

### **Transnational Education**

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#### **Preamble**

ESIB the National Unions of Students in Europe was founded in 1982 to promote the educational, economic, cultural, social and political interests of students in Europe. ESIB through its 49 members from 37 countries, currently represents more than 10 million students in Europe.

#### **Introduction**

ESIB fully believes in an inclusive educational system, with democratic decision making bodies and equal opportunities for all. In an education system like this, human rights and student rights are secured and guaranteed by law. Therefore, this ESIB policy is based on and fully compatible with existing ESIB policies, especially the ESIB policy on commodification of education, access to Higher Education and Student Rights, Human Rights.

The phenomenon of transnational education, hereafter referred to as TNE, has been gaining more and more importance in recent years. TNE is closely linked to both the Bologna Process and the process of commodification of education, which have changed the European and global landscape of higher education drastically in the last decade of the 20<sup>th</sup> century.

Transnational education can be defined as all forms of higher education study programs, or sets of studies or educational services (including distance education) in which the learners are located in a country different from the one where the awarding institution is based. Such programs may belong to the educational system of a state different from the state in which it operates, or may operate independently of any national system.

TNE can be provided in various forms, either in campus settings or by e-learning and other distance learning arrangements.

Common forms of TNE are:

- 1** Franchising, whereby a higher education institution from a certain country authorises another institution from the same or another country to provide its educational programs or parts thereof .
- 2** Program articulations, including twinning arrangements, whereby two or more institutions jointly define a study program in terms of credits and credit transfers. These may or may not lead to joint or double degrees.
- 3** Branch Campuses, where a provider opens up a branch in another country than the country of the main campus.
- 4** Off-Shore Institutions, which are autonomous institutions organisationally and content wise part of the education system of a country, but do not necessarily have a campus in that country.
- 5** Corporate Universities, which are usually parts of big transnational corporations providing their own higher education courses, without those being part of a national system of HE.
- 6** International Institutions, which offer international qualifications that are not part of a particular HE system.
- 7** Distance Learning arrangements and virtual universities, where the learner is provided with the course material via post or web-based solutions and self administers the learning process at home.

All these new forms of HE share certain characteristics. They all cross national borders and thus pose challenges and questions to national education systems and international co-operation with regards to equal access to higher education, quality assurance and accreditation, as well as recognition. The majority of TNE arrangements are not however aiming for a degree, but rather are mainly continuing education and professional development education.

### **Recent Developments and emerging challenges in TNE**

In the last ten years the world has witnessed an enormous expansion of TNE, both by international institutions and other new providers such as publishing companies or multinational corporations, but also by traditional universities setting up branches around the globe and exporting their education to other countries. Arrangements for exporting and importing of educational services have been developed in several countries and many European and non-European countries have made investments in marketing their own higher education. In recent years, several virtual universities have emerged and traditional universities are also beginning to offer degrees online. This can offer more flexibility in learning arrangements.

International co-operation should be seen as a driving force for the development of HE. In many countries of the world TNE is seen as a solution to the problem arising from the explosion of the demand for HE and the lack of capacity in national systems to meet this demand. Whilst diversification of provision might be a positive aspect, it is also evident that expansion of TNE in many cases brings about a number of serious problems. TNE can endanger the building up and development of national systems or even replace those systems, especially in transition and developing countries.

The biggest providers of TNE at the moment are primarily highly developed countries such as Australia, the US, Canada, New Zealand, Japan, the UK, France, Germany, Spain and Portugal. However, there is no unified approach to the provision of TNE between those countries at the moment. Whereas some see it as a part of development co-operation others view it primarily as a means of generating profits. In each of these countries there are different groups of providers following either of the above mentioned approaches.

Firstly, problems arise from the fact that some of those new providers of TNE operate on a for-profit basis and are treating students as customers or consumers rather than partners in the educational process. This creates additional exclusion mechanisms. This is especially relevant where public HE systems are not able to meet the needs of the massive number of young people wishing to enrol into higher education. Tuition fee levels for TNE programmes are in many cases extremely high. TNE strengthens existing trends in many countries, where the state retreats from its responsibility of providing tuition free education to its citizens. Thus TNE contributes to the trend in many countries to evade existing human rights agreements, such as the UN Covenant on Social Cultural and Economic Rights from 1966. The for profit basis of many TNE offers is leading to curricula, which are focussing on educating for the market and tend to neglect basic research and the function of HEIs to critically reflect society.

