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Serbian Higher Education: Why the Road to Bologna? Obstacles and Incentives

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Abstract

One of the core objectives of modern states is to set up a powerful, efficient higher educational system. In Serbia, progressive laws on higher education have long been in demand, but not in place: the inherited education system was the most incapable instrument for generating and transferring knowledge. Against this background, the Ministry of Education set its own goals for reforming the system, and in early 2003, offered a Bologna-tailored Draft Law on reforming higher education. Although passed through parliament in 2005, the new Acts did not definitely solve the legal status dilemma, the problem of autonomy entitlement and the relations between financing and steering of the educational system. In Serbia the position of the various stakeholders is unstable which poses a serious obstacle to Serbia's adoption of the Bologna Declaration, which, the author believes, represents Serbia's shortest path for escaping parochialism and achieving a knowledge-based economy with attendant GDP growth. After examining the aforementioned obstacle in further detail, a list of key incentives concerning the realisation of the Bologna ideas is offered, in addition to policy recommendations for decision makers and lawmakers involved in this process which has a crucial bearing on Serbia's future.

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The views contained inside remain solely those of the author who may be contacted at knizevic@policy.hu. For a fuller account of this policy research project, please visit www.policy.hu/knezevic.

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1 Introduction

In a clash between the social and legal orders the priority should be given to the social dimension. As evidence for the veracity of this preference, one has the following: at the beginning of 2001 (when the last fundamental political succession in Serbia had occurred) the inherited education system was the most non-capable instrument for the generating and transferal of knowledge. Against this background, the Ministry of Education set its own goals, aimed at reforming the system. In early 2003, the Ministry made and offered a Bologna-tailored Draft Law on reforming higher education. That Draft Law, to which I have contributed *ex officio*, was neither the best, nor the worst when assessed in a comparative prospective. However, frictions among stakeholders started from the first moment this Draft text appeared in public. Even before this time, someone decided to spread false information on the content of the act to the press, provoking fury amongst some of the stakeholders and/or confusion. Given this, the former Ministry of Education and Government did not have a chance to put this Act on the agenda of the Assembly.

Only two years later the new parliamentary majority passed the University Act, which incorporated roughly 85 per cent of the ideas, and even the text of the 2003 Draft Law. They did this without serious trouble. The main features of both acts were the introduction of a three-tier system of studying (PhD being the third one), together with ECTS as a measure of a student's workload, of accreditation and evaluation procedures, as well as the slow inclusion of students as partners in governing processes. At the same time, both Acts were not able to clearly solve the legal status dilemma, the problem of autonomy entitlement and the relations between financing of and steering the educational system.

Given all this, one may conclude that both Acts represent only a partial step toward Bologna - and that the second fails to clearly introduce any notable movement towards Europe.

Taking into account the similarities in the contents of these Acts, a dilemma arises: is the recent and unexpected "maturing" of Serbian society a consequence of tiredness of the main opponents, or a real shift in the latter's educational policy, brought about by argument and finally resulting in Parliamentary voting?

Apart from this dilemma, the undisputable conclusion must be that, in 2003, the "Bologna" reform opponents were ready to block every modernization – while in 2005 they were not. It is clear that the 2003 government had no, or at least insufficient allies to

support any idea of modernization; the Serbian state, at that time, lacked consensus for the necessary changes regarding universities. Even today, more than three years later, I – the author – am able to recall that sense of loneliness.

These depressing circumstances have prompted my attempt now to prepare, in advance, the environment, milieu and atmosphere for the missed second semi-step, which consists of finding the final solution to the legal status problem – for legal capacity has to be vested in universities, redefining relations between founders/organizers and institutions, solving bank account issues, introducing flexible financing regulations, via a passing of the universities` and faculties Charter Acts. For further modernization of the education sector, it is necessary to persuade the majority of national stakeholders to whole-heartedly accept the solutions coming out of the international and European education order. I am convinced that Serbia's best means of evading and escaping parochialism and achieving a knowledge-based economy with attendant GDP growth lies in the country's urgent joining of the Bologna Club. This paper is my contribution to such a procedure.

2 Flash Illumination

2.1 The Main European Higher Education Problems of Today

Seven years ago, in June, 1999, EU ministers of education signed the Bologna declaration and, therefore, established a new European Higher Education Area – EHEA. This represented the European attempt to trace a path from Humboldt's university of the past to a more market-oriented higher education system of the 21st century.¹ At least three very rational and pragmatic reasons pushed EU Governments towards the Bologna Declaration of 1999.

First, it is undisputable that Europe created modern universities in past centuries. However, since the middle of the last century Europe has progressively surrendered its lead in higher education to the United States².

¹ See: "The best is yet to come", A Survey of Higher Education, *The Economist*, September 2005, p. 20 (hereinafter: 'The Economist').

² *The Economist*, p. 6. The outcome is that, based on some measurable points, objective criteria, it is established that among top 20 world universities only 2 belongs to Europe region - University of Cambridge – bronze medal; University of Oxford - 8th place². All the rest, but one (University of Tokyo) belongs to United States. To put it differently - US today hosts 17 of the world top 20 universities.

Second, it is evident that 80% of European pharmaceutical research money, for example, goes to American research institutions instead of staying in countries of origin.

Third, as Europe's only chance of preserving its living standard lies in the knowledge-based economy, rather than in people working harder or more cheaply than overseas competitors, the biggest barrier to developing this kind of economy is inefficiency in its higher education systems and policies.

Via the Bologna declaration, Europe has tried to find answers to the main challenges to higher education in the new era: via its democratization (higher educational aspirations had by a young population), its globalization (the ending of distances, a beardless world) and its increasingly competitive nature (as with sport, universities form a super-league of top class world universities competing for talents and prestige).

The introduction of the Bologna declaration caused, all over the continent, a thunderstorm of change, so fundamental that the very idea of university became challenged. In a moment, this upheaval immediately united all opponents, who were ready to block every form of education modernization, in one united front, and gathered under the *dictum* "The best way forwards is backwards".

2.2 Additional Problems for South Eastern Europe and Serbia

When compared with the old 'core' of EU countries, higher education in the rest of Europe shares the same deficiencies and, at the same time, has some *additional* drawbacks. These additional negative aspects are:

- A long-lasting state monopoly in higher education combined with state control of such institutions;
- Low levels of state's budget investments as the sole or the most prevailing money source;
- Neglecting development functions;
- The immobility of students and teaching staff;
- The practical inapplicability of academic programs, and lack of a multidisciplinary approach;
- Long-lasting educational and, even, the scientific isolation of some states (Serbia).

Less than 5 years remain until 2010. In 2003 and 2005, the Serbian starting position was very unfavorable: we were among the last members of the family of European states who had begun changes. The process itself is time-consuming, and our time is expiring.

If we agree that European higher education is being forced to move along the long path between Humboldt-type universities and the more market-oriented higher education

system of 21st century, then it is obvious that there is an *even longer* path for east European countries. Some of them will indeed have to run.

3 Stakeholders and the University Act

Stakeholder recognition of the need for change as well as consensus concerning the essential elements of such changes is, for every government, the first step towards change.

The position of stakeholders in Serbia is not stable - and varies in consequence of external influences and internal interests. Within this framework, in the next few pages I will briefly try to lay out the current positions of the main stakeholders with regard to the new higher education Act in Serbia.

The following assessments are based on long-lasting personal experience of Serbian education and politics, published announcements and the proclamations of institutions, professional bodies, organizations and some political entities, as well as on feedback from a questionnaire distributed to professional and administrative bodies of the states formed on the territory of the former Yugoslavia. Hopefully, a defining of the full social milieu will lead to better understanding of the Serbian social scene and of implementation patterns for the new Act.

