HAQAA-2 MATERIALS on Continental and Regional Integration in African Higher Education

INTRODUCTORY TRANSVERSAL MODULE

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INTRODUCTION

This introductory module to the imposing (and growing) set of HAQAA Materials on African Regional and Continental Integration in Higher Education must be viewed from two perspectives.

- **First, as an introduction to the Materials** that allows their reader, or the participant in MOOC Series organized on their basis, to get acquainted with a broad vision of Higher Education and Regional integration that is essential if he or she is interested, or must work, in the context of African regional and continental integration through and in Higher Education. Indeed, as that reader will most often be a specialist in some specific area of academic or management activities, this broader view is certainly new to her or him, and it seems necessary (and has been advised[1]) to offer an introduction to it prior to the study of the whole set of HAQAA Materials.

- **Second, as an introductory module to be used in all other HAQAA-3 training activities**, which, in its absence, risk remaining disconnected between them, and not adequately focused into the main HAQAA objective: the promotion of African continental integration in Higher Education in the framework of the Africa – EU Partnership.

The module comprises six sections.

- The first three offer a framework for the analysis of Regional/Continental Integration at the general political level and in the specific area of Higher Education, an issue, as just said, very insufficiently known for most African professionals working in the field of education.

- The fourth and the fifth offer a very summary description of the very complex African landscape, covering also the general political level and the specific area of Higher Education.

- The sixth offers some elements of comparison with other regional integration processes (ASEAN, MERCOSUR and EU).

In the HAQAA Materials, these six sections correspond to the seven chapters in its Parts One to Three. Part One organizes in two chapters the initial three sections of this first part of the introductory module. Part Two includes two chapters on the fourth and the fifth sections. Part Three of the Materials, with three chapters, corresponds to the sixth section of this introductory module.

The HAQAA Materials include also a Fourth and Fifth Parts that are not covered by this Introductory Module. Part Four comprises a series of chapters (destined to grow) discussing

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[1] Mainly by the HAQAA-2 Materials and MOOC Series evaluation conducted by prof. Assodah Tirvassen, from Mauritius.

specific issues of substance. Part Five looks at African continental integration in HE from the perspective of two regions (North and East Africa) and one country (Ethiopia).

1. THE ANALYTICAL FRAMEWORK OF REGIONAL INTEGRATION PROCESSES

Regional integration (RI)[2] is sometimes presented as a unidirectional process, proceeding in stages from the creation of a free trade area to wider and deeper forms of integration. This approach is not in conformity to the facts. No integration process has followed this integration path: regional integration follows various paths that may lead in different directions, and, even if these paths share some common elements, they do not necessarily follow "five successive stages" in integration (free trade zone, customs union, common market, monetary union and political union).

The nature of regional integration (RI) is defined essentially by the legal instruments that support and provide the framework for each process (even if the same law can lead to different practices). The first chapter of the HAQAA Materials does not aim at deepening the analysis of the different aspects of regional integration, but at contributing to the overall understanding of it by developing an analytical framework (or road map) for discussion and research oriented towards policymaking. **This analytical framework examines RI as a political process that involves different States and aims to mould social and economic _preconditions_ in order to reach its _objectives_ using certain _instruments_. Its development can be analyzed in terms of different _dimensions_.**

1.1.- Preconditions

Regional integration does not begin in a vacuum. It is conditioned by a diversity of factors.

- Geography is important, including ease of communications;
- Population matters, although experience proves that difference in size between member states does not necessarily create an obstacle to successful integration.
- The size of the economy and income per capita are important, but experience demonstrates that divergences in this respect are common.
- Political congruence was important in the European process (but maybe was not existent in some of its successive expansions) and also for the birth of Mercosur.
- Common background (and common history) or sense of community may be the most important factor underlying integration, as in the case of the Caribbean Community (CARICOM) or, clearly, in Africa.

Beyond these preconditions, another major factor, not so obvious, also impacts the strength of RI processes. The credibility and effectiveness of the law supporting integration is important. RI processes cannot be guaranteed solely through regional institutional arrangements. Experience has shown that strength results from a general attitude of respect for the rule of law among

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[2] To simplify the drafting, the term "regional" is used as applying to any process of integration between countries. It is well known that, in Africa, there exist two such processes, one developing at the "continental" level, and the other at that of the different "regions". In Latin America, for example, this twofold process of integration also exists, but the terminology used is different: "regional" and "sub-regional" are the terms that are used, instead of "continental" and "regional".

member states. Thus, this attitude becomes an extremely important precondition for integration.

1.2.- Objectives

Objectives pursued by RI can vary. In many cases, integration is mainly looked at as an instrument of development (or of competitiveness and growth). But it is also accepted that "integration is political". The broader political objectives are often summarized as follows:

- Intraregional and extraregional security
- Bargaining power in the global/multilateral system
- Locking-in internal policy reforms, not only in the areas directly covered by each REI process, but also in other related areas.

Objectives can change during the development of the process. The European Community's history and the European Union's birth are undoubtedly illustrative examples of this. At first, the objectives were predominantly internal (peace and security); external objectives (such as greater presence in the international arena) acquired increasing importance only in the 1980s and 1990s. A change in objectives can give new life to the process and revitalize the political will behind it. But it can also create confusion (not only in public opinion, but also among politicians who might lose sight of what the process is fundamentally about). It can also lead to trying to fit new objectives into a framework that was originally designed to meet other goals and does not necessarily adapt well to the new ones. Here again, the case of the European Union is paradigmatic (probably for the worst).

For the purposes of this introductory module, what needs to be emphasized about the objectives of RI is that the definition of objectives cannot consist of a long list of them. Experience proves that such long lists of objectives end up in a dispersion of efforts that leads to no objective being achieved. Well on the opposite, **the definition of objectives must prioritize and articulate the objectives** (one or two overriding and concrete political objectives and a few intermediate ones): *"Gouverner c'est choisir, si difficiles que soient les choix" (To govern is to choose, as difficult as the choices might be)*. This motto certainly applies to regional integration as to any area of policy (and of general politics).[3]

1.3.- The Four Dimensions of Regional Integration

It is not easy to understand the meaning of **"dimensions"** when we apply the term to the analysis of a specific policy. It requires a previous discussion of some basic epistemological issues.

Reality is necessarily looked at from very different perspectives (through very different lenses, if you want to say so).

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[3] The motto is from the French politician Pierre Mendès-France in its speech for the first investiture as Prime Minister in June 1953. He failed that time but succeeded just a year later (June 1954). One of the authors loves citing it, not only because it states a very valuable political principle but, in particular, because, by applying it, Mendès-France chose to make one of the more difficult choices in France in his time: to accept defeat in the Indochina war and bring to an end French colonization in that region of the world.

Classical mechanics provides one of them, to which we are all used. Applying the lens of classical mechanics, we are all used to look at reality (to consider "what matters") in terms of the three dimensions of space (length, width and height), plus the dimension of mass plus that of movement/acceleration/force (depending on how you formalize the basic abstraction of classical mechanics). However, even when we apply this lens, to which we are so used, we must be very careful as most of us tend to confuse "mass" with "weight", without being aware that a mass has no weight when, as in spatial trips, it is not subject to the gravitational force.

But modern physics taught us that this way of looking at reality, acceptable for the observation of most phenomena we find in our everyday life, is no longer adequate for the observation of many macroscopic (or microscopic) phenomena. We must, therefore, change our view of "what matters", or in other terms, our multidimensional framework. Dimensions that we considered before as independent from each other are no longer so, etc. Discussing how modern physics changed our view of the world is a fascinating subject, but it is not the purpose of this chapter.

The examples can be multiplied. A lawyer or an economist do not look at reality as another profession: aspects that are very relevant for them (the degree of kinship to other people, or the richness, of someone who has deceased are very relevant "dimensions" for the former two but are completely irrelevant for the doctor who took care of that person when dying). The examples can even be extended to the world of art. Picasso and the other painters of his generation taught to their contemporaries how to look differently to African or Papuan art and find in them "something" of the highest artistic quality that had never been considered before.

When we turn to the analysis of policies, we must define which are the dimensions that are relevant ("what matters" or "how to look" at them). **Dimensions must not be confused with objectives (which we can pick up or discard); dimensions "are there", we cannot discard them**. What we can do is to give more importance to one or to the other, but not to eliminate them.

Some examples can help to understand this. For the purposes of having a container, the first thing that matters is volume, and in many cases, we can disregard whether the form of the container is a cube or that of another parallelepiped with different length, width and height; but we cannot push this to the limit: it would not make sense, for most purposes, to build a container extremely wide but with an extremely small height. Dimensions matter; they are there.

For many of us, unprofessional urban planners, the only dimensions that matter are the two that allow us to calculate surface (we see a town as a map). But a professional urban planner will very easily convince us that height also matters and that the right units for urban planning are those of volume related to surface (how many people should/could leave in a given area depends not so much on surface but on the volume -i.e. also on the height- of the buildings for dwellings).

The same argument applies to policy analysis. As we'll see in the following section, higher education has many dimensions "that are there" when we decide to define and implement a policy. **We can legitimately decide to give more importance to one dimension** (quality, for example) **than to the other** (access, for example), **or vice versa, but we cannot forget the existence of the latter**: does it make sense to enhance quality to the expense of access (or vice versa)? This is the type of choice (and analysis) that must be conducted.

With these considerations in mind, we assume that RI develops in a multidimensional space, and does not necessarily move continuously forward in all dimensions. It has four main dimensions: external, content, strength, and dynamism.

1.- *The external dimension*

In most cases, States engage in RI as a way of inserting better in the world and the complex and unequal system of international relations.

The analysis of this dimension must refer to the number of matters that are dealt with at the regional level in relation to third countries. This is essential, for example, in the case of the European process. It is often forgotten that the European Community (that in terms of international trade in goods has been a consolidated Customs Union for decades) did not develop until very late (and when it did, it did not do it completely) a unified external policy in matters such as services, the right of establishment of foreign firms, or the so-called reform of the global financial architecture. These are all matters in which individual member states continued (and continue) to develop different and sometimes contradictory policies.

The external dimension is of paramount importance in these processes (in particular South-South agreements), where the main goal is that of increasing the bargaining power of members and, in general, improving conditions for insertion into the global system. In general, the existence or absence of an external dimension permeates the whole approach to integration. Where there is no external dimension, the process tends to focus on policy restraints (because domestic policies could endanger intra-zone liberalization). Where there is an external dimension, the focus turns to policy building (that is, a common external policy), at least as a reaction to third-country demands.

Analysis of an RI's external dimension is essential because, very often, RI agreements overlap. In the international trade area, this overlapping has been compared to a spaghetti bowl of intertwined agreements, whose negative effects have been widely discussed.

Discussion on these problems may need to refine the usual recourse to alternative geometrical or mechanical comparisons (concentric circles or hub and spokes). In the second comparison, the issue is whether a vehicle can adequately function when the spokes connect the outer points of the wheel simultaneously to different hubs. Chapter 3 of the HAQAA Materials, and section four of this introductory module, emphasize the extreme importance of this problem in the African context.

The consideration of the external dimension seems essential for the analysis of African continental and regional integration. Raising simply two questions seems sufficient at this stage: How the external dimension of continental integration fits with the existence of separate different international agreements of individual African countries, even in the same policy areas? And how does it fit with the existence of external policies of the different Regional Economic Communities?

a. Width x Depth

The width of any international agreement or organization (including regional ones) can be defined in terms of the number and scope of the areas it covers. Depth refers to the degree in which these areas are subject to common rules or public activities.

Apparently, width can easily be determined by looking at the subject matter of the different regional instruments that are being used. This apparent ease does not exist in relation to rules because the width of rules must be analyzed in terms of a matrix: vertically when referring to sectors (such as agriculture or financial services) and horizontally (taxation, competition, and labour standards). Depth is neither easy to determine, in particular in relation to rules. The best criterion for determining depth is the extent to which member states remain free to regulate specific topics differently; the more they do, the shallower the process will be in terms of depth. Application of this criterion requires careful analysis of the relevant legal provisions for establishing actual regulatory meaning, especially because ambitious language may be associated with a lack of actual regulatory effect.

For analytical purposes, the distinction between width and depth is sound but can also be misleading. Indeed, width and depth are not independent characteristics of integration. What matters is the content of the process, and width and depth are but two aspects of it that must be considered jointly. Reality offers us examples of bilateral economic agreements that are wide in terms of scope, but with no depth in terms of obligations or effective cooperation. What matters is the "multiplication" of width and depth.

The chapter in the HAQAA Materials does not allow a detailed discussion on the width and depth of RI processes. But it emphasizes the need to distinguish between rules applicable to intra-zone and to third-country operators. The European Community, for example, established quite soon rules applicable to European air carriers in European airports. However, these rules were not applicable to American or Japanese carriers in these same airports (the same argument applies to professionals, for example). The same distinction can be applied to students or to academic staff. Of course, this distinction is essential in the area of African Higher Education: it is not unusual that collaboration with non-African countries is given a preference to collaboration with other fellow African countries.

b. Content versus Effective Content

As RI processes occur within a multi/plurilateral system in which members have already accepted obligations, to get to actual RI added-value requires analyzing the effective content of the processes and not merely their content. Effective content must be defined by subtracting multi/plurilateral obligations from regional content. Here again, reality offers examples of bilateral/regional agreements that create content by simply restating already accepted bilateral and multilateral obligations.

