The Political Economy of Cross-Border Higher Education in an Era of Complexity: Analysis of the Role of OECD/UNESCO Guidelines in the Development of Quality Assurance and Regulation

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Abstract

Higher education is a complicated phenomenon in the modern world, involving a large number of institutions, a diverse student body, a variety of functions and objectives, and a wide range of orientations. The most common types of internationalization in higher education a few decades ago were faculty exchanges and international student mobility, which involves students traveling from one country to another to study at a foreign institution either on scholarship or on their own cost. New forms of education for international students have emerged in recent decades and are referred to as cross-border, borderless, or transnational higher education. These ideas lack a clear, generally accepted definition. The British Council collected definitions of Cross-Border Higher Education (CBHE) from a number of international organizations. This paper outlines the scope of CBHE and examines its various interpretations. The economics of this sector overall is examined, as well as the opportunities and risks associated with the growth of cross-border higher education. The contribution of the Organization for Economic Cooperation and Development (OECD) GUIDELINES and the United Nations Educational, Scientific, and Cultural Organization (UNESCO) to the development of quality assurance in CBHE is then thoroughly examined in this paper, taking into account the historical context of the GUIDELINES as well as the changing nature of higher education. The question of whether a change is required or if the GUIDELINES are still useful nineteen years after they were adopted will receive particular attention. The topics of this paper include quality assurance and regulation. It emphasizes how important it is for CBHE to be a part of both external and internal systems at the quality assurance level. Therefore, to externally assure the quality of CBHE in both the sending and receiving countries,

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agency coordination is necessary in addition to integrating CBHE into the institutions' quality assurance processes. Additionally, this paper recommends that all CBHE projects be covered by higher education institutions' internal quality assurance systems, making the information publicly accessible to potential students and other pertinent stakeholders in the country of delivery.

Keywords: Education, Higher Education, Cross-Border Higher Education, OECD, UNESCO, Quality Assurance, Regulation.

Introduction

National governments have been justified in frequently passing legislation to protect their institutions from unfair international competition and to protect students from receiving inferior instruction because of the historically high political sensitivity of higher education. The United Nations Educational, Scientific, and Cultural Organization (UNESCO) and the Organization for Economic Cooperation and Development (OECD) jointly released recommendations aimed at protecting students and other stakeholders against poor quality services and unscrupulous vendors. National governments have been looking into the possibility of using quality assessment and accreditation procedures to regulate new types of cross-border supply, as recommended by UNESCO and the OECD. By supporting policies that put the free flow of people, capital, goods, and services above all other considerations, the European Commission seems to be attempting to obstruct this route in order to justify the significance of liberalization. Should Massive Open Online Courses (MOOCs) prove to be an effective instrument for global education, the immaterial nature of open online offers will present additional difficulties.

Higher education has grown at an unprecedented rate in recent years, increasing both the number of students and the output of conventional universities and colleges. During this time, there has also been a notable increase in the demands for higher education from the socioeconomic and political sectors. These developments have occurred without a commensurate increase in university facilities and financing. This has led to an imbalance between the sector's goals for higher education and its institutional capabilities. One of the underlying patterns is that the traditional agreement between society and higher education has become more difficult. Society no longer accepts the rather special and protected standing that universities have long maintained in our societies. The knowledge-based social and cultural objectives of higher education institutions are no longer the main justification for public spending on higher education.

Universities and colleges are now expected to function efficiently, contribute to the balance of national and even worldwide trade, and promote sustainable economic growth on a variety of levels. Additionally, they must show that they are able to adapt to the changing needs of their environment and a diminishing per-capita funding base while still delivering high-quality education, research, and services. This is all in line with the so-called phase of transition that is taking place right now in our societies as they shift from being centered on manufacturing to being driven by knowledge or information. Despite the assertion that universities are crucial to the emerging information society, it is not entirely obvious what these establishments are for, how they fit into it, or what adjustments they need to make. Many scenarios and projections have been created, but there is sometimes a dearth of knowledge that prevents more accurate and legitimate assessments of the changing processes that define higher education today.

Since the Middle Ages, universities have existed as secular institutions. Portugal is home to the University of Coimbra, one of the oldest universities in Europe, which was established in 1260. Although Bologna (1088) is officially acknowledged as the first European university, Oxford (1167) and the Sorbonne (1160) are also noteworthy examples of early European universities. It is widely accepted that the first modern university was probably constructed at Fez, Morocco, in 859 when Al Qarouine University was established, even though there are historically significant institutions in many parts of the world, especially the Arab world. It is important to remember that students went far and wide to attend some of the best universities in the world and study under the most renowned teachers, despite the fact that travel was hazardous and challenging at the time. In those ancient days, colleges were already very popular around the world. As seen by the *peregrinatio academica*, scholars were frequently on the road (Nardi, 2016).

One of the biggest developments in higher education nowadays is internationalization (Teichler, 2019; Altbach, 2020). Aiming to make higher education "more responsive to the requirements and challenges related to the globalization of societies, economy, and labor markets," internationalization is described as "any systemic, sustained effort" (Vander-Wende, 2021). This tendency to "increase convergence and interdependence of economies and to the liberalization of trade and markets" (Kälvemark & Vander-Wende 2017; Vander-Wende 2021, p. 253) is fueled by the expansion of globalization and international competitiveness.