Secondly, TNE often brings in providers whose quality could be questioned and whose qualifications might not be easily recognised. Thirdly, it has to be stressed, that certain TNE arrangements can lead to qualifications, which might not be easily applicable in the local context of the students and may thus increase brain drain. Additionally, it is obvious, that cultural differences tend to be overlooked by many TNE programmes, leading to an "export" of an essentially Western model of education to all parts of the globe.

The rapid growth of TNE arrangements and offers poses major challenges to national HE systems and builds up a tension between transnational and national education. The biggest challenges are related to the role of the state in financing and regulating of higher education.

Quality assurance arrangements are difficult to implement in TNE. Some forms of transnational provision, especially international institutions, off shore campuses and corporate universities are particularly challenging in terms of quality assurance, as they do not necessarily belong to the official higher education system of any particular country. National QA systems usually enshrine certain cultural, social and educational values, which are specific to the national contexts and might therefore not be applicable to transnational arrangements. Whilst there are attempts to establish accreditation agencies operating on a global scale, the question of how and by whom the quality assurance in TNE can and shall be done remains to a big extent unanswered. An international framework for QA in TNE has not yet been developed and its development for the future is uncertain.

TNE also poses questions about licensing and regulating HE. Some attempts have been made to solve these questions, for example by UNESCO and groups of providers. Some actors see the ongoing negotiations about the General Agreement on Trade in Services (GATS) in the World Trade Organisation (WTO) as a solution to those questions. The attempt to solve problems of regulation of transnational education in a free trade framework also suggests a more market driven approach to higher education in general, which conceptualises HE as a commercial service being offered to consumers.

The development of e-learning is one of the big challenges for higher education providers in the future. New pedagogical solutions and new teaching, learning and communication methods will have to be developed to make e-learning an attractive, open and beneficial arrangement. Also, the question of access to technology has to be resolved, not to create a new digital divide both within a given country and between the developed and developing countries.

Transnational qualifications and degrees obtained through TNE arrangements, pose questions to existing schemes of recognition of academic qualifications. Whilst recognition is comparatively easy for twinning arrangements or branch campuses of traditional universities, the recognition of degrees of international institutions, off shore campuses or corporate universities is often equally problematic as their quality assurance. The present instrument of recognition of academic qualifications in Europe called the Lisbon Convention does not cover TNE. The GATS treaty addresses recognition and domestic regulation, but with an aim of progressing deregulation and further liberalisation of trade in services. According to some legal interpretations the GATS articles on recognition could offer one possible framework for a legally enforceable way of addressing recognition issues. However, trying to organise recognition of academic qualifications within a free trade framework is questionable in itself .

Summing up, TNE as a transversal topic touches on almost every issue in higher education policy and poses totally new questions to political decision makers with regards to those questions. Issues arising from the increasing European co-

operation in the Bologna Process of setting up a European Higher Education area and the general process of globalisation have certain characteristics in common with TNE, as well as they partly contradict each other. This complicates the issues even further and cannot be easily resolved.

## **ESIB**

ESIB stresses that it is the responsibility of the state to provide its citizens with free higher education and life long learning education. The emerging TNE should not be seen as a means for evading this responsibility. ESIB further believes that education is a public good, which fulfils important functions for the social and economic development of societies and states. ESIB strives for creating an inclusive Higher Education system, which creates equal opportunities for students from different social backgrounds. ESIB also views education as the main instrument for ensuring human rights, democracy, peace and sustainable economic growth.

However, ESIB believes that in some cases TNE can contribute to fostering access to higher education by allowing a bigger percentage of the population to enrol in tertiary educational programs. Furthermore ESIB believes that TNE can increase and diversify the educational possibilities available for students.

If implemented properly TNE can stimulate international co-operation and lead to an enhancement of quality of both the TNE programs and the programs of the traditional providers. In countries with a rapidly growing demand for higher education but not enough HE programmes available, TNE can help in bridging the gap between supply and demand of higher education. Twinning programs and program articulations can offer international and broad perspectives in many areas, which benefit from the global perspective. This can and should also be addressed by creating joint or double degrees as a result of these arrangements. Distance education can facilitate access to HE for traditionally underrepresented groups, such as part time learners or people from geographically remote areas.

