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THE BOLOGNA PROCESS: INFORMAL GOVERNANCE IN THE WIDER EUROPE

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Abstract

The Bologna process is a programme for the reform of Higher Education in Europe that began in 1999 and that is now co-ordinated across 46 participating states. In many respects it conforms to the definition of 'informal governance' developed by Christiansen and Piattoni. This paper outlines the major characteristics of the Bologna process from this perspective, and considers in detail some of the implications of Bologna for our understanding of the opportunities and difficulties associated with informal governance. In particular, one of the key questions raised by the experience of Bologna is how and to what extent the voluntary transnational commitments entered into by the participants come to be translated into 'hard law' in individual member states. As such, its success and durability raise a range of questions about issues of legitimacy, accountability and transparency, since Bologna incorporates peak interest groups directly into the policy process, has no direct reference to national legislatures, and operates largely beyond public attention. The paper argues that notwithstanding that the Bologna process is external to the EU, it should be seen as an example of the EU policy mode referred to by Wallace as 'intensive trans-governmentalism'. This is discussed as an example of the 'advanced liberal governmentality' approach developed by Rose and Miller and applied by Jan Haahr to the analysis of the open method of co-ordination.

Introduction

The reform of higher education in the wider Europe since 1998, known as the Bologna process, is extraordinary in several ways, but the policy process with which it is associated is not entirely unprecedented or lacking comparators. The argument of this paper is that the Bologna process, notwithstanding some particular differentiating characteristics, can be seen as a part of the family of ‚intensive trans-governmentalism’ identified by Helen Wallace.¹ Informality is a central aspect of these forms of policy-making, as it is of what are generically known as new modes of governance. The peculiarity of the Bologna process lies more in how it has apparently managed to achieve considerable success in attaining its objectives across a large number of countries, in a policy area previously notorious for its stubborn resistance to change. The process is based on the voluntary adherence of participant states, who commit themselves to common goals. That the commitment accepted by participants in Bologna is not enforceable in international law is well known and often remarked. Less remarked is how the commitment to reform higher education in Europe has developed from what might have been yet another fine-sounding but fruitless joint declaration of a few governments, into an set of structures with a considerable degree of continuity and apparently expanding long-term ambitions. We do not need to go as far as Pauline Ravinet in arguing that Bologna ‚appears to be legally binding in nature’² to recognise that there has indeed been, as she argues, a clear process of institutionalisation. In this paper, I begin by describing briefly how the Bologna process began, what its objectives are and how it works, particularly in the context of the debate about informal governance; we then look at some of the theoretical questions raised by our understanding of the phenomenon; finally we consider the wider implications of Bologna, both for our understanding of international governance and for what it tells us about the future development of European integration. It is this voluntary commitment to demanding objectives, common to the open method of co-ordination (OMC), that has encouraged researchers such as Haahr to identify the OMC as an example of government as a machinery

¹Wallace, H. An institutional anatomy and five policy modes. in H. Wallace, Wallace, W. and Pollack, M (ed) *Policy-making in the European Union* 5ed. Oxford: Oxford University Press, pp. 49-92. p.87-89

²Ravinet, P. (2008) 'From voluntary participation to monitored coordination: why European countries feel increasingly bound by their commitment to the Bologna process', *European Journal of Education*, **43(3)**, 353-67. p353; this is based on Ravinet, P. (2007) *Le genèse et l'institutionnalisation de processus de Bologne: entre chemin de traverse et sentier de dépendance. Science Politique*. Paris: Institut d'Etudes Politiques.

of performance typical of advanced liberal governmentality. The analysis used by Haahr is developed from writers such as Rose and Miller operating in an explicitly Foucauldian framework to explain how in advanced liberal societies the forms of governance are both constraining and liberating – constraining in that they bind individuals to specific modes of understanding their roles, and liberating in that they free individuals to choose their own modes of achieving the political objectives of the advanced liberal economies within which they live. The paper considers how well the OMC developed by the Bologna process conforms to the governmentality that Haahr associates directly with OMC in other sectors of European integration.³

How Bologna began, and how it works now

Since our focus here is the governance of Bologna as it currently operates, we do not need to consider in detail the particular path it has taken to get here. The origins and early development of Bologna have in any case been more than adequately covered in the work of Pauline Ravinet, among others.⁴ In practical terms, the process dates from 1999, when 29 ministers of higher education, gathered in Bologna for the 10th anniversary celebration of the signing of the *Magna Charta Universitatum*⁵ This was not an event of the kind that would normally bring ministers together, especially since they had not been directly involved in the event ten years previously. The gathering was prompted by the Sorbonne declaration, signed a year previously by the education ministers of France, Germany, Italy and the United Kingdom. Other EU countries, invited to sign later by the French minister, responded by expanding the aims and membership of the document, and inviting non-EU members to participate. The result was the Bologna declaration, calling for co-ordinated national action for the creation of a European Higher Education Area. For this purpose, the Bologna declaration specified six objectives:

³Haahr, J. H. (2004) 'Open co-ordination as advanced liberal government' *Journal of European Public Policy* 11(2) April, 209–230

⁴Ravinet, P. (2007) *Le genèse et l'institutionnalisation de processus de Bologne: entre chemin de traverse et sentier de dépendance. Science Politique*. Paris: Institut d'Etudes Politiques.

⁵Signed by University leaders in 1988 at the 900th anniversary of the founding of the University of Bologna.

