UNESCO-OECD guidelines for quality provision in cross-border higher education

Analysis and recommendations to move forward
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For further information, please contact: hed@unesco.org
Summary

In 2005 UNESCO and OECD issued the jointly developed *Guidelines for Quality Provision in Cross-Border Higher Education (Guidelines)*, with the aim ‘to support and encourage international cooperation and enhance the understanding of the importance of quality provision in cross-border higher education.’ (OECD and UNESCO, 2005, p. 7)

The *Guidelines* include recommendations for actions to six relevant actors, namely governments, higher education providers including academic staff, student bodies, quality assurance and accreditation bodies, academic recognition bodies and professional bodies.

During the period of sixteen years since the adoption of the *Guidelines* the contextual framework of cross-border higher education (CBHE) and CBHE itself have evolved: The volume of CBHE has been growing constantly. National quality assurance systems have spread globally. The revision and implementation of recognition conventions gained momentum. Furthermore, the implementation of qualifications frameworks and national quality assurance systems had a huge impact on national regulation of qualifications and on their recognition at international level.

Regionalisation of higher education and notably of quality assurance and recognition of qualifications established a new level of collaboration between providers, authorities, quality assurance agencies and not the least the relevant stakeholder organisations. Important drivers of development, reform and change at national level are situated at the regional level.

The core principles of the *Guidelines* are widely accepted and are valid irrespective of the type of CBHE and of the regulatory frameworks, even though the *Guidelines* themselves seem to be not well-known outside relevant public authorities. However, the Guidelines don’t provide concrete support and guidance for the development of procedures, as powerful regional guidelines, or frameworks such as MERCOSUR, ESG, ASG-QA and AQAF do. 16 years after their adoption the *Guidelines*’ call for action might not be enough to create impact.
Acknowledgements

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1. Introduction

The provision of higher education across national borders has been a growing phenomenon since the 1990s and is a truly dynamic feature of higher education internationalization. Exact numbers about the global volume are not available but the numbers of the two main sending countries—the UK and Australia—already give an indication of the relevance of cross-border higher education (CBHE) to contemporary policy discussions. In pre-pandemic 2019, UK and Australian higher education providers enrolled approximately 580,000 students in CBHE programmes which is more than half as many as internationally mobile students pursuing their studies in these two countries. At the same time 305 international branch campuses were operated by higher education providers from 34 sending countries in 83 receiving countries.

From the beginning this development was accompanied by vivid debates about the quality of the provision and by various attempts to promote quality assurance and regulation of CBHE. The most influential attempt was the Guidelines for Quality Provision in Cross-Border Higher Education (Guidelines) jointly issued by UNESCO and OECD in 2005. With this joint endeavour the two organisations identified challenges for delivering quality education in this type of provision and aimed to “provide an international framework” for cross-border higher education. (OECD and UNESCO, 2005, p. 10)

This background document reviews how cross-border higher education, the policies and regulations at national and international levels have changed since issuance of the Guidelines; it identifies current key challenges in the area and analyses whether the underlying concepts and the general approach of the Guidelines are still appropriate to provide an international framework for quality provision in CBHE. The paper is divided into five sections that will present briefly the Guidelines, the contextual framework for their development, their subsequent implementation and as main section the changing framework conditions. It ends with recommendations how to move forward with the Guidelines.

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1. Sending countries: Countries with higher education providers offering study programmes and qualifications abroad; receiving countries: Countries with study programmes and qualifications offered in the country by foreign higher education providers.
2. The Guidelines in a Nutshell

The Guidelines list the following challenges for quality provision for CBHE:
‘(a) National capacity for quality assurance and accreditation often does not cover cross-border higher education…
(b) National systems and bodies for the recognition of qualifications may have limited knowledge and experience in dealing with cross-border higher education…
(c) The increasing need to obtain national recognition of foreign qualifications has posed challenges to national recognition bodies…
(d) … the increasing possibility of obtaining low-quality qualifications could harm the professions themselves and might in the long run undermine confidence in professional qualifications.’ (OECD and UNESCO 2005, pp. 9/10)

According to the GUIDELINES the challenges mainly comprise neglect of CBHE by national quality assurance systems, and limited knowledge within national bodies for the recognition of qualifications. As a consequence, students and stakeholders are considered vulnerable to ‘low-quality provision and disreputable providers.’ (OECD and UNESCO, 2005, p. 8) Consequently, the Guidelines ‘aim to support and encourage international cooperation and enhance the understanding of the importance of quality provision in cross-border higher education. The purposes of the Guidelines are to protect students and other stakeholders from low-quality provision and disreputable providers as well as to encourage the development of quality cross-border higher education that meets human, social, economic and cultural needs.’ (OECD and UNESCO, 2005, p. 7)

The Guidelines address six relevant actors separately, namely:
1. Governments
2. Higher education providers including higher education academic staff
3. Student bodies
4. Quality assurance and accreditation bodies
5. Academic recognition bodies
6. Professional bodies

These separate guidelines follow a similar pattern and comprise mainly three aspects: a call on the actors to exercise their respective share of responsibility in the national contexts of the sending and receiving countries, to collaborate with their counterparts at binational and international levels, and to provide accessible and reliable information. The recommendations that stand out because they include regulatory measures are below.
To governments:
(a) ‘Establish, or encourage the establishment of a comprehensive, fair and transparent system of registration or licensing for cross-border higher education providers wishing to operate in their territory; (…)’
(c) Establish, or encourage the establishment of a comprehensive capacity for reliable quality assurance and accreditation of cross-border higher education provision. (…)’

To quality assurance and accreditation bodies:
(a) ‘Ensure that their quality assurance and accreditation arrangements include cross-border education provision in its various modes (…).’ (OECD and UNESCO 2005, 13-23).

Key characteristics of the Guidelines Scope

A key characteristic of the Guidelines is the complex and diverse scope

The Guidelines contain:
- Policy statements that are self-binding for UNESCO and OECD
- Recommendations to the governments of the member countries
- Recommendations to individual providers and actors

The Guidelines address:
- Member States with recommendations to implement policies and regulations
- Various other actors to exercise their responsibilities and to collaborate

The Guidelines refer to:
- Policies on implementation of CBHE
- Capacity building by the two organisations.

They are a mixture of cornerstones of a possible regulatory framework, of non-normative but self-binding policy statements of the two organisations, and of recommendations for actions by the various actors in CBHE to support quality provision in general. This mixture constitutes the particular nature of the Guidelines.