For a number of reasons, such as political, cultural, academic, or economic ones, internationalization can take many different shapes (Knight & de Wit, 2015). The use of a common language and cooperation with former colonies (cultural rationale), opinions about a country's place in the world (political rationale), or the advancement of international standards

for research and instruction (academic rationale) are some of the other reasons it can be used (Amar & Ros, 2023). Nevertheless, in a setting increasingly characterized by global competition, the economic rationale is gaining ground. In order to attract highly skilled workers and talented students who will be vital resources for the knowledge economy, internationalization has also moved toward a more market-oriented approach, given that knowledge is thought to be the main driver of economic advancement (Vander-Wende, 2021). In order to deal with budgetary constraints and cuts in public spending, higher education institutions (HEIs) are being encouraged to look into alternative funding streams. In this context, higher education commerce has grown rapidly and in a variety of ways. The provision of international higher education programs and institutions in emerging and transitional nations is increasingly supplementing the most common of these, which is student migration to study at overseas universities (Bashir, 2022). "International higher education initiatives exist in almost every country... especially the large English-speaking [developed] nations," Altbach and Knight (2023) state (p. 294). This kind of commerce, which may or may not include e-learning, is known as cross-border, borderless, or transnational higher education (Amar & Ros, 2023). Therefore, "a range of interlocking activities—including e-learning, other forms of transnational provision and new providers (e.g., for-profit universities)—that cross a variety of 'borders', whether geographic, sectorial or conceptual" may be referred to as "borderless higher education" (Ryan, 2022, p. 1).

Cross-Border Higher Education (CBHE) has been a commonplace phenomenon over the last 25 years, having previously been a specialized phenomenon found only in a few countries, such as Australia, the UK, or Hong Kong. The increasing number of higher education systems nationwide that are affected, whether as a result of targeted participation from institutions of higher learning, more extensive policy introductions, or the creation of "education hubs" by (national) authorities, has drawn political attention to CBHE. Regardless of the subject of prior CBHE meetings, the quality of the product was always a matter of discussion. An analysis of a number of scholarly and political articles shows that, even from the beginning of CBHE, there seemed to be widespread consensus that the quality of these programs was at risk and, as such, needed greater attention than a "regular" supply within national borders. There are two parts to this anticipated quality risk: On the one hand, and even now, the biggest threat came from students enrolling in subpar programs. However, it was also thought that by providing poor programs, universities ran the risk of damaging their reputation elsewhere. Even in the absence of empirical evidence, the concern that CBHE may be of poor quality frequently

remains vague. It appears that this worry is frequently predicated on the idea that "poor quality equals missing regulatory framework."

Regarding the particular significance of quality in CBHE, there is another convincing point of view. Australia, one of the biggest exporters of educational programs, has always placed a lot more emphasis on the overall quality assurance of CBHE due to its economic importance. Education is Australia's third or fourth largest export sector, and one in four students were enrolled in CBHE programs in 2005 (Clayton, 2021). If one accepts the idea that a program's quality directly and significantly affects its economic success in "selling" it to students abroad, then it makes sense that the topic of quality in CBHE was viewed as being of enormous concern even outside the higher education sector. This is also true from the other perspective. Hong Kong declared in 1997 that access to higher education should be a primary focus of educational policy due to a significant shortage of skilled personnel in the local sector. As of 2013, Hong Kong offered 1144 CBHE programs (British Council, 2013).

However, practitioners and policymakers in higher education generally paid very little attention to CBHE during the 1990s. With the exception of a few countries that took part in CBHE early on, it was rarely brought up in the literature or relevant political and scientific discussions. This changed significantly in the year 2000, when the caliber of CBHE quickly became the most important political issue on a national and international level. The issue gained attention in 2001 when the United Nations Educational, Scientific, and Cultural Organization (UNESCO) and the Council of Europe jointly published the *UNESCO/Council of Europe Code of Good Practice in the Provision of Transnational Education*. A few years later, during the General Agreement on Trades in Services (GATS) negotiations, particularly from 2004 to 2007, the framework conditions of CBHE—specifically, the legal and regulatory aspects as well as the quality assurance aspects—finally came to dominate political discussions. Whether foreign higher education would be considered a service like any other under the GATS was the main question. If this is the case, CBHE would not be subject to the generally accepted national standards and rules for the approval and quality of higher education, nor would it be subject to sovereign authorities (Knight, 2023). The topic's great relevance is demonstrated by the impressive partnership between UNESCO and the OECD, which resulted in the *2005 OECD/UNESCO Guidelines for Quality Provision in Cross-Border Higher Education* (commonly known as the "GUIDELINES"). In the area of CBHE, the guidelines have become the most important international suggestion for laws, rules, and quality control.

Political interest in the subject declined after the GATS talks broke down in 2005 and the subsequent fruitless attempts to restart them. The argument over whether CBHE needs specific regulation, however, has never truly gone away. This is one of the primary reasons for the continuous rise in CBHE levels.

This paper explains the scope of cross-border higher education (CBHE) and looks at the various meanings of the term. Along with the economics of the sector, the opportunities and dangers associated with the growth of cross-border higher education are examined. This paper then looks more closely at the significance of the OECD/UNESCO GUIDELINES in establishing quality assurance in CBHE, taking into account both their historical context and the changing nature of higher education. Special emphasis will be paid to the question of whether the GUIDELINES are still useful 19 years after they were adopted or if they need to be modified. This paper focuses on quality assurance and regulatory challenges. It emphasizes that at the quality assurance level, CBHE needs to be a part of both internal and external systems. Agencies must work together to externally ensure the quality of CBHE in both sending and receiving nations. But the institutions' quality assurance protocols also need to include CBHE. According to this paper, all CBHE activities ought to be covered by the internal quality assurance systems of higher education institutions, so that potential students and other stakeholders in the country of providers can access information about them.