All stakeholders can be divided between those who mostly support and those who mostly oppose educational reforms. This division is frequently based on *public* announcement of one's attitude (which does not always match a person's *actual* attitude however). Understandably, one has to take the former into account. The role and influence of each stakeholder differs; so some among them (those with relatively low influence) will be left out of any further elaboration.

Opponents

- State Universities and Faculties
- Prevailing number of teaching (academic) staff
- Unions
- Prevailing number of political parties
- Some Media
- Church
- "Intellectual Elite" – opinion Makers, predominantly

Supporters

- Government (Major actors: Ministry of Education, Ministry of Finance,
- Ministry of Labor and Ministry of Science)

- Assembly (Parliament)
- Private Higher Education Institutions
- Students
- Domestic and International Non-Governmental Organizations
- Some Media

4 The Position of Main Stakeholders

4.1 Government and Parliament (Assembly)

Serbia is led by a minority Government (Cabinet), one officially supported in Parliament by the unreformed Milosevic's Socialistic Party of Serbia (SPS). That minority coalition consists of the conservative Democratic Party of Serbia (DSS – leading partner), the more European-oriented G17+ party, the conservative and traditional Serbian Renewal Movement (SPO) and the conservative-populist New Serbia (NS). While they are ready to harmonize the Serbian legal system with that of the EU, they are not ready to, capable of or willing to work towards bringing European values (ethical or other) into Serbia – which one could consider the main flaw of the minority Cabinet.

At this moment, one of the most conservative parties among them, the DSS, is in charge of the Serbian education system. Contrary to their politically-driven public announcements, they are not wholehearted supporters of changes in the domestic education system, owing to their high regard for the country's educational system. They also like to perceive themselves as being very valuable - and as a 'spotless' political party, they like to see themselves as self-sufficient. Given this, the only influences they might tolerate and accept are ones coming from the international community. Lastly, it would seem that they are in some kind of a coalition, at least on educational issues, with the conservative Serbian Orthodox Church.

Nevertheless, in spite of the above, this party deserves all commendation when it comes to adoption of the new University Act. After they had seen the urgent need that existed to adopt this Act, they influenced all other coalition partners, (save for G17+, who had supported the Act from the beginning). Yet it will take additional pressure on DSS to initiate further modernization and reform, given the fact that *their* support for the Act's adoption was not motivated by their own views on the process or issues at stake.

On the other side, the majority of members of Parliament have the same political options as the Governmental coalition supported by SPS. The opposition is divided

between the demagogic and reactionary Serbian Radical Party (SRS), probably the strongest Serbian political party nowadays (led by The Hague captive populist Vojislav Seselj) and the European-oriented Democratic Party, which is the second biggest political party in Serbia.

The composition of the Government reflects the state of affairs of the main representative body, i.e. so conservatism and traditionalism prevail in Parliament. No influence or argument is possible at the level of Parliament therefore - it is much easier to perform at the level of Government. Changes in the position of government will swiftly sway the positions of the bulk of deputies.

Yet there is a slight chance of persuading some parliamentarian bodies by involving *them* in inter-parliamentarian meetings and exchange programs – and this is particularly true when it comes to the usually unsteady and indecisive Education Committee.

4.2 State Universities and Faculties

Although Serbia does not have a higher education tradition at the level of, say, Italy or England³, the Serbian higher education tradition was established over one and half centuries ago. In 1838, the first Lyceum was founded, an event widely accepted as being the founding moment for Serbian university education. At first, the situation in Serbia was like in other countries. There were no huge differences between Serbian and other world education institutions either in terms of structure or regarding relations between parts and the whole. Universities in Serbia were integrated, faculties were really associated with the universities, and legal personality was attached only to Universities.

In contrast with the case of other communist countries, the former communists in the FR Yugoslavia chose a different path via which to attain the same political goal of party control over higher education institutions. While centralization was the controlling pattern and a prerequisite was vertical influencing in other countries, our government chose “*divide et impera*” as a more sophisticated form of political control.

In accordance with this dictum, at the beginning of the early 1950s the unity of the universities that had existed up to that point was broken by the 1954 Act.⁴ Following this,

³ Bologna - more than 9 centuries (established 1088), not much younger are Oxford (1096), Cambridge, and Prague.

⁴ See below. See, also, more on the historical background: Turajlic and others, *Visoko obrazovanje u Srbiji, Reforma i Prednacrt zakona*, AAOM, Beograd, 2004, p. 25. Petrovic, Jovancevic, *Development of universities after Second World War*, in *The Belgrade University 1838-1988*, Belgrade, 1988, page 303.

a process of dis-integration⁵ commenced. With the enactment of the 1954 law, the core higher education role was transferred from the universities themselves to the *faculties* within Universities. In accordance with this Act, faculties became vigorous institutions, legally and financially self-sufficient, with legal status and bank accounts, and having the ability to earn and distribute (spend) money. A direct link between the state budget and each faculty's bank account was established, to the total exclusion of the universities, even indirectly, from faculties' financing procedures. So universities became empty shells, a simple association of faculties without any clear function or mandate, a weak conglomeration, having no independent revenue sources. Afterwards, they lost their self-maintaining abilities too, and became financially dependent on the state and the faculties. Compared with a state-based organization, therefore, the newly constructed university edifice can be likened to a very weak confederation.⁶

As networking among faculties ceased, one might conclude that, now, there are as many universities in Serbia as there are faculties. Each faculty is (more or less) a university *per se*. These faculties regard their self-sufficient and self-managing positions as their right, and they see every attack as an outright violation of what they perceive as their 'autonomy'. However, the Bologna movement began a reintegration process among faculties in Serbia that has laid the ground for recent clashes, which were allegedly ideological, but which were actually financial.

- First, in the states formed on former Yugoslav territory, with one exception (Slovenia), there is evidence that autonomy does belong to faculties rather than to universities⁷. Shifting autonomy to the university level, via the Bologna Declaration is, to some extent, an attack on the acquired rights of faculties therefore (as well as on the acquired rights of their academic staff), so represents a good reason to oppose reintegration.
- Second, since almost all former reforms had been politically imposed and managed by the former state structures, state universities and faculties today bear more grudges than gratitude toward the state. Accordingly, they will endeavor to protect themselves from the future reach of state competencies, and they do so through stonewalling – using the notion of 'autonomy' and exaggerating the perceived scope of such autonomy. The real objective of such a statement is to

⁵ The same feature is underline, also, in Croatian literature. See: First Steps in Bologna Proces, University of Zagreb, Zagreb, 2005, p. 11-12.

⁶ In Serbian literature Novak, Key Misconceptions Disrupting the Reform of Higher Education in Serbia, has used the same expression in Collection of Articles "Higher Education in Serbia on the Road to Europe: Four Years Later, Belgrade, 2005, p. 295.

⁷ . For example, according to law regulations in these countries it is evident that the students enroll themselves on the specific faculty, not on the university as a whole (entity) and that staff sign labor contracts with deans of the faculties, not with the universities' rectors In Croatia this situation will terminated 2007, due to the fact that in that year faculties will lose their legal entity status. (Almost all counties in our surroundings accepted Higher Education Acts according to which legal entity status belongs to universities (Croatia, Slovenia, Macedonia, and Hungary etc.)).

stress the abnormally large degree of self-dependency which is not accompanied by responsibility - something that is inherent in the 'the autonomy of the faculties' idea and also in their present behavior.