- readability and comparability of degrees;
- adoption of a two-cycle degree system with the first cycle a minimum of three years;
- establishment of a common system of credits;
- removal of obstacles to freedom of movement of students;
- quality assurance in higher education;
- promotion of European dimensions in higher education.

A Bologna follow-up group (BFUG) was established to refine these objectives and to prepare a further meeting for two years later in Prague. The BFUG now comprises representatives of the ministers of higher education of all the signatories, with the European Commission as an additional member. There are also eight consultative members, including the Council of Europe, UNESCO, representatives of HE management, students and trade unions, European Business and not least the pan-European Quality Assurance agency ENQA, which is financed by the European Commission. There were early tensions in particular about the role of the European Commission and about the role of the small executive of the BFUG, the BFUG Board, that prepares the meetings. The Commission is not a signatory to the Bologna declaration, as it is not a state, and does not have higher education as such as part of its treaty competences, but it has had an important role from the beginning. The Commission has benefited from the informality, but at the same time is curtailed by it: it has benefited, because only an informal arrangement could tolerate the involvement of the Commission so far and so clearly outside its remit; it is curtailed by the informality, because the exercise of a more directive role by the Commission (or by any other entity) would entail a more dense and codified set of structures and procedures. The Board, the other early source of contention, comprises the secretariat, provided by the country holding the presidency, the representatives of the previous and next presidents, and representatives of the current EU Council presidency, who is also co-chair of the inter-ministerial meeting, and the past and following EU presidencies. In its early years, it appears that the BFUG Board sought to exercise a central directive role, in the sense that particularly in the preparation of the Prague and Berlin inter-ministerial meetings (2001 and 2003), it sought to go beyond the practicalities and logistics of the meeting to make decisions of principle and recommendations of policy. At Berlin, and between Berlin and Bergen, in 2005, the main processes and structures were

laid down, and these now appear to be accepted. The signatories have said they are working well and need no reform.

Bologna might have run out into the sand like so many other joint international declarations, leaving little impact. Among the main reasons it did not is that it established almost immediately a voluntary and informal organisational structure that offered strong incentives to join without any obvious substantial cost. In the process of institutionalisation, it has preserved this approach, and has developed a consensual co-operative ethos and a still quite minimal structure that the participants consider to be effective. When it did this, that is, as it institutionalised, two other important features came to prominence. The first of these is that because of the mix of stakeholders and ministerial representatives, the BFUG – effectively Bologna’s management board - became both an arena, within which major preparatory decisions could be taken prior to the biennial summits, and a forum for discussion about the furthering of strategic interests in European higher education. In particular, the BFUG is responsible for the setting the action lines that form the core implementation activity of Bologna participants. Second, perhaps just as important, the process spawned a network, or perhaps better a set of networks, that meet regularly to share information and to come to common views on appropriate targets and objectives for the individual action lines. Costs for these (known as Bologna seminars) are met by the individual countries, but in some cases the European Commission can drive particular action lines by promoting and funding group meetings.

These seminars are open to a wide range of groups; their operations and organisation are inclusive, and as far as one can tell attendance seems depend to a considerable extent on the commitment and concerns of national elites in higher education on specific issues. Though the extent of university autonomy varies greatly between states, the role of individual institutions in implementing sectoral reform is crucial even in those countries where there is a tradition of state control. Heads of European universities and of their peak organisations have been involved from the preparatory work in 1999 onwards. Though we have insufficient evidence to reach firm conclusions, it seems clear already that willingness to adopt Bologna objectives on the part of university senior managers has been an important variable in determining the pace, modes and effectiveness of higher education reform in individual countries. Their involvement in the BFUG and the Bologna seminars, and that of students, employers and trade unions, ensures that both that potential issues and problems

may be identified early, and that feedback is shared. It also promotes an open and dynamic way of working, with minimum formality. These meetings are generally well attended, not just by national civil servants but also by representatives of the stakeholders and of individual institutions. Their usefulness lies at least partly in the fact that the participants often have direct responsibility for action at an appropriate level in their own countries and institutions.

Though the deliberation at the BFUG and the ministerial meetings is consensual, we should not be misled into imagining that serious disagreements do not occur. They clearly have done, for example on the role of European Commission, as has been mentioned; other examples are the credit assessment framework, targets for student mobility and the development of international rankings (known in the Bologna documents as „multi-dimensional transparency tools’). Outcomes for these tend to be determined, though not necessarily resolved, at the biennial ministerial meetings. Votes are not taken. Where a country has voiced its position and finds itself in the minority, it remains free to implement the policy as it wishes and at its own pace. Participants need to bear in mind, and indeed seem to be aware, that many of these policies are related to one another, and that failure to implement may in some cases lead to difficulties in achieving levels of compliance sufficient to meet broader recognition criteria. In turn, this may have consequences in the long run for formal recognition of professional and academic qualifications and for the willingness of employers to recruit graduates from the jurisdiction. An example of this may be the diploma supplement, though in this case it should be noted that the diploma supplement was not a particularly contentious issue within Bologna; delays in implementing it in some countries, such as the UK (excluding Scotland), relate rather to failure of individual institutions to prioritise it. This may be because though the supplement itself should not raise issues of principle, its development requires institutions to consider other issues which are more contentious, such as credit accumulation and the European credit transfer scheme.