Defining Cross-Border Higher Education

Up until a few decades ago, teacher exchanges and student mobility—the practice of people from one country attending a foreign university on a scholarship or at their own expense—were the most common ways to internationalize higher education. New forms of education for international students have emerged in recent decades and are referred to as cross-border, borderless, or transnational higher education. There is no widely accepted definition for these terms. The British Council (2012) collected a range of CBHE definitions from several international organizations (Table 1.1). However, there are several situations in which national authorities employ different definitions. The Australian government states that e-learning that is solely conducted remotely is unacceptable and needs to have an in-person component (Middlehurst, 2022, p. 44). "Those foreign corporate, individuals, and related international organizations in cooperation with educational institutions or other social organizations with corporate status in China, jointly establish education institutions in China, recruit Chinese citizens as major educational objectives, and undertake education and teaching activities"

according to the Chinese Ministry of Education's definition of TNE (British Council, 2012, page 13).

International activities include traditional faculty exchanges, study abroad programs, and innovative forms of cross-border, transnational, or borderless higher education for students from other countries. Although these terms are often used interchangeably, there are some subtle conceptual differences between them that are related to these new developments in higher education. Knight (2023) defines "borderless" as the "blurring of conceptual, disciplinary, and geographic borders traditionally inherent to higher education," which means that boundaries are vanishing in a setting where e-learning and distant learning have made remarkable strides. These new educational offerings have raised concerns about accreditation, quality, and cost, which emphasizes the importance of boundaries. The word "cross-border" tends to specifically highlight certain boundaries, which are seen to be significant when considering regulatory frameworks.

Table 1.1 Multilateral Definitions of Cross-Border Higher Education

Name of Institution	Year	Definition
Global Alliance for TNE	1997	Cross-Border Higher Education denotes any teaching or learning activity in which the students are in a different country (the host country) to that in which the institution providing the education is based (the home country). This situation requires that national boundaries be crossed by information about the education, and by staff and/or educational materials
Council of Europe— Lisbon Recognition Convention	2002	Defines CBHE as 'All types of higher education study programmes, or sets of courses of study, or educational services (including those of distance education) in which the learners are located in a country different from the one where the awarding institution is based
UNESCO/OECD Guidelines for quality provision in cross-border	2005	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.

education		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)
INQAAHE	2010	CBHE includes distance education courses offered by higher education providers located in another country, joint programs offered between a local provider and a foreign institution, franchised courses offered with or without involvement of staff members from the parent institution, and foreign campuses of institutions developed with or without local partnerships

Source: British Council, 2012, p. 12.

The concept of CBHE is defined broadly as "higher education that takes place in situations where the teacher, student, program, institution/provider or course materials cross national jurisdictional borders." Some national authorities, such as the Australian government, do not include e-learning that is delivered only through distance learning in their definition, which is far from universal. CBHE may encompass higher education provided by private, public, and nonprofit or for-profit institutions. It encompasses a wide range of modalities, from remote education—which uses a range of technologies, including e-learning—to in-person instruction, which can take many forms, such as students visiting overseas or campuses abroad (UNESCO/OECD, 2005). In this definition, the two primary CBHE providers identified by Jamil Salmi and Orlanda Tavares (2020) are: "new or alternative providers," which are primarily concerned with teaching and the provision of education services (usually businesses or organizations that offer services and/or programs for profit, commercial education, corporate universities, professional, governmental, and non-governmental organizations, virtual universities, as well as other types of organizations, including rogue or low-quality providers); and traditional higher education institutions, which are typically focused on teaching, research, and service to society (and include public, private, and for-profit institutions). This suggests that education can be delivered through synchronous and

asynchronous virtual environments, remote learning, and mixed modes in addition to the traditional face-to-face interactive form. A wide range of educational delivery techniques, such as networks, mergers, virtual education, double/joint programs, offshore campuses, and many more that are still in the development and expansion stages, are thus included in the global, expanding phenomena that is CBHE.

The Scope of Cross-Border Higher Education

The introduction of a market and trade approach to international education, the increased demand for postsecondary education, especially the unmet demand for first-time, adult, and career-changing students, the renewed emphasis on education mobility, and the notable advancements in the use of information and communication technologies for education delivery are some of the favorable environments that have facilitated cross-border higher education (Middlehurst, 2022). The use of English as an international language, especially in Asia, the ability to form alliances with countries eager to expand private Higher Education (HE), such as Malaysia and Yemen, friendly higher education laws, and national e-learning policies, like those in Malaysia, where the government plans to have one-third of all HE online by 2026, have all contributed to the growing phenomenon of cross-border higher education provision (UNESCO, 2020; Middlehurst, 2022).