3.- *Strength*

As with width and depth, we suggest analyzing the strength of an RI process by examining two aspects jointly: the credibility and effectiveness of the law of integration, and member states'

political commitment. Here again, both aspects are better understood as multiplying each other rather than simply adding up. Many examples show that political commitment is not enough to strengthen an REI process if it is not accompanied by credibility as regards the law of integration. At the same time, legal mechanisms cannot compensate for the absence of political commitment. The strength of the process tends to be 0 if either its legal or political component is 0 (even if the other one is positive).

a. Credibility and Effectiveness of the Law

RI can undoubtedly proceed on the basis of what will be later named as the "fourth instrument" of integration (instruments of dialogue and cooperation), and without any specific law of integration. But if it is supported or regulated by law, then the law must be credible and effective. If it is not, the process becomes a failure and could be successfully replaced by *de facto* integration.

No law is 100 percent credible and effective; credibility and effectiveness are always a matter of degree. A high degree of credibility can be achieved through different mechanisms. However, credibility is not necessarily linked to the existence of a regional mechanism of law enforcement. It seems much more dependent on the existence of a general attitude of respect for the rule of law in member states and the perceived interest (political as well as economic) in strengthening integration. At this point, it is worth recalling that within the framework of the European Community Treaty, the Court of Justice of the European Community had, for 40 years, no effective mechanism at its disposal to enforce its decisions. As reprisals among member states are absolutely forbidden, even in cases where one of them violates European Community law, the system worked (until 1992) based on voluntary compliance by member states (including compliance with the Court's judgments).

b. Political Commitment

The degree of political commitment of member states to the RI process may be difficult to measure with precision. However, its existence is absolutely necessary. Political commitment is political in that it can go further than the effective economic content of integration. By going further, it strengthens the process.

If political commitment exists, the diplomatic instruments of dialogue and cooperation may become an effective means of enhancing integration.

4.- Dynamism and capacity of adaptation

The need for adaptation depends on the goals pursued and the adequacy of the initial instruments. The capacity to adapt has to do essentially with mechanisms to create laws and the swiftness with which the new or reformed laws can adapt to new circumstances. Does the new or reformed law require a new treaty? Alternatively, does the treaty provide for some mechanism of adaptation? The distinction between the static and dynamic nature of regional integration processes depends on the answers to these questions.

A comparison between the North America Free Trade Agreement (NAFTA) and the European Community Treaties reveals the major differences in these dimensions.

- First, NAFTA had a static character. It is a comprehensive agreement that was there "once and for all"; there was no explicit mechanism to create laws. Adaptation had to come from new agreements that modify or supplement the constitutive agreement; this is why the whole NAFTA had to be replaced in 2020 by a new U.S.-Mexico-Canada Agreement (USMCA).
- Second, the Treaties establishing the European Community are twofold in character. They have a solid, static nature because they are classical international treaties, creating (once and for all) far-reaching obligations for member states (as NAFTA), but they also create a specific mechanism for producing new law that gives them a dynamic nature. Furthermore, the practice of periodic revision and modification of the founding Treaties has boosted their dynamic nature.

The need for dynamism (or adaptability) is linked to the other three dimensions. First, if there is an external dimension to the process, the need for adaptation comes from outside, from other participants in the global system and its multilateral institutions. A customs union's commercial policy (or other external policies if they exist) cannot remain unchanged over time; it must be adapted. This need is not present in the case of Free Trade Areas, where each member adapts its commercial policy towards third countries on its own.

Second, as far as content is concerned, the need for adaptation arises if the RI process includes regional public activities or income redistribution. These must be defined, adjusted, and implemented. Adaptation is also linked to the question of deepening (much more than to the question of widening because it is not likely that, by adaptation, an RI process could cover areas not covered in the initial Treaty). If the agreement is static (like NAFTA), all provisions affecting depth must be included in the initial treaty. If the agreement is dynamic, the initial treaty may be limited to defining some relatively open or broad rules or obligations, leaving deepening to the future.

Third, adaptability is also related to strength. The static nature of an RI process certainly contributes to strengthening it; but an adequate dynamic nature can also contribute to it if, by adapting, it is able to avoid becoming obsolete in legal terms. A dynamic nature can also enhance legal adequacy and consequently prevent violation.

1.4.- The Four Instruments of Regional Integration

Regional integration is a common endeavor of a plurality of states that requires them to use the instruments available in order to influence social and economic reality. Each policy has its specific instruments. For regional integration, we must distinguish: legislation (rules); public activities (including subsidizing specific economic activities carried out by private operators); and income redistribution through budgetary transfers. As RI processes are an international phenomenon, they also make use of the traditional diplomatic instruments of dialogue and cooperation. For analytical purposes, all these instruments must be neatly differentiated from the techniques used to create them and the institutional arrangements used to guarantee their adequate implementation.

The subject matter of the instruments defines the content of regional integration; techniques and institutional arrangements affect its strength and dynamism, but not its content.

Two integration techniques

For the purposes of the HAQAA Materials, two different techniques must be differentiated to enact regional rules and provide a framework for regional public activities: to insert already the rules in the constituent treaty or to create in it a mechanism of law production. The traditional distinction between "intergovernmental" and "supranational" aims at defining them. But it may be claimed this distinction has been used too loosely. Thus, it can be better to replace that terminology with the more neutral of the two techniques that can be used by an integration treaty (as a matter of fact, by any international treaty) in order to enact rules. As will be seen later on in this introductory module, the distinction is very well illustrated, precisely in the area of higher education. In the EU framework, we have, on one side, a **specific** regulation on professional qualifications enacted through the second technique. And, on the other, the **general** application of the national treatment principle established in the treaty through the first technique.

The institutional arrangements

Institutional arrangements (including dispute settlement and judicial control) are not in themselves instruments of integration. One could argue that they are, in any case, "instruments for the effective use of the instruments". The markets are successfully integrated to one degree or another by the rules liberalizing trade in goods or capital movement or harmonizing standards (and Higher Education systems are integrated because of the rules and programmes promoting collaboration between Universities). The institutional arrangements are there to simply help to increase or decrease the effectiveness of these rules and programmes and facilitate their adaptation.

Based on a comparative examination, one may claim that, as long as the rules are effective, integration can proceed successfully (or risk failure) regardless of the institutional arrangements adopted in each process. NAFTA and the European process share some successes in spite of their completely different approaches to institutions. And MERCOSUR, which is institutionally light, shares some of the same failures as the institutionally heavier Andean Community.

The Four Instruments

This section discusses four types of instruments: regional rules, public activities, income redistribution through budgetary transfers and diplomatic instruments.

1.- Regional Rules

Regional rules can cover any social and economic situation. From an analytical perspective, it is best to analyze the <u>subject matter</u> of the rules under the heading of "<u>content</u>" (one of the dimensions of regional integration that will be discussed later) rather than under instruments for regional integration. The analysis of rules as <u>instruments</u> must relate to the three main approaches (or instrumental ways, or <u>types</u> of rules) that exist for promoting integration.

- The first is to impose obligations on liberalization and access to markets (or to higher education systems).
- The second is to impose certain obligations of non-discrimination on the legal framework applicable to transactions and operations covered by the agreements—

basically most-favoured-nation (MFN) status or national treatment (NT) obligations—while leaving domestic legislation intact.

- The third is to create uniform legislation establishing a common legal framework for transactions and operations covered by the agreement.

These three approaches differ legally and in terms of their political and economic implications.

The obligations that accompany liberalization and market access are strictly limited in scope to international transactions. Obligations as regards treatment (in particular if they apply to treatment of foreign firms and professionals after their establishment in the host country) as well as uniform or harmonized rules apply essentially to internal transactions (unless they are simple rules of non-discrimination of treatment between foreigners- MFN rules- in national market access). They are much more "intrusive" politically (and, as a consequence, much more difficult to tackle) than the former. But many argue that integration cannot rely solely on liberalization obligations in order to make sense in legal terms. Furthermore, seen from a strictly economic perspective, market integration is not achieved by simply liberalizing access as long as internal rules continue to differ.

The two latter types of rules pose a difficult political dilemma.

- Uniform rules serve integration goals extremely well, but are very difficult to set up for three reasons.
  - First, they are technically difficult to agree upon because of the different legal traditions and contexts of the parties, making it difficult to agree even on terminology and definitions.
  - Second, they are intrusive in relation to the internal political process insofar as they are locked-in by international law, which precludes policy changes that may follow a switch of domestic governments and political majorities.
  - And third, they threaten the adaptability of the regional scheme because they are more difficult to change than domestic rules, requiring a consensus (or a qualified majority) among all parties.

Obligations regarding treatment reduce these difficulties by allowing much greater discretionary power when it comes to domestic legislation, provided that content is non-discriminatory. But such obligations also pose new difficulties. Uniform rules follow the same logic and have the same scope at the international and domestic levels. This is not the case with international obligations on treatment (in particular on treatment of enterprises). These obligations have a sort of double universality: they apply to all sectors and they cover all aspects of the legal framework applicable to enterprises (or professionals).[4] On the domestic front, however, there is not a single rule or set of rules that has this double universality. Different rules apply to different sectors (energy or air transport, for example) and to different aspects of the legal framework (from company law to taxation, through labour conditions or expropriation, for example). With the sole exception of the European Community, experience shows that far-reaching obligations of treatment of enterprises can only be accepted if they are accompanied

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[4] It is different when the obligation of treatment applies to goods: its scope is much narrower.

by a list of exceptions. But this list of exceptions tends to expand geometrically as the number of parties to the agreement increases and, in the end, may overwhelm MFN and national treatment.

2.- Public Common Activities

States do more than just enact and implement general legislation. For example, they also finance and manage public services like education, build physical infrastructure, and subsidize specific economic activities. We refer to these as public activities and not as policies because policies can also be implemented exclusively through general rules (on environment, social and labour standards, or education, for example).

The same distinction applies at the regional level. Public Common Activities can play a relevant role in regional integration schemes. The European Community's Common Agricultural Policy (CAP) serves again as a prime example of this. But everyone agrees that setting up the Erasmus programme has also greatly favoured integration in the area of HE.

Leaving aside their specific merits in the policy areas that they cover, public common activities can have very positive effects on the integration process. We refer here to the definition and management of such policies, which keep regional integration going even in periods of stagnation, and to the fact that they demonstrate that regional integration is about real economic life and not simply about political rhetoric.

3.- Income Redistribution through Budgetary Transfers

All public activities may affect income distribution. Income redistribution becomes a specific regional instrument when it targets specific categories of beneficiaries defined in terms of their income or some other broad economic characteristic. This instrument is typically European as it requires that at least some member states have budgets sufficiently large to allocate a part of them to regional redistribution.

4.- Diplomatic Instruments

As an international phenomenon, regional integration relies on the typical international diplomatic instruments of dialog and cooperation. Their use may promote the emergence of a proper regional policy (implemented through legislation or public activities), but this is not necessarily or commonly the case.

These instruments are diplomatic in origin, and extend to all other areas covered by each process, in particular the economic areas. This development goes beyond regional integration, as the number of international forums on all areas of economic, social, and political life has multiplied. Their effects on integration are greatly enhanced when they are able to effectively involve social and economic actors, businesses in the economic area or individual Universities in the HE area, promoting exchanges and common activities among them.

2. THE ANALYTICAL FRAMEWORK OF HIGHER EDUCATION POLICY

The Analytical Framework of Regional Integration can be adapted to most other policies. Indeed, in general, political processes are not unidirectional nor unidimensional: they all follow various paths that may lead in different directions, and they do not proceed in pre-established "stages". Therefore, we cannot, and should not, prescribe a one-fits-all path or road; our task is, on the contrary, to develop a road map that helps to find the best road, in each country, to go from the point of departure (different in each case) to the desired point of arrival (different also, most likely, in each case).

In fact, all political processes, not only regional integration, aim to mould existing **preconditions** in order to reach its **objectives** using certain **instruments**. And its development can be analysed in terms of different **dimensions**. While these are the four elements to be taken into account in any discussion of a political process, what is, usually, more difficult is the definition and analysis of the different instruments and dimensions. These four elements of the analytical framework must first be discussed and understood separately in order to be able to analyse their interaction: the task of the expert, including a HE expert.

SPHERE (Support and Promotion for HE Reform Experts) is an EU-funded project launched in 2014 and whose third phase is implemented by OBREAL Global and the European University Association (EUA). It addresses the EU's neighbouring countries, including those of North Africa. In its framework, the Analytical Framework for Regional Integration (REI) was adapted to the discussion of HE policy and reform. Its 2016 Annual Conference was specifically addressed to this adaptation with great success. This is why the second chapter of the HAQAA Materials builds on it, as does this section of this introductory module.[5]

2.1.- Preconditions

Political processes do not begin in a vacuum. As we have seen in the previous section, they are conditioned by a diversity of factors. Many of them are general factors affecting all, or most, social phenomena: History, geography, economy, the general nature of the political system… But some are very specific to each area of social policy.

