

Different faces of one higher education governance model
How do the domestic actors translate supranational trends within
European context?

The preliminary results of the fieldwork in Lithuania and Slovakia

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List of abbreviations

EC – epistemic community

HE – higher education

HEIs – higher education institutions

IG – interest group

KEF – Knowledge Economy Forum

Minister – Minister of Education

MoE – Ministry of Education of Slovakia

MoES – Ministry of Education and Science of Lithuania

OMC – Open Method of Coordination

List of annexes

Annex number 1: List of interviewees

Annex number 2: Detailed information on the measures included in HE governance model

Annex number 3: Conditions for interest groups and epistemic communities in key and non-key policies

INTRODUCTION

The present paper forms part of the dissertation project analyzing the role of domestic actors in translating European and international trends in higher education (hereafter HE) governance into national frameworks. The dissertation will look at this phenomenon in three countries: Slovakia, Lithuania and Romania over 20 years of reforms (1990 – 2010). However, the aim of the present paper is more limited. It analyzes the preliminary outcomes from the semi-structured interviews delivered in Slovakia and Lithuania between February and June 2011 (the list of interviewees is in annex 1). The reason for not including Romania in this paper is that the fieldwork in Romania will be only delivered in October 2011.

Focus of this paper is on the national actors from Lithuania and Slovakia who are working within European and international contexts. In my paper I will argue that the two studied countries were inclined during their HE governance reform to turn to non-European level sources and they have chosen rather to follow the models of individual countries that were more advanced in terms of their neighbors (Estonia, Czech Republic) as well as to more distant prestigious places (UK, USA). Not coincidentally these examples were virtually the same as the ideas being presented by EU reform agenda and by major international organization like World Bank, OECD or UNESCO. The EU and international level policies are then employed in the support for the national policies.

Yet to what extent not only the selected models but also the policy designed by the reformers in Lithuania and Slovakia were congruent with the international trends further depends on whether experts and ideas or domestic interests are prevailing in the policy design process. If the interests are more dominant then the adopted policies tend to reflect more the aims of the interest groups than the international trends. On the other hand when the experts are more dominant in the process then the result is closer to the EU and international model of HE governance. The influence of interests and ideas can be different for different parts of one reform.

The question is then why in some policy area the interest groups are more influential while in other the experts have more decisive word. My research indicates that the reason is whether certain policy is part of the key aim of the reform or not. It seems that for the key policies the decision-maker looks rather for ideas helping to shape the relevant policy in line with his/her vision. In non-key issues the decision-maker is more interested in the

possibility for the reform to be passed thus is more open to accommodate interest of important interest groups, but only as far as the key aim of the reform will be secured.

Whether the question at stake is part of the key aim of the reform or not is then determined by the national context. The factors constructing the national context are however beyond the scope of the present paper and will further be explored within the next stages my dissertation project.

The paper starts with introducing the European and international policies promoted within new HE governance model and the approach chosen to study the differences in applying this model in Lithuania and Slovakia. The second part of the paper looks at the role of European and international level policies in the HE governance reform in the two studied countries. This is followed by the examination of interplay of ideas, interests and actors in the national contexts. The paper concludes with the main findings about the factors leading to applying or not applying the European and international trends in HE governance in Lithuania and Slovakia.

ONE HE GOVERNANCE MODEL - DIFFERENT REFORM RESULTS. INTRODUCTORY NOTE

In early 2000s the European Commission joined the main international agencies such as World Bank, OECD and UNESCO in promoting new model of HE governance. European Commission together with major international agencies promote similar set of HE governance policies including: decentralization of state power over the HEIs; shift from decentralized self-governance by academics towards centralized and managerial internal governance of HE institutions (hereafter HEIs); opening the HEIs' management to the influence of external stakeholders.

In more concrete terms the new model of HE governance involves the following policies, which further include 33 concrete policy measures summarized in the annex no. 2:

State and HEI relationship
Arms length steering
Internal organization is up to HEI
Decision-making mechanisms up to HEI
Academic autonomy
Financial autonomy
Characteristic of internal governance
Substantially greater decision-making power is with HEI management not with collegiate body of academics (senate).
Rector can come from outside of HEI and management skills are important.
The management mechanisms are defined by the HEI's leadership in line with HEI's needs (e.g. term in office of rector, definition of line of responsibility)
HEI and external stakeholders
Majority of members of the supervisory body are external stakeholders
Supervisory body has important say in strategic management of HEI

The model was defined by the author based on the following documents: European University Association (Estermann and Nokkala 2009), the World Bank (2000), the OECD (2003), Eurydice - the executive agency of European Commission (2008), De Boer and File (2009), Stensaker et al. (2006), Dobbins and Knill (2009) and Clark (1998).

Despite the fact that there seems to be one set of policies promoted different countries tend to apply this model in different ways. This is the case of the countries studied in the present paper Lithuania and Slovakia. The two countries had very similar starting point. They shared the Soviet model of HE governance based on central planning and direct management of HEIs by the state. After the fall of communism both countries decided to leave Soviet legacy. They decentralized the state power to HEIs that became self-governed by the academics and students (De Boer et al. 2009). Further reforms in the two countries were developed under similar international influence of the World Bank, the OECD, UNESCO and the European Commission.

The preliminary analysis of HE reforms in the two countries indicated that domestic actors played an important role in shaping these reforms. Thus as starting point of my analysis I have chosen actor-based approaches of interest groups and epistemic communities. In my research to define the interest groups I use the concept of Wilson (1990) and Thomas and Hrebenar (2008) stating that the interest groups (hereafter IG) are groups with an attempt to influence public policy and with potential to engage in politics. For epistemic communities (hereafter EC) I use the definition by Peter Haas (1992) who notes that an epistemic community is “a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge” (p. 3). In regard to the use of the concept of epistemic communities it is important to note that in the present paper “the network of professionals” is not understood as a conscious, organized structure. It is rather being part of the same episteme, same worldview. In case of the HE governance reform this worldview is represented by the neoliberal approach to HE governance reflected in the international and European level policies. In the analysis below different conditions described in the literature on IGs and ECs are assessed. Annex number 3 includes summary of the assessment of these conditions in the two studied countries.

To study the reforms of HE governance in the two countries I have chosen for the present paper two concrete policy measures from the HE governance model. I analyzed their change during the most substantial reforms in HE in each country (in Lithuania the HE Law from 2009 and in Slovakia the HE Law from 2002). One of the policy measures represents the change of the relationship between the state and the HEIs - increase of capacity of the HEIs to manage the state resources (shift from line budgeting to lump-sum budget and the transfer of state property into ownership of the HEIs). The second corresponds to introduction of the external stakeholders into HEI’s management through governing boards. In my dissertation I also analyze the changes in internal governance of the HEIs through looking at the shift from faculties self-administration to the centralized administration. However, the present paper has very limited scope. Hence I am not discussing changes in this area.