In so far as we can say on the basis of admittedly limited evidence, the process is motivated by a strongly co-operative ethos and, within obvious limits, is value-oriented, notwithstanding the increasing salience of economic issues filtered through the Lisbon agenda. It seeks to engender convergence, through the use especially of the Bologna scorecards developed with the support of the European Commission (Education and Culture DG). There is a tension between the competitive „race to the top’ elements, evident on issues where leading research universities use Bologna to achieve competitive advantage over

rivals, and the harmonisation that follows the pursuit of social objectives in the action lines relating to lifelong learning and to increasing access to higher education. Membership is effectively based on Council of Europe membership, together with acceptance of the Lisbon Convention on Recognition and the European Cultural Convention. The structures now seem to be in place for the long term, up to 2020 (though this also was a source of disagreement), and are stable; there is no explicit intention to reform them. Bologna is also inherently multi-level in its operations, relying on flat, non-hierarchical and inclusive modes of policy-making.

Bologna as trans-governmental policy-making: how loose is loose?

As we have argued already, notwithstanding the strangeness of the phenomenon, it may not be helpful to treat Bologna as entirely *sui generis*. To do so runs several risks. One of these is that instead of identifying factors that enable us compare it concurrently with similar trans-national processes, we find ourselves looking only at sequences of events within a limited historical perspective. Explanation then readily gives way to descriptive and discursive accounts, in which the conceptual underpinning remains implicit and unquestioned. Another risk is that the isolated nature of the analysis limits assessment of the policy process itself to more or less direct reference to previously identified causal sequences, without any logical connection with broader normative frameworks.

To begin to answer more detailed questions about policy and power within the Bologna process, we need to know significantly more than we do about the objectives and strategies of the actors, about how their mobilisation of resources impacted on the collective processes, and about the relationship of these factors to the eventual outcomes. In plainer terms, who wanted what, who used what resources and who got what? The research to enable us to frame an effective response is not available, indeed is yet to be done, and a complete response would in any case be far beyond the scope of this paper. In principle it would have to involve a study of the relevant factors for the full range of 60 state actors and stakeholders. Some reference points for identification of these relevant factors are suggested in the conclusion. We can however summarise the arguments so far on the basis of research covering the early stages of Bologna; this limited approach can yield provisional conclusions and indications of how we can characterise the process in terms of the issues raised in the expanding debate about informal governance.

As Wallace observes,

“Throughout the history of the EU there have been examples of policy co-operation which have depended mainly on interaction between the relevant national policy makers, and with relatively little involvement by the EU institutions”.⁶

From this perspective, the Bologna process is not necessarily unusual, at least not in general terms, but there are several aspects of it that require us to extend her description of the category of ‚intensive trans-nationalism’ to which she refers in this context.

Inter-governmentalism, from which the term is derived, conventionally refers to forms of decision-making that depend on co-operation between national state actors taking place within the EU while remaining largely outside EU institutions. It is associated historically with two distinct types of issues: those that may fall within EU formal competence but are regarded as too sensitive to be handled by integrated processes, perhaps because they raise questions about state sovereignty; and those on which member states wish to take action but which at the time, and perhaps for the foreseeable future, lie outside core competences. Wallace prefers the term trans-governmentalism because she holds that this ‚connote[s] the greater intensity and denser structuring’ of cases referred to,

„where EU member governments have been prepared cumulatively to commit themselves to rather extensive engagement and disciplines, but have judged the full EU institutional framework to be inappropriate or unacceptable”.⁷

The use of this term in the context of Bologna needs some qualification, however. One of the main reasons for caution is that in the original usage the term emphasised the marginal role of three of the main EU institutions (Commission, Parliament and Court of Justice), and the predominance of the European Council and the Council of Ministers. Bologna’s trans-governmentalism is not like this. It is outside the EU, and most EU institutions are not involved; the one that is, however, as we have seen, is not the European Council but the

⁶Wallace, H. An institutional anatomy and five policy modes. in H. Wallace, Wallace, W. and Pollack, M (ed) *Policy-making in the European Union* 5ed. Oxford: Oxford University Press, pp. 49-92. p.87

⁷Ibid. p.87

European Commission, notwithstanding its status as a non-state actor. Early discussion in the Bologna had some difficulty deciding how to involve the Commission. It is now in the rather anomalous position that it cannot be a signatory, since it does not represent a state, but it is nevertheless a full member of the Bologna follow-up group, and as a member of the executive committee and a main source of funding, it has a central role in Bologna activities and development. In other respects trans-governmentalism may be applied readily to Bologna. The remaining characteristics identified by Wallace are

- „▪ The involvement of a distinct circle of key national policy-makers
- The adoption of special arrangements for managing cooperation...
- The opaqueness of the process, to national parliaments and citizens; but
- The capacity on occasion to deliver substantive joint policy’⁸

These elements are not only essential to the Bologna process, they are also found in other examples to which the literature refers, such as European monetary union, CFSP and Justice and Home Affairs. In all these other cases, the decision-making processes developed a greater degree of formality and integration alongside the less constrained trans-governmental activities. As a result, eventually these policy areas have come to be characterised by a mix of dense informal multi-lateral cooperation and more formalised interaction within a recognisable ‚community method’, sometimes treaty-based. Wallace’s analysis alerts us to the dynamic aspect of policy processes that involve what she refers to as ‚special arrangements’. Types of informal governance, of which this category is one, may have stronger internal drivers for change than do more codified modes of governance, precisely because they are by definition more flexible and more open to adaptation. They should be expected to have more rapid and less predictable patterns of development, and this is certainly the case with Bologna.