Which are the specific preconditions of HE policy? A few very specific ones were already proposed in the paper prepared for the 2016 SPHERE Conference:

- Demography and, in particular, the age pyramid. A precondition so self-evident as this has, in some cases (Spain, for example), not been adequately taken into account.
- The situation of primary and secondary education.

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[5] To facilitate its reading, some of the ideas and arguments of the previous section are reproduced in this one.

- The legal regime not only of HE institutions but also of staff. Some legal regimes for staff are very resilient and make it very difficult to implement HE reform, as they are able to "absorb" partial changes into a general structure that remains unmodified.

But the survey conducted prior to the Conference suggested the addition of other specific preconditions with a particular relevance for Higher Education and its reform. The main ones are the following:

- Corruption.
- The number of Higher Education Institutions (HEIs).
- Gender disparities.
- Cultural attitudes towards education from students, staff and the population as a whole.
- Current status of the research and innovation.

2.2.- Objectives

Very often, specific political processes serve very general objectives that apply to a great number of areas. For example, there is a large degree of agreement on the idea that, in itself, Regional Economic Integration pursues an objective of economic development (or of competitiveness and growth). However, it is also accepted that "integration is political" and that broader objectives are at its basis, and explain and give a sense of direction to it: Intraregional (as in the case of the birth of the European Communities in the 1950s[6]) and Extra-regional, as peace and security, or bargaining power in the global/multilateral system, They can also be used in order to lock-in internal policy reforms, not only in the areas directly covered by each REI process, but also in other related areas.

Many processes of HE reform serve also, in the very first place, political objectives that are much wider than HE. HE reform is very often an element or accompanying factor of very wide processes of political or economic change. This has been the case in many countries, in the neighbourhood of the European Union, and also, particularly, in Africa as a whole.

Objectives must be adequately articulated: this is probably the greatest policy challenge concerning objectives. It is very easy to list a series of objectives in which more or less everyone would agree, but this is nearly meaningless: the longer the list of objectives, the higher the risk of dispersion of efforts and of not reaching any one of them. So, the survey conducted prior to the 2016 Conference suggested the following specific objectives (certainly too many for a well-designed and focused HE policy):

- Strengthening links between universities and private enterprises in terms of research and development.

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[6] It is not easy to find the right terminology to refer to the integration process launched by the European Economic Community Treaty – EEC Treaty - (and other accompanying treaties) in the years 1950. The European Community does not longer exist, replaced by the European Union, And the widespread expression of "European integration" or "European process", which are used below, are very misleading because the integration process launched by the EEC Treaty was not, and continues not being, "European" but "Western European", enlarged towards Central, Eastern and Southeastern Europe, but without never intending to become "all-European".

- Improving quality of higher education (study programs, teaching, research and preparation of academic staff) to meet the needs of economic development of the country and of the individuals. Sustainable growth.
- Improving employability – strengthening the link with the labour market.
- International integration and cooperation with different regions.
- Adapting university curricula to cope with the era of fast-moving knowledge-driven information technologies & networks.
- Improving the competitiveness of education and science.
- Developing the country and the humankind based on intellectual achievements of higher education (knowledge-based society).
- Reinforce the scientific research as a priority of HE.
- Continuing professional development for academic staff working in HE.
- To improve the social dimension of higher education
- Technological development
- Standardization of higher education through the Bologna Process and convergence with the policies of other signatory countries of the Bologna countries members of the EHEA.

Whatever the number of objectives, they must be **articulated**. This articulation has to respond to two questions:

- First, most likely, the objectives in the list cannot be pursued, even less be reached, all at the same time; and not all of them must be considered equally important: which are the priorities to be established among them?
- Second, the time-dimension and the interdependence between the objectives must be very well analysed. Which comes first, second and third? Which ones must be considered not so much as ends in themselves but as intermediate objectives to the service of the more important overriding ones.

Here again, the evolution of European integration offers a very good example of good (in its first decades) and probably bad (in the last ones) articulation of objectives.

Which is the articulation of objectives specific to each HE reform process? This is the right and essential answer, which cannot be answered by resorting to too easy, and rhetoric, politically correct language.

The discussion on objectives could be confused with those on dimensions, in particular because both give a sense of direction and can be prioritised. But objectives can legitimately be "chosen" (and discarded), while dimensions, as we shall see, have to be taken necessarily into account, even if we can prioritise them. They are always there, they cannot be "discarded": there is no need (or it might be impossible) to advance in all of them at the same rhythm, but a step backwards in any of them must be considered, in itself, a negative development (maybe compensated by movements forward along other dimensions).

Objectives can change during the development of the process. New objectives can also be generated from within the process itself. A change in objectives can be motivated because the initial objectives have been reached or, contrariwise, as an acceptance of failure and of the need to reformulate the policy. New objectives can give new life to the process and revitalize the political will behind it. But the change in objectives can also create confusion (not only in public

opinion, but also among politicians who might lose sight of what the process is fundamentally about). It can also lead to trying to fit new objectives into a framework that was originally designed to meet other goals, and does not necessarily adapt well to the new ones. Some developments in the framework of the Bologna process are a good example of all this.

If we turn to HE reform, the question about objectives must receive a rather concrete answer, even if it comprises different layers and an internal articulation of them. The answer cannot be, of course, "because we must copy… whatever", not only because this always tends to be a bad answer but, even more, because, in all likelihood, the persons who would offer this answer do not really know what they intent to copy. Of course, the best example of this are the political errors incurred to by attempting to "copy or to adapt to the Bologna process" without knowing the very fundamentals of such a process of reform, and without being aware that the objectives of the process have changed (at least those proclaimed to justify it).

2.3.- Instruments

Political processes use different instruments in order to influence social and economic reality.

In the case of Regional Integration, and as we saw in the previous section, these instruments fall into four main categories: legislation (rules); public activities (including subsidizing specific economic activities carried out by private operators); income redistribution through budgetary transfers; and diplomatic instruments.

The designers and implementers of HE policy must also be very conscious of the instruments at their disposal, the use that can be made of them and the possible effects of their use. Initially, seven HE policy instruments can be considered:

a) Legal frameworks/ laws and regulations
b) Finance
c) Institutional infrastructure/ technology
d) Staff
e) Teaching practices
f) Quality assurance
g) External partners

These instruments should be conceived as a toolbox; they only make sense if they are adapted to the result that is looked for. The "instrumentality" of instruments is what matters; none of them can be considered as a silver bullet that will arrange everything; in all likelihood, they will all have to be used in an adequate combination. But the combined result of their use is not easy to analyse because HE reform is multifaceted or multidimensional: the result can be positive in one or some of these dimensions and negative in other.

2.4.- Dimensions

It remains necessary to keep always emphasizing that political processes develop in a multidimensional space. "Dimensions are there" to be necessarily taken into account; they cannot be discarded. As we saw in the previous section, they are like "space" and "time" in Classical Mechanics (or the reformulation of the dimensions in Modern Physics). They are "dimensions on which to move", all of them "good – or, at least, necessary" dimensions.

But political processes do not necessarily move continuously forward. Very often, they are not even able to advance in all directions: they advance in one dimension and go backwards in another. Very often, a trade-off is established between these dimensions: an advance in one must "be paid" with a setback in another. When this is the case, the question, in terms of political judgement, is whether the final (maybe contradictory) outcome is positive or negative? Does the advance in one direction compensate the setback in the other? And the easy answer of "let's advance in all directions at the same time" is very often completely unrealistic: it leads nowhere. The old P. Mendès-France's *motto* of "*Gouverner, c'est choisir, si difficiles que soient les choix*" ("to govern is to make choices, as difficult as these choices might be"), already alluded to in the previous section, must once again be recalled as it applies also to this discussion.

Many dimensions could be considered for any political process. But if we want to take into account too many of them, the analytical framework loses sharpness and interpretative capacity. The definition of the different dimensions must capture the "true nature and main effects" of the political process we are analysing.

For the purposes of the 2016 HERE Barcelona Conference, five central **"dimensions"** were considered to be taken necessarily into account when designing and implementing a process of Higher Education reform and on which this process can/should advance, or on which HE reform can be evaluated:

> Internationalisation
> Democratic governance and autonomy
> Access/ retention/ study success
> Employability
> Quality

In a first discussion with the "HAQAA Ambassadors"[7] it was decided that Equity had to be added as a very relevant dimension, at least for the application of the Analytical Framework to the African context.

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[7] The "HAQAA Ambassadors" are the group of participants in the training activities of HAQAA's first two stages who remain committed to the promotion of the initiative's activities.

3. "VIEWING" AFRICAN HE AND ITS REFORM, AND HAQAA ITSELF, IN TERMS OF THE ANALYTICAL FRAMEWORKS

The previous two sections of this introductory module provide the frameworks in which most issues to be tackled in HAQAA-3's implementation can be discussed, provided

- **They are "metabolized" in order to allow the development of coherent overall views ("views" in plural; not in singular because the assumption is that there are different roads that can legitimately be pursued to conceive and reform Higher Education), and**
- **They are "given life to" by means of specific examples and study-cases and the comparative examination of them.**

In fact, the own "HAQAA concept" must be understood on the basis of these analytical frameworks. **This section,**

- **first, will provide elements for the discussion of HE and HE reform** that have already been useful in the context of SPHERE, the project already alluded to in the previous section; and,
- **secondly, will provide a policy-oriented interpretation of the own "HAQAA concept"**.

3.1.- Using the analytical frameworks for the discussion of HE policy and its reform

1.- Dimensions

In practice, advancing in all dimensions of HE policy at the same pace is impossible. Difficult choices must be made. Nobody will deny that the search for **quality** and **employability** (two main dimensions) is made difficult by the increase in the number of students acceding the University. But for many (including the authors) advancing in the dimension of **access, retention and study success** is good in itself, even it is not accompanied by quality and employability. However, it must also be accepted that this dimension is in itself polyhedric, multifaceted, even contradictory.

Democratic governance and autonomy does not have the same implications in small, highly selective HE institutions or in gigantic institutions with open access. **Internationalisation** seems able to accompany the advance in all other dimensions, but we have maybe too little historical perspective to judge this by reference to "new internationalization"[8].

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[8] We add the qualification "new" because no one should forget that, as with the dimension of "autonomy and self-government", internationalization is in the genome of Higher Education institutions, from their early beginning not only in Europe but also in the Arab/Muslim world. The oldest recognized University in the world, that of Fez in Morocco, was, from its start, a very powerful center of internationalization of knowledge.

And very basic political choices underlie the discussion of dimensions and their prioritization. Five decades ago, any politically active student or lecturer was well aware of the basic ideological alternative of considering expenditure in Education (and Higher Education) as an investment (to offer a return) or as an expenditure of consumption, private or public, that can be considered an end in itself, as any type of consumption. Since, the hegemony of the Human Capital theory and approach has tended to proclaim as an uncontested truth, at least in academic journals, that Education is an investment, private or social. And later arguments that Education is at the same time an Investment and a Consumption service have not helped either because the heuristic value of the alternative lies precisely in the fact that you cannot hold the two branches of the alternative at the same time.

2.- Instruments

How, and how much, does the availability of instruments limit the choice of objectives and the possibility of advancing in all dimensions? Which are the best instruments in order to pursue specific objectives and to allow advancing in different directions?

The development of the Bologna Process in the different countries participating in it could be written as an answer to these questions. Are changes in legal rules the best instrument to advance in quality or, rather, what matters is the change in teaching practices? But can you really expect a change in teaching practices when the legal regime of staff is very rigid and guarantees to lecturers long-life employment and discourages the incorporation of new (and foreign) lecturers? Which are the dimensions in which progress can be achieved even in the absence of an increased funding? Is self-government an instrument for creating awareness and favouring the involvement of personnel and students in the reform process or becomes, rather, an instrument of corporatist interests and resistance to change?

3.- Objectives and preconditions

The scope of HE policy and its reform can (and must) be very different according to the extremely different preconditions in different countries. Attempting to set the same set of objectives for all countries without considering the extreme differences in the respective preconditions can lead to all sort of unexpected consequences. Taking this into account, which is the internal articulation of the set of objectives that are proposed, both in terms of relative importance and in terms of time perspective?

4.- An example of use of the Analytical Framework for HE policy discussion

The break-out sessions of the 2016 Barcelona Conference were organized along the five proposed dimensions, which were discussed successively in three different groups. The discussion was very lively in all cases but quite uneven in its results. For some dimensions (Autonomy and Democratic Governance, Access/Retention/Success and Quality) the discussions led to a more or less definite set of conclusions; for the other dimensions the discussion led in particular to point to a list of specific issues that should be further analyzed. We summarize all of them in the next paragraphs in accordance with the contributions by the different rapporteurs, and simply as an example of use of the Analytical Frameworks and an experience that could be replicated in Africa in an African Conference (or series of Conferences) to be held in the HAQAA-3 implementing period (2023 – 2028).