THE ROLE OF INTERNATIONAL AND EU POLICIES IN FORMING HE GOVERNANCE REFORMS

Slovakia and Lithuania launched the substantive reforms of their HE systems in the environment of new HE governance model promoted by the international organizations later joined by the European Commission. In Slovakia the law on HE from 2002 was built on the Strategy for 21st century (Slovak Government 2000). This strategy made reference to the UNESCO World Declaration on HE (UNESCO 1998) and Bologna declaration. The former provided recommendations in regard to the involvement of external stakeholders into HE governance and more flexible financial mechanisms. Yet during the interviews UNESCO declaration or other international policy was never mentioned as source of ideas. The interviewees mentioned as inspiration the UK model, which is the most advanced one (Slovak interviewee no. 15). For specific questions in financing also Portuguese and Israeli models were taken on board. In regard to governing boards Slovakia used the Czech model where they introduced governing boards already in 1998 (Slovak interviewee no. 24).

Lithuania had during the preparation of the HE law from 2009 two international documents directly advising changes in HE governance – the World Bank report from 2003 and Lisbon strategy. The Lisbon strategy was translated, as in other EU countries, into the National Lisbon Strategy Implementation Programme (2005). Both documents included suggestions in regard to the increase of involvement of the external stakeholders in university governance (i.e. strengthening of governing boards) and the World Bank (2003) also recommended the transfer of state property to HEIs. The Lithuanian interviewees did not mention these documents or other European or international level policies as sources of ideas. In terms of governing boards they most often looked at systems in UK and USA (e.g. Lithuanian interviewee no. 2) and Scandinavia (e.g. Lithuanian interviewee no. 22) as the most advanced ones. The property transfer was inspired by the Estonian reform from 1999 (Lithuanian interviewee no. 10).

The above presented data from the fieldwork show that both countries were inclined during their reform to reach out to non-EU level or international level policies. They employed models of concrete countries like USA or UK that they perceived as having the best universities in the world or models of the regionally close countries that reformed concrete policy area before. Yet it is important to note that the national models that

Lithuania and Slovakia have chosen to follow in their reforms were congruent with the ideas being presented by EU reform agenda and by international organizations. This is probably not a coincidence and I need to explore this in further research. One possible explanation is that EU level and international policies usually build on best practices. US HE system is often perceived as advanced one, which is also demonstrated for example by the European Commission (2003, 2005, 2006), which uses quite extensively the US HE system as benchmark for the EU reforms of HE. In the case of the other countries besides US, the reason maybe that these countries have themselves applied the policies viewed as best practice that are then also promoted by the international reports and European policies.

The results from the fieldwork further show that EU level and international policies were exploited mostly as supportive tools for implementing the policies that the reformers already had in mind. This supporting role was demonstrated in several ways: the European level policy as reform trigger, the approval of what the reformers are doing, communication of reform ideas of experts toward the government and in case of EU Structural funds financial support of the domestic reform.

European policy framework as the reform trigger

Even though Bologna declaration did not contain any measures in regard to HE governance it was an important document for the reform in Slovakia. Several interviewees noted that Bologna declaration and the fact that Slovakia signed this document led to the decision that there needs to be more substantial change of HE law including the change of governance and not just amendment of the existing one (for example Slovak interviewee no. 10).

Lisbon strategy played similar role in Lithuania where it triggered reform process preceding the law from 2009. The Lisbon strategy was translated into National Lisbon Strategy Implementation Programme (2005), which was developed into concrete policy measures in different areas. Even though according to the Lithuanian interviewee no. 36 not much from these concrete measures were incorporated into the Law on HE and Science from 2009 still the Lisbon strategy worked as one of the triggers that supported the need for the substantial reform in HE in Lithuania.

European and international policy as reform certification

The European and international documents were perceived by several interviews as summaries of what they knew already that needs to be done. At the same time the reports delivered for Slovakia and Lithuania were also perceived as certification of the fact that the already proposed reform steps are in the right direction. In case of Slovakia this was a World Bank assessment of draft Law on HE from 2002. The Slovak interviewee number 15 noted that the World Bank was not involved in any way in drafting the law, but the reformers asked the World Bank for comments for the draft law. Another Slovak interviewee number 10 commented this World Bank assessment in the following way: “We searched for some assessment whether we are going in the right direction. They said: yes, it is OK.” (00:40:24).

Several interviewees in Lithuania when asked about international reports mentioned that the reports summarized what they knew themselves that these were the problems. At the same time there was also the same perception of one of the European reports as mentioned above in the Slovak case. Lithuania participated in Open Method of Coordination (hereafter OMC) Policy Mix Review Report in 2007. The OMC was (and still is) supervised by the European Research Area Committee (formerly CREST). The aim of the OMC was to enable the EU member states to progress jointly in the reforms they need to undertake in order to reach the Lisbon goals¹. Yet for the Lithuanians it seems that the report did not provide as many new suggestions. One of the interviewees (no. 36) characterized this report by the following words: “It was like an approval of our ideas and support like you are doing the right thing and go on.” (00:44:50).

European level policy as communication tool with the Government

Another way how the European level policies, or the tools that further serve to their application (such as the OMC) were employed was to use them as communication tool towards the Government if the Government is believed to listen more to the European experts than the national ones. This is done through the contacts of national experts in European level institutions where they have possibility to initiate such reports for their country that will communicate to the Government their messages. Such initiative

¹ http://ec.europa.eu/research/era/partnership/coordination/method_of_coordination_en.htm (accessed on August 10th 2011)

contributed to the fact that Lithuania joined the OMC exercise (Lithuanian interview no. 8).

Structural funds in support for HE reform

The Structural funds played important role in Lithuanian reform from 2009. On the one hand they were used to secure that the funding for HEIs will not decrease during the financial crisis that started in 2008 (Lithuanian interview no 19). This was important so that the academics do not feel financially under pressure during the reform. At the same time the Structural funds were used to motivate universities to participate in the reform through rewarding those HEIs, which engaged themselves in the reform effort (ibid.).

Concluding remarks

The above analysis revealed that there are parallels between Lithuania and Slovakia in regard to the use of foreign, European and international policies. In what follows further parallels between the reform processes in the two studied countries will be identified in regard to the interplay between the actors, the ideas or interest that they are promoting and the national context in which they operate.

IDEAS, INTERESTS AND THE IMPORTANCE OF THE POLICY UNDER REFORM

The ideas and the interests can have different roles within one reform law. They can impact whether the international trend will not only be viewed as inspiration but also the national level policy will be in line with this trend. The former seems to be the case if the interests play important role in the design of the policy. On the other hand if the policy is more influenced by experts and less by the interests then the latter situation is more likely to occur. Whether ideas or interests are prevailing seems to be influenced by the fact if the policy in question is key to the decision-maker or not.

If from the point of view of reformers² concrete policy measure belongs to the key part of the reform then there is relatively little space for interests and reformers are more inclined to look for ideas at home and in other countries that will help them to shape concrete policy. As it was discussed above when the reformers look for ideas abroad then they usually search for inspiration in the countries with HE governance policies congruent with

² In this paper the reformers mean the people who designed the HE reform. This includes mainly people from the Ministry of Education and their collaborators.

the new HE governance model. Therefore the policies that are the most important for the reformers seems to be most closely resembling to the way how are these issues dealt with in the European and international level policies.

