International Initiatives Relevant to Transnational and Cross-Border Higher Education

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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

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

### 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
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

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

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

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

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

The Bologna Process Built on and Launched Numerous Related Projects
The Bologna Process’ Global Impact

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
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”

APEC is Studying the Bologna Process & Its Diploma Supplement

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

Diploma supplements in the APEC region: Study Findings
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.
## 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**

<table>
<thead>
<tr>
<th>Modes of supply</th>
<th>Limitations on market access</th>
<th>Limitations on national treatment</th>
<th>Additional commitment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Cross-border supply</td>
<td>1) None</td>
<td>1) None</td>
<td>1) The granting of U.S. federal or state government funding or subsidies may be limited to U.S. owned institutions, including federal grants, preferential tax treatment, and any other public benefit; 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 U.S. institutions or within certain U.S. jurisdictions.</td>
</tr>
<tr>
<td>2) Consumption abroad</td>
<td>None</td>
<td>2) None</td>
<td></td>
</tr>
<tr>
<td>3) Commercial presence</td>
<td>3) None</td>
<td>3) None</td>
<td></td>
</tr>
<tr>
<td>4) Presence of natural persons</td>
<td>4) Unbound, except as indicated in the institutional section</td>
<td>4) Unbound, except as indicated in the institutional section</td>
<td></td>
</tr>
</tbody>
</table>

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For 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 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 maintain accredited status. Accrediting organizations maintain autonomy in setting accreditation standards. Tuition rates vary for in-state and out-of-state residents. Additionally, accreditation policies include consideration of equal opportunity for students (regardless of race, disability, or gender), as required by federal 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

<table>
<thead>
<tr>
<th>C. Higher Education Services 1) (CPC 923)</th>
<th>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.</th>
<th>I: Condition of nationality for service providers to be authorized to issue State recognized diplomas.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2) None</td>
<td>2) None</td>
<td></td>
</tr>
<tr>
<td>3) E, I: Needs test for opening of private universities authorized to issue recognized diplomas or degrees; procedure involves an advice of the Parliament.</td>
<td>3) None</td>
<td></td>
</tr>
<tr>
<td>G): Unbound for education institutions granting recognized State diplomas.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The EU’s GATS Education Commitments

Addressed Visa-types of Issues

SECTOR SPECIFIC COMMITMENTS

Modes of supply :

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

The U.S. Department of Education

U.S. Department of Education

ED.gov

About ED
Overview

INITIATIVES
About IAO
International Affairs Office

These international activities and initiatives are administered directly by IAO:

- International Education Week
- Internationalization Program
- U.S. Network for Education Information (USEN)
- Coordination of work with
  - UNESCO
  - OECD
  - ILO
  - AIEC
- Coordination of Bilateral Agreements
- Coordination of Interagency cooperation

See also

International and Foreign Language Education Programs

IHEP

July 2018
Additional Ways in which Internat’l Initiatives Influence the U.S.

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.

Conclusion
To Read More About It......

Higher education mobility statistics:

- WTO, *Education services, Background Note by the Secretariat*, S/C/W/313 (April 1, 2010)
- **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

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/internationaled/about.html
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)

Laurel Terry’s “Presentations” webpage:

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

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