Access/ retention/study success

Access, retention, and study success are very "country-specific" because they depend a lot on the different types and origin of the students. University students have different backgrounds, age, and gender. These factors should be studied carefully to improve the quality of access, retention, and study success.

1) When it comes to **access**, there are many different experiences. It was argued that in many countries students tend to choose the program of study based on the employment opportunities. The strategy and the tools of each country to increase access to higher education can be different as well. Some countries develop a previous strategy in order to encourage them to enroll.

2) Each context requires differentiated strategies based on the diverse needs and preconditions. For many, Internationalization is looked at as a strategy for access and recruitment. Pre-student advice, early recruitment, close collaboration, and the implementation of a good communication strategy are also elements that contribute to the access dimension.

3) With regard to **retention**, the participants presented many insights and information from different countries. In some, the problem seems to be that of the combination of mass enrollment and a big dropout rate. To achieve retention, there is a need to establish a legal framework that addresses the financial issues. In addition, teaching strategies of faculty members need to be improved (moving from a teacher-centered approach to a student-centered one). Furthermore, the issue of recognition of qualifications should be solved to enable student mobility.

4) Regarding **study success** at university levels, many participants highlighted the importance of implementing sustainable quality assurance systems.

In the discussions in the Groups, participants highlighted the major instruments for reform regarding the dimension of access/retention/study success. In order to favor the progress in this dimension, participants focused on the role of:

1- Staff: because they have a key role in welcoming new students and motivating them to pursue their university study journey when they present new teaching practices. This will increase retention and study success.

2- Legal framework: this instrument is crucial to contribute to policy reform by providing institutional strategy for increasing access, retention, and study success.

3- Financial instruments are critical to encourage students to choose a specific specialization at university level and keep them committed to continue its requirements since some institutions have high fees that prevent student from choosing those study programmes. Fundraising activities at university level seem needed.

In short, there was some sort of agreement that the following factors contribute to Access/ retention/study success:

1- Establishing specific procedures to guarantee the selection of students who will enroll in a specific study programme.

2- Enhancing the role of scientific research and the development of a student-centered approach to improve study success.

3- Reforming teaching approaches and assessment techniques based on intended learning outcomes at university levels.

4- Creating a strategic plan to track quality assurance of access, retention, and study success.

Quality:

Quality in HE should first be defined in rather concrete terms for each country in order to be able to use the right instruments to support progress in this dimension. The definition should also identify the purposes of the quality dimension. It would seem that the definition, and in particular the prioritization, of these purposes must take into account the opinions of the different HE stakeholders including those outside the HE system.

Each country has its own objectives and purposes when planning for the quality dimension of HE. For some countries, quality is linked to employability more than to the content of teaching; for other countries, quality is linked to accountability. In some, quality becomes more linked to competitiveness of, and between, HEIs, since the number of them is considerably high.

Progressing in the dimension of quality requires the use of all instruments: in particular, teaching practices, Quality Assurance (QA) instruments, financial support, staff and external partners… Indeed, it is often forgotten that QA instruments are only one of the instruments (and probably not the more important one) to make progress along the dimension of Quality.

Dimensions are always interlinked and intertwined when discussing higher education's reform policy. However, the quality dimension is linked directly, in particular, to the access dimension. The choice of instruments to improve access and retention must take into account that quality should be improved in turn (or, at least, not diminished).

Employability:

The discussions on Employability did not give rise to a set of articulated conclusions. They were oriented to the identification of some basic problems and some means that could be used to contribute to their solution.

Among the problems, the four that attracted more attention are the following:

- The too high level of unemployment in many countries, caused by different reasons. On the one hand, it makes difficult for graduates to find a job and, on the other, tends to draw young people to Universities for lack of alternative ways of insertion into society.

- The Brain Drain problem from many HERE countries to EU countries and USA, but also to some countries in the Gulf.

- The gap and separation in approaches that continues to exist between the world of the economy and Academia.

- The insufficient creation of research-based jobs in the economic sector.

Some of the solutions suggested by participants to these problems are the following:

- Transferring and sharing technology and knowledge from developed to developing countries.

- Enhancing the development of new curricula that fit the needs of the labour market.

- Involving self-learning to improve personal skills including vocational and soft skills.

- Changing the regulatory framework of HE in order to organize education and employability more in accordance with market demands.

- Creating technology parks and incubators for innovations that help graduates to set-up new start-ups and promote the spin-offs form research projects.

- Promoting the involvement of professional bodies in the areas of specialized training.

Internationalization

The discussions on Internationalization tended much more to view Internationalization as an Instrument than as, properly, a dimension. From this perspective, the following "international instruments" were the object of particular attention:

- The transfer of knowledge and technology to improve research and related projects.

- The enhancement of student mobility to improve education.

- The setting up of joint and double-diploma Masters and PhD programmes.

- The enhancement of international quality assurance mechanisms in order to gain international recognition

- The need to gain international visibility and attractivity.

- Institutional strategies.

- The possibility of generating income through International programmes and agreements as well as through the recruitment of foreign students.

Autonomy and Democratic Governance

For this dimension, a set of quite articulate conclusions was reached, beginning by the importance of defining different types of autonomy and their different meanings in the EU context and in its neighbouring countries.

1.- Autonomy has two different meanings or logics depending on whether we apply the term to Public or Private Universities. In the first case, it is a fundamental problem that concerns the structure of the State. In the second, it is an aspect of the more general problem of the limits to private initiative and its regulation.

However, certain institutional arrangements on governance can be common to both Public and private Universities (see below).

2.- Autonomy must go together with accountability. But it is not easy to combine them. A posteriori controls match much better the logic of autonomy than a priori controls, but the risk is that controls came "after the harm has been done" or are ineffective. However, autonomy means accepting risks; and the risk of autonomy must be compared with the risk of bad centralized government.

3.- Autonomy has different aspects. For many, but not for all, Academic and Organizational Autonomy (including selection of Personnel) must be neatly differentiated from Financial Autonomy; they consider that what matters are those aspects. The doubts lie on whether they can be effective without a substantial degree of financial autonomy. On this, it is clear that political cultures and practices are very diverse in the different countries. For many, on the contrary, and on the experience of their own countries, it is impossible, in practical terms, to conceive academic and organizational autonomy without academic autonomy.

4.- Autonomy and democratic governance are two interlinked, but very different issues. Democratically governed institutions can be very little autonomous (examples were given from some countries). And this can also be the case the other way around,

On this, the difference between public and private HEIs is very relevant. However, some instruments can be established, common to all of them. One example is the Boards of Trustees, with a mix of internal and external participation.

5.- There was a general agreement on the thesis that Autonomy and Democratic Governance should be considered a positive dimension on which to advance. However, the advance is always very dependent on the Preconditions, from the type of political cultures prevailing to the size and history of the institutions.

6.- Finally, a very relevant conclusion of the discussions, seldom emphasized in the literature, is that this dimension necessarily generates "tension" because it implies the overlapping of legitimacies and competences (those of the governments and the HE institutions as well as, internally, those of the different layers of internal democratic government). This tension cannot be avoided: it must be "managed", through the creation of adequate institutional arrangements and a well lubricated practice of finding compromise solutions. This seems to require, as an essential precondition, the existence of a political culture of defending one institution's rights interests and positions knowing that there are other legitimacies and managing the conflict by looking at public interest.

Some general conclusions

The Analytical Framework proposed for the Conference, as well as the discussions during the Conference, were recognized as a very useful tool in order to:

- Analyze higher education policy reforms, considering examples from other systems.
- Understand the development and implementation of higher education reform, including the interplay of national policy levels with higher education institutions, organizations and other stakeholders.
- Design higher education policies with concrete and realistic plans for implementation.

-   Further develop their role as HERE are their own countries, with an eye towards policy impact.

Participants shared and welcomed the main approach that Higher Education Reform is not a unidirectional/unidimensional process and that, on the basis of the existing preconditions, and in order to achieve a set of well-ordered objectives, it can follow different "roads". Some of the conclusions reached in the discussion of some dimensions were also widely shared.

One that seems particularly relevant is that of recognizing the existence of "problems", including some of the main ones, as an inherent feature of Higher Education and of HE policy. Therefore, the right analytical and political approach is not that of intending to "solve" them but that of "managing" them in the more effective way. This argument was initially developed in the framework of discussions about Autonomy and Democratic Governance but can then be generalized to other areas including that of the possible conflict between the progresses in the different dimensions that are considered for HE.

A second one is that of the importance of the articulation of Objectives as a requirement for any project of HE Reform. It was widely recognized that many reforms have been launched without adequately considering this point. The result has been that "reforms to the reforms" have been needed, making the reform process never-ending and the use of resources, including political will and capacities, very ineffective.

Therefore, the Conference had significant and positive learning outcomes, as it was envisaged when it was convened. However, some insufficiencies in the Analytical Framework were also put forward. In general, it was considered that it is very difficult to address Higher Education without taking into account at the same time Research. Some argued also that Values should be explicitly introduced in the Analytical Framework.

There was a general agreement that the Conference should be considered only a starting point. The use of the Analytical Framework in order to produce "views and visions" should be promoted and more comparative analysis is needed in order to fill the framework with specific examples and counterexamples, and good and bad practices from different countries that could be considered when designing and implementing processes of HE reform.

3.2.- Why our Analytical Frameworks are needed to adequately "view" HAQAA

HAQAA is an acronym of five words: Harmonisation, Accreditation, Quality Assurance, Africa. **Its first phase** was launched in 2015 organizing these five concepts as "Harmonization of African Quality Assurance – QA- and Accreditation". Therefore, in terms of our Analytical Frameworks, **the initiative focused**

-   **one specific instrument of HE policy (QA) and**
-   **one specific instrument of Regional integration (Harmonization of national rules).**

In its second phase, from 2019 onwards, due both to a change in the political context (the evolving priorities defined by the European Commission and the African Union Commission in

the framework of the Africa – EU Partnership) and to the adaptations provoked by the COVID pandemic, the scope of the project was in fact enlarged: a policy component was introduced, which absorbed a part of the available resources.

While HAQAA2 retained its initial focus on capacity building and training for both Internal Quality Assurance (IQA) and External Quality Assurance (EQA) in Africa, the new and enhanced Policy Component took center stage, through which CESA (the African Union Continental Education Strategy for Africa), in particular the CESA Higher Education Cluster, received support and impetus. This means, **in terms of our Analytical Frameworks, that HAQAA moved from exclusively focusing one Instrument of HE policy to also focusing the different Dimensions of HE (and all the Instruments to move along them)**.

The third phase of the initiative (2023 – 2028) consolidates this change. In fact, the acronym has been kept but its meaning has, very slightly, but also very meaningfully, changed. The Call for tenders was published, at the end of 2022, under a very "transversal" title: *Harmonization, Quality Assurance and Accreditation in African Higher Education* (so, no longer "Harmonization *of* QA and Accreditation"). And it envisaged that

> *HAQAA3 will be built on five essential pillars:*
>
> *1) continue to support capacity building for Quality Assurance (QA) systems for higher education in Africa, notably through the promotion of the African Standards and Guidelines for Quality Assurance in higher education (ASG-QA) at quality assurance agency level and also at the level of Higher Education Institutions (HEIs);*
>
> *2) consolidate the work undertaken to support the establishment of the Pan-African Continental Accreditation Agency (PAQAA) through, notably, supporting the African Union Commission (AUC) in the development of the statutes and regulations for governance and operations;*
>
> *3) carrying forward the proposal for the African Credit Transfer System as another important action line of the Pan-African Quality Assurance and Accreditation Framework (PAQAF);*
>
> *4) building up the capacity for informed and evidence-based policy making for higher education at continental level, linked to regional and national capacity, and align it to continental objectives for higher education (HE);*
>
> *5) continued support to the Higher Education cluster and sub-clusters of the Continental Education Strategy for Africa 2016-2025 (CESA), in promoting regional integration frameworks for higher education, targeted at public officials and university leadership but also in key areas of the continental agenda (i.e. connectivity and digitalization).*

The last two pillars (4 and 5) tackle the whole area of HE policy, (**so, they consolidate HAQAA-2's movemen**t **from exclusively focusing one Instrument of HE policy to also focusing its different Dimensions and all the instruments to move along them**) and the third focuses an

issue that deals essentially with Curriculum design and implementation and Mobility of students (facilitated by the transfer of credits). **Pillars 3 to 5 refer to policies that do not require only the use of one of the instruments of Regional Integration (Legal rules and harmonisation) but of all of them, in particular Common Activities and Diplomatic Instruments.** This is why the command of the HAQAA Analytical Frameworks are indispensable to adequately frame all HAQAA-3 activities.

