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“Globalization and Higher Education”

SUMMARY OF CASE STUDIES

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SUMMARY OF RESPONSES NEW PROVIDERS OF HIGHER EDUCATION

Introduction

In order to have an overview of the current situation of new providers in higher education, case studies were carried out by UNESCO Regional Offices in Africa (Dakar), Arab States Region (Beirut) and in Asia and the Pacific (Bangkok) as well as the UNESCO International Institute for Higher Education in Latin America (Caracas). These case studies were based on a common questionnaire elaborated by the Task Force for the Global Forum in April 2002.

The questionnaire, which is reproduced in Annex I, focused on the following five topics:

1. Overview of new providers in the region;
2. Regulatory frameworks governing new providers;
3. Perspectives and policy implications arising from the emergence of new providers;
4. Issues surrounding the liberalization of trade in higher education services; and
5. The feasibility of an international framework.

The present document does not aim to provide an analysis of the case studies, but rather a summary of the responses by region. Due to limitations of space, this summary provides only a broad overview of the responses. The case studies, provided as separate documents offer a wealth of information on the situation in the different regions studied.

Respondents

Africa Region: This case study was prepared under the supervision of the UNESCO Regional Office for Education in Africa (BREDA) and concentrates on the situation in Kenya.

Arab States Region: This case study was prepared under the supervision of the UNESCO Regional Office for Education in the Arab States (UNEDBAS). This paper provides information from a number of different countries in the region.

Asia and the Pacific Region: These case studies were prepared under the supervision of the UNESCO Principal Regional Office for Asia and the Pacific (PROAP). These four case studies cover China, India, Kazakhstan and Malaysia.

Latin America and the Caribbean Region: This case study was prepared under the supervision of the UNESCO International Institute for Higher Education in Latin America (IESALC). The Latin American case studies concentrate on Argentina, Brazil and Mexico. Argentina, a member of the Southern Common Market (MERCOSUR), and Mexico, a signatory of the North America Free Trade Agreement (NAFTA), have been selected for the analysis of foreign providers. The case of Brazil has been included in the analysis of new national providers and/or existing providers with new modes of supply.

1. Overview of new providers in the region

1a. Types of new providers prevalent in the country/region

Africa Region

The following types of institutions are prevalent in Kenya: IT academies, twinning arrangements with other universities, corporate universities, for-profit providers (making up most non-university providers offering education at the certificates, diplomas and higher diploma levels), distance education providers (including hosting the African Virtual University through two institutions). At present, there are no foreign university campuses in Kenya due to the current law governing higher education. This law is likely to be changed in the near future, and a number of new institutions are expected to register under the new law.

This case study also highlights that Kenya exports higher education services through several Kenyan universities which operate outside the east Africa, in particular to southern Africa.

Arab States

A variety of institutions are known to exist in this region. This case study provides tables with estimated numbers of universities in the region by Member State and period of establishment. A table providing information on tertiary technical institutes, community colleges, independent faculties and assimilated in the region is also available. This report states that in Jordan, Sudan, Tunisia and Yemen, countries where a registration process for new providers exists, new providers account for 55 per cent of all 'new' and 'very new' universities.

Asia and the Pacific

All countries reported the existence of new providers of higher education in a variety of forms. The Chinese report highlighted the establishment of Chinese-Foreign cooperative education institutions, modern long distance education experiments of higher education institutions (e-education colleges), and a number of training courses held by joint ventures or transnational corporations (such as IBM, Microsoft, Cisco, etc.). The Kazakhstan case study stated that private universities, which first appeared in the country in 1995, at present account for 70 per cent of all universities. The Malaysian example reported a number of new public providers and the proliferation of new private providers in a variety of categories (foreign university with branch campuses, corporate universities/state universities, universities/university colleges, an open university, a virtual university/e-university, non-university institutions and IT academies). The Indian case study stated that there are self-financing colleges, and some corporate institutions (considered non-university sector). However, in India, while there are no foreign universities or private national universities, since the establishment of a university requires legal sanction either from the parliament or from the state legislature, there are collaborative arrangements between Indian institutions and foreign universities. Furthermore the growth in mixed mode distance education, through both open universities and traditional distance education centers, was highlighted in the Indian example.