According to Middlehurst (2022), there are five main types of providers and services: individual (offering the usual range of educational activities); consortiums (offering the full educational process depending on the nature and goals of the consortium); *part* or *joint* and *multi-agent*, divided into two groups according to the types of collaboration (different agents handling different aspects of the educational process, with some agents being commercial organizations); and "self-assembly" (the curriculum is designed by the students in negotiation with the academics). Knight (2015) went on to categorize these providers into two main groups: (i) traditional higher education institutions, which are commonly focused on teaching, research, service/commitment to society, and/or teaching; these include private non-profit, public non-profit, and private for-profit institutions, as well as rogue or low-quality providers; and (ii) "new or alternative providers," which are primarily focused on teaching and the delivery of education services; these include corporate universities, commercial education, professional, governmental, and non-governmental organizations, virtual universities, and other kinds of organizations (Knight, 2015; Middlehurst, 2022). One example of a typical higher education institution growing abroad is Monash University, a public university in

Australia. It maintains research and educational facilities in Malaysia, China, Italy, and India in addition to its five campuses in Australia. Monash South Africa and other locations also offer Monash University courses. A number of traditional schools and universities (such as the University of Maryland) are also providing online and blended learning options, which is a reflection of the changing technological landscape around higher education.

The final example of a for-profit university is the University of Phoenix, which gets its name from the fact that its main office is in Phoenix, Arizona, in the United States. The institution offers more than 100 associate's, bachelor's, master's, and doctoral degree programs at 112 campuses across the world. It is a wholly owned subsidiary of Apollo Group Inc., a publicly traded business with headquarters in Phoenix that runs a number of for-profit educational facilities.

New methods of delivering education are emerging along with technology: in addition to the traditional in-person interactive method, education can be delivered virtually (synchronous and asynchronously), remotely, or in a hybrid fashion (Middlehurst, 2022). At the same time, the medium used for educational purposes is also changing, shifting from traditional print and text to visual (images, videos, and symbols), audio, and voice to multimedia and technology-mediated. As a result, educational services can be delivered in a variety of settings, such as homes, workplaces, learning centers, campuses overseas, franchised businesses, public institutions, and for-profit establishments. Furthermore, it seems that the academic community is no longer the only source of newly generated information. In fact, "fit for purpose" and "value for money" are criteria for curriculum and content, so "it is likely to become more widely shared—with significant implications for standards, assessment, and qualification frameworks—to design and determine 'content' (and ensure its currency and credibility)" (Middlehurst, 2022, p. 13). The credentials will likely spread along with the authority to create material. An example comes from the IT sector, which operates outside of national quality assurance frameworks and is involved in both program design and certification procedures at various levels (Middlehurst, 2022). New credentials include joint degrees, professional doctorates, professional certifications, "integrated" degrees, dual/mutual awards, and professional certifications.

The three main types of CBHE are borderless e-learning, branch and franchise campuses, and student mobility. According to the statistics currently available, cross-border travel by international students—that is, eating abroad—remains the most prevalent delivery method

and is probably going to be the key force behind internationalization in the years to come. The number of students studying overseas is steadily increasing. The World Bank reports that the number increased by more than 50%, from 1.64 million in 1999 to 2.45 million in 2004 (Bashir, 2022). The OECD claims that between 2000 and 2010, the number of education-at-a-glance reports increased by 100%. According to figures published by the UNESCO Institute for Statistics in 2018, there were just over four million mobile students worldwide. According to Middlehurst (2022, p. 174), there were 4.4 million mobile students in 2018 as opposed to 0.8 million in 1975.

53% of mobile student enrollment occurs in Asia, while 23% occurs in Europe (Middlehurst, 2022, p. 175). The top importers and exporters of mobile students are listed in Table 1.2 (UNESCO, 2020). In 2019, the United States (18%), the United Kingdom (11%), France (7%), Australia (6%), and Germany (5%), accounted for over half of all mobile students. However, from 55% in 2000 to 47% in 2018, the top five saw a decline in their international enrollment proportion. The development of China, Malaysia, and India as three new tourism destinations may be the reason for this (UNESCO, 2020).

Table 1.2 Main Importers and Exporters of Mobile Students

Main Importers		Main Exporters	
Country	**Number of Students**	**Country**	**Number of Students**
United States	740,482	China	694,400
United Kingdom	427,686	India	189,500
France	271,399	Republic of Korea	123,700
Australia	249,588	Germany	117,600
Germany	206,986	Saudi Arabia	62,500

Source: UNESCO, 2020

Large quantities of money are invested by nations like China, South Korea, Saudi Arabia (with 160,000 citizens), Brazil, Chile, Ecuador, Kazakhstan, and Russia to provide scholarships for its citizens to study overseas. International rankings could be important since they could influence foreign students' travel selections (Dill & Soo, 2022). In fact, according to Hazelkorn (2023), "rankings have arguably and controversially become the accountability and transparency instrument by which students—especially international students—governments

and other stakeholders acquire such information in the absence of institutionally generated comparative material" (p. 13).

With international universities offering higher education overseas either independently or in collaboration with local institutions, through cross-border supply or commercial presence, CBHE has been growing quickly. The three main forms of CBHE found by Adam's (2021) survey were a franchise, branch campus, and distant learning. "An entity that is owned, at least in part, by a foreign education provider; operated in the name of the foreign education provider; engages in at least some face-to-face teaching; and provides access to an entire academic program that leads to a credential awarded by the foreign education provider" is how the Cross-Border Research Team defines a branch campus (C-BERT, 2021). A provider in Country A establishes a satellite campus in Country B to serve students there (in certain cases, allowing Country A students to enroll in a semester or courses overseas). The qualification was given by the provider in Country A (Knight, 2023). Through a franchise agreement, a provider in source country A can authorize a provider in country B to provide a service, program, or course in country B or other countries. The qualification is given by the provider in Country A. The standards for management, training, assessment, profit-sharing, and credit/qualification awarding are specific to each franchise agreement. These agreements must also comply with any national legislation that may be relevant in Country B. Virtual or distance learning refers to a setup in which a provider uses mostly Internet technology to provide courses or a program to students in various countries using online and distant learning modalities. It could involve providing students with some in-person assistance through home study or support centers (Knight, 2023).

