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CHALLENGES OF HIGHER EDUCATION IN RUSSIA IN LIGHT OF INTEGRATION AND CREATION OF A DOUBLE DIPLOMA MASTER PROGRAMME

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ABSTRACT

One among many driving forces of progress in any field of the human activity and knowledge is synthesizing of the accumulated world experience. Taking into consideration an unending process of reformation of higher education, it is increasingly important to study and analyze all tendencies of development of today's higher education. The process of reformation of any higher education system is complicated because a necessity arises to duly tackle a whole range of challenges. A rapid widening of a sphere of education and subsequent changes of its status are accompanied by growing problems which have led some researches to believe that there is a current crisis of education. A several causes of this crisis are emphasized such as inability of existing schools and universities to cope with a scale of a constantly growing need of education for population as well as visible insufficiency of resources and inertia of society. Tendencies of education systems in the world have left their mark on the Russian society as well. Many experts point out pressing challenges of the Russian higher education system that need attending to. But considering modern processes of the global integration, it can be said for sure that analysis of the Russian higher education system in a context of integration and creation of a double diploma master program may give us proper means to successfully tackle pressing issues of higher education of Russia.

Based on the aforementioned, the following aims of this paper should be emphasized:

- *studying the modern Russian higher education system from a position of integration;*
- *highlighting pressing issues of the higher education system of Russia as well as taking them into consideration in the process of creation and implementation of the joint international master programme.*

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1. INTRODUCTION

Science and education are, probably, among the most conservative spheres of social life which is determined by the very peculiarities of this field of human activity. Incessancy and consistent succession of traditions are major conditions and prerequisites for successful development of education as a whole and jurisprudence in particular. On the other hand, rash changes, including those accompanied by benevolent slogans for modernization and reform, could come into conflict with national and historic traditions in a field of education and lead to loss of everything that has been achieved.

Importance of higher education for modern society can hardly be overestimated. This is referred to in international documents as well. As indicated in Convention on the Recognition of Qualifications concerning higher education in the European Region¹, higher education, which is instrumental in the pursuit and advancement of knowledge, constitutes an exceptionally rich cultural and scientific asset for both individuals and society.

Considering these overall ideas, it seems important to look into assessments of today's challenges and tendencies of development of higher education at an international level as well as to grasp its nature and destiny as a constitutional value of a modern democratic and rule-of-law state. Taking the abovementioned into account, this paper focuses, on the one hand, on main issues of the higher education system of Russia in light of implementation of the Bologna declaration² in the ongoing process of creation of the common educational space in Europe. On the other hand, the paper is concentrated on a role of a double diploma master program in a process of improvement of higher education quality.

2. THE GROWING INTEGRATION AND THE ROLE OF INTERNATIONAL AND EUROPEAN LAW

There is no doubt whatsoever that nowadays interconnection and integrity of the world have been increasing. Many domestic and regional challenges become global giving rise to talks on the process of globalization of problems facing humanity. A tendency of the integration as well as creation of the common political, economical and legal space, in particular within the European region has been emerging.

¹ Convention on the Recognition of Qualifications concerning higher education in the European Region of 11 April 1997 (CETS No 165), Preamble.

² Joint declaration of the European Ministers of Education convened in Bologna on 19 June 1999.

The foundation of the post-war system in the middle of the twentieth century and the creation of the UN system significantly changed the picture of the world. The social nature of international law has grown from the law of only the so-called ‘civilized’ nations into the law of communication among all states with different social systems and backgrounds, meaning developed states as well as developing and emerging ones. Practically the entire globe and all types of space, including cosmic space, are nowadays within international law. The range and types of the subjects of international law were immensely expanded due to an unprecedented growth of a number of international organizations, other structures and intergovernmental bodies. Former colonial states indigenous and tribal people, legal entities natural persons and non-governmental organizations have also been involved in the sphere of legal regulation. A number of new branches of international law have been set up.