The Indian example stressed that India is an exporter of higher education, through the Indira Gandhi National Open University (IGNOU) as well as state open universities and the distance education units of traditional universities that offer courses outside of India.

Latin America

New modes of educational supply through existing providers rather than through new providers were found to be more prevalent in this study.

This case study provided examples of institutions using the following modes of delivery in Argentina and Mexico: distance education, locally supported distance education, branch campuses, corporative programmes, franchising and articulated programmes. In addition, examples of institutions in Argentina and Mexico funded privately, publicly or in mixed modes are provided in this report.

Articulated programmes were found to be the most frequently used mode of delivery. Articulated programmes are described as foreign institutions which are linked to domestic institutions through diverse associations. In this category of programmes, relations between state institutions and combined institutions were the most common, in particular in the Mexican case. The origin of new foreign providers and foreign institutions with which programs are articulated varies in the two cases analyzed, with more European institutions in Argentina, and more institutions from the United States in Mexico.

1b. Availability of information on new providers

Africa

The Commission for Higher Education is in the process of producing a Directory of Post-Secondary Training Institutions. The majority of these training institutions are new providers of higher education. To date information has been obtained on nearly 500 institutions.

Arab States

There is no permanent observatory on the evolution of higher education institutions and programmes in the region. This case study stresses that the variety of institutions and authorities with responsibility for these institutions prevents any established body from having a clear comprehensive picture of the post-secondary situation in many Arab States.

Asia and the Pacific

The Malaysian example stated that information on providers is available in the Ministry of Education's web site as well as in other educational directories published annually by local educational publishers. Information is also available through other websites, regular seminars, road shows, clinics and consultations.

According to the Indian case study, information on in-country 'new providers/forms of provision' in the university-sector is available with the state departments of education in each of the 35 states and the state-wide information can be obtained on request. In addition, information on new providers and new forms of provisions is available on the websites of the existing public universities with which they are linked. Information about foreign institutions is not available from a single source and one has to approach the respective embassies and/or their national agencies for details.

Latin America and the Caribbean

This case study states that it was not easy to gather information on new providers, and in particular foreign providers, in the region. Therefore, the authors note, the information provided in this case study is based on the data registered with no intention of generalizing.

Furthermore, this case study states that it is important to note that many representatives and offices of foreign institutions may be registered in the host country as companies and not as higher education institutions; or that they are presented as being in the process of application for authorization under the national private university regime at the time of the study.

2. Regulatory frameworks governing new providers

2a. General regulatory frameworks for new providers

Africa

The regulatory framework for providers in Kenya falls into six broad categories which each has its own realm of responsibility: the Commission for Higher Education, the Ministry of Education, Science and Technology, Line Ministries, the Registrar of Companies, Professional Bodies; as well as Public and Accredited Universities. The Commission for Higher Education is the regulating body for all providers at the university level. All private providers at the university level apply to the Commission for a Letter of Interim Authority, which among other things, allows them to advertise programmes and to admit students. The responsibilities of the Ministry of Education, Science and Technology include inspecting new institutions that intend to give qualifications other than degrees, postgraduate diplomas and certificates, before they are registered. With regard to Line Ministries, a number of government ministries have established their own institutions and are also expected to supervise any private institutions in their line. Certain providers have found it easier to register their companies with the Registrar of Companies. Registering with the Registrar of Companies gives institutions legal status, but does not make any provision for supervision, accreditation or quality control. Professional bodies are involved in approving curriculum offered or taken by prospective members of their profession.

Arab States

Most Arab States have adopted rules and regulations, generally through legislative actions, for licensing new providers of higher education. The diplomas issued by new providers are eventually considered for recognition by the state. A table showing the list of selected recent normative instruments adopted by most states in the region to regulate the provision of higher education is available in the case study.