Intervention logic

However diverse the scope may be, the common starting point of all analyses, policy statements and recommendations can be described as an assumed neglect of CBHE in internal and external quality assurance and regulatory systems and particularly the perceived lack of a regulatory framework for qualifications obtained in CBHE programmes. Questions regarding the actual quality of the programmes, the quality of teaching and learning are addressed at a rather general level if at all.

Main principles

The Guidelines promote two main principles:

- Provision of CBHE has to be of **comparable quality** to the provision **at home**\(^7\).
- Although not stated explicitly, the various stakeholders in the sending countries and their counterparts in the receiving countries have a **shared responsibility**\(^8\).

In conclusion, the Guidelines call for including CBHE in quality assurance and regulation; they do not propose standards or methodologies and are not a set of guidelines for quality assurance, although they are often mistakenly described as such. The term ‘framework’ has to be understood in a broad sense, covering responsibilities for design and provision of CBHE programmes, issues of regulation and recognition of qualifications obtained in CBHE programmes, and capacity-building and international collaboration in that area. The Guidelines identify cornerstones of a possible comprehensive regulatory framework, and recommendations to all relevant actors and stakeholders to accept their responsibilities to create such a framework.

The Guidelines emphasize a largely accepted principle that the emerging and developing international market for higher education requires international agreements (Altbach, 2005). Knight summarized in 2006 the widespread opinion: ‘In order to ensure quality, avoid problems in the international arena and allow for the standardising and comparing of qualifications, it is necessary to set common frameworks for quality assurance in cross-border education based on shared international principles. HEIs need to be accredited by domestic and foreign regulators where they exist.’ (Knight, 2006b). The call for collaborative action at international level is the key message of the Guidelines outweighing certain vagueness of the recommendations themselves.

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6. Hartmann 2010 provides a good introduction into the legal nature of the GUIDELINES.
7. This principle is elaborated even more in detail in the UNESCO/Council of Europe Code of Good Practice in the Provision of Transnational Education (yumpu.com) (Accessed 27 February 2022).
8. Interestingly only OECD emphasizes this principle explicitly in the preliminary remarks in the OECD publication of the GUIDELINES: “The Guidelines set out how governments, higher education institutions/providers, student bodies, quality assurance and accreditation bodies, academic and professional recognition bodies of the sending country and receiving country could share responsibilities, while respecting the diversity of higher education systems.” (OECD, 2005, p. 3)
3. The contextual framework

During the second half of the 1990s and first half of the 2000s cross-border higher education attracted increasing attention from international associations and researchers and from some state authorities, regulatory bodies and quality assurance bodies. The reasons were manifold:

CBHE was one manifestation among many of the accelerating internationalisation of higher education. Nevertheless, provision of higher education across borders was not a global phenomenon but concentrated in a small and slowly growing number of sending and receiving countries. In these countries cross-border higher education gained importance as an additional source of income for exporting higher education providers and as means to widen access to higher education and to overcome a lack of skilled labour force in countries with underdeveloped higher education systems. Two examples among others are: When the Guidelines were issued CBHE was the third most important export sector of the Australian economy (Clayton 2011, 46) while in Hong Kong the number of incoming CBHE programmes grew from a low base in the 1990s to 1144 by 2013. (British Council 2013, 3)\(^9\)

Among the main challenges for policy regarding CBHE were:

- Regulatory responsibilities were ambiguous, mainly with regard to authorisation of a provider to operate in the receiving country and with regard to the recognition status of the qualifications. Hong Kong, for instance required foreign providers to register with the local quality assurance agency\(^10\). Austria reacted to the intention of a foreign university to set up operations in the country by implementing and regulating the completely new sector of private universities and required the branch of the foreign university to become a private university under Austrian law\(^11\). In many other countries no regulations existed at all.

- Responsibilities and regulations for quality assurance of CBHE were ambiguous. Furthermore, explicit and dedicated quality assurance activities in cross-border higher education were not common at all. The national quality assurance agencies of two main exporting countries, the UK and Australia, were forerunners in establishing quality assurance schemes for cross-border provision by providers based

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9. For introductory literature see Amaral, 2016; also Mills, 2022.
in their jurisdictions. QAA UK started a specific overseas audit scheme in the mid 1990s (Jackson 2016, p. 170), and AUQA, the then Australian quality assurance agency was founded in 2001 primarily to evaluate the activities of Australian universities engaging in cross-border provision. (Stella 2011, p. 61)

National quality assurance systems, whose existence seems natural today, were developed and implemented on a large scale only from the 1990s onwards, if at all. Hence specific challenges for quality assurance of cross-border higher education met national quality assurance arrangements that were still very young in many countries.

- The recurrent discussion about low quality providers in CBHE is almost certainly as old as cross-border higher education itself. Although reports about cases of rogue providers and low-quality provision where more anecdotal than based on empirical analyses, the problem was probably perceived as urgent because of a general assumption that it's just harder to get things right in overseas provision.

- The General Agreement on Trade in Services (GATS) adopted in 1995, defines higher education as tradable service. Around the turn of the millennium debates about the appropriateness of treating higher education like a commodity under an international trade treaty gained momentum. Altbach summarized the concerns in academia pointedly: ‘GATS potentially strikes at the heart of academic autonomy, institutional decision making, and national higher education policy. GATS agreements can, once individual countries have agreed, enforce open higher education markets and enable institutions and companies from other countries to engage freely in higher education activities - setting up branch campuses, offering degrees, and so on. Local authorities, perhaps including accreditations and quality control agencies, might have little control.’ (Altbach, 2004, p. 6) Consequently, GATS was considered a “wake up call” (Knight, 2006, p. 16) for academia and regulators.

The Guidelines were not the first attempt to address the specifics of CBHE at international level. They built on the Code of Good Practice in the Provision of Transnational Education developed by UNESCO and the Council of Europe in 2001, which focused on the responsibilities of the degree awarding providers, put the principles of comparable quality on the agenda and stipulated that CBHE-qualifications were to be treated as regular qualifications of the degree awarding provider. The topic ranked high in policy-making at UNESCO during the following years as well, not the least at the Globalization and Education, first Global Forum on International Quality Assurance, Accreditation and the Recognition of Qualifications in Higher Education in 2002.