- At the same time, bearing in mind past mistakes, the government is hesitating to define autonomy in a clear manner or in laying out suitable measures for interaction. Both actors are indecisive and frightened - indeed almost paralyzed because of the possible political and social fallout of their decision-making.
- Third, and most importantly, the loss of faculties' legal and financial independency and bank accounts is the real core of resistance to "Bologna". And this "reverse side of autonomy" deserves a deeper look...

While, on average, the share of state grants in the total revenue of the Serbian universities is around 50%, some faculties are able to earn a higher amount of own revenues (mainly based on tuition fees but, also, on research projects or consulting services). The salaries at these faculties are 3.5 times higher (or more) than the salaries at faculties where the self-contributed share of revenues is around 25%. There are very few faculties having such ability to supplement their budget with substantial amounts of self-generated revenue. Among them are the Law Schools, the Schools of Economics and the School of Medicine, influential faculties with lasting traditions and social prestige.

Furthermore, teaching staff engaged in those "wealthy" faculties formed powerful interest groups in favour of the status quo and against the "Bologna" reforms. Their most frequent remark is that the supporters of the Bologna reforms are 'setting a trap for themselves'. At the root of this "wisdom" lies a fear of reintegration, followed by a loss of economic independence, a unification of salaries at State University level and, as a particular and delicate consequence, and ending of the period when salaries were abnormally high. The position of such a stakeholder is thus honest and understandable.

The conclusion to be drawn here, therefore, is that although universities and faculties share the main role and are the main participants in change, their positions do differ.

Reintegration will turn universities into 'reform winners' - and we would expect them to be likely allies of Bologna reforms, although this is not being experienced with the 2001-2004 Serbian government. Now, universities are very weak institutions, are disorganized, and have a large number of hired (and among these, mainly administrative) staff. The influence of universities is thus limited, with few recognizing them as genuine actors on the social scene; and the position of these weak institutions to a great extent depends on the Rector's attitude and his 'authority' among intellectuals.

Some of the wealthy faculties will be losers - though some of the poorer faculties will gain from reintegration. Faculties who have the capacity to increase their own revenues will always oppose the Bologna movement, and vice versa. Well-organized and

vociferous opponents always have contacts with journalists, being ready to produce and spread ideological tales dressed in traditional 'clothes'.

In such an environment, it might be more productive to present to teaching staff engaged in "underprivileged" state schools a clear outline of future benefits (for them) arising from the redistribution of salaries that will come via reintegration. This may be more effective than trying to sway "wealthy" opponents to accept potential pay cuts with "quality" and "demand and supply" arguments. It is normal to expect that, after some explanation, the prevailing number of faculties *will support* such changes – and only people's fears (see below) might exclude them from the being on the supporting side of the story.

4.3 Private Higher Education Institutions

Free competition between high quality educational institutions is one of the paramount objectives of the Bologna movement. This is why evaluation, accreditation and licensing are immanent within the recent reforms. The real Bologna combat zone boils down to the following:

Should all institutions be exposed to accreditation (or licensing)? In other words, should the newly established private universities be treated in the same way as those with exceptional, long-lasting traditions, and which are considered to be high-quality state institutions?

While state universities possessed all the educational assets and best human resources for more than the last half-century, the establishment of private educational institutions picked up pace only in the last few years. The lack of human and money resources on the domestic market and the inexperience of founders and staff in educational matters often resulted in the creation of institutions of below-par quality. If one also adds the non-controversial observation that some of these institutions hold a business-like approach to the question of issuing and acquiring of diplomas, it becomes obvious why they are underrated - even in the minds of objective observers. These schools, in fact, need more time for development, but, even now, as shy, silent outsiders, they are more likely to be allies to educational reform.

4.4 Teaching (Academic) Staff

Research, classifications, suspicions and evaluations pertain to the world of science. As sciences and teaching are two sides of the same coin, then, it is obvious that a good number of professors are well-educated as regards the scientific profession and in contemplation as well as in instruction provision. In addition, as self-evaluation is a dimension of evaluation, it is also clear that they are familiar with notions of self-evaluation and self-criticism.

After accomplishing the self-evaluation procedure, some became conscious of the fact that they perhaps do not have all the required conditions that should go with a modern, well-skilled and competitive professor; and as internal and external evaluation represents a part of the Bologna reforms, it will be easy to 'blame' such reforms for one's *own* failures. Two implied consequences (on a psychological level) of accomplished self-evaluation caused by the transparency of Bologna process may thus be:

- a fear of incompetence
- a fear of non-acknowledgement.

These fears challenge one's respectability and reputation, and both major aspects in the professional status of professors - so a loss of such factors will lead to a loss of status. Such professors shape the Bologna opposition, therefore – and they hide behind the magic notion of tradition in order to escape competition and/or further external evaluations. So frightened academic staff would prefer to hide rather than face reality - and try to find the way out. It will be possible for persons to suggest leaving out the evaluation test for all teaching staff older than, say, 50. This goes far enough - and will lead to a lowering of the number of losers and Bologna opponents. (See below: "Fears, or the Second Appearance of Tradition").

4.5 Political parties

As education is a top priority in any society, all political parties' possess their own education programs, and they try to implement them in reality. Yet the reality is that the Bologna reforms are not home-made - they are imposed from outside. This provides suitable ground for a "conspiracy theory", something that is welcome and acceptable to the majority of Serbian political parties and (even) the ruling elite. The theory stems from a perception that, historically, Serbia has been at the receiving end of events. And this prompts another extremist conclusion: as the 'outside world' does not like us, we *have to*

be the world's outsiders. Recent experiences of isolation and bombing reinforce such a perception⁸.

External forms of the conspiracy theory's façade may be visible in the one of following attitudes:

- A growing resistance towards globalization. Despite the fact that the city of Bologna belongs to Italy and Europe, the Bologna process is perceived as an extension of *American-led* globalization. The majority of Serbian political parties are ready to equalize and confuse Bologna demands with what they perceive to be the main attributes of the American higher education system - in spite of the fact that they have limited knowledge and no experience of the American system. They see the Bologna movement as a European and Serbian move towards America, it being their contribution to the process of further globalization. As the battle against globalization is excellent ground on which to prove one's own patriotism (the final message they pass to the electoral body is "we are the guardians of Serbian patriotism"), they turn to the self-styled 'tribunes'.
- There is a struggle to preserve elitist, traditional values in higher education - which might be destroyed by the Bologna process. Politicians frequently refer to the fact that Serbs are very proud of their history and traditions – and if someone proclaims any value traditional and admirable Serbs are ready, without much consideration, to protect such things.
- The protection of Serbian culture as a whole - including universities, as pillars of this culture – is important, and it could be destroyed by the Bologna process. This objection rests on the same set of 'arguments' as previously mentioned.