4. THE LEGAL AND INSTITUTIONAL FRAMEWORKS FOR CONTINENTAL AND REGIONAL INTEGRATION IN HE IN AFRICA

4.1.- Introduction

African Higher Education integration is often discussed in isolation from the broader regional[9] and continental integration processes being developed in Africa, in particular in the economic area. However, one can gain significant understanding of it by framing its analysis within that wider context, which, in fact, is the one that provides most of the main legal, institutional and political frameworks for HE integration. Indeed, African countries have been pursuing economic and political integration ever since the early days of independence for a range of socio-economic and political reasons. Their decades-long effort towards the realization of the pan-African vision of an integrated, prosperous and peaceful continent has resulted in the creation of numerous legal and institutional frameworks with broad mandates to promote regional and continental cooperation in virtually all policy areas. Higher education is one of the key policy areas that seats at the heart of all these frameworks. There is no continental or regional integration regime in Africa that does not recognize higher education as one of its key areas.

These initiatives operate both at the continental and regional levels with substantial vertical and horizontal overlaps. The HAQAA Materials chapter on that issue intends to untangle that complex and overlapping web of initiatives and shed light on the key features, prospects and challenges of African integration both at the broad political and economic level and at that of HE.

4.2.- Higher Education and Political and Economic Integration in Africa

Aspirations for regional integration in Africa predate the advent of the Organization of African Unity (OAU), but its establishment in 1963 marks the most important milestone in the African integration process. Driven by the ideals of continental solidarity and collective self-reliance, postcolonial African states created the OAU to *coordinate and harmonize their general policies* in the socioeconomic and political domains. While the anti-colonial and anti-apartheid struggles dominated the early OAU years, the social and economic dimensions eventually became the principal drivers of regional integration in Africa.

In 1991, the Abuja Treaty established the African Economic Community (AEC), and the OAU was transformed into the African Union (AU) in 2002. While the AU provides the overarching institutional framework for African integration, the Treaty establishing the AEC (the 1991 Abuja

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[9] In this context, the term 'regional' has two meanings: one more general, and used in specialized literature, as a qualification of the term 'integration', and one more specific that refers to the different regions in which Africa is "divided". The context will allow the reader to differentiate them. We tend to avoid using 'regional' in the first meaning simply by assuming that 'integration' always refers to a process of regional integration. For the second, we also sometimes use the term 'subregional' to emphasize that there is a wider continental process embracing different regional/subregional ones.

Treaty) sets out the blueprint for African economic integration. The six-stage blueprint envisages the gradual and scheduled economic integration of the continent using regional economic communities (RECs) as building blocks. The strategy was to begin the continental integration process at the regional level by organizing the continent into five regions (in the form of RECs) based on physical proximity. According to the Abuja Treaty, the RECs will eventually merge into a single continental entity (i.e. the AEC) once they establish free trade areas (FTAs) and customs unions within their respective regions.

The choice of this gradual approach was informed by the challenges of forming closer economic integration among over 50 countries at different stages of development. However, uncoordinated efforts towards the implementation of the Abuja Treaty led to the formation of multiple RECs with overlapping objectives and memberships. The AU has officially recognized eight of these RECs as building blocks of the AEC and imposed a moratorium on the recognition of new RECs to help resolve the dissonance between the Abuja Treaty and the reality on the ground. However, despite this and other efforts to align them with the Abuja Treaty, the RECs have continued to operate and pursue their own regional integration agenda. The RECs recognized by the African Union are the following:
- The East African Community (EAC).
- The South African Development Community (SADC)
- The Economic Community of Western African States (ECOWAS)
- The Economic Community of Central African States (ECCAS)
- The Intergovernmental Authority on Development (IGAD) - Horn of Africa and East Africa-
- The Community of Sahel-Saharan States (CEN-SAD)
- The Common Market for Eastern and Southern Africa (COMESA)
- The Arab Maghreb Union (AMU)

In May 2019, the Agreement establishing the African Continental Free Trade Area (AfCFTA) entered into force. Its application started on the 1st of January 2021 (with a slight delay, due to the COVID pandemic, by reference to the date initially envisaged).

Together with the AU and other continental bodies, the RECs have produced – and continue to produce – a complex web of legal and policy instruments governing intra-African relations on a broad range of policy areas. Education, science and technology have always featured prominently in these instruments.

A close analysis of the higher-education related provisions contained in the constitutive instruments of African regional integration institutions reveals the following prominent features.

- First, most of the higher education related provisions in these instruments simply state the aspiration of African countries to cooperate in higher education. Such provisions are often found in preambles or sections on objectives or areas of cooperation. Such provisions tend to be general (often referring to education and science without explicit reference to higher education) and rarely identify specific issues of higher education for cooperation. However, there are some notable exceptions (e.g. the AfCFTA Agreement, the EAC Treaty, and the COMESA Treaty). The AfCFTA Protocol on Trade in Services, for example, specifically calls for the *mutual recognition* of education, experience, licenses, certifications, etc. In the same vein, the COMESA Treaty underlines the aspiration of

COMESA Member States to *promote the exchange of expertise and research results and technical information sharing [...] on science and technology* and *collaborate in the training of personnel in the various scientific and technological disciplines*. However, the general nature of these provisions and the lack of precise objectives makes it difficult to assess their achievement and reflects the reluctance of governments to undertake explicit and precise commitments.

- Second, some of these legal instruments establish specialized committees or other institutional mechanisms to implement their regional higher education integration objectives. For example, the Constitutive Act of the AU established a specialized Committee on Education, Culture and Human Resources. Similarly, the EAC Treaty delegates the day-to-day implementation of its regional higher education harmonization project to the Inter-University Council for East Africa (IUCEA).

- Third, most of the legal instruments conceive cooperation in higher education as a means (not as an end goal on its own) to achieve broader objectives, mainly the overarching objective of socioeconomic and cultural development.

- Fourth, there is considerable difference among the legal instruments in terms of the breadth and depth of their higher education related provisions. While some legal instruments have a limited number of scattered provisions (e.g. SADC Treaty), others have sections/chapters on higher education with detailed provisions (e.g. the Abuja Treaty, EAC Treaty). Some of the legal instruments also call for the adoption of specific protocols on education (i.e. the Abuja Treaty). African countries have responded to some of these calls by adopting specific protocols on education or higher education more specifically (i.e. ECOWAS, SADC, etc).

- Fifth, most of the higher education related provisions contained in the constitutive legal instruments lack legal force. While the instruments themselves are legally binding, the higher education related provisions are typically framed in general and non-binding language. With a few exceptions, most of the provisions on higher education are more akin to political statements than legally binding commitments. To be sure, some of the RECs have adopted specific protocols on higher education with legally binding commitments, making the higher education integration process subject to a mixture of binding and non-binding commitments.

4.3.- Regional and Continental Higher Education Initiatives in Africa

One of the key characteristics of African integration in HE is the fact that it takes place both at the continental and regional (even sub-regional) levels simultaneously. This has created

- **A vertical fragmentation because integration efforts take place at two different levels, as well as**
- **A horizontal fragmentation at the regional level with little or no coordination between the different regional integration initiatives.**

While there have been some (unsuccessful) efforts in the past to resolve the fragmentation, the integration process continues to unfold at these two levels without much coordination and coherence. Leaving the associated challenges aside, this fragmentation means that one cannot

form a full and comprehensive understanding of higher education integration in Africa without considering developments at both levels.

Continental Initiatives

Multiple continental initiatives have been launched over the past few decades to help foster higher education integration in Africa. The earliest and most prominent of these initiatives has been the 1981 Regional Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and other Academic Qualifications in Higher Education in African States (the 'Arusha Convention') promoted by UNESCO (the United Nations specialized international organization for education and culture with headquarters in Paris, France). However, only a very limited number of African countries ratified the Convention. The reluctance to ratify and implement the Convention has been attributed to various factors ranging from the lack of sense of ownership to a myriad of technical and structural problems. The Convention has gone through several rounds of revisions to address its shortcomings, but these revisions have so far proved inadequate to overcome this reluctance. For example, only 13 African countries have ratified the latest of these revisions - the Addis Convention on the Recognition of Academic Qualifications in Higher Education in African States, which was adopted in December 2014 and entered into force in November 2019.

Another major continental initiative on higher education integration in Africa has been the Continental Education Strategy for Africa (CESA) launched by the African Union. CESA is the latest, comprehensive, and most ambitious integration initiative for African education at all levels. Its implementation is guided by a set of 12 strategic objectives, pillars and core principles including the notion that *harmonized education and training systems are essential for the realization of intra-Africa mobility and academic integration through regional cooperation*. The 9th Strategic Objective refers to higher/tertiary education, and seeks to *revitalize and expand tertiary education, research and innovation to address continental challenges and promote global competitiveness*. It recognizes the role of higher education for science, technology and innovation and the importance of placing higher education at the heart of the development agenda of any nation that aspires to realize any meaningful sustainable economic growth. It calls upon AU Members to achieve this objective by creating conducive environment for research and innovation, consolidating and expanding centres of excellence, and enhancing institutional linkages in the continent. The overall strategy is to improve the access, quality and relevance of higher education through national, regional and continental measures.

The African higher education integration process has also seen the launch of the African Continental Qualification Framework (ACQF) in September 2019. This AU-led initiative seeks to introduce a framework, covering all educational levels, for the mutual recognition of academic qualifications with the view to ensure the mobility of students and academic staff across the continent. Through the recognition of academic qualifications, ACQF aspires to facilitate youth empowerment and employability across the continent – and thereby help the continent harness its demographic dividends. ACQF also aims to address the fragmentation problem through the eventual integration of existing national and regional frameworks for comparability and equivalencies of qualifications into a continental framework.

However, these continental initiatives lack a clear coordination and a sufficiently powerful specific continental body in charge of spearheading them. In spite of its efforts, the African Union

Commission has no sufficient resources, both legal and economic, and is not sufficiently staffed to play this role.

Regional Initiatives

Besides the continental initiatives, much of the higher education integration process takes place at the regional level within the institutional frameworks of RECs. We have already noted that most of the constitutive legal instruments of African RECs recognize higher education as one of the key areas of cooperation and mandate the respective institutions to promote higher education within their respective regions. Most of the eight RECs officially recognised by the AU have taken various integration initiatives to fulfil this mandate.

The most advanced of these initiatives are found within the EAC. In 2017, the EAC leaders agreed to establish a Common Higher Education Area (CHEA) with the aim to *harmonize and enhance the quality of education in the region*. The CHEA forms a common regional framework that addresses certification, academic and professional qualifications, and the quality of the educational and training output. The EAC has long delegated the day-to-day implementation of its harmonization project to the Inter-University Council for East Africa (IUCEA), which has become an EAC body. This membership-based organization currently comprises over 115 universities from the EAC region and is primarily focused on the realization of a regional quality assurance system and a regional qualifications framework.

The SADC Protocol on Education and Training is another major initiative at regional level. The Protocol enjoins SADC Members to implement a set of quality management standards for HE, harmonize admission requirements, establish a credit transfer system, and facilitate the movement of students and academics. One of the Technical Committees established in accordance with the Protocol, the Technical Committee on Certification and Accreditation, has since developed a regional qualifications framework, which sets up a formal regional framework for effective *comparability and recognition of full qualifications, credit transfer, creation of regional standards and facilitation of QA*.

ECOWAS is another REC that has taken some concrete steps towards the realization of regional higher education integration. The most prominent of this is the adoption of the 2002 Protocol on Education and Training and its activities on Equivalence of Certificates. The Protocol was further reinforced by an ECOWAS wide Education Sector Strategy/Program in 2003, which aims, among others, to harmonize education and training systems and admissions criteria for higher learning institutions in line with regional benchmarks for the establishment of certificates of equivalences and aims to enhance *harmonization* of education systems.

ECCAS has also managed to develop a legal framework for regional cooperation in higher education. Besides the Treaty provisions that mandates members to *prepare a common educational policy* as well as *harmonization of national policies*, it has adopted a Program on Education and a Protocol on Cooperation in the Fields of Human Resources Development, Education, Training and Culture between ECCAS Member States that is annexed to the Treaty. While the Protocol provides a legal basis for education policy harmonization and coordination in the development of joint projects and programs, the Program identifies the establishment of Centres of Excellence and Education Management Information Systems as strategic priorities.

Some of the RECs address only specific areas of regional higher education integration. For example, while higher education did not feature prominently at the beginning within IGAD, its recent work on higher education is primarily targeted at enhancing access to education for refugees, returnees, IDPs (internally displaced people) and members of host communities. IGAD members have since adopted the Djibouti Declaration on Regional Conference on Refugee Education in IGAD Members States and a Regional Education Policy Framework (REPF) to realize this objective.

There has been relatively limited activity around regional higher education integration within three of the officially recognized RECs (i.e., COMESA, CEN-SAD, AMU). Although the constitutive instruments of all the three RECs explicitly recognize education as an important area of regional cooperation, these RECs have made very limited progress towards the realization of the treaty objectives. The fact that their respective member states are also members of other RECs with detailed and advanced initiatives on the subject seems to have at least partly contributed to the lack of activity within COMESA and CEN-SAD. The lack of activity within AMU is not specific to higher education. The AMU has largely been inactive, with no significant high-level meetings held since July 2008.

4.4.- Key Features of Higher Education Integration in Africa

A detailed examination into the legal and institutional frameworks governing higher education integration in Africa reveals certain characteristics. Some of them are unique to the African integration process while others are common to most regional higher education integration processes.