In conclusion, the significance of CBHE in terms of volume and its role in national trade or education policy differed substantially among countries. This had a huge impact notably on national quality assurance and regulatory arrangements. These ranged from comprehensive policies developed because of the economic or political relevance of the CBHE sector to no policies at all because there was no or hardly any CBHE activities or CBHE activities were not identified as a relevant topic. Common principles or approaches at international level were not in place, while in many countries national quality assurance systems were only about to develop. At the same time, with GATS there was a regulatory framework from outside academia on the horizon.

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12. See also Vincent-Lancrin, S. et al., 2015, p. 8
4. Implementation of the Guidelines

The implementation of the Guidelines was analyzed at a large scale on three occasions. Already two years after adoption of the Guidelines a survey was conducted in preparation of the UNESCO conference *Third Global Forum on International Quality Assurance, Accreditation and the Recognition of Qualifications in Higher Education*. The survey revealed a quite heterogeneous picture with regard to the awareness of the Guidelines among stakeholders and to the state of implementation. In general, however, the Guidelines were found relevant. Interestingly, more than two thirds of quality assurance agencies stated that they apply the principles of the Guidelines (UNESCO, 2007 (p. 19). Although the survey does not give more details, this is most likely not the result of explicitly amending the national quality assurance procedures which would have been surprising given the short period of time of just two years since publication of the Guidelines. An alternative interpretation would be that the principles were either not radically new or they were at a general enough level that many agencies or national authorities answered with good conscience that they apply these principles. Due to the short period since the publication of the Guidelines it is not surprising that the recommendations in the monitoring report largely referred to the need for additional efforts in dissemination activities such as:

6. There are discrete good practices in many countries. But they need to be compiled and disseminated to wider stakeholder groups (…).

7. Networks and associations of HEIs, students and QA bodies need to be made aware of the bigger role they need to play in promoting the Guidelines among their own membership. These groups in general support the Guidelines and find value in implementing the Guidelines. But disseminating the information to the next level needs attention.” (UNESCO, 2007, no page numbering [p. 21]).’

In 2012, the OECD concluded that the Guidelines had been implemented to a very high degree. On average the OECD member countries were found to conform to 72% of the main recommendations of the Guidelines. 80% of the higher education providers and 76% of governments and 61% of quality assurance and accreditation bodies respectively comply. Nonetheless additional efforts were deemed necessary because many providers didn’t know the Guidelines (Vincent-Lancrin and Pfotenhauer, 2012). A 2015 OECD report updating the survey and analysis from 2012 came to similar conclusions (Vincent-Lancrin et al. 2015).

Analyses of the implementation of the Guidelines in quality assurance policies revealed similar outcomes, namely general acceptance of the principles but little explicit references to the Guidelines themselves. (Cremonini et al., 2012, p. 28; Al-Sindi, T. et al. 2016, p. 13; ENQA 2015)16 This finding might support the thesis

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that, on the side of quality assurance agencies the principles were ‘easy to accept or to implement’ because of their general nature. Nevertheless, the relevance of the Guidelines should not be underestimated. The Guidelines were important reference points in policy papers such as the ministerial communiques of the Bologna summits in London in 2007, Leuven/Louvain-la-Neuve 2009 and Bucharest 2012. Furthermore, the focus group discussion in preparation of this background paper also revealed that the Guidelines were important references for designing national quality assurance policies in Asian and African countries.

UNESCO itself started supporting the implementation of the Guidelines in 2006 by developing jointly with the ASIA-Pacific Quality Network (APQN) the UNESCO-APQN Toolkit: Regulating the quality of cross-border education: A collaborative project of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Asia-Pacific Quality Network (APQN). This “is designed to provide a reference tool to assist with the development of regulatory frameworks for quality assurance in cross-border education, whether from a receiver or provider perspective. The Toolkit highlights important issues and considerations, different models of regulatory frameworks, the practical steps in setting up a framework and possible pitfalls drawn from the experience of some systems to date.”

In 2016, a more focused toolkit was developed in the frame of the QACHE project that brought together partners from the Asia-Pacific Region, the Gulf region and Europe. The toolkit “aims to complement the UNESCO/APQN Toolkit’s effort to support the implementation of the UNESCO/OECD Guidelines with a specific focus on providing practical guidance to agencies in sending and receiving countries on how they can ‘share the responsibility of assuring quality provision of cross border higher education’.” The global network of quality assurance agencies INQAAHE included in their Guidelines of Good Practice a separate chapter for quality assurance of CBHE which is very much in line with the Guidelines without referring to them explicitly.

In conclusion, although the empirical basis is not very strong, one can say that the principles of the Guidelines appear to have been widely accepted while the level of explicit awareness of the Guidelines among stakeholders is low. As far as implementation of recommendations in the fields of external quality assurance and regulations is concerned it is fair to state a clear divide between few countries that attach high relevance to CBHE and others.

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18. UNESCO, 2006, p. 3.
19. IAI-Sindi, T. et al., 2016, p. 35.
5. Evolving framework conditions and challenges

This section re-examines the underpinning concepts and assumptions of the Guidelines and especially the risks for quality provision in CBHE. During the period of sixteen years since the publication of the Guidelines higher education has undergone deep transformation in many aspects with long-term impacts of the COVID pandemic yet to be identified. (Bergan 2021).

Developments with particular relevance for quality assurance and regulation of CBHE are among others:

- In cross-border higher education itself, involvement in CBHE as a student, higher education provider, quality assurance agency and regulator of sending and receiving countries has been expanding, albeit unevenly. Of the 83 countries hosting international branch campuses in 2020 six countries hosted 128 in total while 54 hosted only one or two\(^{21}\). It is noteworthy that, in terms of numbers the main exporters and importers are still the same as in 2005 with the exception of China which overtook the United Arab Emirates as top host country for branch campuses\(^{22}\). Furthermore, the organisational models of provision have been diversifying (Universities UK International 2020, p. 9). Although international branch campuses are the most visible and best analysed organisational form of CBHE they are not dominant in terms of numbers. In the UK only around 7 percent of the approximately 500,000 students enrolled in CBHE programmes are studying at international branch campuses, mainly in Asia\(^{23}\). Also, the type of providers diversifies; notably through the engagement of so-called alternative providers that have entered the marked in addition to traditional higher education providers. Especially the engagement of for-profit providers has repeatedly raised concerns. (UNESCO, 2011; Varghese, 2009)