In all the cases referred to by Wallace, the development of the processes included agreements to render the co-operation more intense and to formalise it by establishing a positive legal framework. Locating Bologna within the trans-governmental paradigm might lead us to consider a similar path for this process. As it currently stands, Bologna is not open to

⁸Ibid. p.87-88

international or national legal challenge, and it appears that this is one of the attractive features for participants. At least one attempt by participant state to render a Bologna commitment enforceable in another is known to have been made and to have been resolved outside the courts, but the actual outcome is not known and the attempt appears to have had difficulty finding a court that could exercise jurisdiction.

One route by which Bologna might be formalised is by the agreement of its participants to move some of its provisions, for example the accreditations framework, into a treaty. It is not obvious what would be the incentive to participants to take this step, since it would undoubtedly be contentious among the Bologna signatories and could lead to two-speed Bologna, in which presumably those who were least compliant would choose to remain outside the treaty and would therefore be untouched by it. The argument then would rest on the issue already referred to, central to the debate about Bologna, that is, to what extent the process has already developed from relatively simple voluntarism to genuine perceived obligation deriving from external binding agreements. The more it has already done so, the easier it would be for participants to take the further step of formalisation. Even for the Bologna lead states, such a move would raise the political profile of the reforms in ways that were not necessarily helpful. In any case, provisions that could be usefully legalised by treaty, of which the accreditations framework is one, are not yet at the stage where this would be a practical move. Nevertheless, Schengen is a good example of how looser co-operation in a relatively broad policy area, in this case Justice and Home Affairs, can lead to a closer and more binding set of arrangements for a limited group.

A more likely scenario relies on the determinant role of the European Commission in forcing the pace of formalisation. In seeking to enhance the links between Bologna and EU policies, the Commission appears to be supported by smaller EU states, who in this way can use Bologna to mitigate the national predominance in higher education enjoyed by the larger EU states, especially the original signatories of the Sorbonne declaration. Ravinet argues that the appearance of ‚juridicity’ claimed by Pitseys⁹ is enhanced when participants ‚misinterpret their commitments as requiring conformity to superior and legally-binding European

⁹Pitseys, J. (2004) 'Le processus de Bologne', *Revue Interdisciplinaire d'Etudes Juridiques*, (52), 143-89.

policies'.¹⁰ It is not clear what the evidence is that participants do misinterpret, in the sense of „unwittingly translate incorrectly’; it seems more likely some may rather over-interpret for the domestic audience, so as to give the reform process more political force. As Ravinet argues, the use of EU policies by domestic actors is well-attested, and she states „this certainly played a role in the Bologna process’.¹¹ However, that tactic on the part of participants is not the main argument at this point. What is more important is that we can see from Commission documents how deeply embedded Bologna is in the panoply of EU policies relating to education, not only ERASMUS, ERASMUS MUNDUS and TEMPUS, but also policies aimed at labour mobility and enhancing competitiveness, in which the role of education policies is seen as increasingly important – broadly, the full range of issues under the „Europe of knowledge’ strategy. Education and Culture DG states

“For the EU, the Bologna Process is part of a broader effort in the drive for a Europe of knowledge which includes:

lifelong learning and development,

the Lisbon Agenda for Growth and Jobs and Social Inclusion,

the Copenhagen Process for enhanced European co-operation in Vocational Education and Training and

initiatives under the European Research Area.^{12”}

In a similar vein, the Council of Ministers in May 2009, adopting the strategic framework for co-operation in training and education, referred directly to Bologna in several contexts, including in the conclusion,

“In order to support Member States’ efforts to modernise higher education and develop a European Higher Education Area, close synergy with the Bologna process

¹⁰Ravinet, P. (2008) 'From voluntary participation to monitored coordination: why European countries feel increasingly bound by their commitment to the Bologna process', *European Journal of Education*, **43(3)**, 353-67. p353

¹¹Ibid. p356

¹²(2009c) The EU contribution to the Bologna Process. in E. C. Directorate-General for Education and Culture, A2/DVPH (ed) Luxembourg: Office for Official Publications of the European Communities, pp. 27. p3

should also be aimed for, in particular with regard to quality assurance, recognition, mobility and transparency instruments.”¹³

In the same notice, the Council also invited the Commission to develop by end 2010 a benchmark on educational mobility taking into account the Bologna 2009 objectives, and to seek to extend this to vocational education. Perhaps more significantly, though less specifically in its prescription, in prioritising lifelong learning, the Council called for more work to ensure that national qualifications frameworks were based on learning outcomes and coherent with the European Qualifications Framework. As we have seen, these aims are central to the work of the Bologna process, and clearly anticipate even further integration of Bologna aims and activities into EU policy, supported by the Commission.

Discussing the expansion of the European Commission’s competences since the Maastricht Treaty, Christiansen argues the Commission has moved from ‚policing the internal market’ to ‚building up the regulatory framework...to ameliorate its effects and provide for minimum social, environmental and health standards’.¹⁴

“The often uncertain legal basis, its limited financial resources and the sometimes hostile attitude of member states have forced the Commission to be innovative in going about the creation of such policy competences.”¹⁵

The same drivers, and similar innovation, are visible in policy areas beyond the remit of the internal market programme, where the active and entrepreneurial aspects of the Commission’s behaviour encourage it to develop strategic roles, for example in social and economic cohesion policies, environment policy and research and development. Notwithstanding national governments’ concerns about the extension of the Commission’s responsibilities, it has shown itself adept at building complex structures on relatively thin ice.