The first of these characteristics is the multiplicity of memberships and institutions. The regional integration process is tangled with a web of multiple political and institutional frameworks. Despite efforts to resolve the institutional multiplicity problem, for example, by officially recognizing only eight of the RECs, more than 14 RECs currently operate in the African integration landscape. This institutional multiplicity
- Has fomented uncoordinated and duplicated initiatives that sometimes directly contradict each other and compete for agenda.
- It has also created opportunities for overlapping memberships, whereby most African countries are members of more than one REC. Overlapping membership might not be a problem on its own, but the lack of coordination among the RECs certainly risks, at the very least, creating contradictions.

The situation is further complicated by the presence of numerous initiatives launched by nongovernmental organizations such as university associations. University associations are well placed to play a key role in promoting regional cooperation in higher education. Not only they and their members are the directly responsible or beneficiary bodies of higher education reform but also carry ample expertise and power to influence state policy in this field. Most importantly, they provide an alternative to the conventional political process by providing a bottom-up approach. However, the lack of coordination across the various governmental and nongovernmental institutions can complicate and undermine the implementation of the various integration initiatives.

The second key characteristic of the African integration process in HE is its close ties with the level of integration in other policy areas. The experience of various RECs seems to show that

the enhanced cooperation in the field of higher education is dependent on the level and healthy nature of cooperation in other policy areas. When members are reluctant to liberalize their trade in goods and services despite fully operational agreements to the contrary, they are less likely to make any meaningful progress in higher education cooperation. This is evident from the fact that the RECs that have made some progress in regional higher education integration are the ones that have managed to achieve a relatively deeper level of regional economic integration (i.e. EAC, ECOWAS, SADC). This is primarily mainly because the same setbacks that undermine regional integration in other policy areas will most likely challenge cooperation in the field of higher education where the level of integration is still less advanced. This second characteristic is not specifically African. In the European integration framework, the partial recognition of professional qualifications has been framed and induced by the liberalization of services and establishment.

The third characteristic of regional higher education integration in Africa is its reliance on a mixture of binding and non-binding legal instruments. The most prominent instruments of higher education integration at the continental level are the AU Constitutive Act, the Abuja Treaty, the Arusha Convention (and the Addis Convention), CESA and the AfCFTA Agreement. All but one (i.e. CESA) of these legal instruments are legally binding. However, this does not mean that they set out clear and legally enforceable obligations. For example, the AU Constitutive Act establishes a Technical Committee to facilitate regional cooperation in education with no obligation whatsoever for the AU Member States. In contrast, the Addis Conventions imposes some specific obligations. However, the Convention is devoid of any enforcement mechanism. It mandates the Convention Committee to monitor implementation, provide guidance on best practices and make recommendations on the implementation of the Convention, but sets out no formal procedure for individual or State complaints against non-complying parties to the Convention.

The lack of legally enforceable obligations in most of these legal instruments, coupled with the lack of enforcement mechanism for the quite few binding obligations, adds to the various other technical, financial and political factors that undermine the implementation of higher education integration commitments. Implementation challenges are neither new nor unique to the regionalization of higher education. However, **the implementation deficit is even more pronounced in the realm of higher education** where African countries show considerable reluctance not only to implement but also undertake enforceable legal obligations and ratify binding legal instruments of regionalization.

5. INTEGRATION OF HIGHER EDUCATION IN AFRICA: AN OVERVIEW

5.1. Introduction

In Africa, the process of integration of higher education predates the independence of African countries, in particular in French Equatorial Africa and East Africa. After independence, French-speaking countries created several inter-state higher education institutions. Some of these institutions, such as the Interstate School of Science and Veterinary Medicine in Dakar, still exist and receive financial support from several African countries and international partners.

After independence, as described in the previous section, Higher Education has been embraced by the continental African process of integration as well as by most regional ones.

The methodology being used to build the African Higher Education and Research Space is different from that used in Europe which was based on action by the European Community and one wider Bologna Process, because the African process recognizes the existence of regional spaces that are being developed and should be linked at the continental level. **Therefore, an analytical and political principle should guide any reflection on HE integration in Africa: the need to adequately articulate the continental level of integration with the different regional ones.** The reader is asked to reflect on his/her own to agree or disagree with the argument and, if there is agreement, on the best way to advance in this articulation.

This section intends to summarize Chapter 4 of the HAQAA Materials, which presents this vast object trying to concentrate on its main features. Here again, the reader must reflect on his/her own whether these are the issues that are more relevant or, on the contrary, it leaves aside areas in which integration has advanced or should advance. The section focuses on three issues:

- **The legal framework for mutual recognition of qualifications;**
- **Harmonisation, homogenisation and convergence processes; and**
- **Integration and networking of academic and research institutions and infrastructure.**

5.2. The Legal Framework of Mutual Recognition of Qualifications

1.- Origins and implementation of the UNESCO Arusha Convention on mutual recognition of qualifications in HE in Africa

UNESCO has always promoted the signature of Conventions on Recognition. First at the regional level and currently at the global level (the Global Convention on the Mutual Recognition of Qualifications adopted by the 40th General Conference of UNESCO in 2019, just entered into

force on 5 March 2023, but with only 25 States, comprising much less than 10% of the world population, having ratified it so far).

In the African context, and following the European example[10], a continental Convention was promoted by UNESCO: the 1981 Arusha Convention. Its ratification, and its effective implementation has faced several challenges. These challenges partly explain why, at present, only 22 countries and the Holy See have ratified it.

2.- The revision of the Arusha Convention and the adoption of the Addis Abeba Convention

The perception of these challenges prompted the Regional Implementation Committee to propose a revision of the Arusha Convention to (a) improve mutual recognition of qualifications, (b) promote mobility of students, academic staff, and researchers, and (c) contribute to the construction of an African higher education and research space. The revision of this convention, which started in 2002 and lasted 12 years, was carried out in two stages. The first stage began in 2002 in Cape Town, South Africa and culminated in 2007. The second stage was conducted jointly by UNESCO and the African Union Commission, mainly through expert meetings and assessments of the various drafts by the legal services of UNESCO and the African Union. This stage lasted from 2007 to 2014.

The revised Arusha convention was adopted on 12 December 2014 and entered into force on 15 December 2019. However, the number of ratifications remains today very low: 13 African States (embracing, taking together, only a tiny percentage of the total African population) plus the Holy See. Some experts argue that this can be at least partially explained by the fact that higher education institutions and quality assurance agencies were not adequately involved in the revision of the Arusha Convention and remain not involved in the implementation of the Addis revision.

Whatever the analysis, it is undoubtful that, in terms of integration, the impact of the Arusha/Addis Conventions must be assessed together with that of other processes being implemented at continental and regional levels.

3.- Regional Conventions and Agreements

The African and Malagasy Council for Higher Education (in its French acronym CAMES):
CAMES adopted in 1972 in Lomé, Togo, a regional convention on mutual recognition of qualifications within its member countries. Its ratification led to the establishment of the Programme for the Recognition and Equivalence of Degrees (PRED). In 2006, a resolution of the CAMES Council of Ministers entrusted PRED with the responsibility of conducting accreditation and quality assurance of programmes in the CAMES member states. As of September 2013,

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[10] In Europe, the initiative in this area did not correspond to UNESCO but to the Council of Europe, an organization of political cooperation, completely separate from the European Community/ European Union and that predates it. The Council of Europe addressed the issue of recognition already in the 1950s.

PRED had held 27 colloquia and recognized 918 qualifications out of 1,242 applications received, with is a success rate of 73.91%.

Mutual recognition of qualifications in the Economic Community of West African States (ECOWAS)

In January 2003, the Heads of State and Government signed in Dakar, Senegal, the ECOWAS Regional Convention on Recognition and Equivalence of Degrees, Diplomas, Certificates and other Qualifications in Member States, to promote regional cooperation in the recognition of qualifications, strengthen collaboration in the use of human resources and facilitate the exchange of skills and the pursuit of studies. The implementation of this convention has encountered several challenges, particularly those related to the disparity of systems inherited from colonization and the difference in teaching languages.

5.3. Mutual Recognition of Professional Qualifications

1.- At the regional level

Concerning recognition of HE qualifications, a clear distinction must be established between the recognition of their academic effects and that of their professional effects (the habilitation for the exercise of regulated professions).[11] In the African context, the recognition of the professional effects has been mainly tackled at the regional level, and under the perspective of the building of regional common markets.

1.-The East Africa Community

In accordance with Article 11 of the EAC Common Market Protocol (CMP), the States Parties undertook to harmonise their curricula and accreditation procedures, in particular with a view to promoting mutual recognition of academic and professional qualifications to facilitate the free movement of persons and services. The East African Community adopted in 2011 special Regulations to govern the Mutual Recognition of Academic and Professional Qualifications-MRAs. Regulation 7 establishes that MRAs should cover the following aspects: i.) Academic and professional qualifications; ii.) Registration procedures; iii) Competences and iv) Code of Conduct and Disciplinary Processes. A few MRAs have been signed and negotiations for more MRAs are in the process.[12]

However, studies show that these MRAs lack adequate implementation, because of incompatibilities with national policies; uneven political will for integration among the different member states, and the challenge of capturing and coordinating data on the mobility of these professionals. It has also been noted that some professionals who move within the Partner States do so not within the provisions of the MRAs.

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[11] The first HAQAA Policy Brief deals with this distinction and explains the different policy frames for each type.
[12] Edwin Tabaro (2020) offers a good description and analysis: https://ealawsociety.org/wp-content/uploads/2020/12/Edwin-Tabaro-Paper.pdf

The EAC has embarked on the process of addressing the identified barriers impeding the implementation of the MRAs. This culminated in the development of a roadmap for implementation of the signed MRAs under the coordination of the EAC Secretariat. This is being completed by activities going on within the ambits of the Competent Authorities and respective professional associations that aim at addressing the barriers to the implementation of MRAs.

2.- The West African Economic and Monetary Union (WAEMU / UEMOA)

The Treaty establishing the West African Economic and Monetary Union (WAEMU) was signed in 1994 by (only) seven Member States of ECOWAS to create a common market based mainly on the free movement of people, goods, services, capital, and the right of establishment of persons. To this end, member states have signed several directives, including directives for the free movement of medical doctors, architects, accountants, lawyers, dental surgeons, pharmacists, and veterinarians.

The implementation of these directives faces several challenges. These challenges include, inter alia, and in accordance with UEMOA's own documents: (a) doctors and pharmacists cannot belong to two professional orders at the same time; (b) for medical doctors, architects, accountants, pharmacists, and dental surgeons the exercise of the profession in another country is allowed only on a temporary basis.

3.- The Common Market for Eastern and Southern Africa (COMESA)

The recognition of professional qualifications in COMESA member countries is envisaged in Article 15 of the Treaty on Trade in Services within the Community. In this article, Member States undertake to mutually recognize qualifications, experience and skills acquired in another Member State for the purpose of granting a license or authorization to practice a profession.

The results already achieved in the operationalization of this article are not well documented. However, given the fact that COMESA includes EAC countries that face major challenges in implementing the Protocol on the Movement of Persons and Services, one can easily conclude that efforts are still needed to fully implement mutual recognition of professional qualifications within COMESA.

4.- The Southern African Development Community

The Protocol on Trade in Services was signed by Heads of State during in August 2012 in Maputo, Mozambique. The objective of the protocol is the liberalization of trade in services in the SADC region in a mutually beneficial manner. The Protocol is modelled closely on the World Trade Organization (WTO)`s General Agreement on Trade in Services (GATS). Therefore, the Protocol defines the general obligations that all States parties may undertake regarding the treatment of services and service suppliers from other States parties but It does not contain concrete liberalization obligations. It simply provides a mandate and a framework to negotiate progressively the removal of barriers to the free movement of services.

2.- At the continental level

The African Union adopted in 2018 a Protocol to the Abuja Treaty establishing the African Economic Community on the free movement of persons, right of residence and right of

establishment. In Article 18 of this protocol, African countries have committed to mutually recognize academic and professional qualifications and to develop a continental qualifications framework with a view to promoting the free movement of per- sons among member states. The Protocol must be ratified by 15 Member States to enter into force.

5.4. Processes for Harmonisation, Homogenisation and Convergence

1.- Scope and Limits of the "Licence-Master-Doctorate" (LMD) Reform

The "Licence-Master-Doctorat" (LMD) reform, with "L" referring to the old French 3-year Licence degree, equivalent to the British *Bachelor*, stems from the adoption of the Bologna Declaration in 1999 by 29 European Ministers of Education to launch the Bologna process. Indeed, many African countries, in particular in francophone Africa, have adopted the LMD reform in order to maintain their historical university cooperation linkages with Europe, in particular with France, and to allow the graduates of their respective countries to fully benefit from the opportunities opened by this reform, in particular concerning the mobility of credits and the international recognition of their qualifications.