Taking into consideration this dynamism in CBHE, it seems exaggerated to state, as some analysts have done, that “The greatest barrier to cross-border education is the absence of continental and internationally accepted accreditation guidelines in the Higher institutions.” (Lawal et al 2019, p. 54)\(^ {24}\) CBHE has expanded irrespective of the absence of such accreditation regulations. In quality assurance, national quality assurance systems emerged in the vast majority of countries and are a common phenomenon; in addition, regional integration by establishment of common frameworks such as the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) has been a main driving force in developing and implementing quality assurance at all levels;

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23. The scale of UK transnational education; The scale of UK transnational education (universitiesuk.ac.uk) (Accessed 27 February 2022).
In recognition, the revision and implementation of regional recognition conventions and the adoption of the Global Convention on the Recognition of Qualifications concerning Higher Education in 2019 has put recognition on a new basis; furthermore the implementation of qualifications frameworks and national quality assurance systems had a huge impact on national regulation of qualifications and on their recognition at international level.

These developments pose the question as to whether the challenges that were identified by the Guidelines still exist, how they have evolved, and which new challenges have emerged.

The following list includes selected challenges mentioned in the Guidelines with regard to quality assurance and regulation and includes further evolving framework conditions, namely regarding the nature of CBHE and cross-cutting challenges such as regionalisation in higher education.

5.1 CBHE: Definition

A necessary precondition for any framework of common policies let alone regulation is a precise definition of the object of the policies and regulations in question. The definition of CBHE used in the Guidelines is:

‘Cross-border higher education includes higher education that takes place in situations where the teacher, student, programme, institution/provider or course materials cross national jurisdictional borders. Cross-border higher education may include higher education by public/private and not-for-profit/for-profit providers. It encompasses a wide range of modalities, in a continuum from face-to-face (taking various forms such as students travelling abroad and campuses abroad) to distance learning (using a range of technologies and including e-learning).’

However, since the 1990s, policy makers, practitioners and researchers have proposed and used a variety of different definitions and typologies of CBHE.

One of the alternative definitions focuses on International Provider and Programme Mobility (IPPM). This excludes student mobility and uses the independent provision by a provider or provision in collaboration with a partner in the receiving country as the distinctive feature. (Knight, 2016, pp. 38/39) Based on this definition, Knight and McNamara introduced a widely used typology of CBHE, which facilitates differentiation of challenges regarding regulation and quality assurance:

26. OECD and UNESCO, 2005, p. 9, reference 2; this inclusive definition is also used in the Global Convention.
27. For an overview see Knight, 2016; also Healey and Michael, 2015.
Independent Collaborative

1. Franchise programmes Partnership programmes
2. International branch campus Joint universities/colleges
3. Self-study distance education Distance education with local academic partner

Source: Knight and McNamara, 2017, p. 15.

It should be noted though that these types demonstrate further variations. Notably the collaborative approaches differ substantially in terms of distribution of responsibilities in general and for implementation of teaching and assessment in particular, in terms of organisation of internal quality assurance and oversight by the degree awarding provider, etc. In reality, the difference between franchise programmes and certain manifestations of partnership programmes or between international branch campuses and joint providers can be much less clear than at first sight. Even institutionalized articulation models can be considered as CBHE under certain conditions. Another manifestation which evolved mainly at well-established and mature CBHE providers, is the implementation of CBHE programmes which were specifically designed for cross-border provision, and which are not implemented at the home base of the provider.

A closer examination of these and other definitions reveals that their variations are determined by the purposes they should be used for. One wide-spread starting point for defining CBHE is taking it as one specific manifestation of internationalisation of higher education. Another starting point is the necessity to regulate qualifications. While the latter focuses on the qualification, the focus of the former lies on modes and organisational set-ups of provision of programmes cross border.28 This can be exemplified with the topic of students crossing borders, which is one manifestation of CBHE according to the definition used in the Guidelines and which would also fall under the GATS service delivery mode 2 but which does not fall under the International Provider and Programme Mobility. Student mobility is without doubt an important aspect of internationalization of higher education, but students don’t have to be mobile to study in CBHE. CBHE even offers opportunities for immobile students, including those with caring responsibilities and reduce the impact of economic status on mobility. (Mills 2022) It is yet to be seen whether the COVID pandemic might change willingness of students to travel to other countries to pursue their studies and study in CBHE programmes at home or online instead (Bergan 2021).

It is questionable whether student mobility is a specific feature of CBHE as the organisation of the provision and regulation of the qualifications are. A mobile student moves from one regulatory framework to another. This does not necessarily add any specifics to the study programme he or she is pursuing. The provision of education, the learning experience does not cross borders. Admittedly, internationally mobile students face challenges that are also typical in CBHE, including first and foremost, the demand for a higher level of information and transparency regarding admission and assessment regulations, content recognition of the qualification, etc. But these challenges are not specific to mobile students, although they are presumably greater for mobile students than for domestic students.

28. For an interesting collection see Amaral 2016 pp. 5/6
Against this background it is not surprising that the Guidelines with their two underlying principles and the separate recommendations for the six stakeholders, address problems of programme mobility (with provider mobility as a subset), but not student mobility. If the purpose of a framework is regulation of qualifications, student mobility is not a particular feature because qualifications obtained in a country are essentially the same if obtained by a local or a foreign mobile student.

Another specific case, at the fringe of CBHE, is joint programmes and particularly joint degree programmes. Although programmes, or at least parts of them, cross borders, this is a specific case because normally they normally have an individual joint regulatory framework, hence no potentially contradicting regulations apply. Nonetheless, in joint degree programmes some of the typical challenges for implementation, regulation and quality assurance of CBHE can be observed through a magnifying glass.29

Specific attention should be given to distance education and online education. It is questionable whether in general all programmes of a distance or online provider of higher education are to be subsumed under CBHE. Two possibilities need to be distinguished. General online provision, such as that provided by the various open universities, should not be considered as CBHE. Tailormade distance and/or online programmes for just one country are without doubt CBHE.