As public higher education institutions are established through legislative means, new legislative actions are meant to provide regulatory frameworks for the licensing of 'for-profit' and 'non-profit' private institutions. However higher education authorities seem to be absent from regulating providers of higher learning that are outside the mainstream of the education systems (e.g. corporate institutions and providers using non-traditional delivery modes such as virtual universities).

The degree of state restriction on the establishment of new independent higher education institutions varies throughout the different countries in the region. In addition this report

states that there are also new providers of higher education that fail to abide by the State regulations or that operate without the knowledge of the national authorities.

Asia and the Pacific

All countries reported the existence of regulatory frameworks at the state-level. The Chinese case study reports three regulatory frameworks addressing new providers. The Malaysian case study states that all educational institutions must be licensed according to an educational act in place. In addition, this case study states that all private providers are subject to the regulations of a further educational act governing private higher education institutions.

The Indian example stressed the differences in regulatory frameworks for national and foreign new providers. In particular, though no new institution can be established by private providers legally without either state or federal government(s) approval, this national regulatory framework is not applicable to international new providers of higher education. With regard to overseas providers of higher education, there is no regulation to abide by either prior to establishing their ventures or thereafter. There are, nonetheless, some procedural obligations on the part of Indian partners in participating in collaborative agreements with international institutions, though the government is generally supportive of these agreements.

At present, in India, there is no obligation on the part of the foreign institutions to register before operating their educational services. Under a new regulatory framework being formulated for transnational providers, a condition for mandatory registration is stipulated.

Latin America

In the three countries studied there is little regulation for foreign providers, and where any mechanisms exist, they were difficult to apply. For example, in Argentina, there is a regulation issued in 1998 governing distance education offer; however, this regulation is not applied in cases where the foreign university is not settled in the country and the offer is made via Internet, virtual classroom, teleconference, electronic mail, cassette, videos, etc. In such cases, Argentinean law cannot reach the institution and, therefore, cannot forbid, regulate or condition its operation.

The options that the state has in this framework include the provision of official information regarding the accredited programs and the legal validity of the degrees awarded by the different universities within the country. For example, in Brazil two official websites, including the web site of the Ministry of Education, provide information on authorized institutions. Despite these efforts, the Ministry of Education of Brazil considers that some 4,000 students are currently enrolled in irregular courses.

2b. Quality Assurance and Accreditation

Africa

The Commission for Higher Education is the sole accrediting body for higher education in Kenya. This Commission only deals with degree programmes offered by universities. Currently it is concentrating on accrediting private universities.

An accredited institution has the authority to award its degrees, diplomas and certificates. Students from such institutions have access to loans from the Higher Education Loans

Board. The Commission for Higher Education regularly publishes the names of accredited institutions, institutions with Letters of Interim Authority and those that are registered. A Letter of the Interim Authority is a sort of provisional accreditation to allow an institution to assemble resources and improve the quality of its offerings.

Non-university institutions do not receive formal accreditation. However public institutions and a large number of private institutions teach curriculum that is developed by a professional public organ.

When the bill is passed into law, it is expected that all higher education institutions, including middle level, transnational, 'for profit', private and electronic institutions will be accredited by the Commission. However it is expected that electronic and other distance education programmes will be subjected to different rules from of residential programmes.

Arab States

Quality assurance and accreditation of higher education institutions and programmes are quite new in most of the Member States of the region, and still absent in many of them. Jordan took a lead in this area by establishing a national body for quality assurance and accreditation in 1996. The activities of this national board have focused more on licensing and recognition of programmes rather than on in-depth assessment leading to accreditation. Other Arab States, such as Egypt, Lebanon, Oman, the Palestinian Authority, Saudi Arabia and the United Arab Emirates, have adopted or are in the process of adopting rules and procedures for quality assurance and accreditation. The Council of Ministers responsible for higher education requested that the Association of Arab Universities establish a Regional Committee for Quality Assurance and Accreditation. This body, in which UNESCO is an active participant, has set standards for licensing new universities as well as a guide for self-assessment and accreditation of universities.