At the same time, international law still undergoes changes and prospects for development. The incentives for this are the great changes in the social and political picture of the world, the increase of coherence and interdependence among states and also the globalization process, which is obviously steady and irreversible. Many problems which were of domestic and regional character have become universal. The tendency to integration, “disappearance” of frontiers and creation of common political, economical, financial and legal space is obvious. This tendency is best revealed within the European region and it has preconditions for further development and expansion³.

Speaking of the integration process of education one should take into account the relationship between legal systems, in particular, between European and International law.⁴ The EU is an international organization in origin, but has become highly constitutionalized possessing the supranational legislation of detailed norms, the advanced and widespread law-making procedures, the EU courts with jurisdiction in procedures that create an elaborate system of compulsory dispute settlement mechanisms.

Some authors⁵ highlight such specific points: tensions between internationalism and constitutionalism in EU law (both they are very prominent when analyzing the relationship between EU and international law); the nature of the EU (it is not merely of academic relevance, not the least because there are

³ Marochkin S.Yu., *On the Recent Development of International Law: Some Russian Perspectives*, Chinese Journal of International Law (Oxford Journal), Vol. 8 (3), 2009, p. 695 – 714.

⁴ See, eg, Ignatenko G.V. and Tiunov O.I. (eds.), *Mezhdunarodnoe Pravo*, 4th ed., Moscow, 2008, p. 27-28; Kuznetsov V.I. and Tuzmukhamedov B.R. (eds.), *Mezhdunarodnoe Pravo*, 2nd ed., Moscow, 2007 (both in Russian).

⁵ Ziegler K. S., *The Relationship between EU law and International Law*, University of Leicester School of Law Research Paper No. 13-17, Leicester 2013, p. 89.

consequences and “even if taking the position that EU law is only an especially advanced type of international law, the relationship between EU law and international law has become a complex one due to a number of factors” (such as the triangular relationship between EU law, international law and the EU Member States)); possibilities of conflicts of norms and conflicts between courts and tribunals about jurisdiction and substantive interpretation of rules between EU law and general international law (‘fragmentation’); fact that general international law also benefits from the more evolved, more constitutionalized parts of international law/international organizations in several respects).

There are also the issues of the legal personality of the EU under international law, and its capacity to act internationally; of the scope of the powers of the EU. Discussing such issues unearths some complicated (and unresolved) underlying jurisprudential debates into such topics as the precise nature and function of legal personality and the concept of legal powers. By the same token, the relationship between international law and EU law provokes reflections on the co-existence of distinct legal orders. While there are excellent studies of the details of EU external relations law, most of these focus on the constitutional dimension or on concrete policies, rather than on the place of the EU in the broader scheme of things. It is difficult, moreover, to identify serious jurisprudential work on the EU’s position in international law. Yet, it is by no means eccentric to suggest that such serious work ought to be undertaken: the more the EU matures, the more it acts as a global power, the more fundamental issues concerning its position in international law will be raised.⁶

Such a necessity reflects in different fields including higher education, in particular, common master programs of the universities of different countries (including Russia) and legal orders.

3. UNIFICATION OF HIGHER EDUCATION WITHIN THE BOLOGNA PROCESS

Before focusing attention on the pressing challenges of the Russian higher education, it is wise to highlight importance of the Bologna process because a lot of unsolved issues of higher education of Russia have to do with implementation of provisions of the Bologna declaration.

It is well known that an official process of the unification of educational space in Europe was triggered “from below” by 250 heads of European universities

⁶ Klabbers J., 1) Presumptive Personality: The European Union in International Law, in Martti Koskeniemi (ed.), *International Law Aspects of the European Union*, Martinus Nijhoff Publishers, 1998, p.47; 2) *The EU and International Law* ><http://ivr-enc.info/index.php?title=>

after signing the Magna Charta Universitatum⁷. Afterwards, once the European process became an increasingly concrete and relevant reality for the Union and its citizens, the Bologna declaration was adopted.

