

Law on Higher Education and Science of The Republic of Armenia: What Drove the Change?

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Abstract

In 1991, the Soviet model of higher education in 15 republics of the USSR, with its 5.1 million students and 946 higher education institutions, started 15 independent journeys (Huisman, Smolentseva and Froumin, 2018). All countries within the Soviet heritage, shared the legacies of the single Soviet approach to higher education provision: a centrally planned organization and financing, subordination to multiple sectoral ministries, a national curriculum, a vocational orientation based on the combination of strong basic education and narrow specialized job-related training, a nomenclature of types of higher education institutions, tuition-free study places and guaranteed employment upon graduation combined with mandatory job placement (Huisman, Smolentseva and Froumin, 2018). Over 7 decades the Soviet system evolved. Having a rigid set of guiding principles, the Soviet higher education system was a “machine” (the term is used by Froumin, Kouzminov, 2018) both as an instrument of the formation of a new type of man and as an instrument of economic progress (Smolentseva, 2016).

After 70 years of Soviet legacy, back in 1991 Armenia initiated its independent journey. The Law on Higher and Postgraduate Education of the Republic of Armenia (RA) entered into force on April 14, 1999 and since then has undergone a number of amendments. Back in 2019 a new draft Law on Higher Education and Science was published on the Unified Website for Publication of Legal Acts’ Drafts, inviting public discussions from 03.12.2019 till 18.12.2019. Throughout two decades this was the first time when major and fundamental amendments were foreseen in the existing law on Higher and Postgraduate Education and the Law on Scientific and Scientific-Technical operations; at least this is what has been announced by the Ministry of Education, Science, Culture and Sport (MoESCS). However, the reality is that after long-lasting public discussions, debates and a lot of time spent on final version of the document, on August 2, 2021, the Constitutional Court declared the law “On Higher Education and Science” unconstitutional. Prior to this decision, the RA President Armen Sarkissian refused to sign the Law and sent it to the Constitutional Court to determine its compliance with the Constitution. The Constitutional Court has recognized Article 27 Parts 3 and 4 of the Law on Higher Education and Science as contradictory to Article 38, Part 3 of the Constitution, which meant that the entire package of the law would not be signed. When justifying the necessity of

introducing the new law, it was stated that the main goal of the law is to increase the efficiency of the system of higher education and science. It was also highlighted that the necessity of the event stems from the 3rd paragraph of the "4.4 Education and Science" section of the RA Government program ratified by the RA National Assembly Decision ԱԺՈ-002-Ն of February 14, 2019. Among other factors that have been drawn forward in order to ground the inevitability of adopting the said law are expansion of autonomy, academic freedoms, accountability, institutional basis of balanced transparency mechanisms for higher educational institutions (HEIs) and scientific organizations. In trying to understand what urged the need to amend existing laws and why the draft law has received a lot of negative reviews, I focus on the Draft Law on Higher Education and Science trying to analyse the historical, social and political contexts that might have preconditioned the patterns for agenda-setting, as well as to study the agenda-setting process through critical policy discourse analysis frame focusing on only one of its elements: contextualization. I will review policy formulation theories and frameworks followed by studying only the agenda setting cycle given the fact that the draft law has not yet been implemented.

Keywords: Law on higher education, HEIs, Republic of Armenia, Policy making, Issue Emergence, Agenda setting, Enactment