On the other hand the issues that are not key for the reformers are more open to the involvement of the interest groups. In the case of non-key policies the reformers still look at the foreign models, but it is more important for them to accommodate the interests of strong actors than to preserve certain ideas. Satisfying needs of strong interest groups can then increase the chance of adopting the whole reform, including the parts that are key for reformers. This has one exception though. The reformers adjust the non-key policies only as far as it supports the key reform aims. Since the interest of domestic actors play an important role in defining the non-key policy measures, the non-key policies are closer to the domestic interests and reflect less the new model of HE governance.

Whether the policy in question was accompanied more by the conditions favorable to experts or to interest groups is summarized in detail in annex 3. The following part provides closer look at the dynamics that led to more influence of experts in key reform areas and what opened the doors for the interest groups in non-key reform policies. At the same time this part of the paper also demonstrates how these different actors then shaped the policies in Lithuania and Slovakia to more or less resemble to the EU and international level trends.

Policy measures arising from the heart of the reform

The two studied countries have chosen the main aims of the reform based on what they have identified as key problems keeping their HE systems from being on the same level like developed systems in Europe and in the world. This is well demonstrated by the Slovak interviewee no. 24 commenting on the need to liberalize the use of state funding: *“...those who were reading the wider context they saw that that is the direction where Europe goes, where the world goes. The regulation of the expenditures is just relic of the past.” (00:05:28).*

Lithuania – replacing the self-governance concept with the management by external stakeholders under the supervision of the Minister

Key aim of the reform

The basic premise of the HE reform in Lithuania was that the reformers had low trust in university self-governance, which in their view failed as management mechanism (Lithuanian interviewee no. 21). The reformers believed that self-governance led to creation of limited groups of academics, which shared the power over the university and followed their own interests and not the interests of the university and the society (Lithuanian interviewee no. 2). Thus the universities were badly managed, their quality was decreasing and large number of Lithuanians was leaving to study abroad (Lithuanian interviewee no. 34). Since the low quality management arisen from the bad management by the university employees the reformers assumed that it can only be improved from outside by external stakeholders (Lithuanian interviewee no. 21). Further the process of creating the body with external stakeholders could not be controlled by academics that showed that they are bad managers, but the Minister of Education (hereafter Minister) must control it. Thus the Councils were changed from supervisory into managing bodies, external stakeholders gained majority in the Council and the decisive power in defining the members of the Councils moved from the rector to the Minister (the Minister appoints majority of the Council members). The change of the university Councils³ was viewed by the reformers as the key part of the HE reform in Lithuania (Lithuanian Interview no. 38).

Key aim of the reform and the space for influence by the actors

As mentioned above one of the main changes introduced by the law from 2009 was the reform of the Councils. One of the key authors of the new concept of Councils was Ms. Nerija Putinaite, presently Vice-Minister of education. Ms. Putinaite is perceived as expert in higher education and not as politician (Lithuanian interview no. 35). Ms. Putinaite is responsible for HE in the Ministry of Education and Science (hereafter MoES).

In regard to gathering international expertise there were several activities delivered. Mr. Eugenius Butkus, the chair of the state agency the Research Council of Lithuania

³ The Councils existed in the universities since 2000, but they had only symbolic role and the main powers stayed with the rector and academic senate (Leisyte 2006).

prepared a comparative study on governing boards that served as background document for discussions in the Parliament Committee on Education and Culture (Lithuanian interview no. 38). The Knowledge Economy Forum (hereafter KEF) prepared another such comparative study on the Councils (Lithuanian interviewee no. 36). KEF was established in 2001 from the initiative of the President of Lithuania Mr. Adamkus as association of businesses, HEIs and government organizations and it was one of the advocates of the Council's during the discussions on the reform. Further, the present Minister of Education Mr. Steponavicius, participated actively in the project of the British Council in Lithuania "Shaping Higher Education for 21st Century"⁴, under which also one of the models of the Councils inspired by the British experience was designed. Finally, the change of the Councils was the only policy measure where most the interviewees clearly identified as inspiration the same countries – UK, USA and Scandinavian countries.

The reformers had very clear view about composition and competencies of the Council. Two issues that were key to the reformers were enacted in the law: the Council changed into managerial body and majority of the Council members are appointed by the Minister and comes from outside of the university (Lithuanian interview no. 21).

The final form of the Councils is quite close to the original idea of the reformers even though these changes were strongly opposed by the rectors of state universities who represented the strongest interest group till late 2000s. However, mainly due to the generation change in all the political parties the rectors lost a lot of their traditional allies in the Parliament and in the Government. In this situation the rectors of state universities lost their traditional channels of influence – lobbying the MPs and the members of Government. Hence they employed two other strategies to preserve the self-governance in universities. First, they were involved in preparation of the appeal to the Constitutional Court of Lithuania to investigate whether the new Councils are not in contradiction with the Constitution. According to the Constitution of Republic of Lithuanian (1992) HEIs should be granted autonomy, which includes according to the earlier statements of the Constitutional Court also management of the HEIs and no one from outside of the HEI can decide about its management (Lithuanian interview no. 14).

⁴ For details see British Council (2007).

Secondly, the rectors employed passive resistance. They decided to wait until last moment with the transformation of state universities into public institution that implies also introduction of the new types of Councils⁵. They hoped that there will be change of Government, because of unstable political situation and/or that the Constitutional Court will decide that the definition of Councils in the HE law is unconstitutional and they will not have to adjust the internal governance to the new law on HE (Lithuanian interview no. 33). However, this passive resistance tactic is now undermined as several rectors decided to rather participate in the reform and receive Structural funds for reforming their institution (Lithuanian interviewee no. 8).

The rectors of the state universities were so far not very successful in pursuing their interests. What seems to be the most important reason from the literature on IGs is that the decision-maker had clear agenda in regard to the Councils (McGrath 2005). In addition the interest of the rectors to preserve power was directly opposing the main idea of the reform aiming at decreasing of power of self-governing bodies. This was further coupled by the favorable conditions for the expert involvement. These conditions included that the key expert was part of the bureaucracy (the Vice-Minister of Education) and the decision-maker (Minister of Education) shared the same norms with the expert (Haas 1992). Consequently even though several conditions were favorable for the rectors such as that the public opinion was rather hesitant in regard to the new Councils (Steve 2002) and the rectors were from the most important universities (Roberts 2009) they still did not reach their aims.

Similar situation was also in the following example of Slovakia where the conditions for IGs were also mixed and even maybe a little bit more favorable for IGs, because the ideas of the reformers were not in such sharp contradictions with the interests of IGs. However, both in Lithuania and in Slovakia the main factor is that the key policy measure is defined rather based on ideas that are close to the main vision of the reformers than on concrete interests.

⁵ According to the Law on Higher Education and Research No XI-242 from April 2009 all the HEIs have to be transformed into public institutions by the end of the year 2011. In June 2011 only two universities out of 15 were transformed into public institutions.

