

## WE ARE ALL STUDENTS: THE BOLOGNA PROCESS

*Mag. Nicole Brigitte Maier \**

### Introduction

Initiated in 1999 through the signing of the Bologna Declaration<sup>1</sup>, the Bologna Process<sup>2</sup> wards creating a European Higher Education Area (EHEA) by 2010.

The objectives laid down in the Bologna Declaration intend to create

- a system of academic degrees that is easily comparable within the participating states;

- a system based essentially on two cycles, which was already present in the US and the UK;

- a system of accumulation and transfer of credits;

- mobility of students and graduates;

- cooperation within Europe;

- increased numbers of modules, teaching and study areas.<sup>3</sup>

Contrary to common opinion, the Bologna Process is not an action set by the European Union – it is an intergovernmental undertaking, open to all European countries.

Even though the EU was and still is an important contributor, the core instrument of the Bologna Process - the Lisbon Recognition Convention<sup>4</sup> - was prepared by the Council of Europe (CoE) and the Members of the

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\* Nicole Brigitte Maier studied law at the Paris Lodron University of Salzburg, Austria, where she held the position of Chair of the Federal Austrian Student Union (ÖH) to the Law Faculty from 2002 – 2003. Ms. Maier also attended Vrije Universiteit, Amsterdam and the University of Vienna, Austria. At the latter, she participated in Doctoral seminars. Her Master's Thesis "Combating Trafficking in Women – Measures Taken by the European Union With a Special Insight in the Protection of the Victim" was published in 2009.

<sup>1</sup>, Joint Declaration of the European Ministers of Education, Bologna, 19 June 1999, available at [http://www.bologna-bergen2005.no/Docs/00-Main\\_doc/990719BOLOGNA\\_DECLARATION.PDF](http://www.bologna-bergen2005.no/Docs/00-Main_doc/990719BOLOGNA_DECLARATION.PDF).

<sup>2</sup> Named after the Bologna Declaration; next to international organizations (European Commission, consultative members: Council of Europe, European University Association, EURASHE, The European Students' Union (ESU former ESIB), UNESCO - European Centre for Higher Education, European Association for Quality Assurance in Higher Education (ENQA), Education International Pan-European Structure, Union of Industrial and Employers' Confederations of Europe (UNICE), 46 countries are participating (1999: Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, United Kingdom; 2001: Croatia, Cyprus, Liechtenstein, Turkey; 2003: Albania, Andorra, Bosnia and Herzegovina, the Holy See, Russia, Serbia, "the former Yugoslav Republic of Macedonia"; 2005: Armenia, Azerbaijan, Georgia, Moldova and Ukraine; May 2007: Montenegro, March 2010: Kazakhstan)

<sup>3</sup> *Supra* 1, pp. 3, 4.

<sup>4</sup> Council of Europe CETS No. 165, Convention on the Recognition of Qualifications concerning Higher Education in the European Region, Lisbon. 11 April 1997, entered into force on 01.02.1999.

Europe Region of United Nations Educational, Scientific and Cultural Organization (UNESCO).

The goal of this document was to constitute a state obligation to provide access of valuation of qualifications within a reasonable time limit according to transparent, coherent and reliable criteria and procedures without discrimination, hence a right to fair recognition.<sup>5</sup> This does not imply a duty to positively recognize every qualification per se, as long as the procedure followed and the criteria applied are fair.<sup>6</sup>

A major step within the Bologna Process was the creation of a mutual curricula system used by participating countries to facilitate the process of recognition.

Dividing studies in three levels – Bachelor, Master and Doctoral – and developing a European Credit Transfer and Accumulation System (ECTS) made higher education more transparent.<sup>7</sup> Therefore, 180 to 240 ECTS credits are essential to obtain a Bachelor's degree, the Master's degree requires an additional 90 to 120 ECTS credits where there is no fixed ECTS credit range prescribed for the Doctoral Program. In the Netherlands, the Organization for International Cooperation in Higher Education (NUFFIC) collaborates with the National Academic Recognition Information Centre (NARIC) for the evaluation of foreign diplomas in higher and general secondary level education.<sup>8</sup> The Bologna Process does not aim to create the same educational system amongst participating countries but, rather, to facilitate individuals moving between different educational systems.