The Cross-Border Research Team (C-BERT) database (2021) has 217 Branch Campuses from 31 exporting countries, of which 19 are expected to open shortly and 28 are said to have closed. The United States (83), the United Kingdom (32), Australia (17), France (16), and India (8) are the leading exporters based on the number of branches. The leading importers among the 67 countries are the United Arab Emirates (33), China (29), Singapore (14), Qatar (11) and Malaysia (9). For instance, Dubai's Knowledge Village is a professional learning, human resources management, and educational free-trade zone campus run by 100% foreign ownership. The UAE government has encouraged private education providers to open their offices there (Godwin, 2023). As a result, all of the nation's residents now receive free education. Colleges, professional centers, computer training providers, executive development providers, and suppliers of occupational evaluation and testing are among the more than 400 organizations and businesses that call it home. Another notable example is Malaysia, which

has noticed the potential of higher education as a new source of growth and export revenue and has become an unexpected competitor in the global market for international students. The country hopes to become a hub for higher education in the region (Tham, 2022; Mazzarol et al., 2023).

As a result of their readiness to engage in fierce competition in the Asia-Pacific region, new firms may emerge in this lucrative worldwide market (Mazzarol et al., 2023). Turkey, Malaysia, and China are newcomers to the CBHE market. Therefore, there are examples of universities operating abroad even in countries that have traditionally imported, such Megatrend University in Serbia or Limkokwing University of Creative Technology in Malaysia. Both universities are private, English-speaking, and have branches abroad. While the latter has two sizable campuses, one in London and one in Vienna with 26,000 students, the former has campuses in London, Lesotho, Botswana, Vietnam, China, and Cambodia.

Zhang et al. (2023) interpret the branch campus distribution using the World Economic Forum's global competitive index, which categorizes countries into three groups: factor-driven (low wages and natural resources), efficiency-driven (higher education and training, market, labor market, financial market efficiency, technology readiness, and market size), and innovation-driven (business sophistication and innovation). Out of 201 branch campuses, 168 were established by innovation-driven economies, 21 by efficiency-driven economies, and 12 by factor-driven economies. When considering the host country, 109 were created in economies driven by innovation (the United Arab Emirates being the biggest importer), 74 in economies driven by efficiency, and just 18 in economies driven by factors. For a variety of reasons, including "unmet demand for education, building a competitive workforce combined with regulatory incentives that encourage foreign investment in the direct provision of education," countries embrace those campuses (Zhang et al., 2023, p. 9).

Another way that CBHE is delivered is through distance learning, which is defined by a range of learning activities where the teacher and student are not in close proximity. These educational exercises—or the structure that houses them—may or may not be a part of a country's higher education system. Guri-Rosenblit (2022) states that, despite their interchangeability, distance learning is different from e-learning. Although "e-learning, on the other hand, is a relatively new phenomenon which is related to the use of electronic media for a variety of learning purposes that range from add-on functions in conventional classrooms to full substitution for the face-to-face meetings by online encounters," distance education takes a different approach than a campus-based university, reaching students wherever they live or want to study (Guri-Rosenblit, 2022, p. 469). Therefore, the technical tools that enable e-

learning are web-based, web-distributed, or web-capable. Satellite transmission, interactive television, audio and videotape, CD-ROM, the internet, and intranet delivery of content and instructional methods are all included (Moore et al., 2023).

Globally, higher education systems are facing challenges from emerging information and communication technologies (ICT). The global economy has been greatly impacted by these technologies, which also have the power to fundamentally alter the character of learning environments in both traditional and remote learning contexts (Guri-Rosenblit, 2022). Indicators of this new technological environment include MOOCs, blended learning, open educational resources, and digital content (courses and libraries). Although Asia leads the globe in borderless e-learning, Africa could be the next big market (seven of the ten fastest-growing countries are in Asia: Myanmar, Thailand, Malaysia, Vietnam, Indonesia, Nepal, and Pakistan). Other nations, like Slovakia, Ethiopia, and Mozambique, are also participating in this type of service (UWN, 2021). According to UWN (2021), the biggest online providers are Korea National Open University (210,000), ChinaEdu (311,000), the University of Phoenix (400,000), and Cisco (1,000,000).

Higher education institutions and venture investors are paying close attention to the relatively new online learning phenomena known as Massive Open Online Courses, or MOOCs, since they see it as a new source of funding. MOOCs were initially introduced by US initiatives in international cooperative partnerships such as Coursera (www.coursera.org), a partnership comprising 62 elite universities led by Stanford University, and EdX (www.edx.org), which brings together the Massachusetts Institute of Technology, École Polytechnique Fédérale de Lausanne, and the Hong Kong University of Science and Technology (Liyanagunawardena, Adams & Williams, 2019). Udacity, P2P University, Futurelearn (the UK Open University's MOOC platform), iVersity (German), UniMOOC (Spanish), and XuetangX (Chinese) are other similar platforms. Three million people have visited Veduca in Brazil, and since January 2014, the website has raised 1.3 million dollars (Department of Business Innovation & Skills, 2023a). For example, 2.5 million people have registered for MOOCs at EdX, with 300,000 of those individuals coming from India (Department of Business Innovation & Skills, 2023a).

