

# Tables of Content

Tables Of Content.....	
Detailed Contents .....	
Preface.....	

## GENERAL FRAMEWORK

The Marketisation Of Education? On Vouchers – Jan De Groof.....	3
Higher Education In The Age Of Globalisation: The Need For A New Regulatory Framework For Recognition, Quality Assurance And Accreditation – Dirk Van Damme .....	27
Challenges Of Access, Diversity And Quality Assurance In The Post Seattle Epoch – Marjorie Peace Lenn.....	41
The European Area For Higher Education – Gracienne Lauwers.....	49

## GLOBALISATION AND EDUCATION

Trade In Education Services: The Role Of The European Commission – Roger O’Keefe.....	69
Trade, Education And The GATS: What’s In, What’s Out, What’s All The Fuss About? – Pierre Sauv�.....	75
GATS: The Lock-In Of Education – Christoph Scherrer.....	105
Liberalisation, GATS And New Paradigms Of Education Governance And Administration – Botho Von Kopp .....	135
Borderless Higher Education: Challenges To Intellectual Property Rights – Dennis J. Farrington .....	157
Trade In Educational Services And Research: A European Perspective – Guido Langouche .....	161

Policy Dealing With The Globalisation Of Education:  
The Case of Portugal – João Atanásio .....173

The Social Functions OfThe University In The Context OfThe Changing  
State/Market Relations (The Global, European Union, And Accession  
Countries’ Perspectives) – Marek Kwiek .....179

Policy Issues Arising From Trade In Educational Services In Estonia – Jaan Ginter.....213

Policy Issues Arising From Trade In Educational Services In Non-EU-Member  
States: The Case Of Lithuania – Pranas Gudynas .....219

The Impact Of Globalisation On Education In Slovenia: Some Short Remarks  
– Zdenko Kodelja.....227

Policy Issues Arising From Trade In Educational Services In Non-European Sates:  
Reflections On The African and South African Higher Education System  
– M. Trevor Schoole .....237

## **COMPETITION IN EDUCATION**

Education, Consumerism And Citizenship In A Legal Context – Neville Harris .....257

Competition And Education – Elies Steyger.....275

National Experience On Competition Law Spain’s Experience From The  
Viewpoint Of An Analysis Of Non-University Education In The Autonomous  
Community Of Aragon – Fernando Gurrea Casamayor, Ignacio Revillo Pinilla,  
Jesús Jiménez Sánchez, Miguel Trasobares Gavín, Beatriz Palacios Llorente .....281

Market And Consumerism Of The Client Sponsoring In German Schools:  
How Money Changes The Law – Hermann Avenarius .....309

Getting Real About Competition In Education – Charles L. Glenn .....313

## Detailed Contents

Tables Of Content.....	.....
Detailed Contents .....	.....
Preface.....	.....
The Marketisation Of Education? On Vouchers – Jan De Groof.....	3
1. The Economic Discourse Dealing With Education .....	3
1.1. Introduction.....	3
1.2. An ‘Economistic’ Dialogue In Education? .....	4
1.3. The Application Of Free-Market Principles .....	4
2. Individual ‘Consumerism’ – On Vouchers .....	5
2.1. Competition Between Schools.....	5
2.2. School Choice And Parental Rights .....	8
2.2.1. Vouchers And Pluralism .....	8
2.2.2. Participation Policy – Parental Rights .....	9
2.2.3. Direct Policy– Modern Management.....	10
2.3. East And Central European Practices.....	10
3. Education Pluralism And The ‘Liberalization’ Of The Market.....	13
4. Education Pluralism And Competitiveness: The Civil Society, The Government And The Market .....	16
4.1. Responsabilisation And ‘Degovernmentalisation’ .....	16
4.2. ‘Marketization Of Education’ .....	18
4.3. ‘Marketisation’ And The Private Sector.....	19
Higher Education In The Age Of Globalisation: The need For A New Regulatory Framework For Recognition, Quality Assurance And Accreditation – Dirk Van Damme.....	27
1. Globalisation.....	27
2. The Impact Of Globalisation On Higher Education .....	28
3. The Need For A New Regulatory Framework.....	32
4. Selective List Of Recent References .....	39
Challenges Of Access, Diversity And Quality Assurance In The Post Seattle Epoch – Marjorie Peace Lenn.....	41
1. Access.....	41
2. Diversity .....	43
3. Quality.....	44
4. Barriers To Access, Diversity And Quality .....	45
5. From Doha Forward .....	47