This case study also states that some higher education institutions in the region have requested and sometimes obtained accreditation for their programmes from foreign internationally recognized bodies outside of the region.

Asia and the Pacific

All four countries reported measures for assuring the quality of new higher education provisions.

The Chinese case study stated that the Ministry of Education has drafted "Provisions for Chinese-Foreign Cooperation in Running Schools" and taken measures to ensure quality in response to certain problems which have arisen with new providers. The Ministry of Education has also taken measures to ensure the teaching quality of experimental e-education colleges.

In Malaysia, the government established a national quality assurance and accreditation agency for private higher education, as it perceived that the liberalization of the education system would bring with it the rapid development of the private higher education industry. All registered private providers including the transnational providers are subjected to the quality assurance system set by this body. There have, however, been difficulties in subjecting TNE providers offering courses electronically to this quality assurance system. This body formulates policies on standards and criteria for quality assurance and accreditation for courses of study at certificate, diploma and degree levels.

It makes recommendations for course approval, minimum standards, confers accreditation status and sets procedures for evaluation. With regard to professional courses, evaluations for accreditation are carried out by and together with professional bodies. The outcome of the evaluation process is used to determine the accreditation status of the programme by the concerned professional board. The public is informed of accredited courses via various media, but the report is only made available to the providers and other relevant authorities. There are, nonetheless, difficulties in subjecting the transnational providers who operate outside Malaysia and offer courses to students electronically.

There are two bodies responsible for accreditation in the Indian higher education sector, the National Assessment and Accreditation Council (NAAC) and National Board of Accreditation (NBA). NAAC accredits higher education institutions and their units. NBA accredits the engineering and related areas exclusively at the programme level. Both are supported by the federal government, but function fairly independently. NAAC, a member of INQAAHE, is a fully autonomous body catering to more than 90 per cent of the educational offerings in the country.

In India, the outcomes of assessment and accreditation process are used for the benefit of the stakeholders - governments, parents, students, employers and the institutions themselves. Incentives for institutions linked to the accreditation status include access to a grant funding for public institutions (making accreditation mandatory for public institutions), greater autonomy, the privilege to be an international provider of education, freedom to charge higher tuition and other fees and further diversification of programmes of studies. According to this case study, both monetary and non-monetary incentives indicated above have strengthened the quality assurance movement in the country. Many in-country private providers, which do not depend on funding from the government, have undergone the assessment for accreditation voluntarily because of the above non-monetary advantages, and to attract students to their institutions. Assessment for accreditation is undertaken only with the established institutions that have been in place at least for five years or sent out at least two batches of students.

In addition to the accreditation of established educational institutions, NAAC undertakes other evaluations at the request of bodies such as the Ministry of Education. Recently, NAAC was asked to prepare for the responsibility of accrediting the transnational educational offerings in all forms - private or public, formal or non-formal, traditional or electronic. Both accrediting agencies are already assessing national new providers of higher education. It is the intention of the government and its statutory bodies that the same quality assurance agency that is assessing the national education system also assess programmes offered by transnational providers using the same yardsticks.

The case study from Kazakhstan stresses concerns regarding the quality of the education provided by the quickly emerging private higher education institutions and their branches. Two normative instruments for regulation of quality exist in Kazakhstan. Kazakhstan has an 'attestation' and an accreditation process in place. Accreditation provides state recognition of universities, which have the right to give graduates documents on education with 'state sample'. The state has also created the 'Association of Accredited Universities', which plays a significant role in the integration of higher education.

Latin America

In the 1990s some countries in the region made great efforts to develop assessment and accreditation systems for their national higher education systems. National assessment

and/or accreditation systems have been established in the three countries studied (Argentina, Brazil and Mexico). However, none of the systems developed included accreditation of foreign institutions. The case study provides in-depth descriptions of the regulatory frameworks in place.

3. Perspectives on new providers

3a. How are new providers of higher education perceived?