As Serbian political parties are more nationally- than academically-oriented (admittedly, this is a trait shared by almost *all* political parties, worldwide) it is noticeable that there is much confusion among them; indeed, so much that they will have trouble

⁸ Prior to the changes of the 5th of October and during the previous ten years, citizens of Serbia were dissatisfied with the status of their country in the international community and the treatment it was getting. This dissatisfaction grew into a negative attitude to the international community as a whole. The fact that the UN was resolute concerning the membership of Serbia in international bodies after the dissolution of Yugoslavia, and the fact that Badanter (his commission) and the international community concluded that what took place in Yugoslavia was a dissolution, rather than a secession of individual republics, provoked the belief in an international conspiracy with the ultimate aim of destroying Serbia (and, at the time, Montenegro along with it). Any expression of sympathy coming from individual states (above all Greece, Russia, and China) then seemed immense and remained in popular memory. Immediately after the democratic changes, as a result of the quick accession to international institutions and the withdrawal of sanctions, the attitude turned to a temporary satisfaction of the majority with the international position of Serbia, but discontent quickly prevailed again. The reasons are both rational and irrational. They originate in the concept of sovereignty and its distortion – the belief that the international community interferes with internal Serbian affairs too much, that it dictates the terms of behavior, which is considered as interfering into our business, and not as a desire of the international community to meet the standards that would lead Serbia closer to integration (primarily into the EU). On the other hand, prevalent is the view that the international community is not doing enough to help resolve the economic problems of the country through donations (there is still an implicit belief in the duty to donate funds because of the bombing) and investment (Serbian firms are not understood as uncompetitive and the incompleteness of the legal norms that would attract investment is not comprehended). Finally, the fact that Serbia is still "blacklisted" in terms of the visa regime increases discontent even among those who successfully avoid the mentioned misperceptions.

distinguishing between the points laid out above. It seems that all parties have made use of these arguments, and in a confusing mixture, as a shield for one's protection, and with no clear understanding of the significance and implication of the terms. The "conspiracy" 'defence' is thus more destructive ("We do *not* want this or that") than constructive ("We *want* this or that"). Besides this, as a prevailing number of parties are conservative, populist and/or demagogic, their perception that the majority supports the *status quo* on education will automatically force them to oppose any changes.

Thus, the formation of an *ad hoc* educational coalition among pro-reform parties should be of great significance. In the area of education, the leading progressive party is DS, being followed by G17+ and (probably) by a predisposed DSS and some prominent leaders of SPO.

4.6 *The Church*

With its growing influence and authority in Serbian society and with an increasing ambition to participate at all levels of education, the church has muscled its way into a position of being an important partner, and it has several educational 'themes'. Yet there is with the church, fortunately, less of an interest in *this* level of education than in the primary and secondary ones.

The Orthodox Church has the largest share of believers in Serbia. It represents the most conservative organization in society, so it seeks no or only limited change. After the Second World War, it lost all influence in education, though - and all of their assets and possessions gradually deteriorated. This did not, however, concern the authorities. Now, however, the restoration and expansion of church capacities and resources, and the sharp increase in its popularity is coinciding with a growth in ambitions for the upper echelons of the clergy. Unfortunately, the church has often been a *part* of the problem rather than a solution. Other churches have similar ambitions as those of the Orthodox Church, and work in close collaboration, which is probably due to the fact that they are aware that their ambitions may be fulfilled only if they work in a coordinated manner.

4.7 *The "Intellectual Elite" (Opinion Makers)*

The so-called "intellectual elite" does not have any firm organization, any domicile (address, headquarters), bodies or official leaders. Due to its "amorphous structure", it is not on the same organizational level with the other stakeholders therefore. Nevertheless,

and in spite of this, they do deserve a separate, equal (and perhaps more prominent, and certainly not less important) place.

Although the state puts constraints on the elite and although the “spirit of the nation” limits their capacity, it goes without saying that the mission of this elite is not to mimic or solidify the existing order but, rather, is to enhance the state’s capacity and to contribute to the development of the “spirit of the nation”. The main weakness is that the majority of the Serbian elite is *not* ready to change, but wants to maintain their acquired rights by defending the *status quo* for as long as possible. It will accept change unwillingly, and only after considerable delay. Most are conservatives and traditionalists that are ‘resting on their laurels’. Additionally, they are extremely vociferous, and are ready to create and incite, via public opinion, resistance against all things new. Indeed, the history of the Serbian state has taught us that the phenomenon of ‘a bunch of vocal individuals’ can be observed at every major historical crossroads.

One may, therefore, conclude that “although there existed some material prerequisites (elements of a market economy, the openness of the former Yugoslavia to the world) for transition and rapid Europeanisation, no such mental or psychological readiness was ever present in Serbia. This readiness was non-existent among general populace and, more significantly, among the elite.”⁹ Apart from the political leadership (Milošević and his team), the majority in the intellectual elite of that time represented the *same* ideas, coming via the Academy of Sciences, the Association of Writers of Serbia, as well as the Church.

Fortunately, time is not on their side, even in a biological sense - and they will slowly have to leave the scene. They certainly see this as a problem, and as a new recruiting policy they have been ready to grant certain privileges to incoming fellows, like membership status at prestigious academic, scientific and other intellectual societies and clubs; we can thus argue that supply and demand also exists at an intellectual level!

Some distance from this noisy majority is a silent, quite introverted European-oriented minority. They are often accused of committing treason’ against Serbia, and hesitate to speak up about issues, or to appear in the press and other media. This has thereby created an ideological cleavage between the representatives of the civic, modern option on one side - and those of the nationalist, traditionalist option on the other.¹⁰ And the

⁹ L. Perović (1994), *The Flight from Modernization*, in: N. Popov (ed.) *The Road to War in Serbia: Trauma and Catharsis*, Part I, Sam izdat B92, Belgrade

¹⁰ See: Z. Đ. Slavujević, *Possible Directions of Restructuring on the Serbian Party Scene*, (2003), In: Lj. Bačević et al: *Value Changes and Transition in Serbia: A Look into the Future*. Belgrade: Institute of Social

problem of redefining concepts and divisions into “patriots” and “traitors” remains, for such terms, used so often and so unreservedly within the political discourses of the past, have left a serious psychological burden - and indisputably have an effect on the main ideological divisions.

4.8 Students

It is telling, that my first intention was to *exclude* students from this list. For the reality is that, in spite of the fact that they may be observed as open-minded, progressive actors in the Bologna process, they are not in front line in any battle for reforms; yet if one adds that they usually get sympathetic coverage and support from the media it is obvious what powerful allies they could well be.

However, for their entire lives the Serbian educational system has treated them as blindly obedient - which is, of course, absurd. Serbian law students are equally - or perhaps less - trained to obey rules (i.e. as equally as anybody else). Given this, their main interest is to get their diploma, disregarding the amount of knowledge received in the process. The system treats them as mere consumers in the education contract, via a contract to supply them with a “knowledge-giving” service.

This incorrect and even immoral theory, frequently repeated during periods of education, shapes generations, who are thus prepared to *follow* rather than *lead*. This is why they do not feel so empowered to steer their own lives, and have even less willpower and strength to participate in a social and didactic movement. Yet they definitely deserve to see a reform of the whole educational system, as that is their only chance of reaching Europe.

5 The Core Obstacles

Thus, the “Bologna movement” is an unwelcome and uninvited innovation for the majority of stakeholders. In the next few pages, I will try to make an inventory of some of the major obstacles that are most often put forward by opposing stakeholders; while arguments that are *pro* the Bologna movement will be dealt with here as well.

The most common arguments coming from prominent opponents (i.e. faculties, teaching staff and opinion makers) can be reduced to following statements:

5.1 *That Illusive Word – Tradition*

Half a century of disintegration of Serbian universities¹¹ prevents us from supporting a movement that – as in “Bologna rules” - favors centralization and integration.

As mentioned, the unity of universities in the former Yugoslavia was broken by the 1954 Act. Further developments in Serbian higher education simply followed this mainstream move, based on the communist’s pragmatic approach towards resolving a burning political problem of university control. The advocates of this approach consider themselves to be exclusive owners and guardians of Serbian tradition, including university traditions. However, they completely disregard two very important preliminary questions: when did this history commence - and when did this particular tradition begin? Well-versed in communist ideology, they are always ready to connect the commencement of history with the commencement of the rule of the system they sympathized or belonged to. Evidence of the ‘veracity’ of this statement are contained in the following equation: if one takes 1838 as the year of the Serbian higher education system’s introduction, then our tradition extends to a period of 167 years. From this launching moment, up to 1954 - consequently 126 years - Serbian Universities have been integrated¹². Therefore, in comparison with the previous time period, one may designate 1954 as the year when university policy began to go astray. Simple calculation shows that the integrating period lasted 126 years, and the disintegrating one 51 years¹³. So much for tradition therefore...