Slovakia – introducing financial autonomy

Key aim of the reform

In Slovakia the problem was long-term insufficient funding of the HEIs connected with very bad condition of public finances after the rule of semi-authoritarian Vladimir Meciar's Government (1994 – 1998), which made it according to the reformers impossible to increase funding for the HEIs only based on the state budget (Slovak interview no. 10). Prior to the reform from 2002 the Slovak universities were budgetary organizations with limited use of state funding under the line budgeting and without the ownership right to the property that they were using. The key aim of the reform of HE governance in Slovakia was introduction of financial autonomy, which included the shift to the block grants and property transfer. This was part of the wider change when state HEIs changed into public organizations (Slovak interview no. 24). The main idea was to open possibilities for HEIs to be freer in the use of all funds and former state property in order to be able to acquire extra resources outside of the state budget (Slovak interview no. 10).

Key aim of the reform and the space for influence by the actors

Similarly to the Lithuanian case it seems that the policymakers were in this case open to Slovak experts with the expertise in the key area of the reform and international ideas in regard to the change of financing. The person responsible for drafting the whole reform, Mr. Mederly, was mostly interested in the change of financing of universities. He is former Dean and he does not belong to any political party. Most of the international references during the interviews were made in regard to financing. The experience from other countries was used to clarify how technically could the Slovak reformers enact their vision of the change in HE financing (Slovak interview no. 15). The Portuguese system helped with defining funding formula and the Israeli one with stimulating HEIs in attracting non-budgetary resources for research grants (ibid.). Most of the inspiration came from the British system, because the Brits went furthest in everything and information about the system is easily accessible (Slovak interview no. 15). Finally, the idea of how the HEIs as public institutions should be defined and how the state property should be transferred to HEIs used the experience from the Czech Republic (Slovak interview no. 15), which has reformed HE financing and property issues already in 1998 (Czech Parliament 1998). However, the Slovak reform went further in terms of the reform

of financing, because, according to the Slovak interviewee number 15, the people responsible for HE reform in Czech Republic did not have the change of financing as the key issue of the reform like the Slovaks did and the Ministry of Finance in Czech Republic interfered more in the design of the HE law than it was in the case in Slovakia.

In terms of the alternative policy solutions offered to Ministry of Education (hereafter MoE) there was an intensive attempt to influence the new financing system and transfer of property from Comenius University in Bratislava. This is the biggest and the oldest university in Slovakia and it had quite close connection to the leadership of MoE. All three key people preparing the reform of HE Mr. Milan Ftacnik, the Minister of Education (hereafter Minister), Mr. Martin Fronc, the State Secretary responsible for HE and Mr. Peter Mederly the Director General of HE Department at MoE are graduates of Comenius University and Mr. Ftacnik and Mr. Mederly also worked at Comenius University. Comenius University prepared its own proposal for the change of financing and for property transfer (Slovak interviewee no. 4). The Comenius University also organized a study trip into several European countries for the MoE reformers (Slovak interviewee no. 7). Even though the MoE reformers needed more information on how to change the financing of HEIs and the rector of the Comenius University had close ties with the MoE's reform team, the proposal of Comenius University was not accepted by MoE reformers.

Another critic of the MoE's proposal was Ministry of Finance, more precisely its high rank bureaucrats. Yet since this was key issue for the reformers and the Minister of Finance was from the same party as the Minister thus Minister of Finance agreed to leave HE Law up to MoE. Hence the attempts of high rank bureaucrats from Ministry of Finance were not successful and the proposal of MoE was not changed in line with the proposals of Ministry of Finance (Slovak interview no. 4).

The situation of IGs in Slovakia was more favorable than it was in the case of Councils' reform in Lithuania. These favorable conditions included the fact that the rector of Comenius University had long-term relationship with the reformers (Smith 1993), Comenius University was perceived as dominant institution in Slovak HE (Slovak interview no. 6), the interests of the Comenius University were threatened by new financing formula so it got mobilized and prepared its own proposal and conducted other activities (Mazey and Richardson 2001), the state actor did not have in the beginning the

capacity to design this policy measure while Comenius University and Ministry of Finance were ready to provide its expertise (Roberts 2009) and the general public had no opinion on this issue (Steve 2002).

Similarly to the issue of governing boards in Lithuania the main condition that closed the doors to Comenius University and the bureaucrats from the Ministry of Finance seems to be that the policy maker had clear vision in the area of financing and property transfer (McGrath 2005). Further as in the case of Lithuania the reformer was more open to the ideas than to the interests and several conditions made the situation favorable to the influence of experts: the expert (Mr. Mederly) was part of bureaucracy (Haas 1992), the ideas of the expert were compatible with the MoE leadership worldview (ibid.) and financing was perceived as complex issue interlinked with other areas where the decision-maker needs expert advice (Zito 2001).

Other policy measures

The following lines are devoted to the policies, which were not part of the key topics from the point of view of the reformers in each country and therefore were more open to the influence of IGs or other players besides the reformers preparing the HE reform.

Lithuania – limited transfer of the state property

Prior 2009 the HEIs owned neither buildings that they had from state nor the property that they acquired through their own resources. The 2009 law changed the situation only partly. The process of property transfer from state introduced by this Law is quite complicated. The HEI first needs to be transformed into public institution. Then if the HEI is interested in owning some of its buildings it has to ask the Government to invest it into it. Once the property is invested the HEI can sell, exchange or use this property as guarantee for a loan only based on agreement of the Government (Lithuanian interview no. 10). For getting the approval of the Government the HEI needs to provide good cause to the Government. Till June 2011 only one of seven HEIs that were transformed into public institution asked for one building (student dormitory) to be invested (Lithuanian interview no. 10). In addition the land under the buildings cannot be owned by HEIs at all. If the HEI does not ask for the investment then it has 20 years lease contract with the Government which means the same conditions as the HEIs had prior the Law from 2009

(ibid.). The buildings that HEIs acquire through their own resources are fully in their property now.

The present Minister of Education originally included full transfer of the property to the law proposal that went to Parliament, but he changed it very quickly into the version of gradual relatively complex process (Lithuanian interview no. 10). It seems that there was not agreement in the reform team on this issue. Minister and other Liberal party members were the only people from the team who were clearly supporting the full transfer of the state property. Other members of the team had less interest in this policy and were more cautious about it.

At the same time there were quite strong opponents to the idea of complete property transfer especially the Ministry of Finance, National Audit Office and the Committee on Audit of the Parliament as well as coalition Conservative party members. MoES accepted the proposals for regulation of the property transfer from the Ministry of Finance, National Audit Office and the Committee on Audit of the Parliament with the reasoning that these were proposals of experts who understand the possible dangers (Lithuanian interview no. 19). Further regulations of property use were also included based on the inputs from the Parliamentary Committee on Education, Science and Culture chaired by the member of Conservative party (Lithuanian interview no. 38).

There are probably two main motivations why in this case the Minister accepted alternative proposals to the Law on HE. First one is that the reformers did not have clear idea how the property transfer should look like and they did not have firm unified position on this issue. One of the interviewees admitted that the property transfer was one of the areas where they had least experience and not very clear idea about how this should be done (Lithuanian interview no 21). For another interviewee (no. 2) from the reform team the question of property transfer was not of interest at all.