¹³(2009a) Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training („ET 2020”) in E. U. Council of Ministers (ed) Luxembourg: Office for Official Publications of the European Communities. p5

¹⁴Christiansen, T. (2006) The European Commission. in J. Richardson (ed) *European Union - power and policy-making*. 3 ed. Abingdon: Routledge, pp. 99-120. p106

¹⁵Ibid. p107

As part of this process, it is now a commonplace that it establishes direct links with a range of actors operating in the domestic policy arenas, not only individual ministries, but also public and private sector stakeholders. Bologna can be seen as an integral part of this approach to policy formation; the complete lack of a treaty basis is compensated by the capacity of the Commission to integrate policy for higher education into a set of strategies and policies (mainly the four referred to above), for which its role has a much firmer standing. There are some aspects of Bologna that make it unique even within the frontier areas of EU policy innovation, but these should not detract from the overall conclusion that its development can be seen as increasingly subject to the „Community method’. This applies in the narrow sense, as we have seen, that the administrative procedures and normative frames are adopted from the European Commission, even down to the house style of documentation. But it also applies in the broader sense, that the complexity of the process mirrors and to some extent is derived from the complexity of EU decision-making. Like the EU itself, to use Dyson’s phrase originally applied to EMU, Bologna has a „hollow core’.¹⁶

For EU member states as well as for the European Commission, to locate a non-EU agreement within an active and wide-ranging EU policy area such as that indicated above may raise questions about the status of the agreement. In formal terms they can of course withdraw at any time if they wish, but the direct and explicit association of Bologna with the Lisbon strategy for jobs and competitiveness would make this a strange move, from which little would be gained and significant negative signals would be sent to other member states. Perhaps then the issue is not so much about the lack of obligation in the Bologna process but rather what it tells us about the nature of the commitment of member states to the EU policies in the same package. If there is little practical distinction in status between, for example, the Bologna process and the Copenhagen process for VET, it is the limited nature of the Copenhagen VET commitments rather than the rigour of Bologna that is revealed.

The role within Bologna of candidate and potential candidate countries appears the most constrained. At least in the original and narrow sense, Bologna is not part of the EU’s *acquis*

¹⁶Dyson, K. (1994) *Elusive Union: the process of Economic and Monetary Union in Europe*, London, Longman. p332; see also Richardson, J. (2006) Policy-making in the EU: interests, ideas and garbage cans of primeval soup. in J. Richardson (ed) *European Union: power and policy-making*. 3 ed. Abingdon: Routledge, pp. 3-30. p11

communautaire, because it is not EU law. The days are long gone however when such a definition could be regarded as realistic. The *acquis* now covers all acts adopted within the Union framework, whether or not legally binding, so the lack of an international legal base is not determinant. More significant is that according to the Commission, the term applies among other things to „international agreements concluded by the Community and those entered into by the Member States among themselves within the sphere of the Union's activities'.¹⁷ Since the Commission now includes higher education within its sphere of activities, and Bologna is an agreement among its members, its inclusion within the approximately 2000 questions addressed to applicant countries is hardly controversial. That it also covers non-members does not appear to be relevant, at least not to the Commission, for whom it forms part of the legislative alignment required of accession countries.

Bologna is referred to in chapter 26, Education and Culture, of the 2009 accession reports for Croatia and Turkey. There is no reference in the FYROM report, though reform of higher education is covered.¹⁸ No information is available for Iceland, which was accepted as a candidate in July 2009. Of the potential candidates, for which accession negotiations have not yet formally opened, reports for Albania and Serbia refer directly to Bologna, for the other three (Bosnia, Montenegro and Kosovo), Bologna-type issues such as the national qualifications framework and quality assurance procedures are covered, though Kosovo is not a signatory to Bologna. For all these countries, the reform of higher education is only a small part of a major project to enable them to demonstrate, among other things, their capacity to take on EU legislation and more broadly, EU policies, as discussed above. Whereas Bologna relies on detailed self-reporting, without any external monitoring, the progress of accession countries now is closely monitored; the accession reports make only the briefest of references to higher education, but at that level the two sources correlate, with countries scoring relatively highly on the Bologna scorecard having significant progress acknowledged. There is no direct evidence, but it is not unreasonable to assume that the inclusion of these measures under chapter 26 encourages national governments of accession countries to treat reform of higher education as an essential step towards membership, and therefore to treat Bologna as

¹⁷http://ec.europa.eu/enlargement/glossary/terms/acquis_en.htm (19/10/09)

¹⁸(2009b) Croatia Progress Report 2009. Brussels: Commission of the European Communities. p80
http://ec.europa.eu/enlargement/pdf/key_documents/2009/tr_rapport_2009_en.pdf (19/10/09)

part of EU policy, broadly understood, that is as part of the *acquis*. It also enables them to present such reforms to public opinion as part of the process of European integration, a not uncommon strategy in European national policy-making.