Africa

In Kenya, new providers are seen as both providing certain benefits to the country, while posing challenges to regulatory bodies. On the one hand, new providers are perceived as: filling a need to provide training opportunities; being flexible in their curriculum development which responds to the needs of industry; and being economical in their use of resources. On the other hand dangers posed by new providers include operating without appropriate government supervision, and providing low quality educational services while aiming to make the maximum of profit from the provision of the service.

Arab States

The Arab States case study outlines the perceived benefits and dangers of new providers. The beneficial effects of new providers outlined included: enhancing the range of learning opportunities, supporting the innovation of higher education through cooperation agreements with foreign institutions, providing beneficial competition for other higher education institutions, and fostering the widespread use of new technologies in education at low cost. The dangers cited in this report included: undermining the equality of access to higher education; lack of sufficient control of institutions by competent authorities (including institutions that do not fall into state quality assurance frameworks such as institutions using distance education modes of delivery); lack of protection of students (e.g. problems with the recognition of diplomas); competition between new and traditional providers may be characterized by differences in investments, with new providers making smaller investments; and finally that institutions which do not respect certain criteria may damage the image of other institutions which are trustworthy.

Asia and the Pacific

The majority of the case studies stated that new providers of higher education are perceived as enhancing opportunities for access to higher education. The Malaysian example stressed that new providers are perceived as customer focused, market driven, flexible, affordable and offering a range of different levels of courses. The Indian example highlighted that the demand-based growth of new providers is uneven in the academic sectors: it is more prevalent in professional education.

The Indian example also stated that in spite of initial apprehensions new providers are now accepted well both by the public and the labour market. The new providers are not looked upon as a threat to national developmental issues, cultural identity or the advancement of knowledge. They seem to fill the gap for relevance in the traditional system of education.

3b. Policy implications emerging from the growth of new providers

Africa

The four main policy implications for new providers in Kenya outlined in this report are: the legal framework; quality control; relevance; and equity. With regard to the legal framework, the act protecting TNE providers may conflict with the act, which recognizes universities as corporate bodies with perpetual succession. Quality concerns center around conflicts between standards for accreditation in the home country of the provider and the country of provision. Relevance concerns focus on the fact that some new providers expect their parent institutions to offer curriculum identical to that offered by their home institutions, even if this is not relevant to Kenya's needs. The equity issue centers on the fact that the cost of education by new providers is quite high. For this reason, while all students, and in particular those from more modest backgrounds do not benefit from the education services provided by new providers, new providers benefit from all public national infrastructures (e.g. roads and piping for water), to assist them in delivering their service.

Asia and the Pacific

The Chinese case study highlights the interest of the government in encouraging cooperation between domestic and foreign institutions as this is seen as contributing to the quality of education. However, this case study stresses the importance of maintaining Chinese leadership in these collaborative relationships.

The Indian case study stated that efforts are underway to establish a set of basic codes and criteria for the operation of foreign education institutions in the country. Salient features of this policy framework for regulating the operation of international educational institutions in the country and promoting foreign direct investment in the education sector have been identified in a draft policy paper prepared by the Ministry of Human Resources Development.

In India, the ministry has identified the Committee for Promotion of Indian Education Abroad (CoPIE) as the nodal agency to establish specific guidelines for registration of foreign education service providers. However, there are larger issues which may have to be resolved through policy decisions at the national level such as who will control higher education in the long-term- the nation or international tribunals such as WTO? Other generic questions address issues such as: what will happen to traditional academic values; how will nations or individual universities maintain their academic freedom in the new competitive environment; and will national universities become part of the international jurisdiction?

Another trend in this context is the conscious effort to promote Indian education abroad as a policy. The consideration in favour of this policy is that India, which has a huge higher education system with many institutions of international standing, can benefit both economically and politically by exporting education, in particular to developing countries as well as to those with a substantial population of Indian-origin. Consequently, universities are now permitted to open institutions and campuses abroad. These examples are indicative of the national trend in becoming both a provider and a recipient of transnational education. This trend has great deal of bearing on the policy and the formulations of regulatory clauses dealing with international providers.