One aspect of CBHE that is gaining in importance, but that is generally disregarded in the discussions about the nature of CBHE, is the potentially diverse motivation of students to pursue their studies in CBHE programmes. Most probably, two groups of students have to be distinguished. On the one side, local students who wish to benefit from studying at universities that might have higher international reputation than the local ones. This is typical for those receiving countries with rather young higher education systems. On the other side, a group of highly mobile students who may not be native students in the host country, but children from expats or even international students who chose the CBHE programme and/or the host country as part of their international learning experience without any intention to stay in the host country after graduation. It seems that only the second group bears some potential of prospective graduate students at the home campus. Hence, the purpose of CBHE determines to large extent the regulatory implications. Where CBHE is invited to fill national skills gaps, recognition by authorities of the receiving country is likely to be necessary because national criteria are deemed relevant. Examples are Abu Dhabi and Hong-Kong. In East Africa predominance of the second group might have resulted in the largely disappearance of branch campuses. Consequently, purposes of CBHE has to be taken into account.

In conclusion, the purpose of any framework for quality provision in CBHE shapes the suitability of the definition of CBHE and particularly the breadth of this definition and whether it includes or excludes possible manifestations of CBHE. If the actual quality of the implementation of CBHE programmes, the academic standards and regulatory aspects of the qualifications including their recognition are at the core of a framework a more focused definition base don IPPM is appropriate. If intercultural differences in learning and teaching and challenges for students crossing borders more generally are at the core of a framework an inclusive definition might be useful to base principles around cultural awareness.

5.2 Regulation and recognition of qualifications

Regulation and recognition of qualifications have evolved and developments in these fields are likely more significant than other areas covered by the *Guidelines*. Recognition of CBHE qualifications as a challenge for CBHE has not lost its relevance. It is questionable however, whether one basic assumption of the *Guidelines* about lack of regulation at national level was correct in the first place. Already in 2005, a survey revealed that 38 out of 50 countries had implemented regulatory frameworks (Verbik and Jokivirta. 2005a, Verbik and Jokivirta, 2005b). In 2011 McBurnie and Ziguras analysed CBHE regulations of more than 50 countries and presented a broad range of possible regulations which addressed aspects such as types of delivery method, maximum/minimum foreign ownership requirements, nationality of those permitted to teach, requirement to teach compulsory subjects in addition to the discipline, non-recognition of CBHE for purposes of government employment or further study, etc. (McBurnie and Ziguras, 2011, p. 25). This variety demonstrates that regulation can take many forms and have many purposes which may be linked to specific national priorities. Hence regulation is not to be taken as an end in itself and any implicit equation \( \text{regulation} = \text{lower risk of low-quality provision} \) is too simple.

Among regulatory topics the recognition status of a CBHE qualification is the decisive feature and the comparability of qualifications is still a challenge. (ENQA, 2015, p. 13) With regard to the receiving countries in general three approaches apply:

- CBHE providers have to obtain state approval or similar of the qualifications by the authorities of the receiving country and the qualifications gain the same recognition status as those of the receiving country. Normally, the regular national requirements of the receiving country apply.

- CBHE providers have to register in order to obtain a licence to implement study programmes and award qualifications that are both governed by the jurisdiction of the sending country. Consequently, the qualifications are not regulated by the jurisdiction of the receiving country. However, some forms of oversight and specific approaches to recognition of the qualifications by the authorities of the receiving country might apply.

- CBHE providers are not limited to implement study programmes and award qualifications, which are both governed by the jurisdiction of the sending country. No regulation takes place in the host country.

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30. For example, in Austria the recognition status of qualification obtained from incoming CBHE programmes has been the most frequent topic of enquiries to the national authority. Hopbach, A. et al., 2018, p. 25.
This differentiation also demonstrates the relevance of context and purpose of definitions of CBHE because taking the regulatory aspect as the only reference for typology would mean that, in the first case CBHE would equate to provision according to national regulations and hence moves out of focus. In reality, not just the level of regulation is relevant but also the subject of the regulations.

Although the general questions regarding regulation and recognition of CBHE qualifications have not changed, the instruments used have done so significantly. The proliferation of qualifications frameworks and their relevance for approval of programmes in the national context and recognition of qualifications in the international context facilitated recognition because of the common use of learning outcomes and level descriptors and because of structural similarities. At the same time however, the general problem that qualification frameworks often contain formal aspects that result from national specificities and are not related to the quality of the qualifications in the narrow sense can make recognition in CBHE even more difficult.

What has also changed is the close link between regulation and recognition of qualifications and external quality assurance. The implementation of national quality assurance systems, many of which serve the purpose (among others) of establishing the basis for accreditation or state approval of study programmes and qualifications, have put regulation of qualifications on a new basis. Today, for recognition, the most relevant conditions are that:

- There is a legally determined national quality assurance system and that information about CBHE is provided. The principles or approaches applied are not relevant
- CBHE-qualifications are not a specific and must be covered by the relevant national regulations.

The recognition status of a CBHE qualification has another side which is widely disregarded: the recognition status in national jurisdictions of the degree-warding provider. Experience shows that national frameworks do not necessarily address explicitly qualifications obtained in CBHE programmes which leads to ambiguities regarding their legal status. Consequently, the equal legal status of the students and the qualifications in the CBHE programmes compared to qualifications obtained in local provision has made its way into various regulatory frameworks of receiving countries or other standards (KHDA, 2022, p. 26, European Approach, 2015, standard 1.1, p. 2).

In conclusion, the proliferation of qualifications frameworks put recognition of qualifications partly on a new basis; different from the time of the adoption of the Guidelines the qualifications frameworks, especially their relevance in external quality assurance and regulation of qualifications have to play a focal role in any international frameworks for CBHE. The recommendation in the Guidelines to establish registers of CBHE programmes and qualifications is as relevant in 2022 as it was in 2005.

31. Also, Karakhanyan 2022.
5.3 Quality assurance

Quality assurance in higher education has evolved significantly in recent decades. Consequently, CBHE challenges quality assurance in a different way than in its early days.

First, national quality assurance systems, in a broad sense, are much more wide-spread and well-established compared to the second half of the 1990s and the first half of the 2000s. Even in the now European Higher Education Area, quality assurance systems developed in many countries only after 2003. In Africa, large parts of the Asia-Pacific region and parts of South and Central America large majority of higher education systems now have quality assurance and/or accreditation systems in place.