Another reason for the limited transfer of the property is the underlying theme of the reform, i.e. low trust in university management and the belief that the HEI management would behave irresponsibly in regard to the transferred property. The mistrust is reflected in the following part of the Lithuanian interview no. 19:

“Of course we don’t give land property to universities and we will never give it to them as it’s prohibited by the law. But we can give everything else.

RK: So they can get buildings, but not the land underneath?

Interviewee no. 19: Yes, but of course we can see in the future, you understand that was in 2008 and 2009 we couldn't even imagine that universities, or the society couldn't imagine, that the universities could have any property because the mistrust towards universities was so great."

Further the existing provision about the Government approving major operations with the property is in line with the strengthening position of the MoES over the HEIs as someone who is able to guide the process in more efficient way than HEIs themselves.

The universities were also not very vocal about demanding the state immovable property. They were more interested in freedom of use of the property they acquire by their own resources (Lithuanian interview no. 34). This could have been caused by the fear of heavy regulation of state, which does not apply to the acquired property.

From the international experience the Estonian model was considered. Estonia implemented the gradual transfer of state immovable property already in 1999 (Lithuanian interview no. 10). This was further adjusted according to the general laws in Lithuania on public institutions. The reformers felt that they had short time to deal with this issue so they took what they already knew (according to the Lithuanian interviewee no. 10 there was a study delivered on Estonian system already in 2006), i.e. the Estonian system and Lithuanian legislation. The Estonian model also fitted well the fears of the opponents of full property transfer.

In this case it can be seen that the original proposal of the Minister was quite substantially changed. Even though Ministry of Finance, National Audit Office and Parliamentary Committee on Audit are not interest groups as they are part of the executive and legislative powers. Yet their involvement was mainly possible because the decision-maker (MoES) did not have clear agenda in this area as defined by McGrath (2005). As the detailed analysis of the conditions for the influence of the IGs and ECs in annex 3 shows another important point was that there was no space for ideas and interviewees mentioned no experts who could provide such ideas. In addition unlike in the case of the Councils, here not much effort seems to be delivered in search for international experiences. Thus the three opposing institutions provided their expertise on the property issue (Roberts 2009). Finally, the three opposing organizations and the Conservatives had something

important to offer to the MoES reformers, i.e. that they will not block the whole HE Law because of the property transfer. Thus the whole Law could pass including the parts that are key to the Minister.

Slovakia – external stakeholders in the hands of academics

The original aim of the governing boards was to secure the link between wider society and the HEI and to secure control over the use of the property transferred to the HEIs (Slovak Government 2000, Slovak Parliament 2002). The link with the public should have been assured through involving external stakeholders in supervisions of the universities. However, unlike in the area of financing and property transfer in this case MoE did not have firm position about the definition of the boards. For MoE it was most important that the governing board secures control over the transferred property, which was in line with the main idea of increase of economic freedom of universities. Control over the immovable property with high value is part of the responsibilities of the governing board.

However, the link between society and HEIs is not secured. The rectors have influence on appointment of most of the members of the board. According to the Law on HE from 2002 they proposed six out of 13 members and they provided opinion on other six nominated by the Minister of Education. In reality the rectors however, often also propose the members of the board that the Minister of Education is supposed nominate (Slovak interview no. 16). The academic senate proposed one member of the board. One of the interviewees described the situation with the boards in the following way: *“so basically all the members of the supervisory board are close to the rector...hence they are not extremely interested in saying something against what the rector says...It seems to me that what we wanted from the supervisory boards that the public interest will be stressed in the management of the higher education institution I don't see it there.”* (Slovak interviewee no. 5). In addition the academic senates managed in the Law on HE to gain control over the decisions of the governing board, as they have to approve all proposals prior the governing board (Slovak Parliament 2002).

The international influence came mainly from the Czech Law on HE no. 111 from 1998 that provided the base for how the supervisory boards should be defined (Slovak interviewee no. 24). Yet the composition of the supervisory boards in the Czech Law is different than it is in the Slovak case. The Minister of Education appoints all the members

while the rector of the HEI provides his opinion on the nominated members (Czech Parliament 1998). The employees of the HEI are not allowed to be members of the board (ibid.), which is not the case in Slovakia. The academic senate in the Czech case only provides opinion on the documents that need to be approved by the governing board while in the Slovak case the senate has to approve such documents (Czech Parliament 1998, Slovak Parliament 2002). These discrepancies occurred, because the Slovak definition of the governing boards reflects the interests of rectors and academic senate members.

So in the case of the governing board the Slovak reformers managed to secure their main interest, i.e. supervision of the immovable property while in the other areas that should have served to provide the bridge between universities and society the needs of IGs were secured. In the words of McGrath (2005) the decision-maker did not have clear agenda in the area of definition of governing boards with the exception of the duty to supervise the use of property. At the same time there were not competing interests that could according to Steve (2002) decrease space for the influence of IGs – rectors and members from academic senates had common goal, i.e. to keep their powers over HEIs governance. In addition there were also other favorable conditions for the IGs as summarized in the annex number 3.

Further, the rectors as well as representatives of academic senates felt threatened by introduction of governing boards, which would decrease their power over management of the university and therefore they mobilized themselves (Mazey and Richardson 2001). After the adjustment of the governing boards based on their requirements there was no more opposition to this policy measure (Slovak interview no. 15).

In comparison with the previous part where the change of financing and property transfer in Slovakia was discussed here the IGs had similar situation in terms of favorable conditions. However one of these conditions was very important. As Roberts (2009) puts it the IGs had something to offer to the decision-maker. In this case it was decreased resistance towards the governing boards and towards the whole law. And this had very high value for the decision-maker for whom it was key to have new law on HE (allowing for change of financing and of use of property) and to have governing boards supervising the use of property. At the same time, as the annex no. 3 shows there was not much space for experts in this area and the reformers did not have firm position on the definition of the governing boards.

CONCLUSION

The presented results of the fieldwork in Lithuania and Slovakia reveal four important findings. Firstly, during the design of their HE governance reforms the two reviewed countries were inclined to turn to individual countries such as USA, UK, or more advanced countries from the region, because they viewed these countries as the best examples of what they wanted to do. Thus they were not inspired by the EU level policies, but by the national level policies. Yet these national level model policies seem to be rather congruent with the ideas being presented as EU reform agenda. This is an interesting finding and in further research I will concentrate on analyzing the relationship between the models chosen by the countries that I study and the HE governance model promoted by the European Commission and the international agencies such as the World Bank, OECD or UNESCO.

The second finding shows that the EU level policies and the international reports were used by Lithuania and Slovakia as supporting tools in policy design process. The EU level policies and the international reports served as trigger for more substantial reforms in HE, when they showed that the existing system of HE is not in line with the international trends. The reformers also use these policies as approval of the reforms that they have designed to give the reforms an independent external credit. The experts who felt that Government did not accept their view only because it came from certain person used the same approach. They used their contacts in the European Commission or international agencies to initiate international reports on their country that would target the issues that they wanted to point out. Finally, EU also provides Structural funds, which should in the recent years support the implementation of the Lisbon goals. Lithuania, however, used these funds to support its HE reform based on its own choices of reform models.