The implementation of the LMD reform has required the revision of existing training programmes or the development of new ones according to learning outcomes curricula development and their alignment with the needs of the world of work or self-employment. This reform has also introduced the need for accreditation of programmes on the basis of appropriate minimum standards in order to facilitate the mobility and mutual recognition of qualifications. But credit transfer and mobility has proven difficult to implement between the French-speaking countries and the English-speaking countries.

2.- Quality Assurance and Accreditation Pathways

1.- The Pan-African Quality Assurance and Accreditation Framework (PAQAF)

The PAQAF is a major conceptual framework for the harmonization of quality assurance and accreditation of education in Africa that was adopted by the African Union in 2016. It comprises several tools and activities that are at different levels of design and implementation. Some tools are currently being implemented, some are under development, and some are in project form. The PAQAF consists of the following six tools: (a) African Standards and Guidelines for Quality Assurance (ASG-QA), (b) Continental Qualifications Framework, (c) African Quality Rating Mechanism (AQRM), (d) Addis Ababa Regional Convention for Mutual Recognition for Qualifications, (e) African Credit Accumulation and Transfer System, (f) Continental Register for Quality Assurance Agencies and Quality Assured Higher Education Institutions.

2.- The Harmonisation of Quality Assurance and Accreditation in African Higher Education (HAQAA)

Framed in the broader PAQAA context, HAQAA is, since 2016, a joint initiative of the African Union and the European Union designed in the context of the Africa-EU Strategic Partnership and funded by the European Commission.

The second phase of this project culminated in 2022, and focused on (a) promoting the culture of quality in higher education institutions through online awareness campaigns through the AQRM, (b) strengthening the capacity of quality assurance agencies to implement the ASG-QA, (c) strengthening the capacity of the African Union to implement PAQAF and the Continental Education Strategy for Africa (CESA), and (d) coordinating the feasibility study for the establishment of the Pan-African Quality Assurance and Accreditation Agency. It produced the African Standards and Guidelines for Quality Assurance (ASG-QA) in Higher Education, formally endorsed by the African Union.

3.- The Qualifications Frameworks Route

The main purpose of a qualifications framework is (a) to ensure the comparability of different qualifications and to make different pathways through the education system more visible; and (b) to improve international comparison with the aim of facilitating credit transfer, mobility, and recognition of foreign qualifications. Qualifications frameworks may cover the entire education system or be limited to a sub-sector such as higher education.

Some African regions are quite advanced in their adoption and implementation:

1.- SADC

The SADC Regional Qualifications Framework (RQF) was adopted in 2011 and implemented in 2017. It is a ten-level framework, which covers all levels and categories of education and has level descriptors built on learning outcomes with three learning domains: knowledge, skills and autonomy and responsibility. The implementation of the RQF involves the following structures: The SADC Council of Ministers, Ministers responsible for education and training, the Technical Committee on Certification and Accreditation (TCCA), the TCCA Executive Committee (TCCA EXCO) and an Implementation Unit (IU) based at the SADC Secretariat. Unfortunately, this Unit is not yet operational.

2.- The EAC

The East African Qualifications Framework for Higher Education (EAQFHE) was approved by the Council of Ministers in April 2015 to contribute to the operationalization of Article 11 of the EAC Common Market Protocol. Mutual recognition of academic qualifications will then be determined through the referencing or alignment of National Qualifications Frameworks (NQFs) to this regional framework. The EAQFHE is composed of 4 levels (5 to 8) and has defined minimum credits for graduation. The development of EAQFHE will benefit fully from the experience and good practices of the SADC region and other regions of the world including ASEAN and Europe and the experience of Tanzania, an EAC country that also belongs to SADC.

At the African continental level,

and as already mentioned, the African Union adopted in 2018 the Protocol to the Treaty establishing the African Economic Community on the Free Movement of Persons, the Right of Residence, and the Right of Establishment. In Article 18 of this Protocol, African countries have committed to mutually recognize academic and professional qualifications and to develop a continental qualifications framework. The process of developing an African Continental Qualifications Framework (ACQF) was launched in July 2019 by the African Union in

collaboration with the European Union, the German agency GIZ and the European Training Foundation (ETF) to achieve the following outcomes by 2023: Enhance the skills and qualifications of African people; support the operationalization of the African Continental Free Trade Area (AfCFTA); and support the development of the African Higher Education and Research Space.

4.- Scope and Limits of Curriculum Convergence Processes

Continental approach

Since 2007, the AUC has been committed to harmonizing programmes and accreditation and quality assurance systems, and developing a Continental African qualifications framework through the implementation of its Continental Strategy for Harmonization of Higher Education.

This strategy was adopted in 2007 to achieve the following results by 2015:

- Establishment and maintenance of a continental political commitment to the harmonization process;
- Establishment of minimum standards in targeted programmes;
- Establishment of joint study programmes and student mobility programmes;
- Development and maintenance of a continental qualifications framework for higher education.

The 2015 deadline for the expected results of the Harmonization Strategy in Africa was extended to at least 2022 through the implementation of the EU-funded TUNING Project (which, nevertheless, came to an end in 2018 for reasons internal to the TUNING Consortium despite the availability of EU funds). The third phase of HAQAA, already referred to, will take back the aspect of TUNING related to the definition and implementation of the African Credit Transfer System (ACTS) but not that of the harmonisation/convergence of curricula.

Regional approach

1.- The East African Community (EAC*)*

The harmonization of programmes in the EAC is based on two major pillars, namely a regional quality assurance system and the East African Qualifications Framework for Higher Education-EAQFHE-.

The harmonization of higher education systems and programmes led to the adoption in May 2016, by the EAC Heads of State, of a Declaration on the Transformation of the East African Community into a Common Higher Education Area. This common area will promote student and staff mobility and the free movement of people and services in accordance with the Treaty establishing the East African Community signed in 1999 and the Protocol on the Establishment of the East African Community Common Market ratified in 2010.

2.- The Economic Community of West African States (ECOWAS)

ECOWAS countries have successfully harmonized their health sciences and pharmacy programmes under the coordination of the West African Health Organization (WAHO). WAHO has harmonized virtually all health sciences and pharmacy curricula in ECOWAS countries. These

programmes have been accredited by the Regional Council for Health Professional Education in partnership with the African and Malagasy Council for Higher Education (CAMES) and professional associations.

5.5. Integration and Networking of Academic and Research Institutions and Infrastructure

The following examples highlight the main African initiatives of integration and networking of academic and research institutions in Africa.

At the regional level

1.- The Inter-State School of Science and Veterinary Medicine in Dakar, Senegal

This school was established in 1968 as a veterinary school located in Dakar, Senegal. It was elevated to the level of an Inter-State School in 1971 by a decision of the Heads of State and Government of the Common African and Malagasy organization (in its French acronym OCAM). Currently, it is supported by 15 African countries which contribute to its operational budget. This school implements the "Licence-Master-Doctorate" (LMD) system. It offers Bachelor's and Master's degree programmes and has a doctoral school.

At the continental level

1.- The Centres of Excellence

The creation of Centres of excellence has been used in Africa for several decades as a strategy for pooling the human, financial and infrastructural resources needed to implement teaching and research programmes at higher education institutions. Several centres of excellence are currently available and operational in Africa. They have been established with the support of various partners and cover several fields of knowledge.

The development of centres of excellence in Africa has taken a major step forward since the implementation of the NEPAD Africa's Science and Technology Plan of Action (NEPAD, 2005). The AUDA-NEPAD, the World Bank, and the EAC have greatly contributed to the development of centres of excellence in Africa.

2.- The Pan African University

The building of the Pan-African University is given a high priority by the African Union Commission. It aims to (a) promote science and technology and strengthen the quality of higher education and research institutions, (b) strengthen partnerships between African universities and research centres on one hand, and with industry on the other, mainly using regional and international networks, (c) increase and strengthen systematic intra-African mobility of researchers and students and (d) produce an adequate supply of highly qualified Africans able to innovate to address the challenges facing the development of the African continent. The Pan-African University is composed of five regional institutes, located in the different African regions. Each of the five regional institutes will be networked with other institutions in their respective fields of scholarship, creating a network of networks.

6. SOME ELEMENTS OF INTERNATIONAL COMPARISON

6.1.- ASEAN Integration in Higher Education

South East Asia is a region of the world certainly very different from the African Continent and its regions. However, there is no doubt that important similarities exist between them, from the importance of the colonial past to the divergences in population numbers among their respective member states and the coexistence of different languages. Therefore, the ASEAN (Association of South East Asian Nations) experience in the area of Higher Education integration can be of interest in order to reflect and discuss on HE integration in Africa.

The HAQAA Materials chapter on the topic is very specifically focused on the activities developed at the regional level, and references to the different national levels are kept to a minimum. The three editions of the ASEAN Work Plan for Education are given particular attention. And **four "key themes" are defined and explained in order to contribute to the discussion of whether regional HE policy must be concentrated on a short list of themes or should be enlarged to the whole very complex set of aspects of HE. The four themes are**

- **Mobility,**
- **Quality Assurance,**
- **Recognition and Credit Transfer and**
- **The relationship with non-ASEAN actors**.

The chapter also emphasizes that the ASEAN regional integration project and the regionalization of ASEAN higher education should be seen from a historical comprehensive approach with political, economic and socio-cultural dimensions. This should include understanding the establishment of the Association of Southeast Asian Nations (ASEAN) and key developments relevant to economic and socio-cultural integration and in particular the establishment of a Socio-Cultural ASEAN Community alongside the other two ASEAN Communities: the Political-Security and the Economic.

The chapter ends with the following conclusions/recommendations/lessons learnt:
- ASEAN is a 10-member state organisation that was established on principles of collegiality, consensus, and trust. Its member states celebrate diversity and follow "prosper-thy-neighbour" as a guiding principle. Such unique trait is also reflected in the way that the common space for higher education in the Southeast Asian region is formed and developed. There is no imposition of regional interests on higher education systems. Rather, member states work collectively towards consensus through dialogues and discussions, while respecting national interests and sovereignty.

- As a region, ASEAN benefits from the generosity of its partners within the +3 (China, South Korea, Japan) and the East Asia Summit (EAS) structures, among other intergovernmental networks. However, it must be capable of determining its agenda for intra-regional development in higher education. There should be a departure away from having non-ASEAN actors influence various agendas through external funding, technical and expert support.

-   The region should also strengthen the intra-regional collaboration among its higher education community.

    o   Intra-ASEAN exchange of students and scholars is the starting point in the co-creation of a conducive ecosystem for knowledge creation, dissemination, and research. Scholarships to all students with a diverse background to enhance student mobility in the region can further encourage inclusive mobility.

    o   This can be followed by creating opportunities for long term post-study employment to facilitate student mobility in a broader scheme.

    o   Additionally, a student-friendly, more transparent as well as non-complicated visa process should be devised to strengthen student mobility within the region.

    o   Future policy developments on mobility must be highly data-driven as they will provide a coherent overview of the developments in this space. In this respect, ASEAN may take heed of recommendations provided by the SHARE team (2020), such as establishing a dedicated research centre for student mobility, and a one-step online student visa information point enfolding arrangements in all ASEAN Member States. Additionally, ASEAN should also consider introducing a regional student pass scheme to expedite student mobility, as opposed to student visa/pass issued by individual member states, which is the current practice.

    o   Finally, ASEAN should also look inwards to overcome multiple and overlapped roles and the involvement of multiple entities in higher education development. To date, the three focus areas are student mobility, quality assurance, and credit transfer, with many programmes and initiatives championed by both intra- and inter-ASEAN actors. This should be streamlined and brought together under one ASEAN entity to facilitate and support the development of higher education holistically within the region, based on regional principles.

6.2.- MERCOSUR Integration in Higher Education

MERCOSUR integration in higher education is somewhat paradoxical. Some would argue that, born as a secondary aspect of the regional integration process, it has become more successful than integration in other areas much closer to the initial objectives. In any case, it is undoubtedly useful as an element of reflection and comparison with the processes in Continental Africa and in its different regions.

The HAQAA Materials chapter on the topic emphasizes that regional integration at a continental or subcontinental level is not a simple process: there exist power disputes to be neutralized, structural asymmetries to be addressed, legal and regulatory differences, resource and capacity gaps to deal with and different speeds of national progress towards integration that need to be considered to achieve superior objectives.

It also emphasizes that academic integration, especially at the higher education level, is not only important in itself. It also has an enormous impact on soft power agendas and an

incredible potential to achieve integration goals that have proved to be more challenging when approached only from a commercial or economic point of view.

The specific issues tackled by the chapter are all of them some of the main concerns of the African continental and regional processes: Quality assurance, Mobility and, above all, Recognition. Therefore, the chapter's contribution to the HAQAA Materials, and to the courses based on them, should be very valuable.

The chapter ends by presenting some lessons learnt and some thoughts:

After 30 years of putting academic integration into action, the many stakeholders that shape the landscape of higher education in South America – regional bodies (MERCOSUR Secretariat and the regional bureaucracy), national government bodies (Ministries of Education, Higher Education Secretariats, Viceministries or Departments, Ministries of Foreign Affairs), national accreditation agencies, rector's conferences, universities' authorities, students, faculty, researchers and staff- have undoubtedly many valuable lessons and learnings ready to be shared with other countries and regions seeking to undertake a political project of academic integration.

