reports”

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Current EHEA Work Programme

(includes more than 10):

1. Social dimension
2. Mobility
3. Lifelong learning
4. Employability
5. Qualification frameworks/ Degree structures
6. Education, research and innovation
7. International openness
8. Data collection/ reporting on BP implementation
9. Funding
10. Quality assurance
11. Recognition
12. Transparency tools
13. Student Centered Learning

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The Bologna Process Built on and Launched Numerous Related Projects

Higher Education
in a Globalized
Society

UNESCO Education
Position Paper

Tuning
Educational Structures in Europe

U-Map  The European Classification
of Higher Education Institutions.

Finder Viewer [Clear selection](#)

European Credit Transfer
and Accumulation System (ECTS)

CCBE

Représentant les avocats d'Europe
Representing Europe's lawyers

**ERASMUS
MUNDUS**

europass
Introduction | What's new?

European Law Faculties
Association

European Law Faculties Association (E.L.F.A.)
Europäische Vereinigung der Rechtsfacultäten
(E.V.R.F.) Association des Facultés de Droit en Europe
(A.F.D.E.) Asociación de Facultades de Derecho en
Europa (A.F.D.E.)

FAQ Bologna Process


EUROPEAN
COMMISSION

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The Bologna Process' Global Impact

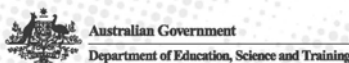
Conference: Canadian Perspectives on the Bologna Process



March 19-20, 2009
University of Alberta
Edmonton, Alberta CANADA

AUCC Statement
Canadian Universities and the Bologna Process
June 2008

Association of Universities and Colleges of Canada  Association des universités et collèges du Canada



The Inter-University Council for East Africa

Oct. 2010 bill would increase mobility



ASIA countries target 2015 for their common space (Bologna Process)



 Council of Ministers of Education, Canada
Conseil des ministres de l'Éducation (Canada)

European Higher Education Area (EHEA)

The Bologna Process

The Bologna Process and Australia: Next Steps

April 2006

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Why the Bologna Process Matters in the U.S.

- Opportunities and competition for U.S. higher education
- US officials & others monitor these developments
- Bologna Process influences international initiatives in which the US participates:
 - APEC
 - The World Trade Organization and GATS
 - OECD, UNESCO and others

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What is APEC?

- 21 countries around the Pacific Ocean
- An important forum for facilitating economic growth, cooperation, trade and investment
- Consensus based:
 - “APEC operates on the basis of non-binding commitments, open dialogue and equal respect for the views of all participants.”
- The U.S. is the 2011 APEC “host economy”



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APEC is Studying the Bologna Process & Its Diploma Supplement



[Download Project Proposal \(.zip\)](#) | [Back](#)

Project Name: Higher Education Diploma Supplement
Project Number: HRD 12/2009



Setting the scene:
The APEC project in the context of international trends towards Diploma Supplements

APEC and international education

Diploma supplements in the APEC region: *Study Findings*

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The GATS Affects Higher Education

- The WTO's GATS agreement applies to services, including higher education services
- The GATS has 3 kinds of obligations:
 - 1) automatic, 2) optional, and 3) future
- The US is bound by the automatic obligations
- 40+ countries currently include higher education in their "optional" GATS commitments
- In the Doha negotiations, the US has "offered" optional higher education commitments
- The 2010 WTO Secretariat's "Education" Paper is important to read



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OFFICE of the UNITED STATES TRADE REPRESENTATIVE
EXECUTIVE OFFICE OF THE PRESIDENT

USTR Home Trade Agreements Countries & Regions Trade Topics

WORLD TRADE ORGANIZATION

SCSS/W/23
18 December 2000
(00-5572)

Council for Trade in Services
Special Session

Original: English

COMMUNICATION FROM THE UNITED STATES

Higher (Tertiary) Education, Adult Education, and Training

The attached communication has been received from the delegation of the United States with the request that it be circulated to Members of the Council for Trade in Services.