Third important finding is that whether Lithuanian or Slovak policy will reflect the model congruent with EU and international trends and will not only be inspired by it depends on whether experts and ideas or domestic interests are prevailing in the policy design process. If the interests are more dominant then the adopted policies tend to reflect more the aims of the IG than the international trends. On the other hand when the experts are more dominant in the process then the result is closer to the EU and international model of HE governance. The influence of interests and ideas can be different for different parts

of one reform. The two analyzed cases show that the space for involvement of IGs and experts is determined by the importance of the concrete policy measure at stake.

If certain policy measure is key to the decision-maker then the interest groups have only limited space for intervention. In this situation the experts close to the decision-maker have good possibility to design the respective policy measure and a lot of energy is devoted to search for knowledge how to design the policy. This also includes extensive (in many countries) and/or intensive (getting to know the model of one or very few countries in detail) studying of models from other countries. Since the expert ideas are less influenced by the domestic interests they are more closely aligned with international trends.

On the other hand the IGs enjoy more space for intervention when the decision-maker does not perceive concrete policy measure as the most important part of the reform. The interest groups for getting their say in the design of this policy lose the reasons to block the whole reform hence the key parts of the reform have chance to be adopted. The non-key policies however still have to be in line with and support the major aims of the reform. Even if these non-key policies use international examples these are rather tailored to the domestic interests than international trends.

Finally, research shows that choice of what will be the key policy of the reform is determined by the national context. This is well demonstrated by the fact that Slovakia and Lithuania had completely opposite priorities in choosing the key themes of their reforms. While Lithuanian reformers chosen as most important issue the change of the Councils (the governing boards), the Slovak ones viewed this policy measure as rather support measure to the idea of the state property transfer. On the other hand the state property transfer was not a key interest of the Lithuanian reformers while it was part of the key aims of the reform in Slovakia. The question, which arises from this finding, is then what predetermines the national context that later influence the policy choices. However this is beyond the scope of the present paper and will further be explored within the next stages my dissertation project.

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ANNEXES

Annex number 1: List of interviewees

Lithuania

Name of interviewee	Institution
Mantas Adomenas	Responsible for HE reform on behalf of Conservative Party (Homeland Union), from 2008 member of Parliament
Gintautas Braziunas	Director of the Vilnius College
Eugenius Butkus	Chair of Research Council of Lithuania since 2003
Giedre Ciuzaitė	Journalist from LRT (public service radio)
Vytautas Daujotis	Professor at Vilnius University
Romualdas Ginevicius	Chair of the Lithuanian Rectors Conference during the reform from 2009
Margarita Jakstonienė	Head of Property Management and Public Procurement Division at Ministry of Education and Science
Vytautas Kaminskas	Rector Vytautas Magnus University (1996 - 2006); 1997 - 2003 vice-president of rectors conference and 2003 - 2006 president of the Rectors conference
Danguolė Kizniene	Responsible in British Council for activities related to HE
Kestutis Krisciunas	Rector of University of Technology 1992 – 2000; since 2003 Secretary of the Lithuanian Rectors Conference
Egidijus Kuris	1993 – 1997 Assistant to the President of the Constitutional Court, since 1999 Justice of the Constitutional Court, President of the Constitutional Court 2002 - 2008
Edgaras Leichteris	Director of Knowledge Economy Forum
Ruta Marcinkeviciene	Vice-chair of the Science Council of Lithuania since 2008
Edita Maslauskaite	Vice-president of the Lithuanian Free Market Institute
Algirdas Monkevicius	Minister of Education between 2000 – 2004 and June - December 2008, during his office World Bank report from 2003 was delivered
Natalija Mazeikiene	Vice-rector of the Vytautas Magnus University since 2008
Nerijus Pacesa	Rector of private university ISM since 2008
Vaida Paltanavičiūtė	Division of Financing Research and Higher Education at Ministry of Education and Science
Aleksas Pikturna	Vice-rector for administration of Vilnius University
Nerija Putinaitė	Vice-minister of Education since 2008; advisor to the President of Lithuania Mr. Adamkus since 2005
Valentinas Stundys	Chair of the Committee on Education, Science and Culture of the Parliament since 2008, Conservative Party (Homeland Union)
Elena Tervidyte	Journalist, Dialogues

Irena Vaisvilaite	Chief advisor to the President of Lithuania Mr. Adamkus since 2005
Rimantas Vaitkus	Vice-minister of education during the adoption of the Law on HE from 2000; Vice-rector for International Affairs at Vilnius University
Gieridrius Viliunas	Advisor to the Minister of Education since 2006, Secretary for HE at Ministry of Education and Science since 2007, Vice-Rector for studies at Mykolas Romeris University since 2009
Albertas Zalys	20 years working at Ministry of Education, at the moment Director of the Department of Science and Technology
Rimantas Zelvys	Vice –Rector of Vilnius Pedagogical University

Slovakia

Name of interviewee	Institution
Juraj Barta	Student Council of HEIs (1999 – 2002)
Miroslav Beblavy	Member of the advisory team of vice-primeminister (2000 – 2002)
Eva Bizonova	Director General of Department of Budgetary Department of the Ministry of Education (working on HE since 1998)
Milan Dado	President of Slovak Rectors Conference (2000 – 2002)
Ferdinand Devinsky	Rector of the Comenius University (1997 – 2003)
Zora Dobrikova	Comenius University in Bratislava, treasurer (1991 – 2003)
Maria Dziurova	Economic University in Bratislava, treasurer (1994 – present)
Martin Fronc	State Secretary responsible for HE (1998 – 2002)
Milan Ftacnik	Minister of Education (1998 – 2002)
Peter Hrnek	General Director of the Budget Department of Ministry of Finance
Peter Mederly	General Director of the HE Department (1998 – 2006)
Katarina Ottova	Journalist reporting on HE for the Slovak Radio (1993 – present)
Peter Plavcan	Director of HE Department of Ministry of education (1998 – 2006)
Eva Reiselova	Journalist writing on HE for Trend weekly (1997 – 2003)
Vladislav Rosa	Chair of Academic Senate of Comenius University (1998 – 2000), advisor to the Ministers of Education (1990 – 2006)
Juraj Svec	Member of Parliament (1998 – 2002)
Libor Vozar	Chair of the Council of HEIs (2000 – 2006)

Annex number 2: Detailed information on the measures included in HE governance model

State and HEI relationship
Arms length steering:
Evaluation by external quality assurance bodies
Evaluating outputs not inputs
Long-term strategy for institution
Internal organization is up to HEI:
Division into faculties/departments
Division of powers and responsibilities between central level and faculty
Decision-making mechanisms up to HEI:
Division of powers and responsibilities among individual bodies (senate - rector/president – board)
Rules defining composition of decision-making bodies
Decision-making procedures on central level and level of faculties
Academic autonomy: HEI management and academics decide about:
Curriculum
Opening & closing programs
Decide on numbers of students