The Bologna Follow Up Group, established to decide further steps and actions, decided to hold Ministerial meetings every two years.<sup>9</sup> Furthermore, a general rapporteur for the Follow-Up Group shall monitor the implementation of the objectives of Bologna declaration within the participating countries.

## I The Bologna Process – Curse or Blessing?

Since the construction of a Bachelor's degree was unknown to Universities in Continental Europe, administrative effort and costs became an unwelcome inevitability. Statutes of universities had to be changed, as well as the curricula of almost every field of study. There was also the issue what to do with students who started in the "old system". Most of the universities solved this problem by transitional periods, where students still had the possibility to finish their studies within the old curriculum, while freshmen

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<sup>5</sup> *Ibid*, Section III – Basic principles related to the assessment of qualifications.

<sup>6</sup> Explanatory Report to the Council of Europe CEETS No. 165, Convention on the Recognition of Qualifications concerning Higher Education in the European Region, Art. III.1.

<sup>7</sup> The European Commission, Education and Training: European Credit Transfer and Accumulation System (ECTS), [http://ec.europa.eu/education/lifelong-learning-policy/doc48\\_en.htm](http://ec.europa.eu/education/lifelong-learning-policy/doc48_en.htm).

<sup>8</sup> [www.nuffic.nl](http://www.nuffic.nl).

<sup>9</sup> So far meetings were held in Prague (2001), Berlin (2003), Bergen (2005), London (2005), Leuven/Louvain-la-Neuve (2009), for further detailed information see: official Bologna Process website 2007-2010 <http://www.ond.vlaanderen.be/hogeronderwijs/bologna/>.

students started with the new curricula according to the Bologna Process. This intermediate state generally lasted for a minimum period of a whole curriculum to ensure that absolutely every student is given the opportunity to be able to obtain a degree within the system he or she matriculated. The potential of committing to a minimum of four years where two different curricula have to be maintained certainly creates additional costs.<sup>10</sup>

Next to immense costs, perhaps the biggest criticism the Bologna Process is still facing is directly connected to the newly established Bachelor's degree. Students as well as the economists are concerned this undergraduate degree will not provide sufficient qualification; students are worried that they will not be able to compete within the job market, and economists fear that unqualified alumni will float into the business world.<sup>11</sup> Others argue that the Bologna Process leads to students losing their ability to learn independently through academic research. While the old system is determined by Humbolt's<sup>12</sup> thought that a university student is someone who is carrying out his own research (under the direction and support of a professor), the Bologna Process and its binding character of lectures points towards a system comparable to secondary education.<sup>13</sup> Students all over Europe manifested this opinion by strikes throughout the last years. Politicians counter with interdisciplinary approaches within the curricula.<sup>14</sup>

When it comes to legal or medical education, where "learning by doing" can cause enormous damages, the concerns regarding sufficient education may not be uncalled for. Both of those studies aim to impart overall knowledge. Students shall be prepared for their further practical education to become a doctor, lawyer, judge or prosecutor. As already mentioned above, a maximum of 240 ECTS credits are sufficient in order to obtain a Bachelor's degree. How can the general understanding of either law or medicine be taught within 240 ECTS credits? Which job opportunities do students with a

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<sup>10</sup> The author's personal experience as Chair of the Federal Austrian Student Union (ÖH) to the Law Faculty of the Paris Lodron University, Salzburg, Austria, 2002-2003.

<sup>11</sup> See also: M. Deguchi & M. Storme, *The Reception and Transmission of Civil Procedural Law in the Global Society: Legislative and Legal Educational Assistance to Other Countries in Procedural Law*, Antwerpen-Appeldorn: Maklu Publishers, 2008, pp. 34 / J. S. Taylor, J. B. Ferreira, M. de Lourdes Machado & R. Santiago (eds.), Springer, 2008, p.211 / F. A. van Vught (ed), *Mapping the Higher Education Landscape: Towards a European Classification of Higher Education*, Springer, 2009, pp. 40.