Member / Sector Matrix Report

05. Educational Services

* Click the country name to see the specific commitment

Legend:

- 05.A. Primary Education Services
- 05.B. Secondary Education Services
- 05.C. Higher Education Services
- 05.D. Adult Education
- 05.E. Other Education Services
- HC - Horizontal Commitments

WORLD TRADE ORGANIZATION

RESTRICTED

S/C/W/313
1 April 2010
(10-1798)

[Services Database](#)

[Services Gateway](#)

Disclaimer
The Committee on Specific Commitments, in its third meeting held on 7 July 1997, decided that the electronic version of the schedules would have no legal validity.

EDUCATION SERVICES

Background Note by the Secretariat

Members	05.A.	05.B.	05.C.	05.D.	05.E.	Total
Albania	X	X	X	X		4
Armenia			X	X		2

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The US GATS “Offer” Includes Higher Education (especially distance ed)

▼ Promises are made according to 4 “modes of supply”; so the US “offer” says 1,2,3,4

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
5. EDUCATIONAL SERVICES			
C. Higher Education Services (except flying instruction) (CPC 923) ³⁸	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	◀“None” means the US lists no exceptions	1), 2), 3), 4) The granting of U.S. federal or state government funding or subsidies may be limited to U.S.-owned institutions, including land grants, preferential tax treatment, and any other public benefits; and scholarships and grants may be limited to U.S. citizens and/or residents of particular states. In some cases, such funding, subsidies, scholarships, and grants may only be used at certain state institutions or within certain U.S. jurisdictions.

³⁸For transparency purposes, individual U.S. institutions maintain autonomy in admission policies, in setting tuition rates, and in the development of curricula or course content. Educational and training entities must comply with requirements of the jurisdiction in which the facility is established. In some jurisdictions, accreditation of institutions or programs may be required. Institutions maintain autonomy in selecting the jurisdiction in which they will operate, and institutions and programs maintain autonomy in choosing to meet standards set by accrediting organizations as well as to continue accredited status. Accrediting organizations maintain autonomy in setting accreditation standards. Tuition rates vary for in-state and out-of-state residents. Additionally, admissions policies include considerations of equal opportunity for students (regardless of race, ethnicity, or gender), as permitted by domestic law, as well as recognition by regional, national, and/or specialty organizations; and required standards must be met to obtain and maintain accreditation. To participate in the U.S. student loan program, foreign institutions established in the United States are subject to the same requirements as U.S. institutions.

The EU’s GATS Commitments Addressed Visa-types of Issues

C. Higher Education Services¹
(CPC 923)

F: Condition of nationality. However, 1) third country nationals can have authorization from competent authorities to establish and direct an education institution and to teach.

I: Condition of nationality for service providers to be authorized to issue State recognized diplomas.

2) None

2) None

3) E, I: Needs test for opening of private universities authorized to issue recognized diplomas or degrees; procedure involves an advice of the Parliament.

3) None

GR: Unbound for education institutions granting recognized State diplomas.

The EU's GATS Education Commitments Addressed Visa-types of Issues

SECTOR SPECIFIC COMMITMENTS

Modes of supply :

Sector or Sub-sector	Limitations on Market Access
4)	<p data-bbox="1105 510 1128 531">4)</p> <p data-bbox="748 510 1097 625">Unbound except for F and L concerning the temporary entry of professors where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p data-bbox="748 642 1097 940"> F: - The professors have obtained an employment contract from a university or other higher education institution. - The work permit is delivered for a period not exceeding nine months renewable for the duration of the contract. - Compliance with an economic needs test is required unless those professors are designated directly by the Minister in charge of higher education. - The recruiting institution must pay a tax to the International Migration Office. </p>

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The U.S. Department of Education



Funding Policy Research News About ED

About ED

Overview

INITIATIVES

About IAO
International Affairs Office

These international activities and initiatives are administered directly by IAO:

- [International Education Week](#)
- [International Visitors Program](#)
- [U.S. Network for Education Information \(USNEI\)](#)
- Coordination of work with
 - [UNESCO](#)
 - [OECD](#)
 - [OAS](#)
 - [APEC](#)
- Coordination of [Bilateral Agreements](#)
- Coordination of [Interagency Cooperation](#)

See also



Learning Accountability from Bologna: A Higher Education Policy Primer
BY CLYDE COLLIER
July 2008



Print

Close Window

International and Foreign Language Education Programs



INSTITUTE FOR HIGHER EDUCATION POLICY
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202 841 9227 (LOCAL)
www.ihep.org

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Additional Ways in which Internat'l Initiatives Influence the U.S.