In addition to these arguments, which are political and ideological in nature (and far from the political arena), though from the same school of thinking, arise two better-founded, more commonsense arguments regarding ‘integration non-capacities’ and ‘disintegration capacities’. The base for the first is the protection of acquired rights (hereafter, legalism), while the aim of second is a pragmatic, managing approach to the problem (hereafter, pragmatism).

¹¹ One of the main pro-Bologna fighters in Serbia, Srbijanka Turajlic considers reintegration of Serbian universities as our most complex steep toward Europe. I agree with this opinion. See Turajlic, “Higher Education in Serbia between Tradition and Reality, in Collection of Articles “Higher Education in Serbia on the Road to Europe: Four Years Later, Belgrade, 2005, p. 290.

¹² Conclusion extract from legal texts. Basic University Regulation, on September 16. 1939. (Art. 2, 3 and 9) points out those Universities had been legal persons. In addition, faculties, even, did not have bank’s accounts, but for a limited reasons (donations and legacy), and finally, dean of the faculty had been a part of university organization as university body.

¹³ In the same manner see Turajlic, “Higher Education in Serbia Between Tradition and Reality, in Collection of Articles “Higher Education in Serbia on the Road to Europe: Four Years Later, Belgrade, 2005, p. 289.

5.2 Legalism

For the reintegration process sought after via “Bologna”, there has to be some encroachment on faculties’ ‘acquired rights’. In the eyes of conservatives, though, this also has a flipside. They rally around the claim that the “reintegration of universities, according to the “Bologna reforms” will lead to a loss of “financial independence”. Such an approach relies on the hypothesis that the autonomy of faculties (originating in the 1954 Act) does give them an acquired right.

If it is true that state’s faculties are institutions dependent upon the state budget, then it is peculiar that the financier (the State of Serbia) does not have more competence - and is even ready to abdicate from exercising any competencies. It looks as if the state is more inclined to accept a ‘bloated’ notion of autonomy than to define such a notion clearly.

As all persons are very sensitive to acquired rights, whether they are private or public, it is very tricky for governments to challenge the vested rights of citizens and legal entities, especially if the government plans to win the next election. This ‘hazard’, having potential political repercussions, prevents governments from waging costly and prolonged legislative wars. Governments follow the course of the least resistance, and are usually not capable enough (at times not capable at all) of - or not strong enough to – balancing things up. The 1954 Act has to be considered as “*peccatum originale*”, an initial ‘deviation’ moment - and the first violation of the system. Even if old injustices are not corrected by new ones, the rectifying of old mistakes undoubtedly has to occur by tackling the problem *gradually*, while keeping adverse effects to a minimum. Anyhow, the Serbian problem of legal subjectivity should not be allowed to jeopardize the movement as a whole (even in Serbia).

The reverse side of the autonomy argument is financial. Given this, *pro* Bologna financial arguments are as follows (See also: State Universities and Faculties).

The ability to increase the share of a faculty’s own revenues depends mostly on enrolment fees. As this is determined by the economic conditions of the state (where the sky is *not* the sole limit), the main base for increasing revenues remains the number of enrolled students. Thus, faculties calculate on having a large number of enrolled students, which inevitably leads to student body ‘inflation’. As the quality of studies and the quantity of students do not usually go hand in hand, increasing salaries will be (paradoxically) followed by reductions in quality (a lack of human resources, office space, support equipment, etc). Then comes diminishing enrollment... Aware of this cycle, Bologna

opponents are usually distinguished fighters against the private education sector and competition – even though it is more or less clear that free competition and private education are inevitable at the beginning of the XXI century.

A simple question remains “Who, under such circumstances, will emerge as long-term losers - and who will win?” It is hard not to bet on the concept and practice of *quality*.

Last but not least, if the conduct of teaching staff operating in “wealthy” schools is understandable, what about the behavior of individuals engaged in “underprivileged” faculties? Instead of turning themselves into well-organized promoters of the Bologna movement and clashing in an academic and intellectual sense with the opponents of Bologna, this group is reserved, even numb. This is surprising, given the fact that they almost certainly would be *beneficiaries* of a leveling of salaries at university level. One needs to stress that it might be more constructive to present a clear outlining of future benefits (for the latter persons) coming via a redistribution of salaries than to try to convince “wealthy” opponents to accept potential *decreases* in salary using “quality” and “demand and supply” arguments, however truthful such arguments are.

Finally, if the law really wants to attract teaching staff from “wealthy” faculties onto the “Bologna” side, it can be done via simply resorting to economics. With this objective, the state need to be obliged to maintain, *pro futuro*, the same level of budget investment for each individual faculty (salaries, stipends and maintenance); while, at the same time, faculties should retain the ability to ‘top themselves up’ from self-earned monies - thus, bank accounts at the level of faculty should be kept¹⁴.

5.3 Pragmatism – Inability to Steer Massive Systems

A lack of legal and other abilities (skilled staff, experience, organizing and infrastructure capacities) with which to guide gigantic universities is the next objection to Bologna. And this objection has most resonance when it comes to the situation of Belgrade University, which comprises 31 faculties - which then begs the question: is it politically or scientifically correct to base one’s criticisms on one exception? Nevertheless,

¹⁴ In Slovenia, universities received lump sum from the state budget for all members (institutions) and then distribute it to particular faculties. In Croatian, both entities (universities and faculties) received money separately and directly from state budget. Special rules for the University of Zagreb oblige faculties to contribute, from own incomes, in the University Developing Found 1-6% per year. In a year, 2006 Croatian budget will pass to lump sum methodology too. Serbia Higher Education Act does not contain any article concerning financing methodology. In all compared states both subjects’ possess bank accounts. All dates collected from the distributed Questionnaire.

as this University may be considered the nucleus for all other universities and, additionally, it represents one-half of the Serbian state higher education body, such a remark does deserve consideration.

First, let us assess the claim that Belgrade University is the biggest, or almost the biggest, university in the world. Is this statement sustainable? A simple comparison of dates offers uncertain grounds on which to come to a conclusion - for the organization and structures of universities in other countries differ greatly here, and in many other respects; only the label "University" is commonplace. Constitutive elements of such organizations could also differ as regards other factors, too - for example, internal divisions into schools, faculties, departments, academic units, academic schools, etc. Consequently, comparing notions of "Universities" deserves a broader, comprehensive, almost academic investigation... At first glance it seems that Belgrade University is not so peculiar when we look at its size (31 faculties and 75000 students). In addition, one can investigate a number of other institutions of higher education, like the University of Rome (180 000 students), the National University of Mexico (200 000), Turkey's Anodal University (530 000), the University of Berlin (100 000), Oxford University, England's, and the University of Texas (more than 50 000 enrolled students, etc)¹⁵.

One is thus able to see that size by itself is not a good reason to preclude the possibility of successful management.

Nonetheless, if we admit that the handling of giant institutions *is* a complex task, there exist at least three ways out of this problem.

- The first consists in initiating, within law, the capacity-building process¹⁶. This would entail the gradually-planned transfer of functions and competencies from faculties to universities along with the gradually-planned rebuilding of universities infrastructure capacities. In the short run, this process will increase expenditure (human capacity, new institutions etc.) though, in the long run, expenses could be cut. It is more rational, from an economic standpoint, to have only one University headquarters backed up by supporting institutions than 31 separate faculty headquarters.
- A second way out presumes a legally-based, and final dis-integration of Belgrade University followed by a re-merger or the building of an association of related faculties/schools that would have reasons for merging together and rationalizing themselves. In this manner, in the zero hour, Belgrade University may be divided into several functionally operative smaller units, with these being newly-founded and integrated (smaller) universities.