With this declaration traditionally, but not always in a well-founded way, the beginning of the Bologna process is associated. In this document a task to coordinate policies of European countries was proclaimed. Implementation of the task is supposed to lead to achievement of such aims as adoption of a system essentially based on two main cycles, undergraduate and graduate and promotion of mobility by overcoming obstacles to the effective exercise of free movement of students and teaching staff.

Researches point out that the mission of the Bologna Process is that of making Europe “the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and social cohesion”⁸.

The Bologna Process is, undoubtedly, a positive development. It is an analogue to the macroeconomic theory of convergence, the ways in which nations move from different stages of development to a more-or-less common platform of performance. Macroeconomic historians have demonstrated time-and-again: nations that learn from other nations grow; those that do not learn, don't⁹.

The Bologna process is not just a matter of higher education. It presents another form of globalization that is needed, like the global market or global media. In other words, the Bologna process is a part of the larger picture in which people, ideas and information are moving freely across national borders. One of the cores of the national identity, the higher education, is being increasingly internationalized, as states are adapting their policies to this new development.

The first sentences of the Bologna Declaration refer to the EU and its enlargement process, but it would be wrong to see the Bologna process as an EU project. Rather, the spirit of the process is clearly pan-European, with Russia's full participation.

⁷ Magna Charta Universitatum of Rectors of European Universities convened in Bologna on 18 September 1988.

⁸ Juretić K., Kaštelan K., Lack of Communication in the World of Highly Developed Communications Technologies, The International Language Conference on the Importance of Learning Professional Foreign Languages for Communication between Cultures 2011.

⁹ Clifford A., The Bologna Process for U.S. Eyes: Re-learning Higher Education in the Age of Convergence. Washington, DC: Institute for Higher Education Policy, Location reference: www.ihep.org/Research/GlobalPerformance.cfm, 2009

Researches¹⁰ consider that Russia is a member of the Bologna process for three following reasons, such as:

- a) a) formation of the so called world intellectual climate which stands for international university mobility;
- b) the Bologna process is an integral part of emerging knowledge economy. In today's world knowledge has become an essential factor of production that provides maximum benefits from investments;
- c) emergence of the Bologna process relates to changes in power and influence in the modern world. Traditional categories of power, such as territory, natural resources and military which are referred to as "hard power", give way to "soft power" that represents competitive economy, active engagement in diplomacy and moral authority.

In other words, the Bologna process presents a challenge to Russia at three levels: economical, socio-cultural and also in a context of the state power.

It should be kept in mind that the Bologna process is closely connected to the EU-Russia relations. The Bologna process, leading to the European Higher Education Area, is defined as the core framework in the EU-Russia cooperation in the field of higher education.

While the Bologna process is, as any integration process, about harmonization in order to achieve greater compatibility and comparability, this harmonization is combined with an effort of maintaining diversity and respect of cultural traditions in the field of higher education. The main instrument for avoiding a mechanic homogenization in this integration process is autonomy at the level of universities.

Of course, there are some critics of the Bologna process. For instance, the Bologna process is blamed for excessive standardization of education which sometimes poses a challenge for introduction of innovations such as joint cross-border degrees. It is also suggested that instead of standardization the Bologna process is aimed at, attention should be directed toward wider adoption of practical learning methods which could help to create the next generation of graduates needed for innovation societies¹¹. But, despite this, we can see a real picture all around us: beginning with the day the Bologna declaration was adopted, more and more countries have expressed their wish to join in creation of the common educational space which has resulted in similarities

¹⁰ Medvedev, S.A., Pursyinen, K., *The Bologna process and its importance for Russia*, Moscow, 2005., p. 199 (in Russian).

¹¹ <<http://www.times-higher-education.co.uk/news/eus-national-systems-need-more-alignment-conference-told/2016623.article>>, last accessed on 10/11/2014.

of higher education systems of many countries. But does the Russian higher education meet the high requirements of the Bologna process? To answer this question, we need to look into existing obstacles of higher education which Russian society faces. Only then can we conclude that Russia have been carrying out ideas of the Bologna process in practice in a right way.