4. Liberalization of Trade in Higher Education

4a. Policy discussions on trade in higher education services

Africa

The concept of trade in higher education is beginning to appear in Kenya in a variety of forms and at different levels. At the regional level, the Inter-universities Council of East Africa is encouraging students to obtain their education outside their countries. Several Kenyan universities are marketing their services outside east Africa, in particular in southern Africa. Kenya is also importing educational services from countries such as Australia, Britain, Canada, India, and the U.S.A.

Higher education, adult education and other forms of tertiary education and training is regarded as tradeable services and a number of agreements between countries have been signed to regulate this trade. These include agreements on the recognition of academic qualifications and regulations for students going abroad to study. These agreements, spearheaded by the Ministries of Education and Foreign Affairs, were signed with Britain, China, and India.

In recognition of the importance of this trade, the Universities Act is being amended to make it easier for foreign providers and other new providers to operate in Kenya.

Discussions have been held between relevant government ministries articulating Kenya's needs in the context of GATS and WTO agreements. Kenya has already made requests through its mission in Geneva to be allowed to export educational services to a number of countries including Botswana, Eritrea, Ethiopia, Indonesia, Mozambique, Rwanda, Sudan and the U.K. These requests would include allowing Kenyans to establish educational services in partnership with nationals of these countries and allowing Kenyan teachers to teach in these countries.

Arab States

This case study states that there is a great deal of variation in the region regarding Member States' stand vis-à-vis the liberalization of trade in higher education services. This case study also states that authorities responsible for higher education are absent from GATS negotiations. Furthermore, authorities have not officially stated a position regarding the GATS negotiations.

Asia and the Pacific

The Chinese case study highlighted China's recent entry into the WTO in November 2001 and outlined China's commitments in education trade services.

The Malaysian case study states that Malaysia has received requests from several WTO Member States for access in all modes recently to be negotiated at a round of debate at WTO. The requests include all educational activities and other related services. In educational matters, the Ministry of Education has been consulted and workshops and discussions involving the responsible departments have taken place. Furthermore, in-depth discussions have been carried out between the Ministry of Education and the

Ministry of International Trade and Industries on trade in education services. Private institution associations have also been consulted and invited to participate in workshops and meetings.

In India, there were nation-wide discussions on the implications of considering the higher education as a tradeable service as proposed by WTO in its GATS formulations. Discussions have been held at the inter-ministerial level (involving Ministries of Education, Commerce, Trade and Industry and Finance), at other governmental levels as well as at the non-governmental level in this regard. The outcomes of such deliberations are generally positive towards liberalizing the trade in educational and other services. There is a growing awareness of the inevitability of committing towards progressive liberalization. With regard to WTO negotiations, a pragmatic approach is emerging in favour of making commitments in one of the sub-sectors of higher education with suitable saving clauses.

The case study from Kazakhstan stated that there have been discussions regarding the introduction of market principles into the field of education. This case study voiced the concerns of possible negative consequences of treating education as a tradeable service.

Latin America

The Latin American study states that with or without the GATS, the reality is that there is commerce of education that will probably grow in the coming years. Also, it is important to consider that perhaps, for the first time in the modern times, the Latin American academic community - as well as the international academic community - will not hold the monopoly over decisions in the area of education as the economic value of knowledge is currently prevailing in the commercial globalization model

As of August 2002, only two Latin American countries had signed educational commitments with the GATS at the tertiary level: Mexico and Panama. The academic community has recently expressed critical opinions in regional meetings (two in Porto Alegre, Brazil and one in Lima, Peru) regarding the GATS. In one of the Porto Alegre meetings and within the framework of the III Ibero-American Summit of Presidents of Public Universities, participants signed a document addressing the nefarious consequences of GATS and requesting the governments of their respective countries not to become engaged in any commitment concerning higher education. However, there has been no reaction on the part of the academic community within the countries, with the exception of Brazil. This is may be due to the lack of knowledge as negotiations are conducted through the ministries of commerce or foreign affairs. This may also be due to lack of the adequate information, as it is not easy to assess the impact that such agreement may have on different countries.