Financial autonomy:

- Budget provided and steered by buffering body not state
- Diversified funding (tuition, donations, private entities, royalties from intellectual property rights, grants)
- Block grants without prescription of use of resources
- Possibility to keep surpluses
- Funding approach – output based
- Possibility to charge tuition fees defined by HEI
- Possibility to own and dispose real estate that is in HEI’s use
- Possibility to borrow and invest money
- HEI recruiting staff (HEI defines all requirements for staff recruitment)
- HEI sets salary
- The staff are HEI’s not state employees

Characteristic of internal governance

- The decision-making power is with HEI management (rector) not with collegiate body (senate). It sets the strategic goals of HEI. The collegiate bodies (like academic senate) have consultative role in the area of academic issues not in administrative issues.
- Rector can come from outside of HEI (the position of rector is open to public competition)
- Management skills are part of the requirement for rector
- Rector’s term in office (length and possibility to run again) is defined by HEI not by law
- Clear line of authority rector -> dean -> head of department. Rector appoints the vice-rectors
- Rector decides what responsibilities will be delegated to other bodies

HEI and external stakeholders

Role of Supervisory Board – strategic management. The Board is small (up to 15 members).

Supervisory body with majority of external stakeholders:

Overseeing operational, educational and financial activities

Appointing the rector

Acting as decision-making body

Annex number 3: Conditions for interest groups and epistemic communities in key and non-key policies

Note: In yellow color are conditions favorable for interest groups. In blue color are conditions favorable for Epistemic communities and experts

Key policies		
	Block grants and transfer of real estate (Slovakia)	Strengthening of the governing boards (Lithuania)
Actors - IG against	Comenius University, Ministry of Finance	rectors of state universities, Constitutional Court
Actors - IG in favor	other universities	directors of colleges, Knowledge Economy Forum (KEF), Research Council of Lithuania
Characteristics of interest group		
Institutionalized position of IG	Ministry of Finance yes, Comenius University - no	rectors, directors, Research Council - yes, KEF - no
Direct threat to interests of IG	yes	rectors of state universities - yes
IG has something to offer (expertise/implementation capacity)	yes	rectors - no; other IGs provided supporting arguments
IG has dominant position (e.g. main university in country)	yes	yes (e.g. Vilnius University)
Characteristics of state actors that increase chances of IG		
Decisionmaker no clear agenda	clear agenda - very important	clear agenda - very important
Decisionmaker belongs to IG	partly, because reformers were from Comenius University	no
Decisionmaker believes he has no capacity to design policy	DM - believes in its own capacity	no
Institutional setting and context increase chances of IG		
Issue perceived as technical not political & IG has contact with bureaucrats in policy design stage	yes	partly, because issue was perceived as technical, but rectors did not have access to bureaucrats in policy design stage
Issue perceived as political=>IG has to be able to influence politicians (MPs, members of Gov.)	no	no
If there are competing interests=>more difficult to pursue the interest	yes, other universities were OK with Ministry proposal	yes, directors of colleges, KEF, Research Council had opposite view
Public opinion in favor/no public opinion	No public opinion	mixed - there were fears that boards will be used for political reasons by Minister of Education or members of boards have a lot of power, but they are incompetent and not interested in the HEI because they are from outside. At the same time public opinion was negative towards rectors of state universities that they are misusing their competencies (e.g. they have very high salaries)
Issue already on the agenda=>easier to influence it for IGs	yes	not relevant because IG did not want to change this
Characteristics of Epistemic community/experts		
Expert is part of bureaucracy, retains control over bureaucrats	yes, the designer of the reform Mr. Mederly	yes, the Vice-Minister of Education Ms. Nerija Putenaite
Experts are able to support their ideas	no information on this	no information on this

by hard data		
Characteristics of state actors that increase chances of EC		
Decisionmaker no clear agenda	clear agenda - very important	clear agenda - very important
For policymaker scientific views on policy are very important	no information on this	no information on this
Ideas of EC compatible with norms of decisionmaker	yes	yes
Institutional setting and context increase chances of EC		
Issue under discussion is complex and interinked with other areas	yes	no
There are competing views from other important actors	yes - Ministry of Finance	yes - the Constitutional Court
EC has access to influence the policy in agenda setting and policy design stage	yes	yes
Government is growing and aims to become professional	no information on this	yes partly, the leadership of Ministry of Education wanted to become more influential in managing HEIs, but Ministry was not building expert base
Issue already on the agenda=>easier to influence it for EC	yes	yes
Change requires only amending existing laws	no, new Law was needed	no, new Law was needed
Existing problem challenges current policy paradigm and there is crisis that needs to be addressed (crisis allows radical solutions=>more media attention=>increase of political pressure and politicians are willing to delegate responsibility for difficult decision)	partly, because situation financing of HEIs was perceived as crisis of HE, but decision-maker did not feel the need to delegate responsibility	partly, because situation was perceived as crisis of HE, but decision-maker did not feel the need to delegate responsibility
Conditions more favorable for IGs than EC		
EC less influential than IG if decision maker perceives that he needs to accommodate certain interest in order to be able to adopt and implement a policy.	partly, because Ministry of Education needed that Ministry of Finance will not oppose the reform	no, decision-maker did not feel he needs IG
EC has competing ideas to IG, but EC lacks unity, organization and certainty about its policy aims	yes, there were competing ideas but EC had unity, organization and certainty about its aims	yes, there were competing ideas but EC had unity, organization and certainty about its aims
International influence		
Experiences of other countries	CZ law as base + UK, ISR, POR	British Council project, UK, USA, Scandinavian models, comparative studies by KEF and Research council
EU level and international policies	Europe & world all go that direction, WB approves the ideas of MoE as in line with trends; Bologna declaration as reform trigger	National plan for Lisbon strategy (2005) as trigger

Non key policies		
	Introduction of supervisory boards (Slovakia)	Transfer of state property to HEIs (Lithuania)
Actors - IG against	rectors wanted to have control over the boards composition, academic senates wanted to have representation in the boards and wanted to keep their powers over HEI management	Ministry of Finance, Parliamentary Committee on Audit and Central Audit Office, Conservative party
Actors - IG in favor	no active involvement of external stakeholders	Knowledge Economy Forum
Characteristics of interest group		
Institutionalized position of IG	yes	yes
Direct threat to interests of IG	yes	yes - especially Ministry of Finance, Central Audit Office, which would loose direct control over state property
IG has something to offer (expertise/implementation capacity)	yes - not blocking the whole Law which includes key part of the reform	yes - not blocking the whole Law which includes key part of the reform
IG has dominant position	yes, rectors and academic sents representatives from major universities were part of opponents	yes - Ministry of Finance is one of the strongest ministries in governments
Characteristics of state actors that increase chances of IG		
Decisionmaker no clear agenda	partly, clear agenda only in regard to economic supervision of HEI	no clear agenda
Decisionmaker belongs to IG	no	no
Decisionmaker believes he has no capacity to design policy	no	yes
Institutional setting and context increase chances of IG		
Issue perceived as technical not political & IG has contact w bureaucrats in policy design stage	yes	yes
Issue perceived as political=>IG has to be able to influence politicians (MPs, members of Gov.)	no	no
If there are competing interests=>more difficult to persue the interest	rectors and academic senate representatives complemented each other	only partly KEF, which is not very strong was supporting the complete trasfer of property, HEIs were not very vocal about it
Public opinion in favor/no public opinion	No public opinion	There were fears in public about property transfer, because of possible misuse of it by HEIs or its privatization by the Minister who had now voice in appointing majority of Council members.
Issue already on the agenda=>easier to influence it for IGs	not relevant because IG did not want to change this	not relevant because IG did not want to change this
Characteristics of Epistemic community/experts		
Expert is part of bureaucracy, retains control over bureaucrats	no experts supporting the property transfer in such position	no experts supporting the property transfer in such position
Experts are able to support their ideas by hard data	no	no
Characteristics of state actors that increase chances of EC		
Decisionmaker no clear agenda	partly, clear agenda only in regard to economic supervision of HEI	no clear agenda