The Economics of Cross-Border Higher Education

Inspired by classical egalitarian and social welfare ideals, education has long been seen as a public good that fosters the growth of knowledgeable and educated groups of people. However, because of the impact of globalization and the growth of the knowledge-based economy, there have been significant tendencies in recent years towards a larger commercialization of

education, as well as the expansion of neo-liberal ideas and financial pressure on the welfare state (Peters, 2022). Consequently, economic imperatives are increasingly influencing education policy (Martens & Starke, 2022).

In order to create a global economy and knowledge-based society, neo-liberal ideologies have advocated for the dismantling of national borders to allow for free markets and international trade. The paradigm of higher education is being shifted from one that prioritizes social and cultural rights to one that places an emphasis on economic returns, turning institutions into service providers and students into consumers (Tava & Cardo, 2020). Some argue against the "increasing colonization of education policy by economic policy imperatives" (Ball, 2018, p. 122). According to this view, free trade would improve human intelligence (Jones, 2018). Through the General Agreement on Trade in Services (GATS), the World Trade Organization (WTO) is attempting to liberalize education services globally (Amar & Ros, 2023). Under the GATS, the US specifically asked that education be considered a marketable service or commodity. It is the process of standardizing goods and services so that "when a product or service is commoditized, it can be readily compared with other products like it, and competition revolves strictly around the price of the good" (Weigl, 2022, p. 14). The governments of developed countries have thus made a concerted effort to capitalize on a growing domestic and global market as education has been increasingly "discovered as a lucrative service industry and export commodity" (Martens & Starke, 2022, p. 3).

Altbach and Knight (2023) assert that financial gain is the main motivation behind most internationalization efforts. This objective is pertinent not only to the for-profit sector but also to some traditional non-profit universities that are having financial difficulties due to government budget cuts. Even though one might think that the sums are substantial considering that higher education usually makes a substantial contribution to the economy as a whole, assessing the economic impact of CBHE is difficult. It is particularly challenging to analyze the impact of foreign operations on participating enterprises and academic institutions, even though the number seems to be significant and growing quickly (Altbach & Knight, 2023).

In addition to the Bologna Process and the ERASMUS program, which encourage students to study abroad within Europe by promoting compatible program structures/academic qualifications and transferable credits, internationalization is taking place throughout the European Union (EU) through cross-border expansion towards the Latin American and Asian Pacific regions (Altbach & Knight, 2023). The governments of the leading education exporters, such as the United States, Australia, and the United Kingdom, stand to benefit the most from removing barriers to the international delivery of higher education services. According to the

Observatory on Borderless Higher Education Report (2022), the flows of international students vary significantly. Specifically, the study finds that there is a significantly larger outflow of students from East Asia to West Anglophone countries, namely the United Kingdom, the United States, Canada, and Australia (Brooks & Waters, 2023).

Tuition, accommodation, food, travel expenditures, other charges, and related tourism that students and their families engage in are all covered by the substantial economic contribution made by international students (Altbach, 2020; Vickers & Bekhradnia, 2022). In the UK, the higher education sector supported 750,000 jobs, 118 billion US dollars, and 2.8% of GDP during the 2018–19 school year. Foreign tourists and students occupied 64,000 employment, $13 billion, and 17% of all students (Universities UK, 2021). To take advantage of the significant rise in the value of education exports, new strategies are being implemented. The "Education is Great" campaign, for example, aims to persuade students from developing nations to enroll at UK universities. The goal is to increase the number of overseas students enrolled in British universities by up to 20%, or about 90,000 more students, during the course of the following five years. In order to boost commercial opportunities, encourage UK students to study overseas, and promote the UK educational system outside, the British government is introducing a new initiative.

It is also boosting the amount of money the Department of International Development spends on partnerships in higher education, which link universities in poor countries with UK institutions, and supporting UK companies that utilize innovative educational technology, such as MOOCs. Finally, it is expanding the popular Chevening scholarships offered by the Foreign and Commonwealth Office, which encourage foreign students to pursue studies in the UK (Department for Business Innovation & Skills, 2023b). The Association of Foreign Educators reports that 886,052 international students are enrolled in US colleges and institutions (NAFSA, 2021). These students (and their families) contributed $26.8 billion to the US economy and supported 340,000 jobs during the 2017–2018 school year. This shows a 12% increase in the amount of money given to the economy and an 8.5% increase in the creation and support of jobs compared to the previous academic year. US schools and universities, together with private companies, are also involved in hundreds of projects and collaborations to offer cross-border education courses and programs, especially for Asia (Korea, India, China, Thailand, Vietnam, etc.) and the Middle East (Kuwait). Prominent names in US cross-border commerce include Laureate Education, Apollo Group, DeVry, Kaplan, Career Education Corporation, and Altbach & Knight (2023).

220,000 overseas students studied in Canada during the 2016–17 school year, contributing USD 7.7 billion to the nation's GDP and supporting 86,000 jobs. China and South Korea accounted for 37% of those students (CBC, 2020). Saudi students in Canada spend 44% of the Kingdom's imports from Canada on educational services, according to CBC (2020). In addition to supporting 95,000 jobs, 300,000 overseas students—or 29% of all registered students in Australia—also contribute $15 billion to the nation's economy. Ernst & Young (2019) reports that fees for international students account for 16% of institution income. Australia also exports more educational services than any other country in the world. In fact, education is sometimes cited as Australia's third-largest export, behind coal and iron ore (Birrell & Smith, 2021).