The third category of Bologna members in these terms is that of states that are not EU members and are currently not considered potential or actual candidates. This group is by no means homogeneous. It includes ex-EFTA countries (Liechtenstein, Norway, Switzerland), smaller ex-USSR states (Armenia, Azerbaijan, Georgia, Moldova, Ukraine), micro-states (Andorra, Monaco, the Vatican) and Russia. States in the first group are already closely tied to EU Policy in many areas through the EEA or in the case of Switzerland through bi-lateral agreement; all those in the second group are associated with the EU through the European Neighbourhood Policy (ENP); in the third group, the micro-states are linked by trade or currency agreements; Russia and the EU are currently negotiating a new agreement to replace the partnership and cooperation agreement approved in 1994, which like the ENP agreements covers Justice and Home Affairs, external security and research and development, including culture.

Further research is needed to identify the specific factors in these individual countries that conditioned their decisions to join and their current implementation.¹⁹ However, it is not hazardous to surmise that among the variety of motivations, the informality and voluntarism of the initial arrangements were important. The majority of the signatories joined in 1999; there have been no new members since 2005, when the five ex-USSR smaller states joined. The institutionalisation of Bologna has continued at a fair pace since then, and has significantly weakened both the informality of proceedings and the voluntaristic element of implementation. The original contracts prevail, however – so long as we understand that these are unwritten and are only binding in limited and non-legal ways.

The appeal of Bologna to most countries other than the Sorbonne four is that they share in the collective benefits of membership: like the original four they benefit from the reduction in costs and increased efficiency, and from the status and international profile; some of them,

¹⁹See Furlong, P. (2010) Higher Education Policy In Europe: Bologna's deepening Empire in K. Dyson (ed) *Whose Europe? The Politics of Differentiated Integration*. London: Palgrave.

especially those EU countries that had already embarked on this road, may also compete to take a greater share. Charlier and Croché make the point that the competition is multi-level ,among different regions world-wide, then among European countries, and finally among academic institutions located in the same national territory'.²⁰ One might add that the competition, and the collaboration, is between academic institutions in different countries also.

For the ex-EFTA states, it is unlikely that they had difficulty in deciding to join: their degree of integration into Europe through the European Economic Area (Liechtenstein and Norway) and through special bi-lateral economic agreements (Switzerland) is such that exclusion from an arrangement such as Bologna, however informal, might conceivably have consequences on trade and other forms of co-operation; similar considerations apply for the micro-states; and for the 2005 joiners, a further consideration is that the examples of the current candidate countries warn that this policy area is now part of the EU accession process. For Russia, the most elementary considerations apply: Russia is a member of the Council of Europe, and a signatory of the European cultural convention and the Lisbon convention. It was therefore fully eligible to join, and there was little obvious cost to its doing so. Russia can treat the Bologna process as a large-scale exercise in policy learning, with only the most limited external monitoring, and with the bonus prize that participation helps ensure it has no difficulty claiming compliance with the emerging European benchmarks in higher education quality assurance and accreditation, should it want to do so for reasons of international profile. Though, as has been said, evidence of national compliance is not available in detail, for these reasons we can hypothesise that of all the participants, we would expect Russia to show the lowest levels of implementation in practice.

Conclusion: Bologna as informal governance

If we now consider the impact of the apparent looseness of these arrangements, we need clarity about the usefulness of thinking of this as informality. Christiansen has argued that

²⁰Charlier, J.-E. (2007-8) 'The Bologna process: the outcome of competition between Europe and the United States and a stimulus to this competition', *European Education*, **39(4, Winter)**, 10-26. p17.

the early focus on integration as a „formalisation of interstate relations”²¹ in studies of the European Union led to a neglect of the relationships of EU institutions with networks and organizations in civil society that have been an important aspect of their development for many years. In identifying the informality at the core of this dimension, he rightly argues that the informal processes develop out of the lack of democratic legitimacy that the EU sees itself as suffering from; in response, the European Commission builds direct relationships with national and European-wide interest groups that can provide it with technical expertise and assessments of the likely impact of policies, while allowing it both to by-pass troublesome national political institutions and to maintain control of the policy agenda.

This raises a variety of issues about how we define informality in this context, how we study it, and how we treat the evident normative implications of the phenomenon. At the core of the debate about informality in policy-making there is a familiar set of issues that in one form or another have exercised political scientists for decades, of which the *locus classicus* is the debate about definitions of power in the 1960s and 1970s. The contemporary debate however begins with the assumption that political power is exercised in informal ways that are difficult to track. Therefore the attention centres not on the methodological implications of how we define political power (its observability and the normative implications of the definitions themselves) but rather, what are the implications of this kind of power for the effective, efficient and accountable delivery of policy-making.

Christiansen et al. define informal governance as

“the operation of networks of individual and collective public and private actors pursuing common goals – which lead to co-operation, patterned relations and public decisions – through regular though non-codified and not publicly sanctioned exchanges in the institutional context of the European Union.”²²

In the generic and descriptive sense, Bologna can be regarded as a new mode of governance, and more significantly, shares some of the features of the open method of co-ordination as an

²¹Christiansen, T. (2003) Informal governance in the European Union: an introduction. in T. Christiansen (ed) *Informal governance in the European Union*. Cheltenham: Edward Elgar, pp. 1- 19. p1

²²Ibid. p7

analytical category. The most notable characteristics in this context are the apparent informality of the processes, the co-option of membership, the reliance on flexible shared targets for intermediate objectives, the common culture of policy learning and the emphasis on continual enhancement to drive reform. What it does not have that most definitions of new modes of governance include is the deep involvement of private sector agencies and actors in core aspects of policy-making. This would be an important absence in other policy areas, but may not be as significant for Higher Education reform, since throughout Europe higher education is provided mainly by the public sector institutions, supported wholly or in part by tax revenues from central or local government. Only in Central and Eastern Europe is there significant development of private universities, often funded by North American private HE actors. We do not have evidence to enable us to assess the extent of their influence in the development of Bologna at the international level, but it is clear already that at the level of member states in the so-called „New Europe’ the weight of private institutions is considerable.