4. CHALLENGES OF HIGHER EDUCATION IN RUSSIA

It is clear from the above why Russian is a member of the Bologna process. But implementation of requirements of the Bologna process in practice has struck a snag in a form of unresolved issues of higher education. We will not go into details of all of them because they are quite numerous. Instead, we will highlight a several challenges which are major in such a way that even the Russian government pays a great deal of attention to them. On 15 July 2014 a meeting in the Russian government was held which was dedicated to development of higher education in Russia. The meeting saw a range of today's challenges highlighted, such as¹²:

- a received diploma of the higher education does not correspond to a student's real knowledge on a subject.

Unfortunately, a person with a higher education diploma does not always possess adequate knowledge. This applies, by the way, to all universities but the most challenging situation has been manifesting itself in non-state universities and their branches. Often it has to do with the university being unable to provide students with a necessary level of educational programmes. There is no proper teaching staff as well as corresponding foundation for their training. Also, there are no adequate conditions for studies especially for some professions. Opportunities for successful research work have not been created, not everywhere anyway. All this results in a low position of the university compared to leaders of the Russian education.

- monitoring of the university effectiveness, which was introduced in 2012, has not been as successful as it was planned. The work in this direction needs improving.

The head of the Russian government D.A. Medvedev emphasized that education quality is not the only factor which determines effectiveness of the university. Also need to be taken into consideration other as important factors, such as employment of graduates, a level of organization of students' research work, qualification of a teaching staff as well as implementation of programmes of

¹² <<http://government.ru/news/13753/>>, last accessed on 16/11/2014.

postgraduate education and additional professional education and their correspondence to requirements of labour market.

- reorganization of the universities often violates rights of a teaching staff and students.

In the process of monitoring, necessity of reorganization has been detected with respect to some universities. But such reorganization does not provide the observance of rights of a teaching staff. Students' rights are violated as well. They lose an opportunity to complete their studies based on the same conditions as those existing during their enrolment to the universities.

- monitoring of effectiveness and scheduled inspections by the Federal service of education supervision have shown that many branches of state and non-state universities as well as substantial part of non-state universities do not meet minimum requirements.

Having evaluated 2014 monitoring results, it has been deduced that more than 1 000 universities or their branches did not meet baseline requirements established by the state. Considering that today in Russia there are approximately 1 000 universities and 1 500 branches, the indicated number is of great concern.

Such are the problems highlighted by the Russian government. There is another type of challenges as well which relate to Russia's conversion to Bologna standards. And these challenges cannot be ignored.

It is necessary to note that two-level higher education in Russia has been introduced as early as 1992 but persistent rejection of the first cycle of this education by employers has hampered its progress.

A Russian researcher in a field of education Valeriy A. Belov emphasizes that some universities (especially technical ones) without additional public financing and support, continue to produce "specialists" since the industry works under the old standards. In this respect, he underlines importance of financial support of the EU through programmes and grants. They are necessary for those higher education institutions which begin the new stages of training and will face resentment of the population, business community and the society (including their own teachers who do not want to restructure without salary increase)¹³.

In the same research Valeriy A. Belov sees the introduction of the European Credit Transfer System (ECTS) (as an instrument for comprehensive expan-

¹³ Belov, V.A., *The Bologna process and its importance for Russia*, Moscow, 2005., pp. 48-51 (in Russian).

sion of the student mobility) as one of the priority problems. In his opinion, its implementation will take a long time since only leading educational institutions or regional or profile-based institutional associations are capable of implementing pilot projects in some of the specialisations. This work requires thoroughness and additional funding and therefore it should be better broken into stages with project in 10–20 specialisations being implemented every three years and tested in pilot universities and departments.

Surely, this is just a fraction of all troubles relating to implementation of the Bologna requirements in Russia. There is one agreed point, however: without doubt, Russian connection to the European educational space depends on existence and implementation of a nationwide programme which would introduce gradual changes over time. That, however, requires political will and financial capacity on the part of both the state and society.