Regarding methodologies one can identify a certain global convergence. (Wells 2014) Principles that are widely used at a global level are: principal responsibility of providers for the quality of their provision, compulsory external quality assurance based on predefined regulations, with the core steps a) self-evaluation by the provider and b) external review by a group of experts who conduct a site-visit and write a report. Major differences persist concerning the involvement of students in the group of experts and publication of reports. Whether or not a review results in a formal decision linked to state approval or funding also varies between systems. While this convergence is considered to provide a basis for easier mutual acceptance of quality assurance decisions at a global scale, it is fair to say that it also perpetuates approaches and methodologies that were mainly developed before or around the turn of the millennium. It is questionable whether these approaches are still appropriate to address the rapid changes in higher education and the ever more changing demands from stakeholders (Hopbach 2020; Karakhanyan and Stensaker 2020).

With regard to the specificities of CBHE, the situation has changed only partly. Mainly the quality assurance agencies from the most experienced sending countries have elaborated quality assurance schemes for CBHE, namely as QAA UK, the Australian TEQSA, and some of the regional accreditors in the U.S. The situation looks different where CBHE is still a niche. This is also true for receiving countries. One example that stands out is the Emirate of Dubai. With the University International Quality Board (UQAIB) the government set up a quality assurance body in 2008 that is exclusively responsible for incoming CBHE.

With regard to standards applied in quality assurance procedures for outgoing CBHE the combination of the following principles are widely agreed among experienced agencies

- External quality assurance procedures have to cover cross-border provision of the provider under review,
- Cross border provision has to guarantee comparable quality to the provision within the national jurisdiction, and
- Providers have to guarantee reliable oversight over his operations abroad or over the collaborative partner,
However, the principle of comparable quality needs elaboration. Adjusting curricula and/or didactics and assessment methods to consider cultural traditions seems to be widely acceptable, but at the same time raises the question of how far such ‘localisation’ may go without compromising the principle.

Despite convergence, quality assurance procedures in CBHE still vary in detail with variations including:

- Requirement of prior approval of CBHE activities
- Implementation of site-visits at the sites across borders
- Periodic monitoring of offshore provision or not
- Requirement of external reviewer/examiner
- Requirement of grading moderation
- Allowance for localization of curriculum
- Etc. (Wolff, 2015, pp. 4-6).

Although, in principle, methodologies are converging at a global level and similar standards are applied in quality assurance of CBHE, the quality assurance agencies are facing challenges. An obvious challenge is the diversity of quality assurance approaches in general, despite applying the same principles. The most relevant differences include among others:

- Quality assurance at programme level versus institutional level: While the former addresses the CBHE programme directly and provides direct information about the provision in the receiving country, the latter might only address institutional policies without addressing the programme in question explicitly. With regard to CBHE, this often means that the agency of the sending country focuses on the institution as a whole whereas the agency of the receiving country focuses on the programme. (Wolf, 2015, p. 2)

- Quality assurance serving mainly compliance purposes versus mainly enhancement purposes: While the former is typically summative and based on detailed criteria that facilitate a decision about meeting expectations and consequently provides information about this, the latter is typically formative and does not necessarily lead to that kind of information.

These differences point to one of the current criticisms at external quality assurance, notably the focus on processes and inputs and the neglect of results such as learning gain, relevance of the qualifications, etc. (Hopbach 2020; Karakhanyan and Stensaker 2020).

Further and more specific challenges could be added. In the UK as one of the most important sending countries the external quality assurance procedures for providers in England are not conducted on a cyclical basis anymore. Consequently, regular reports will no longer be available. The QAA’s specific review scheme for CBHE might not fill this gap because it covers only a limited number of countries per year and receiving countries with small numbers of programmes offered by UK providers might not be chosen at all. 32

European context with the example of joint degrees. With regard to the Guidelines’ call for collaboration between sister organisations of sending and receiving countries, the European experience with conducting joint accreditation procedures and agreeing on mutual recognition agreements. The approach adopted turned out to be too complex and laborious as general approach because the challenges to be addressed differed substantially from one pair of countries to the other. Only in pairs of countries with high numbers of CBHE programmes and qualifications to be addressed it might me a relevant approach with a good cost-benefit ratio.

The procedures for recognition of foreign qualifications provide an alternative approach. The existence of a national external quality assurance system for higher education has becomes a decisive basis for the recognition of foreign qualifications. Recognition bodies, however, do not place certain requirements on the design of the external quality assurance system of the provider whose qualification is to be recognized. The existence of a system is sufficient. This means that the differences mentioned before do not constitute reason for doubt. With regard to CBHE this would mean that the respective national quality assurance approach and the results are to be accepted irrespective of the type of quality assurance procedure, be it at programme level or at institutional level etc. provided that cross-border provision is covered.

Despite the proliferation of quality assurance systems and convergence of quality assurance methodologies, access to transparent information about the quality of CBHE remains a problem. Especially authorities in receiving countries ask for comprehensive and reliable information about national quality assurance and regulation systems including quality assurance and regulation of ‘outgoing’ CBHE programmes. It is telling that some of the agencies that are most advanced in quality assurance of CBHE and that collaborate in the informal Quality Beyond Border Group (QBBG) still consider bilateral and multilateral collaboration of agencies from sending and from receiving countries of utmost importance to build trust and even “as more important than broad policy statements”. (Wolff, 2015, p. 2, 10) On a side note, it is fair to say that comprehensive and accessible information about CBHE is often already a problem at national level.

In conclusion, despite widely accepted principles for quality assurance in CBHE and despite a certain convergence of core methodologies, significant differences in the methodologies of national quality assurance approaches to CBHE exist and will remain doing so. The main reason is the close link of quality assurance systems to the respective national regulatory frameworks which also depend on national political priorities and cultural traditions. This calls for concrete recommendations of methodologies and/or standards for quality assurance of CBHE to be included in national approaches.

33. For more information see Hopbach, 2014.
When the authors of the Guidelines inserted the recommendation to make use of regional networks, they might not have envisaged the tremendous impact regional integration in the field of quality assurance would have on the design of national quality assurance and regulatory systems. Examples are the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG), the Acreditación de Carreras Universitarias del MERCOSUR (ARU-SUR) in South America, the ASEAN Quality Assurance Framework (AQAF) in Sout-East Asia; and currently the African Standards and Guidelines for Quality Assurance in Higher Education (ASG-QA). However, CBHE and its specific challenges for quality assurance and regulation are not addressed extensively at the regional level. Recommendations such as the already mentioned UNESCO-APQTN toolkit and also the Cooperation in Cross-border Higher Education: A Toolkit for Quality Assurance Agencies developed by the QACHE project do not seem to gain the same level of relevance for the design of national systems. Nonetheless, it is to be emphasized that the similarities between regional frameworks such as MERCOSUR, ESG, ASG-QA and AQAF foster common understanding and hence create trust.