A further point refers to the strategic objectives of the process. At the outset, the aim of the four large countries in reforming higher education in Europe was first, to promote competitive collaboration so as to improve the flow of non-European students, and second, reduce costs and enhance efficiency. For France and Germany, these two objectives were explicit and have been maintained throughout. For Italy, since it does not recruit large numbers of international students and did not have this as a major priority, it was the cost and efficiency objective that predominated. For the United Kingdom, having already been through major reforms, participation was a way of continuing enhancement, promoting the development of a model of European higher education that was not incompatible with the British, and supporting the long-term EU goal of improving the ‚knowledge economy’ in Europe. The ‚knowledge economy’ discourse that underpins the Bologna process (and the Lisbon Strategy with which it is closely connected) involves also enhancement of the European research area. Recruitment of the non-European students is not altruism, and it is not only a matter of attracting funds from international fees. The argument of the Attali report, echoed in documents from other member states and from the European commission, is that European states (in Attali’s case, France) need not only to recruit the best students, but also to retain them as researchers when they are qualified. The competitive arena therefore is not just the procedures, structure and content of University teaching, but also in the long term the quality of research in the European economy. It may be assumed that the long-term

intention of international students who stay as researchers is to return eventually to their home countries. A separate question, for another occasion, is whether the process is helpful to less developed economies, for which the skills and knowledge learnt in Europe or in North America may not be most appropriate or readily transferable.

Informal modes of governance, Bologna among them, are sometimes held to have significant advantages over representational democracy, not least by the European Commission itself: not only that they are more flexible and responsive, but also that they can improve the quality of deliberation by ensuring the inclusion of all stakeholders. By devolving implementation to participants, rather than imposing centrally-determined models, they encourage the application of policy in ways that respond to diverse conditions and circumstances, in the case of the EU at the national and regional level rather according to a rigid hierarchical template. It is also argued that by concentrating membership, they are able to ensure that policymakers have access to specialist expertise; and by the same logic, decisions made in this way encourage a positive approach to implementation and mutual support among actors, rather than competitive isolation. Finally, it is argued that these features of new and informal modes of governance – expertise, responsiveness, collaborative ethos – render them more credible to the general public.

However, notwithstanding the high hopes some policy-makers have of these forms of governance, they are subject to serious concerns.²³ At the core of these concerns are the issues of legitimacy, accountability and transparency. We can consider these both generically, with regard to the OMC, and specifically, with regard to the Bologna Process. In the now widespread critical research into forms of European governance, a sustained critique of the OMC itself is provided by Jens Haahr, in an article published in 2004. To summarise no doubt rather crudely, Haahr argues that through its complex modes of visible structuring of values and identities, the open method of co-ordination creates what he refers to as a machinery of performance. This analysis conceptualises the instruments of OMC not as the ‚interplay of actors with given interests’ but as ‚specific instances of the technologies of advanced liberal government’, as ‚practices of liberty’ that both enable the actors and shape and constrain

²³ See for example Føllesdal, A. (2009) How up to date is the White Paper on EU governance? *The contributions to the 2008 Ateliers*. Brussels: European Union, Committee of the Regions, Forward Studies, pp. 21-30.

them.²⁴ If this were all it did, there might be little further comment to make, since this dual nature could be regarded as a characteristic of many forms of government, and what is distinctive about the different forms is the balance and interaction between the two aspects. In the case of liberal democracies, the balance is generally regarded as more weighted towards enabling, within characteristic limits. The significance then of this analysis is the connection made between the method of governance, its „technology’, and the values and identities it ascribes to actors and requires them to adopt, in which the informality of the processes is a defining feature. The interplay described by Haahr can be summarised for the purposes of this paper in the following way.

The open method of co-ordination:

- creates a narrative of self-improvement that emphasises self-control in the service of purposive rationality
- constructs a set of identities, continuously reproduced and up-dated by the European Commission, that grades member states in their qualities as virtuous self-improvers
- embeds in the identities the capacity of actors within member states to compete against actors in other member states, at the same time as it requires them to collaborate and to engage in policy learning and transfer
- confirms the notion of the EU as a „community of destiny’, „naturally aiming at finding new problems and resolving them together’
- deploys a „utopian moral sentiment’ that privileges inclusion and cohesion in the labour market
- defines the characteristics of the society founded on this labour market cohesion as „wealthy, market-oriented, innovative, homogeneous and low risk²⁵

I present this here not as a demonstrably applicable to Bologna, nor as a direct alternative to or challenge to the conceptual frameworks used in this paper – the informal governance arguments of Christiansen and Piattoni, and Wallace’s trans-governmentalism. The point is rather to identify conceptual frameworks that with the benefit of further research might enable us to place Bologna within a wider, more explanatory context that can complement the practical and normative concerns of the informal governance scholarship, and the exhaustive historical and descriptive account provided by Wallace. It is clear that we do not yet have

²⁴Haahr, J. (2004), p. 210.