<sup>12</sup> Wilhelm von Humboldt (1767 – 1835), founder of the Humbolt University, Berlin, Germany, divided education in three steps: elementary schooling, secondary schooling and university education. See also: *Wilhelm von Humboldt*, in: *Prospects: the quarterly review of comparative education*, vol. XXIII, no. 3/4, UNESCO: International Bureau of Education Paris: 1993, pp. 613–623.

<sup>13</sup> T. Schultz, *Die Bachelor-Blamage*, [www.sueddeutsche.de/karriere/bologna-reform-die-bachelor-blamage-1.463089](http://www.sueddeutsche.de/karriere/bologna-reform-die-bachelor-blamage-1.463089).

<sup>14</sup> Austrian Federal Ministry of Science and Research, *Parlamentarische Anfrage Nr. 4408/J-NR/2010 betreffend Maßnahmen zur Qualitäts-steigerung der Lehre und Forschung an Österreichs Universitäten*, *Fragenbeantwortung BMWF-10.000/0017-III/FV/2010*, 23.03.2010, [http://www.parlament.gv.at/PG/DE/XXIV/AB/AB\\_04249/fnameorig\\_182060.html](http://www.parlament.gv.at/PG/DE/XXIV/AB/AB_04249/fnameorig_182060.html).

Bachelor's degree in law or medicine actually have? Coming from a country where law graduates in the 1980's graduated with a Doctor Juris, I do see a trend towards a degree manufacturing. The very same study path is now split in three stages and three diplomas. Does this mean that the "college dropout" of former days is now called a Bachelor?

The president of the Austrian Bar Association (Österreichische Rechtsanwaltskammer), Dr. Gerhard Benn-Ibler, argued that the Bologna Process is inapplicable to the education of jurists: a Bachelor's diploma will never be sufficient, the additional Master program prolongs the study unnecessarily and leads to additional cost for Austrian Universities that have been suffering from a severe money shortage for years.<sup>15</sup> However, law is offered as a Bachelor's program in several European countries already, the curriculum of medicine can probably not be converted in a two-cycle system.

## II How to Make the Bologna Process Work for You

Undoubtedly, the Bologna Process is a great achievement for the academic world within the participating countries<sup>16</sup>. Students and graduates can also profit from it on a personal and professional level.

Every Bachelor's program has a matching Master's program. One of the biggest advantages of the Bologna Process and the three-level-system is multiple specialization. It is possible to enroll for several Masters' at any time once a Bachelor's degree is completed. A graduate holding a Bachelor's in law is entitled to enroll in any LL.M<sup>17</sup> program and, thereby, achieve a specialization in e.g. international tax law, international business law and labor law. This was not possible within the old system. Almost all universities in Europe offer international Masters. Thanks to the Bologna Process, it is easier now to enroll for a Bachelor and a follow up Master's program in different countries and gain experience abroad. This increases career opportunities and personal development.

## Conclusion

As every other reformation, the Bologna Process has its supporters as well as its critics. In principle, it is a positive development towards a unified supranational education system, although it is not applicable to every curriculum. Upcoming generations of students are certainly going to profit from this change, and those who graduated within a curriculum before the Bologna Process can avail themselves of it as well. Accepting and adapting to the fact that we live and learn is a possible first step. This lifelong learning is the essential key that helps challenging the increasing competition in a global workplace. The Bologna Process eases the access to education on the one

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<sup>15</sup> ÖRAK, *Rechtsanwaltskammertag: Bologna-Prozess ist gescheitert*, 11.03.2010, [www.rechtsanwaelte.at/www/getFile.php?id=1159](http://www.rechtsanwaelte.at/www/getFile.php?id=1159)

<sup>16</sup> *Supra* note 2.

<sup>17</sup> Latin abbr. for legum magister (m) or magistra (f).

hand and intensifies competition on the other. If everyone has experience abroad, speaks a minimum of three languages and has a Master's, the only possibility to stay competitive is an additional Master's. Or a PhD. Or both. And all of a sudden, we are students again.

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