5. WHAT IS REQUIRED OF TODAY'S LAWYER AND HOW DOUBLE DIPLOMA MASTER PROGRAMME IMPROVES HIGHER EDUCATION?

Pushed by time requirements, education nonetheless is undoubtedly moving forward. Thus the abovementioned difficulties need to be surmounted one way or another.

Nowadays, modernization of the economy and the financial sphere is the main direction of development of Russian and European society. Qualitative training of qualified lawyers could and must become a foundation for a successful reformation of both financial and economical systems. At the same time, such training could provide adequate changes of law demanded by urgent tasks. Activity of financial and economic structures under the circumstances of exclusive requirements of modernization is not possible without competent legal support.

It is important to realize, that a picture of a lawyer of 21st century and legal education as a whole are influenced by processes taking place not only in one particular country, but in the entire world as well. Common processes of world development can not be left out while working on programmes of training of higher education specialists. And legal profession is the first in such regard.

So, what skills should a lawyer have? Speaking about mental abilities, every lawyer is expected to be able to analyze different situations as well as understand his mistakes. Apart from such traits as resolution, persistence or persuasion, a lawyer should aspire for compromise being flexible and diplomatic in the process.

From a position of knowledge, it is clear that a lawyer of the future will not be successful in practice possessing no grasp of International and European law. Furthermore, a lawyer that is good at domestic law only will fall behind time. It is a mistaken opinion that if a lawyer is engaged in business relationships, he needs to rely on other fields of law which are beyond international and European law. A real situation is quite opposite. It is thought that lawyers possessing great knowledge of both International and European law are much more in advantageous position with respect to others.¹⁴ Of equal importance are other disciplines such as economics and governance.¹⁵

It should be kept in mind that interaction between states within the world community has never been chaotic, spontaneous and unsystematic. It has always been determined by both objective and subjective factors. From the moment the first states emerged and a necessity to determine their mutual rights and obligations arose, International law has always been in the spotlight. After so many years of human existence there is still no regulator of resolving issues and relations between states which would be as meaningful as International law. Taking all this into account, the issue of importance of International and European law falls out of question by itself.

A great knowledge of International and European law by Russian students does not seem possible without international cooperation between universities. And this is what joint programmes are designed for. Such programmes serve as a natural new stage of the institutional cooperation during which their interaction takes place within the very process of educational delivery. Thus, new opportunities are established for the synergies between educational cultures as well as quality of curricula is improved and their appeal and competitiveness enhance.

Among the joint programmes spreading widely throughout Europe and the rest of the world creation of the double diploma master programme is the most obvious. And it should not come as a surprise. A Russian researcher Sergei M. Yakovlev sees a double diploma master programme as an instrument for solution of the following challenges¹⁶:

¹⁴ See in detail, Marochkin S.Yu., *Mezhdunarodnoe Pravo v Yuridicheskom Obrazovanii v Nachale XXI Veka, Yurist XXI Veka: Real'nost' I Perspektivi* (Proceedings of the All-Russian Scientific-and-Practical Conference). Ekaterinburg, 2002, p. 31-35 (in Russian).

¹⁵ See, in particular, Marochkin S.Yu., Tordia I.V., Shunevich M.I., *Some Issues of Development of Corporate Governance in Russia in the Light of European and International Law*, *Journal for the International and European Law, Economics and Market Integrations*, Vol. 1 (1) 2014, p. 133-144.

¹⁶ Yakovlev, S.M., *The Bologna process and its importance for Russia*, Moscow, 2005., pp. 75-87 (in Russian).

- establishment of the curricula where all the basic elements of educational process (the curriculum, methods of training and assessment, the content requirements to courses and teachers) are agreed;
- an automatic recognition of results of training at the partner university by all members of the partnership as a guarantee of embedding an element of mobility as a necessary part of the educational process;
- establishment of joint steering bodies for the programme;
- issuance of the joint (on behalf of the programme participants) diploma or diplomas by the participating universities upon the completion of training.