Self-paced e-learning is expected to reach 53 billion US dollars by 2026, up from 42.7 billion in 2020. The Department of Business Innovation & Skills (2023a) reports that there are 7.9 billion in Asia and 355 million in Africa. Thus, it would seem that for-profit universities are operating much more like businesses, motivated more by profit than by the traditional purpose of higher education, which is to promote learning (Green, 2023). Lawrence Education is a great example of a respectable for-profit company offering CBHE. The organization generates about $4 billion in revenue yearly and has 800,000 students enrolled at 75 universities in 30 countries (Department for Business Innovation & Skills, 2023a). The Whitney International University System's $400 million revenue in 2013 serves as another example (Department for Business Innovation & Skills, 2023a). Finally, Paulo Guedes, the head of Bozano Investimentos, a Rio-based company, has tripled his profits in just three years from his $155 million investment in Brazilian education firms. His own words, "Education is the industry of the future," are quoted in Green (2023).

According to Yuan et al. (2024), MOOCs are a "disruptive innovation" that is growing against market expectations and is reaching millions of students for free. However, this is temporary, and the most common way to recoup the initial investment is to charge for certificates. Additionally, a number of well-known MOOC providers, including the for-profit firms Coursera and Udacity, are working to develop a variety of revenue models. These include charging tuition for credited courses, selling student data to potential employers or advertisers, grading assignments according to fees, allowing access to social media and discussion boards, and advertising for sponsored courses (Yuan et al., 2024). A non-profit platform like EdX, which is operating with the aim of helping universities to achieve shared educational missions, will also need to be self-sustaining in the longer term (Yuan et al., 2024).

Opportunities and Threats Associated with the Growth of Cross-Border Higher Education

In CBHE, controversy and debate are not unheard of, especially when there is a substantial financial stake. It offers both an opportunity and a threat. Giving students more options, increasing rivalry among nearby schools to improve quality, and increasing the marketability of credentials are a few potential advantages in emerging countries (Bashir, 2022; Yuan et al., 2024). "The excess demand for domestic higher education and the need for internationally recognized qualifications in emerging regional and global markets for highly skilled labour are among the factors propelling demand for foreign education services," Bashir (2022, p. 4). Since internationalized education gives access to the worldwide market for skilled workers with significantly higher lifetime wages, its higher costs can be justified (Bashir, 2022, p. 53). Additionally, it makes it easier for students to enroll in postgraduate courses and research possibilities in the exporting countries. Adam (2021, pp. 40–41) listed some of the potential advantages of CBHE: it boosts the competitiveness of European education, gives exporters the opportunity to pursue new revenue streams, challenges established educational frameworks by bringing in more competition and cutting-edge curricula and teaching strategies, and helps local institutions by connecting them with prestigious international universities.

Theoretically, a product or service should benefit both importing nations, which use higher education from outside sources, and exporting nations, which provide higher education to other nations. We call this international trade. But according to Bashir (2022), advantages like more choices, higher quality, and cheaper prices have proven to be more theoretical than real. Even though the top exporting countries argue that trade and the liberalization of cross-border educational services are essential, the importing countries, which are primarily developing countries, may face serious problems because foreign providers may endanger their own universities (Bashir 2022). Because of this, developing countries are concerned about the negative consequences of "underfunded and inefficient domestic higher education systems" (Bashir 2007, p. 4) that are not subject to strict controls. They also worry that they might lose control of a delicate national area (Gornitzka, 2023). Bashir lists four primary issues that developing countries have with the liberalization of commerce in higher education: (i) the influx of low-quality foreign providers; (ii) the negative effects of competition on domestic higher education institutions; (iii) the unequal access to higher education markets between providers in industrialized and developing countries; and (iv) the widening gaps in access to higher education (Bashir 2022, p. 65).

Adam (2021) also listed a few drawbacks, the majority of which related to the quality of the services. He pointed out that non-official and unregulated providers (typically franchise institutions and branch campuses) that evade official national quality assurance regimes and are exempt from internal or external audit/monitoring processes may result in the following problems: unfair competition for strictly regulated domestic institutions and the resulting loss of revenue; "degree mills" and fraudulent institutions that could defraud the public; and a lack of information that makes it difficult to distinguish between high-quality and low-quality CBHE institutions.

Furthermore, both home-based foreign degree holders and mobile students should be aware of the risks that come with studying abroad, according to the OECD (2018):

If students would rather stay or work overseas, or if the offered education is not relevant in the developing nation, it could result in brain drain. If only the wealthiest students can afford higher education abroad or domestically, it may also result in equality issues (OECD, 2018, p. 3).

Furthermore, considering the likelihood that Western educational paradigms would eventually become the norm worldwide, CBHE may also be viewed as a sort of cultural imperialism (Edwards & Edwards, 2022). Patrick (2017) asserts that a global perspective usually leads to an imperialist approach to international education, where "one size fits all" models are promoted to "knowledge markets" without considering the cultural needs and sensitivities of the individuals that comprise these markets.

The GUIDELINES in a Nutshell

The goal of the GUIDELINES is stated quite clearly in the opening line:

The GUIDELINES seek to promote and foster global collaboration and deepen awareness of the value of high-quality cross-border higher education. In addition to promoting the growth of high-quality cross-border higher education that satisfies human, social, economic, and cultural demands, the GUIDELINES aim to safeguard students and other stakeholders against subpar services and dubious providers (UNESCO, 2005, p. 7).