5. Proposition of an International Framework

Africa

The Kenyan report states that while new providers of higher education have done a commendable job in responding to the needs in the country, coordination efforts made by regulatory bodies need to be strengthened through an international framework. According to this case study the following should be provided for in such an international framework:

1. General guidance on curriculum standards for new providers;
2. Ethical principles for new providers;

3. General guidance on quality control and quality assurance mechanisms for new providers;
4. International obligations of states with regard to new providers; and
5. International responsibilities of states with regard to foreign students.

The Kenyan report also states that these guidelines should be harmonized with the provisions of the Convention on the Recognition of Studies, Degrees, Diplomas, Certificates and Other Awards in the African Region (Arusha Convention), as well as any bilateral agreements.

Arab States

This report states that all of the Arab States which responded to the the UNESCO Regional Office consultation concerning new providers on higher education requested that UNESCO take the lead in developing regional and international frameworks to assist the states in the region in dealing with the new developments in higher education. The most frequent requests for assistance from Member States in this region, according to this report, concern :

- The continuous updating and dissemination of information on systems of higher education, and characteristics of diplomas awarded;
- Working towards the harmonization of the recognition of qualifications of higher education at the regional and international levels;
- Setting standards for the accreditation of higher education institutions and programmes at the international and regional levels;
- Building national capacities to undertake quality assurance and accreditation both at the institutional and programme levels; and
- Establishing a roster of qualified Arab-speaking specialists in quality assurance and accreditation.

This case study stresses that Member States have seldom requested assistance for the development of legal frameworks for quality assurance and accreditation.

Asia and the Pacific

The Chinese and Malaysian case studies stated that there was a need for an international framework for quality assurance and accreditation. The Chinese case study expressed concerns that the development of such a framework would be difficult to develop in the short term. The Indian case study stated that another regulatory framework for quality assurance at the international level would be redundant, but highlighted that the introduction of a universal code of good practices by UNESCO coupled with national regulatory frameworks would be useful.

The Malaysian example stated that a strong national education and quality assurance system is not enough to manage the impact of electronic-based education. According to the Malaysian case study, an international framework should seek to identify global quality assurance practices for transnational providers and seek consensus on those best practices from all member countries. This framework should address the following matters: policies on establishment of providers; governance structures; outcomes-based standards; practices of self evaluation; quality assurance mechanisms; human resources; culturally relevant content; delivery modes; assessment procedures; accreditation procedures; and other relevant matters. Quality assurance of on-line education should be specifically addressed and subjected to an accreditation process. The applicability and enforceability of international framework should also be examined. This case study

stressed that an international framework based on consensus or general international agreement would generally influence the national quality assurance system only to the extent that it is incorporated into the national system in accordance with national policy and differing contexts.

According to the Indian case study, it would be rather difficult to develop a truly international and sustainable regulatory framework. At best it could have a slightly modified form of national quality assurance agencies' protocols and criteria for international use. This case study stressed that it cannot be substantially different from the national quality assurance and accreditation processes. Also one should consider the feasibility of establishing one or more central agencies to monitor and assess all the transnational activities in all countries. This case study stresses that the national quality assurance systems in most developing countries are just emerging and are not yet firmly established. Standardizing the quality, standards and benchmarks at the national level itself is a formidable task. It would be even more difficult to determine the international benchmarks. Furthermore, the implications of such a framework and the tension it might have with the national system are not clear – it would be important that this not become yet another intrusive step in the progress of global educational services.

Furthermore, the Indian case study stresses that the UNESCO initiative to elaborate a code of ethical practices for transnational providers could be construed as an international framework since it is drawn from many sources and through extensive consultations. According to this case study, this universal code of ethical practices coupled with the simple and non-restrictive national regulatory framework as outlined above, along with WTO functioning as an appellate authority, should respond to the interests of all the stakeholders in the international trade in education services.