This kind of trust between bodies from sending and receiving countries responsible for quality assurance and regulation is considered crucial particularly in the field of CBHE. Mutual or multilateral trust-building is important because of insufficient relevant and accessible information about CBHE, about quality assurance and regulation of CBHE, and about outcomes of relevant reviews. The regional integration of quality assurance has not made such trust-building superfluous, but it makes it easier.

Regional integration in recognition is an obvious feature of regionalization in higher education. It was UNESCO that initially invested huge efforts in developing regional recognition conventions and recently the Global Convention to promote recognition of qualifications globally (Wells, 2014). Karakhanyan rightly emphasizes that, unlike the regional conventions, “the global one clearly specifies quality and quality assurance as the driving force for QF implementation and ultimately, recognition of qualifications” (Karakhanyan 2022). This is a manifestation of the closer link between quality assurance and recognition as mentioned earlier. It is fair to say, however, that the implementation of the regional conventions and, consequently, their impact on recognition varies considerably across the world. The fact that the Lisbon Recognition Convention (1997) made a huge impact is clearly based on the relevance given to it in the Bologna Process and its imbedding in the intertwined tools of qualifications frameworks, quality assurance and recognition.

As another feature regional actors gained importance as driving forces for development of quality assurance methodologies and as policy makers. The actors include INQAAHE since 1992, ENQA since 2000, APQTN since 2003, the Red Iberoamericana para la Acreditación de la Calidad de la Educación Superior since 2003, the African Quality Assurance Network (AfriQAN) since 2009, the Arab Network for Quality Assurance in Higher Education since 2007, the ASEAN Quality Assurance Network (AQAN) since 2008, to name but a few. Furthermore, collaboration at regional level strengthen national actors to respond to the “tendency of globalisation to erode national regulatory systems and frameworks.” (Youssef, 2014, p. 101). The future will tell whether the growing importance of the regional level is just another step in the evolution of a global
higher education regime.\textsuperscript{36} With regard to CBHE the regional level can play an important intermediary role in translating principles and policies into national context. “In this sense, transnational education may be seen as part of a broader phenomenon: our economic, political and legal spaces no longer coincide. Our economic space is overwhelmingly global, our political space is a mix of global, European and national, and our legal space is national.” (Bergan, 2010, p. 10; also, Youssef, 2014, p. 101).

The EHEA is a very good example for this phenomenon Other examples are the collaborating countries in East Africa moving towards the Common Higher Education Area (CHEA)\textsuperscript{37}; Southeast Asia the creation of an ASEAN Higher Education Area,\textsuperscript{38} in South America since the last 1990s the Mechanism for the Accreditation of University Degree Programs of the MERCOSUR, Bolivia and Chile Southern Common Market (MEXA) which was after its experiential phase transformed into the University Degree Accreditation System for the Regional Recognition of the Academic Quality of University Degrees in the Mercosur and Associate States (ARCU-SUR System). (de Camargo Hizume 2018) These endeavours have in common not just a high relevance of regional integration in the fields of higher education and especially quality assurance by way of advocating policies and principles.\textsuperscript{39} What makes them so influential is that they give concrete guidance for implementation.

UNESCO made use of the relevance of the regional level and, in 2007, set up the Global Initiative on Quality Assurance Capacity (GIQAC) with seed funding from the World Bank. GIQAC supported collaboration between the regional associations (UNESCO, 2008) and partners such as the Quality Assurance Support Programme for African Higher Education, the Association of African Universities, and UNESCO’s Division of Higher Education (Youssef, 2014, p. 107).

In conclusion, regionalisation of higher education and notably of quality assurance and recognition of qualifications established a new level of collaboration between providers, authorities, quality assurance agencies and not the least the relevant stakeholder organisations. Important drivers of development, reform and change at national level are situated at the regional level. Hence, today it is not just advisable to make use of regional frameworks, it is indispensible to use the regional level to agree on approaches for quality provision in CBHE. An important feature of the regional approaches is that they go beyond naming principles but to develop procedures and tools at a different level of detail. Hence, they give more guidance for designing quality assurance and recognition in the national context.

\textsuperscript{37} declaration by Heads of State of the East African Community Partner States on the Transformation of the East African Community into a Common Higher Education Area – Inter-University Council of East Africa (iucea.org) (27 February 2022).
\textsuperscript{38} For more information, SHARE EU ASEAN, European Union Support to Higher Education in The ASEAN Region, (share-asean.eu) (Accessed 27 February 2022).
6. Conclusions

During the more than 16 years since the publication of the Guidelines cross-border higher education has grown in terms of number of students and numbers of providers and has diversified in terms of types of provision and types of providers. There is no indication of a future decline of the relevance of CBHE. Despite its growing volume in general, CBHE is still dominated by a comparably small number of sending and receiving countries with mature and well-established specific mechanisms for quality assurance and regulation.

Knowledge about the nature of CBHE with all the diversity in types of providers and types of organisational arrangements for provision is today extensive and analyses and experience of how to address typical challenges are available. However, information is scattered over national (quality assurance) authorities and scientific literature with a clear focus on the main sending and receiving countries and certain organisational types such as international branch campuses. A global knowledge base is missing. If at all, integrated knowledge is available at regional level.

Despite general acceptance of the principles of the Guidelines in many national regulatory and quality assurance systems, a coherent framework for CBHE has not developed and is not likely to emerge in the future. Regulation of higher education in general, and of qualifications in particular, as well as quality assurance systems are linked to the broader national legal, political and cultural framework and traditions. Besides, only few countries have made commitments with regard to higher education under the GATS.

National systems of quality assurance, regulation of qualifications and, notably, recognition of qualifications have developed across the globe and are a common feature of the majority of national higher education systems. Through regionalisation in higher education a new influential governance layer and relevant regional frameworks and actors have emerged. Development and implementation of recognition frameworks and quality assurance frameworks are increasingly based on regional agreements and hence converge. Similarly, the regional level is key for policymaking, designing methodologies, capacity-building and support for implementation. Consequently, within the regions, quality assurance and regulation of CBHE has become easier. Nonetheless, most regional frameworks do not address CBHE explicitly and CBHE is often covered insufficiently by national systems.