However, in order to reach those objectives certain guidelines and principles have to be followed.

TNE degree programs must not be used as means for generating profit but TNE just as all other education should contribute to the development of the society, operate in the public interest and respect knowledge and research sharing. Tuition fees must not be introduced in programmes leading to a degree and thus supplementing national systems. Within TNE arrangements, students and staff should have the same legal rights as in all other forms of HE. Labour legislation and social security regulations for students and staff must not be bypassed

despite possible deficiencies in labour legislation in some the countries where TNE is provided. As in all higher education, Students and staff in TNE have to be fully involved in decision making.

Transnational education providers must be sensitive to the needs cultures of the communities in which they operate. This responsiveness should be assured through a process of consultation with the local stakeholders such as the national and local policy makers and administration, employers and students. Co-operation with local higher education providers should be favoured. There should be clear goals stated for higher education provided transnationally.

Just as other forms of education, TNE should contribute to the development of democracy and citizenship. Therefore, academic freedom and freedom of research, quality, equality and diversity have to apply to TNE programs and institutions.

TNE providers should offer programmes of the same quality as in the countries they come from when operating abroad. Primarily, national quality assurance systems of the receiving countries should be used to assess the quality of transnational programs next to the responsibility of each sending country to control and assess the quality of it s TNE provision. However, it is crucial that national systems are being developed and enhanced to improve educational systems, especially where these mechanisms are not in place yet. Quality assurance is the most important tool for controlling TNE. Where quality assurance mechanisms do not exist, those should be created. TNE programs should generally fulfil the same quality standards applied to the national programs. Thorough information about the quality of TNE has to be made available to prospective students to facilitate their choice. ESIB calls upon the governments to implement quality assurance mechanisms and provide the necessary information to the students. Thus, degree mills and other bogus institutions can be easily controlled and ruled out.

Providers of TNE should adhere to codes of good practices such as the UNESCO/CEPES and Council of Europe Code of good practices.

With regards to regulation, ESIB believes that supranational bodies such as UNESCO have a vital role in the set up of a comprehensive regulatory framework for TNE. ESIB further believes that neither the World Trade Organization nor the GATS treaty can create appropriate regulatory frameworks for TNE. Therefore, ESIB has stressed on several occasions its disapproval of any further commitments in higher education into the GATS treaty and has called for a moratorium of the ongoing GATS negotiations.

With regards to e-learning arrangements ESIB stresses the need to provide access to the technical infrastructure to prevent the development of a digital divide between those countries where information technology is easily accessible and those where this is not the case. Also, within countries those students coming from socially or educationally disadvantaged backgrounds have to be provided with access to technology to allow them more easily to enter HE. Furthermore, more resources have to be invested in staff education in e-learning and research on appropriate pedagogical methods for e-learning.

ESIB does not believe that all forms of TNE can or even should be recognised as formal higher education. Those degrees recognised, however, need to be subject to quality assurance mechanisms to allow a formal assessment of their quality as a prerequisite of their recognition.

Given the above mentioned objectives and the principles to reach those, ESIB firmly believes that a dialogue between all stakeholders in HE is necessary to reach those. Therefore, ESIB calls on governments, UNESCO, the EU, the Council of Europe and international quality assurance bodies as well as students, teachers and universities to engage in a constructive dialogue about TNE and possible solutions to the questions which are posed by it.

ESIB firmly believes that a failure of such attempts will result in non-transparent and merely profit driven developments which will harm the objectives of the Bologna Process and the positive impacts that internationalisation attempts can have on educational systems as well as violating existing Human Rights agreements.

ESIB commits itself to continue to work with our partners in IGOs, teacher and student NGOs, universities and other NGOs working on those issues, to address questions of mutual concern and to come up with constructive suggestions for solutions to these.

## **Conclusion**

ESIB firmly believes in the role of education in developing a democratic responsible and sustainable society.

ESIB further believes that TNE can contribute to reaching these goals if implemented properly. However, if no constructive attempts are taken to make TNE beneficial for students, staff and societies, ESIB sees the danger of negative and harmful developments for the educational sector as a whole.

Therefore ESIB calls upon the higher education community to actively engage in the discussion around TNE, solve existing problems and ensure that the positive objectives of TNE are met.