¹⁵ For the complete information of word-wide universities situation see: <http://univ.cc/word.php>; In similar manner see Novak, Key Misconceptions Disrupting the Reform of Higher Education in Serbia, in Collection of Articles "Higher Education in Serbia on the Road to Europe: Four Years Later, Belgrade, 2005, p. 295.

¹⁶ Partially, in this manner Serbian legislator solved this problem in new Serbian Act. See: Higher Education Act, Off. Gazette SCG, no 76/05 September 2. 2005.

- Nevertheless, if the main objection of these opponents consists of preserving the mere unity of the University of Belgrade, this may be achieved by constructing a 'compound system' with two levels of organization. On the first level, the unique (singular) University should be divided into a couple of departments (via networking related faculties); and, at a secondary level, these departments should be spread out further (to faculties, into schools). And autonomy would be shared within the framework of the first organizational level.

5.4 Fears (or: *The Second Appearance of Tradition*)

The very notion of fear belongs to the twilight zone of irrationality - thus, there are no rational arguments to persuade one not to succumb to them. Because of this, it is less painful and more convenient to remain on the plane of tradition chosen by opponents of the Bologna process, using their surface arguments as shields - rather than to sink into an ocean of fears.

If one aim of this paper is to identify and ameliorate arguments for changing the attitudes of the opponents of modernization, and to attract and involve the biggest potential number of subjects in the modernization process - then one of the reasons for such a change can be recognized in the subsequent argument:

The entirety of tradition inherited in the moment of engaging with some institution represents a product of the preceding activities of our predecessors, and it forms a part of the past, just like baking a traditional chocolate cake! When one takes charge of a business one can choose between two possibilities:

- The first consists of undertaking guardianship, and having a tradition-keeping function. In line with the metaphor used above, this is a kind of refrigerator for the chocolate cake. However, no matter how tasty the cake is, the refrigerator will always remain a machine. In my opinion, this engagement is not sufficiently interesting if we are looking at a *lifelong* engagement (considering the vanity and ambitions of teaching staff, and without any flattery). They are, in fact, ready for more than this.
- As a result, Bologna promoters have to offer opponents a second choice, with a superior prestige level. The 'cake of tradition' is enormous, so one may make use of a refrigerator, but it also has to be consumed while fresh. And another cake will then be baked for the future... Teaching staff backgrounds, their positions and knowledge will enable them to change from being keepers of tradition into participants within a constant building process - into being the masons of *future tradition*. If they accept, then the position of participants will be equidistant from the position of opponents and promoters.

Additionally, a person that supports tradition, by definition, cannot be opposed to the principle of free competition. The exclusion of free competition is a burial place for quality, prosperity and, because of this, will present a barrier to up-and-coming tradition.

6 Key Incentives

From this standpoint one is able to see at least three categories of incentives concerning the realization of Bologna ideas.

The first might be labeled 'political', by nature. Namely, the majority of prominent Serbian politicians point to (though perhaps only via paying lip service) European integration as their main political aim. This phenomenon is something that can be used!

It is a long road between Serbia and the European Union. Serbia has to leave behind a number of tests and to adjust the bulk of its regulations before any accession process can begin in earnest. But, meanwhile, in some areas, progress could occur more rapidly. As a part of European Union, EHEA is our shortcut to this desirable space. We should note that:

- Any government that contributes to European integration will gain an aura of prosperity.
- The educating and raising of new generations of socially-responsible intellectual and political elites on the basis on the new 2005 Act will contribute to the democratic course of development of the state and also support the process of transition and economic recovery.

Second and third category of incentives would be combining the academic and financial elements of schooling. The existing state Serbian higher education system is notoriously inefficient. Only 11% students' graduate on time! In addition, a mere 30% of the total number of enrolled students graduate *at all*. The average duration of undergraduate studies is 7.5 years - which is a significant drain on the Serbian budget. Additionally, huge Serbian state universities are networking, while superfluous numbers of faculties (e.g. four state law schools) puts a further strain on state financing.

- By limiting exam possibilities, "Bologna" will motivate students to become more rational, directed and to finish their studies in a shorter time period¹⁷.
- It is more than obvious that the battle for quality and transparency (both inherent in the Bologna process and in the 2005 Act) could lead to a prevention of both

¹⁷ According to the experience of University of Montenegro, when properly implemented new system leads to increase of passing grades and decreasing in a number of years spent studying; see Kostic, The Bologna process at the University Montenegro Faculty of Law – Bitter Sweet Experience, pp 1-2; Belgrade International Seminar.

“Achilles’ heels” involved in the process of transition: that is, the brain drain (“I’ll leave my home country”) and unfair competition coming from a low-level private sector (with the elimination of more inferior institutions, irrespective of who their founder/organizer is).

- The outcome of “Bologna” will be rationalization of a network of higher education institutions via implementation of a quality insurance test.
- Reintegration of faculties will lead to a reduction in costs and expenses, because of a decline in the number of supporting institutions and headquarters.
- This transformation towards integration will lessen the need for teaching staff, which fits in with objective limitations existing in connection with the amount of human capital in Serbia.
- There will be mutual recognition of diplomas (Lisbon Convention), which fact will facilitate all kinds of integration (science, on the labor market, educational), which will in turn point towards a United Europe.

7 Conclusion and Policy Recommendations

It is more than obvious that Serbian higher education today desperately needs modernization. External circumstances favor this direction, for Europe is at present also conscious of the need for higher education change, and the greatest number of European university centers is reform-oriented. So the external background and the milieu exist¹⁸. If we admit our deficiencies, this moment might prove to be the most convenient one when it comes to self-reforming, as it is much easier to change the system *together* (and in cooperation) with others than to do it while relying solely on *one’s own* resources and ‘expertise’. The European reform movement is growing - and we are a natural partner.

As the Bologna movement has opened the door to reforming processes, it would be useful for Serbian academics and politicians to identify the main aims of such reform and to look at the tools with which one might achieve such aims. In my opinion, the identifying of future objectives, and the tools for attaining these objectives are of paramount importance with regard to state higher education in Serbia

Goals	Tools
A quality level of education and quality assurance that is as high	<ul style="list-style-type: none"> • Permanent evaluation • Accreditation and licensing

¹⁸ According to “The Economist” this is happening for four main reasons: massification (democratization) of education, knowledge-based economy, globalization and competition. See The Economist, The brains business, A survey of higher education, September 10 2005, p. 3.

as possible	<ul style="list-style-type: none"> • Transparency of the education process • Support for exchange teaching-staff and student programs.
Attractiveness of the local educational system	<ul style="list-style-type: none"> • Establishing relevant, flexible, modern curricula, especially multidisciplinary and interdisciplinary • Harmonization of the education system with European tendencies
Rationalization of network	<ul style="list-style-type: none"> • Licensing and accreditation of all institutions (already existing and newly founded), excluding some schools from the education process if they fail to fulfill prescribed conditions
Efficiency of the system (Reduction of costs and expenses)	<ul style="list-style-type: none"> • Integration of faculties as a prerequisite for reducing the number of supporting institutions and headquarters • Organizing improvements in the use of space, and supporting teaching equipment, labs and libraries • Reducing the number of teaching staff • Increasing the number of students¹⁹ • Shortening duration of study • Giving, via regulation, possibilities to diversify income sources
Competition possibilities	<ul style="list-style-type: none"> • Equality of state and private higher education systems with regard to their establishment and quality 'tests' needing to be passed. • Competition for all participants in procedures (students, institutions, professors).