The European Area For Higher Education – Gracienne Lauwers.....49

1. Introduction.....49

2. Policy Options .....50

3. Implementation Of The Policy Options.....51

3.1. Increase Student And Staff Mobility Within Europe.....51

3.2. Action Plans To Make European Universities More Attractive .....52

3.2.1. Bologna Process.....53

3.2.2. European Master Programme And Erasmus Mundus .....54

3.2.2.1. Erasmus Mundus .....54

3.2.2.2. European Master Programme. ....55

3.3. Action Plans To Make The EU A Harmonious And Inclusive Community .....56

3.4. Action Plans To Create A Common Identity .....58

4. Conclusion.....59

**GLOBALISATION AND EDUCATION**

Trade In Education Services: The Role Of The European Commission – Roger O’Keefe . 69

1. Introduction.....69

2. Political And Legal Background.....70

3. Present Position.....71

4. New Trade Round .....72

5. Wider Context .....72

Trade, Education And The GATS: What’s In, What’s Out, What’s All The Fuss About?  
– Pierre Sauvé.....75

1. Basic Facts About The GATS And Trade In Education Services.....75

2. How The GATS Operates .....78

3. Fault Lines In The Public Policy Debate Over Education And The GATS.....84

3.1. The GATS And Public Services .....87

3.2. GATS And The Right To Regulate .....88

3.3. The GATS And Foreign Investment .....90

3.4. The GATS And Subsidies .....91

4. What Exactly Are We Talking About? A Stylized Depiction Of Negotiating Proposals  
By Australia, Japan, New Zealand And The United States .....92

5. Irrational Exuberance? What Role Should The GATS Be Expected To Play In The  
Internationalization Of Trade In Education Services? .....96

6. References .....100

GATS: The Lock-In Of Education – Christoph Scherrer.....	105
1. Introduction.....	105
2. The GATS Agreement On Trade In Services.....	105
2.1. Important Provisions Of The GATS.....	106
2.1.1. Modes Of Supply .....	106
2.1.2. Most-Favoured Nation Treatment, National Treatment And Transparency .....	107
2.1.3. Dispute Settlement Procedure .....	108
2.1.4. Public Services.....	108
2.2. The EU’s “Vertical” Commitments.....	110
2.3. The EU’s “Horizontal” Exceptions .....	110
2.4. GATS And EU Single Market Program .....	113
3. Developing International Education Markets .....	115
4. Liberalisation Requests .....	117
4.1. Existing Impediments to Trade.....	117
4.2. Private Sector Requests.....	118
4.3. Requests by the Governments of the USA, Australia and New Zealand .....	119
5. Competitive Position.....	121
5.1. Cross-Border Supply (Mode 1).....	122
5.2. Consumption Abroad (Mode 2) .....	122
5.3. Commercial Presence (Mode 3).....	123
5.4. Presence of Natural Persons (Mode 4) .....	123
6. Potential Consequences.....	124
6.1. Consequences of “Vertical” Commitments .....	124
6.2. Consequences of Abandoning The “Horizontal” Exceptions .....	125
7. The Negotiations Have Opened.....	125
7.1. Timetable Of Negotiations .....	125
7.2. Shared Competence Of The EC And Its Member .....	126
7.3. Requests Made By The EU.....	127
7.4. Requests Made To The EU.....	128
7.5. How Likely Is It That These Requests Will Be Fulfilled?.....	129
7.6. Danger Of The Instrumentalisation Of Education For Other Sectors.....	130
8. Literature .....	131
Liberalisation, GATS And New Paradigms Of Education Governance And Administration – Botho Von Kopp.....	135
1. Introductory Remark .....	135
2. The Neoliberal Context of GATS.....	136
3. Implications Of GATS On Education And Education Governance: Three Scenarios.....	137
3.1. First Scenario: No Change At All .....	139
3.2. Second Scenario: The Disintegration Of The Traditional Education System.....	140