For policymaker scientific views on policy are very important	no information on this	no information on this
Ideas of EC compatible with norms of decisionmaker	no such EC	only partly, as only Minister and KEF were clear supporters
Institutional setting and context increase chances of EC		
Issue under discussion is complex and interinked with other areas	yes	yes
There are competing views from other important actors	not relevant, because there is no such EC	yes
EC has access to influence the policy in agenda setting and policy design stage	no such EC	no
Government is growing and aims to become professional	no information on this	yes partly, the leadership of Ministry of Education wanted to become more influential in managing HEIs, but Ministry was not building expert base
Issue already on the agenda=>easier to influence it for EC	yes, but no EC that would push for this	yes, but no EC that would push for this
Change requires only amending existing laws	no, new Law was needed	no, new Law was needed
Existing problem challenges current policy paradigm and there is crisis that needs to be addressed (crisis allows radical solutions=>more media attention=>increase of political pressure and politicians are willing to delegate responsibility for difficult decision)	yes, but there was no crisis perceived in regard to the need to involve external stakeholders into HEIs management	yes, but there was no crisis in regard to the property transfer
Conditions more favorable for IGs than EC		
EC less influential than IG if decision maker perceives that he needs to accommodate certain interest in order to be able to adopt and implement a policy.	yes	yes
EC has competing ideas to IG, but EC lacks unity, organization and certainty about its policy aims	No such EC	yes
International influence		
Experiences of other countries	CZ law as starting point + international experience in general	Estonian model
EU level and international policies	UNESCO (1998) referred to in Government Strategy was recommending this but no reference to UNESCO document was made by interviewees; Bologna declaration as reform trigger	World Bank (2003) recommended transfer of property, but nobody referred to this document

Literature and references for annex 3

The conditions for interest groups and epistemic communities were identified based on the relevant literature in the following way:

I/ The conditions increasing the success of the interest groups:

Characteristics of the interest groups

The IGs are more successful if:

- They have long-term relationship with the decision maker/bureaucrats (Steve 2002). This can also happen if they have institutionalized access – i.e. decision-making body has to consult with some group. The institutionalized access is helpful as it creates a tight policy community, which means that only limited number of policy options in line with the ideology of the community have access to the decision maker (Smith 1993)
- The issue is dealt with on bureaucratic level (Steve 2002)
- They have something to offer to the decision-maker such as expertise that the decision maker lacks or they are necessary for implementation (Steve 2002; Roberts 2009),
- If they are perceived as the most dominant ones such as universities that are the biggest, oldest or have the best quality (Roberts 2009).

The interest group becomes active if its direct interests are threatened (e.g. academic senates are losing power) (Mazey and Richardson 2001).

Characteristic of state actors that increase the chances of the IGs

- The decision maker did not have clear political agenda in the policy area relevant for the IG (McGrath 2005)
- If the decision maker belongs to the IG then the IG has greater chance to promote its interests
- If the state actor believes that he does not have the capacity to design the policy; e.g. after the overthrow of communism where bureaucrats were

inherited from the previous regime, the bureaucrats were people without professional expertise in the view of politicians. Thus the decision-makers preferred to ask the representatives of the IG who are perceived as experts in the field to design the policy (Roberts 2009)

Institutional setting and context

- If the issue is not perceived as political but technical then the IG has bigger chance. In this case it is further important that IG has contacts with the bureaucrats designing the policy – their influence is bigger in stage of designing the policy than during the decision making process (Steve 2002, Roberts 2009)
- If the issue is perceived as political then the IGs have to be able to influence politicians such as members of parliament or government members (Steve 2002)
- If there is more competing interests then it is more difficult to pursue the interest of respective IG (ibid.)
- For IG it is convenient if the public opinion is in favor of proposed change or if the topic is not discussed publicly (Steve 2002)
- For IG it is convenient if the issue was already on the agenda then it is easier for IGs to influence it (ibid.)
- For IG it is convenient if the proposed change requires only amending existing laws not a completely new legal framework (Steve 2002).

II/ The conditions increasing the success of the epistemic communities

Characteristic of the ECs

- If it is part of bureaucracy and/or is able to exercise and retain control over bureaucrats (they have advisory position) (Haas 1992, Maldonado-Maldonado 2004)

- If it is able to use quantitative data to support its case and is able to capture professional fora, i.e. the ideas of EC are dominant in the fora discussing the governance (Zito 2001)

Characteristic of state actors that increase the chances of the EC

- The decision-maker did not have clear political agenda; on the contrary if there is clear political interest it is difficult for EC to change the worldview of decision-makers (McGrath 2005)
- The policymakers/bureaucrats see the scientific views on policy agenda as very important and this makes it easier for EC's influence (Haas 1992)
- If the ideas of EC are compatible with norms and thinking of the relevant organization that they are trying to influence then this makes it easier for EC's influence.

Institutional setting and context

- The uncertainty about the issue increases need for expert information that can be provided by ECs (but also IGs)
 - o If the issue is perceived as new and complex and interlinked with other areas
 - o Uncertainty is also if there are competing views from significant actors then the decision makers have a need for evidence for policy solution

(Haas 1992, Zito 2001)

- ECs has more impact in agenda setting and policy formulation stage not so much in decision making (Zito 2001)
- Greater chance that EC is present if the government grows and tries to become professional (Haas1992)
- The issue that the EC wants to influence was already on the agenda (Steve 2002)

- The change requires only amending existing laws not a completely new legal framework (ibid.)
- If existing problem challenges current policy paradigm and if there is crisis that needs to be addressed (crisis allows radical solutions, increase media interest thus also political pressure and politicians are willing to delegate responsibility for difficult decisions) (Zito 2001)

III. Interest groups and epistemic communities

Epistemic communities are less influential if:

- The decision makers perceive that for designing and implementing some policy they have to accommodate certain interests than the role of ECs maybe limited
- There are competing interests (e.g. IGs) and if EC lacks unity, organization and certainty about policy aims (Zito 2001)

References for the literature used in annex 3:

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