The Indian case study also highlights the links between recognition of qualifications and quality assurance by stressing that developing an international qualifications framework should get the priority to promote international trade in educational services. Recognition of the qualification through mutual recognition of the credible national quality assurance agencies (possibly with a quality label) would be one way of facilitating the international trade in education. According to this study, efforts in this regard are already underway by many international agencies and institutions. Nevertheless, the elaboration of an international regulatory framework and promoting a super (international) quality assurance agency for the purpose of recognizing qualifications at the global level may not be workable. At best they may be useful, when the international trade picks up the tempo, to regulate the operation of the new providers of higher education internationally, but not to ensure the recognition of the qualifications without further intervention of the national quality assurance or recognition centres.

Latin America

This case study states that it is essential that international frameworks for regulation be built mainly with transparency in transnational education. As described in the cases studied in this paper, transnational processes exceed the states' ability to act. The truth is that, with or without GATS, trade flows are operating, and it is necessary that new phenomena be faced immediately protecting the positive aspects achieved by the national systems of the non-advanced countries. International entities have the responsibility of demanding that education be considered part of the public domain – not just in theory but also through concrete and efficient support.

The question is which international entities? Are the existing entities prepared to perform the new roles efficiently? Or, is it necessary to consider other more decentralized, dynamic and flexible organizations, that is to say institutions which are less bureaucratic and capable of adequately dealing with the complex processes presented by the relentless transnationalization of knowledge?

General Terms of Reference for Case Studies

The contractor shall :

- I. Submit an in-depth 10-15 page analysis in English on [country/region] on the basis of points 1-7 of the 'Questionnaire on New Providers of Higher Education' below by [date]
- II. Submit a 1-2 page executive summary of the above-mentioned analysis which responds succinctly to the points 1-7 of 'Questionnaire on New Providers' by [date].
- III. Submit all raw material (e.g. individual responses to the Questionnaire) used for the analysis to the UNESCO Secretariat by [date].

Questionnaire on New Providers of Higher Education

1. New Providers: Please provide examples of new providers/ provision of tertiary education that fall into any of the following categories: a foreign university campus, IT Academies, twinning arrangements with other universities, corporate universities, for-profit providers, virtual universities, open universities, e-universities etc.

2. Formal status of 'new providers/provision':

- a. Are the 'new providers' known to or associated with the 'public' higher education institutions in [country/region] and are they known to and engaged with the policy levels?. Does [country/region] have a registration process for 'new' providers or forms of provision? Are these covered in national policy processes?
- b. Is information on 'new providers/forms of provision' easily available and what sources of information would you recommend? Where is this documentation? Would the Ministry hold it?

3. Perspectives on 'new providers/forms of provision': Are the new providers cited above perceived as enhancing opportunities for access to higher education in a context of increasing demand and decreasing supply? Please give examples.

4. Regulatory frameworks: please describe current approaches at state-level towards new providers: does a regulatory framework exist (eg legal and quality assurance regulations)? Please describe and provide any documentation possible.

5. Policy Implications: What policy implications does the growth of transnational providers and provision (physical/virtual) have for your country/region?

6. Proposed liberalization of 'trade in services' including higher education, adult education and other tertiary education and training: Is there a policy discussion in your country about 'trade in higher education services' or in relation to tertiary education and training more widely (as tradeable services)? Is your country/region debating the issues in the context of the forthcoming GATS negotiations within the World Trade Organisation (WTO)? Is there any systematic consultation of the relevant sectors including higher education (both public and private) in relation to such issues, or between the education ministry and the trade officials in your country/region?

7. Quality assurance and accreditation systems : What kinds of quality assurance and accreditation systems exist in your region and what kinds of decisions/consequences arise from these systems (e.g. access to public funding, permission to grant degrees, provision of public information about quality of programmes)? Are transnational, for-profit, private, electronic forms of provision covered by the same quality assurance and accreditation systems as the public institutions, different ones, or are they not covered by state/regional systems? Please specify.

8. International Framework: Is there a need felt to provide an international framework for the educational/academic community to discuss the issues cited in points 1-7 above? What should be the role of this framework and how should it interact with existing regional/national frameworks?