3.3 Third Scenario: GATS, “Corporatisation” And Liberalisation Of Education.....	142
3.3.1. The Probability .....	142
3.3.2. The Network.....	143
3.3.3. The Philosophy Of Corporatisation .....	143
3.3.4. Homogenisation And “World system” .....	145
3.3.5. The Expansion Of Private Schooling.....	146
3.3.6. The Education Business .....	147
3.3.7. The Shift In Governance: Decentralisation.....	148
3.3.8. The Amalgamation: “Corporatisation” In Education And “Educationalisation” In The Corporate Sector. ....	150
4. Summary.....	151
5. References .....	153
Borderless Higher Education: Challenges To Intellectual Property Rights – Dennis J. Farrington.....	157
Trade In Educational Services And Research: A European Perspective – Guido Langouche.....	161
1. Historical Background.....	162
2. What Is GATS About?.....	163
3. Different Interpretations .....	164
4. The Joint Declaration Of European And North American Universities .....	165
5. A Framework For Reflection From A European Perspective.....	166
6. In Search Of Educational Parameters .....	168
7. Final Remarks .....	169
8. Stakeholders Model.....	170
Policy Dealing With The Globalisation Of Education: The Case Of Portugal – João Atanásio .....	173
The Social Functions Of The University In The Context Of The Changing State/Market Relations (The Global, European Union, And Accession Countries’ Perspectives) – Marek Kwiek .....	179
1. Introduction: The Invasion Of Market Forces In Higher Education?.....	179
2. What Is New In Transformations Of Higher Education Today?.....	185
3. Globalisation, Competition, And Public Scrutiny .....	192
4. Reforms Of Higher Education And The State .....	201
5. References .....	206

Policy Issues Arising From Trade In Educational Services In Estonia – Jaan Ginter.....	213
Policy Issues Arising From Trade In Educational Services In Non-EU-Member States: The Case Of Lithuania – Pranas Gudynas.....	219
1. The Social Context Of Education .....	219
2. Overview Of The Present Day State Of The Education Sector .....	221
3. Policy Issues And The Important Educational Documents .....	225
4. Conclusion.....	226
5. References .....	226
The Impact Of Globalisation On Education In Slovenia: Some Short Remarks – Zdenko Kodelja.....	227
Policy Issues Arising From Trade In Educational Services In Non-European Sates: Reflections On The African and South African Higher Education System – M. Trevor Schoole .....	237
1. Introduction.....	237
2. The Global Context Of The Emergence Of Trade In Higher Education.....	238
2.1. The African Continent’s Position And Response To This Globalising Environment .....	241
2.2. The Southern African Development Community (SADC) Within The Globalising Environment .....	242
3. The South African Higher Education System Within The Global Context.....	244
4. Emerging Issues For Free Trade In Higher Education In The Context Of NEPAD, SADC And South Africa.....	247
5. Conclusion.....	250
6. References .....	251

## **COMPETITION IN EDUCATION**

Education, Consumerism And Citizenship In A Legal Context – Neville Harris .....	257
1. Introduction: Consumerism And The Law In Context.....	257
2. Rights – The Citizenship Dimension .....	259
3. The Position Of Educational Institutions .....	261
4. Students, Mental Health And Institutional Responsibility In The United Kingdom....	262
4.1. Duty Of Care.....	264
4.2. Contract.....	265
4.3. Disability Discrimination Act (DDA) 1995 .....	266
5. Conclusion: Student Citizens?.....	266

Competition And Education – Elies Steyger.....	275
1. Introduction.....	275
2. The Provisions Of Competition Law.....	276
3. Applicability Of Competition Law To Educational Institutions.....	277
4. Closing Remarks .....	279
National Experience On Competition Law Spain’s Experience From The Viewpoint Of An Analysis Of Non-University Education In The Autonomous Community of Aragon – Fernando Gurrea Casamayor, Ignacio Revillo Pinilla, Jesús Jiménez Sánchez, Miguel Trasobares Gavín, Beatriz Palacios Llorente .....	281
1. General Assessment Of Non-University Education In Aragon.....	281
2. Indicators Of The Aragonese Educational System .....	283
2.1. The Demographic Context.....	283
2.2. Public Funding For Education .....	284
2.3. The Educational Level Of The Population .....	286
2.3.1. Overall Schooling.....	286
2.3.2. School Population Distribution Among Sectors .....	287
2.3.3. Infant Education Schooling Rates .....	287
2.3.4. Schooling Rates At Other Levels .....	290
2.3.5. Expected Number Of Years Of Schooling.....	290
2.3.6. Average Level Of Studies .....	290
2.4. “Ratio” As A Quality Factor .....	291
2.5. Qualified Teaching Staff .....	292
2.6. Pupil Results .....	292
2.6.1. Progress And Exams Passed .....	293
2.6.2. Academic Results. ....	294
2.6.3. Entry To Higher Education And The Influence Of Social Origin.....	296
2.7. Assessment Of The Educational Community .....	297
Annex .....	300
Market And Consumerism Of The Client Sponsoring In German Schools: How Money Changes The Law – Hermann Avenarius.....	309
Getting Real About Competition In Education – Charles L. Glenn .....	313