The screenshot shows the USNEI website header with the ED.gov logo and search bar. The main content area is titled 'USNEI U.S. Network for Education Information' and includes a welcome message and four key sections: 'For International Students and Professionals', 'For International Educators and Officials', 'For U.S. Students', and 'For U.S. Educators'. To the right, there are logos for the Council of Europe, OECD, and the Convention on the recognition of qualifications in the European Region (Lisbon, 1997). Below the main content, there are two smaller images: one for a 'Bologna Process Follow-Up Seminar' titled 'NEW CHALLENGES IN RECOGNITION' featuring Dr. E. Stephen Hunt, and another for 'enic-naric.net' with a network diagram and the text 'I would like to work or study abroad...' and 'I am a Credential Evaluator...'. The page number '23' is visible in the bottom right corner.

Conclusion

- The trend is toward increased global mobility in higher education
- Many international initiatives facilitate or encourage this global mobility
- The US is a party to many of these soft law and hard law initiatives
- It is important to be aware of these developments

To Read More About It.....



Higher education mobility statistics:

- WTO, *Education services, Background Note by the Secretariat*, S/C/W/313 (April 1, 2010)
- USITC, *Recent Trends in U.S. Services Trade, 2009 Annual Report*, Chapter 4 (July 2009),
<http://www.usitc.gov/publications/332/pub4084.pdf>
- Open Doors data by the Institute of Int'l Education,
<http://www.iie.org/en/Research-and-Publications/Open-Doors>
- Int'l Assoc. Universities, 3rd Global Survey (2010),
<http://www.iau-aiu.net/internationalization/index.html>
- Center for Int'l Higher Education (Prof. Philip Altbach)
<http://www.bc.edu/research/cihe/about.html>

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To Read More About It.....



- The EHEA and the Bologna Process:

<http://www.ehea.info/>

- Educational services and the WTO:

http://www.wto.org/english/tratop_e/serv_e/education_e/education_e.htm

See also <http://www.abanet.org/cpr/gats/home.html>

- APEC:

http://hrd.apec.org/index.php/Transnational_Education

- US Dep't. of Education Internat'l Initiatives

<http://www2.ed.gov/about/inits/ed/international/about.html>

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To Read More About It.....



Laurel Terry's articles (see <http://ssrn.com/author=340745>):

- *From GATS to APEC: The Impact of Trade Agreements on Legal Services*, 43 Akron L. Rev. 875 (2010)
- *The GATS and Legal Services in Limerick*, 15 Michigan St. J. Int'l L. 635 (2007)
- *The Bologna Process and its Impact in Europe: Much More than Degree Changes*, 41 Vanderbilt J. Transnat'l L. 107 (2008)
- *The Bologna Process and its Implications for U.S. Legal Education*, 57 J. Legal Ed. 237 (2007)

Laurel Terry's "Presentations" webpage:

<http://www.personal.psu.edu/faculty/l/s/lst3/presentations.htm>

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Penn State Dickinson School of Law

Selected Presentations

Much of the information about legal services also applies to higher education services

SELECTED PRESENTATIONS – BY TOPIC (Note: the Chronological Listing includes links to related articles)

- Global Developments in general (See 11-08)
- the WTO's GATS agreement and legal services (including presentations on skills transfer provisions, "classification" and domestic regulation disciplines) (See 5-05 for a GATS overview and 5-05, 4-05, 10-04, and 3-04 for presentations on specialized GATS-legal services issues) ◀
- Foreign lawyer "recognition" issues (See 4-09) ◀
- Legal outsourcing (See 4-05)
- Antitrust initiatives directed towards the legal profession, including the EU's Professional Services Competition Initiative (See 5-08, 4-05)
- *Alternative Business Structure (ABS)* developments (including the UK's Legal Services Act 2007, Australia's publicly traded law firms, and OECD developments) (See 5-05, 10-05, and 5-09)
- Using ABA Model Rule 5.1 More Proactively (with a nod towards Australia's current practice) (See 5-05; see also 5-09 at slide 18)
- Bologna Process (See 3-06, 1-05) ◀
- EU lawyer regulation (See 1-05; see also 4-05)
- Double deontology & ABA Model Rule 8.5 Choice of Law issues (See 5-05)

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