But what do students, teachers and universities gain from this? Sergei M. Yakovlev insists that importance of double diploma programmes in the European understanding is determined by the gains they bring to the participants:

- students get new additional opportunities for mastering trades, developing new type of thinking and gaining experience in other academic and social settings, which creates preconditions for their wider professional mobility and a demand on a labour market as well as developing their sense of “European citizenship”;
- teachers get new opportunities for professional cooperation and growth, particularly research cooperation with foreign colleagues and establishment of long-term professional contacts;
- universities get a kind of added value in the form of better and more attractive educational programmes, augmentation of their academic potential owing to new opportunities of cooperation with other higher schools, use of their experience in multiple different areas and, as a result, improved reputation and competitiveness.

It is worth mentioning that a number of countries (first and foremost, Eastern European ones) see an important interest for themselves in taking part in joint programmes for curricula and training techniques modernization and increasing competitiveness and quality of educational programmes.

Undoubtedly, as clearly seen from the above, a double diploma master program conduces directly to mastering of all facets of International and European law. In general, it can be surely said that graduates of universities taking part in the project are becoming more competitive on the labour market and getting employed in prestigious companies including International ones. Furthermore, they are getting more demanding to the very process of studying. After all, as is well-known, Tempus projects provide for compulsory studying in European partner universities (the so-called mobility) and students get an opportunity to get in on a process of training in a different academic and cultural envi-

ronment. After such studies they no longer want to passively, for many hours, listen to lecturers but they wish to discuss and have more opportunities to participate in practical and applied work as well as other projects. They wish to become equal in rights participants of a process of studying so they would be listen to and have their opinion respected.

Thanks to the Tempus project double diploma program, majority of partner universities introduce new practice and approaches aimed at providing qualitative education. Nevertheless, this field has a lot that needs to be worked on in order to form a modern system of quality assurance in every university¹⁷.

6. CONCLUSION

On 26 and 27 April 2012 in Bucharest at the Ministerial Conference of the European Higher Education Area (EHEA)¹⁸ it has been indicated that higher education structures in Europe are now more compatible and comparable. Quality assurance systems contribute to building trust, higher education qualifications are more recognizable across borders and participation in higher education has widened. Students today benefit from a wider variety of educational opportunities and are increasingly mobile.

And yet, unfortunately as can be clearly seen from above, for too many students progress through their higher education experience is more a labyrinth than a straight path. Students encounter many unnecessary hurdles on the way from enrollment to completion.

Assessing the first results of participation of Russia in the Bologna process, it is important to point out that the main issue for Russia seems to be increasing of effectiveness of universities. That is why it can be concluded that achievement of a full Russian membership in the common education space at what the Bologna process is aimed will take some time in the future.

One of the keys to solving the task of creation of the common educational space as well as challenging issues of higher education is working out of a double master's diploma degree programme. As for Russia, one of the major priorities in double diploma programmes with foreign universities consists in the opportunity of achieving de facto international recognition of their diplomas, strengthening of the academic capacity due to interaction with a foreign university, improvement of quality and competitiveness of the programme, creation of new broad opportunities of development for the faculty and train-

¹⁷ Oleynikova O.N., The Tempus program celebrates 20 years of its existence, *Education quality*, 2010. No 10. 46-50 p.

¹⁸ <<http://www.ehea.info/article-details.aspx?ArticleId=267>>, last accessed on 19/11/2014.

ing of students, strengthening of positions in the world educational markets and establishment of preconditions for the export of educational services.

Researches¹⁹ believe that double diplomas are one of the key indications of innovative activity of the university as well. A double diploma degree is recognized by all partners taking part in a programme which, no doubt, serves a purpose of creation of common educational space and bringing new opportunities for a holder of such a degree. But the main beneficiary, as a result of all this, is the university. Apart from becoming more competitive and providing more qualitative education, the university grows in the international arena. Quality of methodological and research work is going up as well. Therefore, by successfully implementing double diploma programmes in practice, we, undoubtedly, are pushing coordination between universities up to the new heights and hopefully will gradually find ways of solving the issues mentioned in the paper.

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