²⁵ Ibid.

adequate evidence to apply Haahr's arguments directly to Bologna. The Bologna process is a clear and explicit example of OMC, and it occurs in a policy context that has strong labour market implications, but a *prima facie* case would have to acknowledge that some elements of this 'advanced liberal governmentality' may not be immediately plausible. In particular, the extent of the adherence of all the Bologna member states to the 'community of destiny' is extremely doubtful, as is their willingness to subscribe even tacitly and partially to the 'good society' vision that Haahr identifies on the basis of his research. Nevertheless, further research on Bologna could adapt Haahr's typology and methods so as to identify critical differences between Bologna and other better known examples of OMC to which the Foucauldian governmentality framework has been applied.

Specifically with regard to Bologna itself, from this point of view, the infrastructure is intentionally set up so that unless other mechanisms such as EU accession monitoring intervene, compliance is a matter for the national member state government and for academic institutions. It is the responsibility of national governments, or in some cases regional governments, to devise a legislative framework so as to achieve the appropriate targets and policy goals; universities and other academic institutions then are expected to contribute to the national goals within the parameters of their academic autonomy, which is significantly greater in some countries than in others and may even differ within jurisdictions. The BFUG can exercise only modest influence, and its willingness to do this may be limited by the culture of solidarity on which Bologna like other new modes of governance depends. Unlike other forms of OMC, this is not driven centrally by the European Commission. Though the Commission clearly does have an important role, further research is needed to identify and analyse how this is exercised and to what effect.

A second concern is that this solidarity, which from the outset has covered social partners such as the trade unions as well as full state members, may serve to exclude unrepresented interests, especially if the deliberations are not open to public scrutiny or are so low in profile that other interested parties may be unaware. This may diminish accountability, and as Føllesdal comments, it may also obscure the occurrence of externalities.²⁶ A final generic concern for procedures of this kind may be that whatever the degree of transparency of

²⁶ Ibid., p23

members are in their internal dealings, and however carefully they seek to include and take account of the full range of legitimate interests, the avoidance of direct representative mandates can make it difficult to convince the public that accountability and effectiveness are assured. This is a frequent criticism of open method of co-ordination procedures. In this case however, the argument lacks its usual force: the advantage of non-binding voluntaristic arrangements in the international arena is that they can be subject to full national procedures to ensure accountability, and to congruence with national understandings of priorities and effectiveness. A provisional conclusion might be that if higher education as a policy area is distant from the conventional procedures within the national context, Bologna does not make it any more democratic or accountable, but it does not make it any less so either. It is nevertheless a significant policy development in European integration, and needs to be understood not as *sui generis* and opportunistic, but as part of a wider set of concerns and responses in European governance.

BIBLIOGRAPHY

- Charlier, J.-E. and S Croché (2007-8), 'The Bologna process: the outcome of competition between Europe and the United States and a stimulus to this competition', *European Education*,39(4), Winter, 10-26.
- Christiansen, T. (2003) 'Informal governance in the European Union: an introduction,' in T. Christiansen (ed) *Informal governance in the European Union*, Cheltenham: Edward Elgar, pp. 1- 19.
- Christiansen, T. (2006) The European Commission. in J. Richardson (ed) *European Union - power and policy-making*. 3rd edn, Abingdon: Routledge, pp. 99-120.
- Dyson, K. (1994) *Elusive Union: the process of Economic and Monetary Union in Europe*, London: Longman.
- European Commission (2009a), 'Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training („ET 2020’)', E. U. Council of Ministers (ed.) C119/2-C119/10 Official Journal of the European Union, 28 May, Luxembourg: Office for Official Publications of the European Communities.
- European Commission (2009b), 'Croatia Progress Report 2009', Brussels: Commission of the European Communities.
- European Commission (2009c), 'The EU contribution to the Bologna Process', E. C. Directorate-General for Education and Culture, A2/DVPH (ed.) Luxembourg: Office for Official Publications of the European Communities.
- Føllesdal, A. (2009) 'How up to date is the White Paper on EU governance?' *The contributions to the 2008 Ateliers*, Brussels: European Union, Committee of the Regions, Forward Studies, 21-30.
- Furlong, P. (2010) 'Higher Education Policy In Europe: Bologna’s deepening Empire' in K. Dyson (ed) *Whose Europe? The Politics of Differentiated Integration*. London: Palgrave, 293-307

- Haahr, J. H. (2004) 'Open co-ordination as advanced liberal government' *Journal of European Public Policy* 11(2) April, 209–230
- Pitseys, J. (2004) 'Le processus de Bologne', *Revue Interdisciplinaire d'Études Juridiques*,(52), 143-89.
- Ravinet, P. (2007) 'Le genèse et l'institutionnalisation de processus de Bologne: entre chemin de traverse et sentier de dépendance', *Science Politique*, Paris: Institut d'Études Politiques.
- Ravinet, P. (2008) 'From voluntary participation to monitored coordination: why European countries feel increasingly bound by their commitment to the Bologna process', *European Journal of Education*,43(3), 353-67.
- Richardson, J. (2006) 'Policy-making in the EU: interests, ideas and garbage cans of primeval soup,' in J. Richardson (ed) *European Union: power and policy-making*. 3 edn. Abingdon: Routledge, 3-30.
- Shore, C. (2011) "'European governance" or governmentality? The European commission and the future of democratic government' *European Law Journal* 17(3) May, 287-303
- Wallace, H. 'An institutional anatomy and five policy modes,' in H. Wallace, Wallace, W. and Pollack, M (ed) *Policy-making in the European Union* 5edn. Oxford: Oxford University Press, pp. 49-92.