Against the background of these developments the Guidelines appear at once highly relevant to contemporary higher education and somewhat outdated.

Some of the challenges are as relevant as they were at the time of developing the Guidelines:

- Lack of accessible information about CBHE programmes in many receiving countries.
- Lack of explicit consideration of CBHE in many quality assurance and regulatory arrangements of sending countries and receiving countries.
- Lack of accessible information about CBHE quality assurance arrangements in many sending countries.
- Consequently, capacity building is still an important task.

Other challenges emerged or gained relevance:

- Diversity of providers and modes of provision.
- Lack of agreement about specific features to be addressed in quality assurance of CBHE provision.
- The divide between advanced countries in CBHE and countries that disregard this corner in their higher education and quality assurance systems.

The aim of creating a framework for provision of CBHE has not lost its relevance. But calling for action notably for exercising responsibility and for collaborating at international level, based on general principles, which were applied in many cases already at the time of the adoption of the Guidelines, while an important political statement at international level was not a sufficient basis for creating a practical framework for action. To have an impact the nature of such a framework has to go further. Although comparable quality and shared responsibility are not just widely accepted, but also still valid irrespective of the type of CBHE and of the regulatory framework, this is not enough today.

Building upon the developments in quality assurance and regulation, notably the role of regional agreements and frameworks such as MERCOSUR, ESG, ASG-QA and AQAF, a global framework has to give guidance at a similar level like these do by referring to procedures and tools in order to have a similar impact. It is fair to say that, compared to these regional frameworks the Guidelines fall short in terms of concrete support and guidance. Already in the early 2000s the term framework meant different things. One example are the ESG which include standards and guidelines for the design of internal quality assurance, external quality assurance and for quality assurance agencies without prescribing in detail the procedures. The signatories of the Bologna process committed to apply the ESG in their national systems, which makes them soft law. Furthermore, these kinds of frameworks address key features of study programmes and/or qualifications, which is not the case in the Guidelines. In contrast, GATS is a completely different type of framework because its regulations are legally enforceable. The Guidelines seem to be somewhere in the middle. Clearly, the OECD and UNESCO did not have in mind a regulatory framework. It is more a framework of action than a regulatory framework, which becomes clear through the emphasis on capacity building (Hopbach 2016, p. 186). But 16 years after their adoption, the Guidelines fall short in giving guidance compared to frameworks that emerged meanwhile.
7. Policy recommendations

- UNESCO and the OECD should revise the Guidelines with the aim to take into account the recent and current developments in higher education, to strengthen their direct impact on designing methodologies for quality assurance of CBHE programmes and regulation of the qualifications by adding stronger guidance for implementation.

- A global framework of agreed principles and standards for quality and quality assurance of CBHE programmes and for regulation of the qualifications obtained in CBHE programmes is pertinent to create trust in the qualifications by applying the same principles and based on these, policies and procedures that use widely agreed components adapted to the national framework conditions. Such a framework should include

  - Standards for CBHE programmes that address the specifics of this type of provision such as organisational challenges for implementation of the programme abroad, especially when local partners are involved, challenges of implementing a programme in a different cultural setting, etc. The standards should focus on how the degree awarding provider exercises its responsibility for the quality of the provision and on how the provider guarantees a quality comparable to the quality of the provision within its jurisdiction;

  - Standards for national quality assurance arrangements in the sending countries to assure full and appropriate coverage of CBHE provision. The standards should address explicitly how providers exercise their responsibility for maintaining academic standards and quality of provision in CBHE, how the provider guarantees a quality comparable to the quality of the provision within its jurisdiction and how they should further provide transparent information about the recognition status of the qualification in the jurisdictions of the provider and of the provision.

  - Standards for explicitly addressing qualifications obtained in outgoing and incoming CBHE programmes in regulatory frameworks for qualifications. These standards should guarantee explicit determination of the recognition of the qualifications.

  - Guidelines for implementing the standards. These guidelines should take into account the differences of the legal and cultural frameworks.
A global framework should build upon existing regional frameworks. With regard to methodologies these frameworks provide for a good basis to take into account the specifics and traditions of the regions despite the convergence of methodologies in quality assurance and of qualifications frameworks.

At the same time the global framework has to be innovative in order to address current developments in higher education with specific relevance for CBHE such as online education, alternative providers, micro-credentials, etc and to provide for capacity to address future developments.

It is urgent to overcome the divide, on the one side, between well-established provision of CBHE with mature quality assurance and regulatory arrangements and a solid basis of transparent information and, on the other side, provision of CBHE outside the public focus, with emerging - if any - quality assurance and regulatory arrangements. There is a danger that this divide reinforces the North-South divide. UNESCO should therefore:

- facilitate the creation of a global CBHE knowledge base. Accessible information at global level about the diverse nature of CBHE, different approaches to quality assurance and regulatory frameworks. Also a glossary would be beneficial to bridge the gap with regard to language, different connotations etc.

- engage in capacity-building activities that take into account the different level of maturity of quality assurance and regulatory regimes. Capacity building and support for implementation is crucial because implementation of non-binding frameworks will necessarily vary according to national legal frameworks and political priorities.

In its activities, UNESCO should make use of the important role of the regional level in (soft) policy making and collaborate closely with regional actors in quality assurance and recognition and with stakeholders at regional and global levels.
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UNESCO-OECD guidelines for quality
provision in cross-border higher education

*Analysis and recommendations to move forward*

Organized by UNESCO in collaboration with the Government of Spain, the 3rd World Higher Education Conference (WHEC2022) aims at breaking away from the traditional models of higher education and opening doors to new, innovative, creative, and visionary conceptions that not only serve current agendas for sustainable development, but also pave the way for future learning communities that overcome barriers, speak to all and are inclusive of all lifelong learners.

The WHEC2022 promotes a global conversation nurtured by diverse narratives on higher education through various activities: generation and dissemination of knowledge; formulation of updated policy recommendations; identification and sharing of innovative practices; networking and strengthening of partnerships; broad participation of stakeholders at local and international levels (within and outside higher education systems: professors, researchers, youth, managers, authorities, policy makers, experts, entrepreneurs, social leaders, etc.); and development of renewed paths framed by the 2030 Agenda for Sustainable Development and looking at the Futures of Education.

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- https://en.unesco.org/themes/higher-education
- cum di audae sunt@CUNEsco.com
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