My personal view is that additional efforts should be made to build up a conviction among the majority of stakeholders as regards the necessity of having change. In reaching of consensus among them, it would be desirable:

¹⁹ "Higher education is rapidly going the way of secondary education: it is becoming a universal aspiration" Statement found in The Economist, A survey of higher education, September 2005. In contemporary word democratization, massification is one of the main features of higher education.

- to organize (or co-organize) as much as is possible international conferences devoted to higher education issues;
- to involve the most important stakeholders, additionally, in some kind of public debate, with the objective of getting peaceful conflict resolution;
- to accept persons as *partners* with regard to common projects, while tolerating their (likely) initial professional 'deficiencies', and to support exchange programs that would serve to make persons more open-minded;
- to insist, in every debate, on the fact that autonomy belongs to *universities*, not faculties - and to support those of them which insist on university re-integration processes for the sake of the sustainability of the system and the rationalizing of expenses;
- to support all ideas aimed at preventing (further) political control of higher education institutions; and
- to be aware of the fact that huge changes in states of minds will be time-consuming, so that one needs to be patient but also resolute when it comes to a desire to "save time".

Appendix

Guidelines for Lawmakers

Clean-cut aims and plain wording will serve to make easy the drafting of the legal regulations. Legal wording, as a matter of approach and style, belongs to the sphere of the legal environment and to the background of a country – and will need advising on only to a limited extent. However, determination and selection of the main aims of any legal act, as a part of educational policy, will serve to reflect the broader social consensus and, therefore, may be liable to a greater degree to the personal input of advisors.

Even those suggestions that are rejected in the drafting process will have impact – thus, there is no such thing as a useless suggestion.

Predicament – single or double track (Is non-public higher education in Serbia equal or inferior to public – i.e. state – education?)

The initial dilemma the Serbian legislator will face when setting up the structure of the act, boils down to the following question: “Should *the same* legal act be applicable to *all* higher education institutions, independently of their founders or investors?” This dilemma stems from present quality discrepancies between state and private education institutions, as seen.

In my opinion, it is much better for the government to present a single set of high legal standards (the act) for *both* sectors (public and private) whilst retaining its ability to exclude from the higher educational network those institutions that do not comply with prescribed standards. Given that the most important objective of every government in the field of higher education has to be quality, this kind of proceeding should be taken exceedingly seriously for reaching that aim. Provisions applicable only to the public sector (if there are any, e.g. concerning state financing) will have to be especially denoted.

At present, there are two possible approaches to the question of limiting the scope of act application:

- Firstly, arising from a *numerus clausus* approach (enumeration), where all existing higher education institutions in the country should be listed, by their official name, as the institutions to which the act shall apply²⁰.

²⁰ Art. 6 of Austrian Universities Act (2002)

- Secondly, the approach would be thus: that the Law has to match (via an equalizing effect), in a *general* manner, and also clearly, affecting both the private and public educational sectors²¹.

For transition countries, the second approach is more appropriate because of the unsteadiness and changeable nature of the organizational network.

Necessary content of the Higher Education Act

The Ministry of Education in the proposed procedure and the Assembly in the law-making process are unrestricted in being able to determine the main components of an Education Act, including a Universities' act. However, common agreement is that a couple of topics concerning universities are unavoidable as regards such a basic act. So it is desirable for these acts to cover following topics:

- Definition of the notion of higher education - and determination of the types of higher education institutions
- Determination of the purposes, principles and duties of universities
- Foreseeing possible forms of founding, winding-up and merging of the institutions, and identification of potential founders from both public and private sectors, accompanied with accreditation terms and procedure
- Definition of the notion of university autonomy and the autonomy of supplementary higher education institutions
- Legal form – that is, the legal 'entity' (with their capacity) of various higher education institutions; along with acquisition and winding-up procedures
- Basic principles for the giving and recognition of degrees (recognition of foreign diplomas)
- University governance and internal structure
- The financing of state universities and other institutions, financial and suitability for management, accounting and reporting
- Financial and legal supervision; the financial responsibility of governing bodies
- Accreditation and evaluation of such institutions
- Academic freedoms
- University fees and general provisions concerning remission and reimbursement of university fees, and other forms of students support
- Commercial possibilities existing for state universities
- General provisions concerning students, student admission procedures, organizing, and student bodies
- General provisions regarding academic and administrative staff
- Legal actions and dispute resolution²²

²¹ In that manner: art. 1 of Albanian Higher Education Act. Similar, but not the same, is Art. 1 of new Serbian Act on Higher Education. In defining the scope of its application, it do not made any distinction, or discrimination between private and public sector, providing that it will be applied on the entire system of higher education.

²² See, Farrington, Governance in Higher education: Issues arising from the work of the Legislative reform

This list of topics is a basic one. Other concerns can be dealt with by associated acts, and via university charters and statutes. A few of the above-mentioned topics are, in the case of Serbia, especially sensitive. In our opinion, the most important questions of the kind dealing with autonomy, legal capacities, bank accounts, and *quality* as related to evaluation and accreditation. The next few pages of this study will be devoted to these issues.

University autonomy

From the legal standpoint, if we are near to saying that autonomy belongs to universities and not to faculties (or even elsewhere) the most effective way of defining such a thing is *to define it clearly*. This is the best that the law can do...

In contemporary economic literature, among liberal economists, there is a widespread perception that there is a strong correlation between autonomy and financing issues (the origin of money). It appears, from writings, that there is a fine line between a moderate observation noting that “when universities depend on the taxpayer, their independency... suffers”, and an extreme one holding that “they (the universities) can be autonomous institutions, mainly dependent on private income ... or they can be state financed and state-run”²³. And second, it may suggest that the autonomy of universities contradicts the very notion of a model where higher education is financed by the taxpayer.

In my opinion, equalizing autonomy with private money sources (fees, donations) and dependency upon public money sources (taxpaying) is somewhat exaggerated, though.

To put it differently, independently of the origins of financing, the main problem of universities lies in the amount of *actual* money at their disposal and in organizers/founders’ concerns regarding governance and quality-related issues. An indifferent organizer is always a bad one, irrespective of its public (state) or private ‘personality’ - and such indifference will be reflected in money contributions. While a wealthy state devoted to higher education and to a knowledge-based economy could represent itself as an organizer that is as accountable and admirable as any private donor. For the sake of education’s prosperity, it should be reasonable and desirable, for transitory states, to avoid the state’s monopoly, and to put private and public education

Programme for Higher Education and Research of the Council of Europe, DECS/LRP (98) 28.

²³ See The Economist, “Who pays to study” and “Pay or decay”, January 22nd 2004.

on an equal footing so that free competition can take place between them. Special legal protection for public education is counterproductive, and it will lead to ruin. The only thing that separates good, mediocre and bad universities is the idea of *firmness of commitment*.

The legal notion of university autonomy in Serbia, especially among academics, is often confused with the legal notion of state sovereignty. As said, from a Serbian point of view, the real problem is universities` deliberately erroneous reading of the notion of “university autonomy”, which results in exaggeration of the perceived range of such autonomy and the state’s (government’s) hesitation in defining clearly and with adequate authority such range. The latter is a reflection of the state’s implied yet also frank confession that education is not (yet) on the list of its top priorities. Also, such hesitation reflects Serbia’s unsettled budget situation. Yet the definition’s necessity remains.