- **First of all**, at the regional level, respect for national specificities and local legislation has been a key political element. The fact that all decisions in MERCOSUR are taken by consensus and not majority transforms every country into a veto player. But the evolution of the integration process has shown that consensus has not been an obstacle at all to achieve integration goals. Specifically, for the higher education sector, **gradualism has been the greatest asset**: it has allowed for steady adjustment of national laws and institutional arrangements and this explains largely the slow and small-scale but blunt success. Additionally, the urge for establishing a regional scheme for funding and managing the SEM (MERCOSUR Education Sector) Action Plans has been assessed and some measures have been taken although they are not yet fully in force, specially under the framework of SIMERCOSUR (the Integrated Mobility System created by the Common Market Council in 2012).

- **Secondly, at the national level, the creation of synergies has been the main element**. A constant, honest dialogue between technical teams at the ministries of education or equivalent institutions has proven to be a central factor specially in a region where high-level political dialogue among executive offices has not been easy or usual. These technical teams have been mainly responsible for regional policy coordination constituting a genuine epistemic community, a community of practice and a community of learners. Moreover, since quite a few representatives have been in their positions for many years, it could be said that they have become champions or sherpas of regional academic integration at the higher education sector in South America.

- **Thirdly**, at the institutional and individual level, progressive but compelling implementation of the academic integration strategy has been key to debunking myths and prejudices and creating **a regional educational citizenship among universities and their academic and scientific communities**.

- **Finally, for South American societies in general, the SEM has proven to be a relevant instrument for advancing regional citizenship and educational rights**:
  o the MERCOSUR Strategic Plan for Social Action (PEAS), adopted by the MERCOSUR Chiefs of State and approved by the Common Market Council in 2010 promotes solidarity and horizontal cooperation and exchange for the improvement of educational systems, as well as the promotion and strengthening of exchange programs for students, practitioners, researchers, managers, directors and professionals.
  o Common Market Council Decision Nº 64/10 on the Action Plan for the creation of the MERCOSUR Citizenship Statute advocates for the deepening of the social and civic dimensions of the integration process to achieve sustainable development, with justice and social inclusion for the benefit of the citizens of the MERCOSUR countries through the proposed implementation of a policy of free circulation of people in the region: equal civil, social, cultural and economic rights and liberties and equal access to work, health and education opportunities.

The chapter tries to show that a solid academic integration project is feasible in specific regions of the South. The academic and scientific integration of higher education systems brings along the creation of a dense network among young students, graduates, teachers and researchers that will translate into more and better opportunities for the countries and within the regions and will shape the main characteristics of the region's future leadership in the political, economic, social, cultural, commercial, academic, professional and scientific sectors at the national and regional level, thus increasing our chances of achieving better development indicators and wellbeing for our people.

6.3.- EU Integration in Higher Education

This chapter of the HAQAA Materials pursues a twofold purpose.

- The first is that of clarifying the essential nature of the integration process launched in the 1950s around the setting up of the European Economic Community, finally transformed in 2009 in the European Union[13]. Indeed, bad explanations and bad (and very often willingly misleading) interpretations of the EU process (in general, as an integration process, and specifically in the area of HE), have mudded so much the discussion that what characterizes the general knowledge about it is not so much ignorance or insufficiency but something much worst: confusion dressed as expertise.

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[13] The European Economic Community (EEC), as set up by the Treaty of Rome in 1956-57, was transformed in the European Community (EC, without 'Economic') by the Treaty of Maastricht in 1992-93, which also created the European Union (EU). Finally, the Treaty of Lisbon, entered into force in November 2009, merged the EC and the EU, giving to the merged entity this last name: European Union. Therefore, it can become very cumbersome to refer accurately to these entities from a historical perspective. The reader must always take into account the context. And the expression 'EC/EU' can also help. The European Community (EC) must also be distinguished from the European Commission, which is only one of its institutions.

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- The second purpose, once the waters have been cleared, is that of offering elements to think about Africa, and not, as so often covertly or explicitly proposed, to copy Europe. In this sense, the chapter applies, in the specific area of Higher Education, the approach that was also followed in chapter one of the HAQAA Materials.

To pursue the first purpose, **the chapter begins by distinguishing three different - even if interrelated – aspects/ways/approaches of the integration process**:

- **The first is the imposition of obligations on States** (in many cases very similar to those existing in the typical Free Trade Agreements promoted by the United States since the 1990s and then signed in many other regions of the world: as a consequence, one could put forward that the European Community Treaty -ECT- "encompasses such a Free Trade Agreement").

- **The second is the creation of a mechanism for creating new law** (the European Economic Community -EEC- , afterwards European Community, now European Union) which is autonomous from Member States even if, obviously, they do participate in its administration (the approach that differentiates the European Community/Union Treaties from the typical Free Trade Agreements, for instance, from the very beginning).

- **The third is the creation of a framework of collaboration between Member States** that allows them, without having to transfer any competence or be subjected to specific legal obligations, to coordinate their policies and activities -, an aspect or approach that the European process has developed successfully but which is not specific to it.

Afterwards, the chapter outlines some aspects of the history of EC/EU integration in Higher Education that leads to the too often misunderstood "Maastricht paradox".

- **First, it examines the twofold use of the *second way/approach to EC/EU integration* in the area of Higher Education**
  - o **Legal Rules**: The EC/EU directives on Recognition of professional qualifications
    The founding EEC Treaty, the Treaty of Rome, did not confer any competence to the EEC on Higher Education (and only a very limited competence on what at the time was named 'occupational' training – 'formation professionnelle' in French – now rebaptized as 'vocational'), But article 57.1 on Right of Establishment (whose scope was extended to service by article 66) established that *"In order to facilitate the engagement in and exercise of non-wage-earning activities, the Council… shall… act by issuing directives regarding mutual recognition of diplomas, certificates and other qualifications."*

    On the basis of this provision, the EEC began in 1977 to enact secondary law harmonizing a small number of curricula that led to diplomas granting professional qualifications. Much later on. all these directives were brought together in a general Directive, extremely long, but still only very partial, on recognition of professional qualifications (Directive 2005/36). Chapter 8 of the Materials discusses this issue very aptly and in great detail.

- o **Common activities in the area of Higher Education: EC/EU-funded programmes**

  Quite late, in the middle of the 1980s, the EEC initiated a new road to integration in the area of Higher Education using also the second way to integration: Setting-up (and funding!) programmes: Comett was launched in 1986; Erasmus in 1987; shortly afterwards Petra, Eurotecnet, Lingua and Iris. Thus, a whole new spectrum of programmes developed gradually covering all educational sectors with the exception of compulsory schooling. Eventually, ERASMUS + absorbed all of them.

  It must be emphasized, however, that this initiative was not conceived in the framework of a (non-existent) EC policy of higher education, but in that of a "citizens-and-youth policy" oriented to bring the integration process closer to citizens and, in particular, to youth. Indeed, the initiative in the area of Higher Education and Universities was simply one of the initiatives recommended by the Adonnino Report of March 1985, very significantly entitled as *Report* (to the European Council) *from the ad hoc Committee on a People's Europe*.

- **Second, it emphasizes** that EC integration in Higher Education did not proceed only (nor even mainly) on the basis of the enactment of secondary law. The Court of Justice of the European Communities 'discovered' (it was indeed an unexpected discovery for many) that *the first way to integration (i.e. imposing in the founding Treaties obligations to member states), and in particular the principle/rule on National Treatment proclaimed in article 7 of the EEC Treaty, also applied to Higher Education*.

The combined effect of a) the discovery that the National Treatment principle applies also to education, and b) the expansion of secondary law to such a sensitive area as education was welcomed by many as great steps forward towards a "Citizens – or People's- Europe" but it also raised very serious concerns as it was interpreted by many as creating the risk that an unbridled integration process would end up invading extremely sensitive areas of policy that, furthermore, sub-central levels of Government (the German Länder in the very first place) cherished as "their own".

All these concerns led, in the 1992-93 Maastricht Treaty that modified the EC Treaties, to the introduction of specific articles on Education, Culture and Health (typical areas in which the German Länder are competent). This introduction is interpreted often as an "enlargement" of Community competences to these areas. The right interpretation is rather the opposite: the specific articles in these areas were introduced to guarantee that there will not be an immoderate recourse to a "horizontal" article (article 235 at the time) for action in these areas; therefore, to explicitly restrict the scope of Community action. Indeed, the essential provision of the articles are not the paragraphs in which they allow for "*support measures*" but the last one in which it is unambiguously established that the Community can "adopt incentive measures, *excluding any harmonisation of the laws and regulations of the Member States*".

These developments are the necessary background to understand why and how **the Bologna Process** was launched

- by Member States Ministers
- outside the EU framework, as a political framework of cooperation
- without a single legal provision (either of EC/EU or of international law).

This **can be certainly interpreted as another example of *the third way to EU integration*. But it is not a 'pure' example because it has ended up in a 'European' process that includes many countries that are not EU members**. This has become possible because, even it if was born outside the EU framework, the EC/EU, and in particular one of its institutions, the European Commission, managed to achieve a relatively relevant role as a participant. It participates in the periodical Ministerial Conferences alongside its 49 member countries (http://ehea.info/page-full_members) and it is also a very active member of the Bologna Follow-up Group that oversees the process between the Ministerial meetings (http://www.ehea.info/page-the-bologna-follow-up-group); and one of the main instruments of the process, the ECTS (European Credit Transfer System) was brought to life, following the already mentioned 1985 Adonnino report, by the European Community.

The chapter ends with some distinctions to guide the reflection: different issues, different perspectives, different policy and legal frameworks. Their purpose, as always in the HAQAA Materials, is NOT to explain in detail how EU integration in the area of Higher education is proceeding, and even less to suggest that it constitutes a 'model' for Africa. The purpose is that of offering elements to think from Africa about Africa. In that perspective, it seems necessary, even if in a very simplistic presentation, to emphasize the existence of different issues, different approaches, and different policy and legal frameworks.

First.- Only a very reduced number of issues have been tackled at the regional level.

- This is very clear in the case of action by the EC/EU.
  - o *Secondary legal rules* have only been produced on the issue of recognition of diplomas (full-fledged 'diplomas', not 'credits')
  - o *Common activities* have been numerous and well-funded. But their overall purpose has been only that of promoting
    - ▪ Mobility and
    - ▪ Networking (among individuals and institutions)

    with the main purpose of bringing the integration process closer to citizens (and not so much that of enhancing quality in HE).

- In the framework of the Bologna process, many more issues have certainly been discussed. However, it must never be forgotten that these discussions, when they are conclusive, and even if they are proclaimed in Ministerial Declarations, never become legally binding. Therefore, all in all, the Bologna Process must be considered as an example of '*diplomatic instruments*' in the terms of the Analytical Frameworks discussed in the first two chapters of these Materials.

Second.- Higher Education issues can be, and have been, tackled from different perspectives and in different policy contexts. One of the best examples of this is how the issue of recognition has been dealt with:

- *The context for the recognition of professional qualifications is mainly that of the building of a Common Market*. This is why it has been dealt with by the EC/EU through the enactment of legal rules, as a condition to make effective the free circulation of workers/professionals between Member States and the exercise of the right of establishment in another Member States.

- *The context for the recognition of academic qualifications (diplomas) for access to postgraduate studies is mainly that of research and higher education policy*. The EU has promoted it with the setting-up, and funding, of programmes, but the main onus remains in Higher Education Institutions (HEIs) themselves, which in many countries in the world, including EU Member States, have never had any difficult, in the exercise of their autonomy, to accept graduates from other countries in their postgraduate programmes. Therefore, the question might be raised as to whether University autonomy (plus public and private funding) is enough to deal with this issue. Has an international agreement as the UNESCO/Council of Europe Convention really modified the situation in terms of facilitating access to postgraduate studies?

- *The context for mobility of students at undergraduate level (and, as a necessary or convenient requirement, the recognition of parts/components of a curriculum) has been, in the EC/EU case, that of youth and general integration policy*, with the objective of (or as a good available means of) bringing regional integration down to citizens (at least to some categories of citizens) and promoting their internationalization. This has been the underlying logic of the Erasmus undergraduate mobility programme, since its inception in the 1985 Adonnino Report. The use of the European Credit Transfer System may help. However, the legal foundation that allows for this mobility is not EU law but the autonomy of Universities (in the framework of national rules), which interact, usually, in the framework of bi- or pluri-lateral agreements between them (and not in application of general rules). This is something on which most literature and official texts remain silent.

Third.- In the case of the EC/EU, National Treatment is a basic principle

Indeed. Beyond, and behind, specific legal rules and common activities, what has really underlined EC/EU integration in the area of Higher Education has been the acceptance (legally and, in particular, politically) that the general principle of National Treatment (treating citizens and companies from other Member States as the ones from your own country) "is there and means something". It can be argued that this is what has created the adequate frame of mind favouring EC/EU intra-mobility and recognition of qualifications.