Definition

As a compound notion, in our opinion, autonomy has the following dimensions:

- Academic dimension:
- Universities have the ability to determine and define of areas of teaching and scientific research, though teachers must observe regulations in force concerning educational and teaching arrangements.
- Teaching shall be public, and access to teaching should be limited only for certain well-founded reasons.
- Universities shall not be ‘directed’ regarding the academic content of their teaching or the content of research work.
- Universities are entitled to recruit their own personnel/staff.
- Universities are entitled to cooperate with the other domestic and foreign universities, associations and institutions, regarding exchange programs and other purposes, during teaching and scientific research and for staff training.
- Managing dimensions:
- Universities are entitled to elect their steering bodies and authorities.
- Teaching staff/personal are entitled to elect to and to be elected for those bodies, in line with universities’ charters.
- Financial dimension:
- The government shall fund state universities. The budget of each university will be included as a separate item into an educational budget (pro futuro proposal).
- Universities are entitled to offer/render services in the areas of teaching or scientific research, and to make money out of such provided services.

- Universities shall be free to use their incomes as they see fit, except insofar as the law stipulates otherwise.
- Universities shall manage their financial affairs in their own name and regarding their own accounts.
- **Property dimension:**
- If universities have real property of their own accord, they may dispose of such properties with the consent of the relevant Ministry or according to general rules issued by the Ministry or Assembly.
- The Ministry may issue rules concerning the renting and letting of real property.
- **Legal dimension:**
- During the preparation of acts and decrees solely concerning universities, the universities shall have the opportunity to issue statements on such matters.
- **Accompanying the state's commitment:**
- The state guaranties the integrity of universities' institutions and territory.
- State bodies (especially given their coercive abilities) may not intervene in the academic environment, except by request or by permission of the heads of universities or if there is a case of flagrant crime or of force majeure.

It is to be suggested, and is desirable, that all of these dimensions of the given notion are integrated (incorporated) into a single Serbian legal definition, because of the existing open disputes that exist between the state and universities.

The integrated university, legal entity (capacity), status and bank accounts

Pedagogical (educational and academic) concerns and reasoning point towards a move to integrated universities:

<ul style="list-style-type: none"> • There will be a greater intensity of inter-faculty collaboration opportunities, accompanied with facilitation of faculties networking
<ul style="list-style-type: none"> • Increasing the mobility of students on the local, basic stage - and an increased ability to create own knowledge profiles
<ul style="list-style-type: none"> • Joint curricula production (interdisciplinary and multidisciplinary ones)

Major economic reasons also offer a rationale for integrated universities:

<ul style="list-style-type: none"> • Decreasing the numbers of the teaching staff and raising levels of personal specialization
<ul style="list-style-type: none"> • Full utilization of supporting equipment and space-saving (libraries, labs, computer labs, accountants' offices)
<ul style="list-style-type: none"> • Reducing of the number and size of faculty headquarters

<ul style="list-style-type: none"> • Rationalizing the number of personnel (accountants, officials and other skilled and non-skilled supporting staff)
<ul style="list-style-type: none"> • A general rationale: budget economizing

It is almost impossible to find rational ground, save for personal selfish reasons, on which one might avoid faculties' integration. Therefore, one can conclude that the future belongs to the integration of faculties into an integrated university system.

Accordingly, the first suggestion concerning legal entity issues should be that legal capacity has to be vested in universities *in their entirety* (as they encompass all faculties) in accordance with the existing legal structure (which points to the proposed solution). It is also desirable to give - in order to dampen the initial shock and progression of the transition period, transitory norms, and for a period of three years a 'sunset period' to faculties as regards their current legal status, until the ending of their legally subjective nature occurs.

At the same time, it would be desirable to separate and to set aside bank account issues from legal capacity dealings, and to tolerate the possession of some kind of bank sub-account for managing faculty's financial affairs in their own name and for themselves.

Finally, the Charter Act (Statute) should provide a way of steering giant universities (like that of Belgrade).

Quality

In the core of the any university development and success lies the notion of quality - or, to put it another way, medium and long-term quality is a university's *condictio sine qua non*.

Being the major feature of the higher education, quality avoids being grasped by legal definition, though it is still desirable to indicate and define it in a legal manner, i.e. the main pillars of such a notion, as measured by accreditation, evaluation and standards²⁴.

- *Accreditation* is to be understood as formal and final academic appraisal, an announced statement of whether a higher education institution and the courses it

²⁴ In Serbian language see: Nikolić and Malbaša, "Accreditation in Serbian Higher Education", Belgrade, 2002; Handal, "Students' evaluation of teachers, Manual for teaching staff and students, Belgrade, 2003; Commission for Higher Education Accreditation, "Instructions and Criteria for Evaluation and Accreditation, Belgrade, 2004,

provides fulfill a given set of standards. Accreditation is the status-granting process²⁵.

- *Evaluation*²⁶ is the basis for such accreditation and gives a value estimation, and assesses the fulfilling of given standards. Evaluation includes internal assessment (self-evaluation), external review, the participation of students and publication of results.
- *Standards* present agreed and prescribed measures and values that have to be attained by a person/institution/program.

Given that all of these terms will be used in Serbian universities` legislation for the first (or almost the first) time, it is advisable that the Serbian lawmaker includes legal definitions of these notions in the future Act.

Ad. 1. Concerning accreditation, the main question is who will be exposed to this course of action: 1. All universities and schools, independently of their founders and the date of founding, 2. All newly-founded institutions (*a pro futuro* procedure), independently of the founder`s person, 3. All private ones, 4. All newly-established, private ones.

If one of the major accreditation goals has to be reduction of the Serbian higher education network through quality tests, in accordance with quality assurance and budget requirements, this goal may be reached, in the most effective manner, if one forces *all* institutions to undergo this check (option 1, above). On the other hand, if one wants to protect state universities from competition and to exclude them from the unforeseen negative legal consequences of any failures, these institutions can be completely excluded from accreditation testing (option 3, above). In my opinion, only the first solution is acceptable.

Ad. 2. First of all, in making a priority list of evaluation models, Serbian lawmakers may be aware of the fact that self-evaluation should be given lesser weight compared with other methods of evaluation, since it is closely dependent on self-criticism (not a very widespread character trait). Accordingly, interior evaluation is not appropriate ground when it comes to final quality assessments.

Secondly, students` evaluations of institutions and teaching staff are welcome. Nevertheless, as collaborators and participants in education, students will be biased. Yet their judgment still has to be taken into account to a great extent, though not decisively.

²⁵ For the further definitions of accreditation procedures see: Commission for Higher Education Accreditation, Instructions and Criteria for Evaluation and Accreditation, Belgrade, 2004, p. 106.

²⁶ See: Handal, Sudentş evaluation of teachins, Manual for teaching staff and students, Belgrade, 2003; Commission for Higher Education Accreditation, Instructions and Criteria for Evaluation and Accreditation, Belgrade, 2004

Finally, in our opinion, external evaluations, carried out by anonymous reviewers, are of a paramount value due to their impartiality. The attendance of foreign participants should secure comparative experiences - while the participation of domestic ones should ensure a local perspective.

Ad. 3. Serbia is an inexperienced, small country - and it is unrealistic to expect it to come up with a perfect system of quality assurance standards. Because of this, it is more than obvious that it needs to accept every bit of assistance and support coming from *outside*. ENQA (the European Network of Quality Assurance Agencies) has a considerable role to play in defining and harmonizing evaluation standards, and it is an ally, too. ENQA have to develop an agreed set of standards, procedures and guidelines on quality assurance in the process of assisting countries higher education institutions and agencies to build up systems that can create mutual trust. Mutually accepted standards are able to provide the confidence that quality is being taken care of (A detailed set of norms might be used from the Norwegian Higher Education Act, see Chapter 3).

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