With the objective of "providing an international framework for quality provision in cross-border higher education," the GUIDELINES' scope is extensively defined (UNESCO, 2005, p. 10). Although this is a widespread misconception when one properly studies the structure and substance of the GUIDELINES, they are more than just a set of recommendations for quality assurance. It is necessary to interpret the term "framework" broadly to encompass capacity building, legal and regulatory issues, cross-border collaboration in that area, and the

planning and implementation of CBHE initiatives. The GUIDELINES aim to establish a comprehensive regulatory framework that includes all pertinent actors and stakeholders, such as universities, student organizations, quality assurance agencies, national institutions for the recognition of higher education qualifications, and national institutions that regulate access to professions. The legal, political, and economic frameworks of today are not congruent in many ways, and as a result, "traditional" regulatory responsibilities and procedures no longer fit the global context of higher education. By doing this, they are attempting to address a significant internationalization issue (Bergan, 2021). An excellent illustration of that occurrence is the EHEA.

In the sections that follow, only the suggestions for higher education institutions and organizations in charge of accreditation and quality assurance will be briefly covered.

Recommendations for Governments

(a) Establish or encourage the establishment of a comprehensive, fair, and open system of licensing or registration for cross-border higher education providers wishing to conduct business in their area.

(b) Establish or encourage the development of a thorough capacity for reliable quality assurance and accreditation of higher education across borders, keeping in mind that both sending and receiving countries participate in these procedures.

(c) Consult and collaborate with the various national and international accrediting and quality assurance bodies.

(d) Consider establishing national information centers in accordance with the rules of the applicable UNESCO regional conventions on the recognition of qualifications, taking part in their formulation and/or updating, and joining the conventions.

(e) As needed, develop or advance bilateral or multilateral recognition agreements that allow each country's qualifications to be recognized or made equivalent in accordance with the standards and procedures specified in mutual agreements.

The two guiding principles of national responsibility and international cooperation serve as the foundation for both these recommendations and the whole set of guidelines. A deeper look at the regulations for governments reveals the important role that the guidelines allocate to national authorities. The authorities are responsible for assessing CBHE's quality assurance competency in accordance with the concept of national responsibility. "Quality assurance and accreditation of Cross-Border Higher Education provision involves both sending and receiving countries" is the most intriguing and, as we shall see, somewhat unachievable requirement. Its foundation is in the concept of international cooperation. The task for governments to promote

mutual recognition of qualifications through bi/multilateral agreements, which has been a commonly used strategy for a long time in many European nations, is also supported by the principle of primarily national responsibility.

One essential instrument for regulating national authorities is the "system of registration/licensing of incoming CBHE," which is requested to be implemented by UNESCO and the OECD.

Recommendations for Higher Education Institutions

(a) Ensure that the quality of their programs, both locally and abroad, is commensurate with their experience and that they take into account the destination country's linguistic and cultural sensitivity.

(b) Develop, maintain, or assess existing internal quality management systems to make sure they take full responsibility for delivering higher education credentials that meet both domestic and international standards and make the most of the abilities of stakeholders, such as academic staff, administrators, students, and graduates. Additionally, when marketing their programs to potential students through agents, they should take full responsibility for ensuring that the information and advice provided by their agents is accurate, trustworthy, and readily available.

(c) Respect the destination country's accreditation and quality assurance processes and consult with appropriate authorities in these fields.

(d) Take part in inter-institutional networks and sector organizations at the national and international levels to share best practices.

(e) Establish and maintain networks and alliances to expedite the recognition process by acknowledging each other's qualifications as comparable or equivalent.

(f) When appropriate, apply relevant codes, such as the UNESCO/Council of Europe *Code of Good Practice in the Provision of Transnational Education*, and codes of good practice, such as the Council of Europe/UNESCO *Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications*.

The GUIDELINES for higher education institutions cover two main aspects of quality and quality assurance. It should go without saying that the quality of care given abroad should be on par with that given "at home." The emphasis on this in a number of publications and political papers stems from the previously indicated alleged risk of inadequate quality in CBHE. Second, it should go without saying that the quality assurance system of the recipient country should be respected. As will be seen later, putting this need into practice is quite challenging, and it explains more of the problem than the fix for guaranteeing quality in CBHE.

Recommendations for Assurance/Accreditation Bodies

(a) Confirm that their certification and quality assurance methods cover cross-border education in all of its manifestations.

(b) Establish regional networks where none previously existed, or maintain and grow the existing regional and international networks.

(c) Establish links that will enhance the organizations in the sending and receiving nations' cooperation as well as their mutual understanding of different certification and quality assurance systems. The Council of Europe/UNESCO *Code of Good Practice for Transnational Education* is one of the most recent international accords on transnational higher education that describe the values to be implemented.

(d) Create internal quality assurance systems, regularly conduct external evaluations, and come to mutual recognition agreements with other organizations based on mutual trust and understanding of one another's professional endeavors, making full use of stakeholders' abilities.

The recommendations for accrediting and quality assurance organizations are obvious, as is the request to incorporate CBHE into the processes. By encouraging agencies from sending and receiving countries to establish agreements on mutual recognition and confer with quality assurance and accrediting institutions in the receiving country, these recommendations specifically allude to the concept of international collaboration. The same is true of the institutional guidelines: although such cooperation or even mutual recognition agreements appear reasonable, they ignore significant national variations in the legal system, as will be demonstrated subsequently.

Discussion

(a) What is surprising is that, save from one, the GUIDELINES address nearly all of the relevant questions that come up in the field of CBHE: What makes CBHE unique? What makes education given "at home" different from that given outside the borders? However, such an explanation, if not a definition, of the distinctive character of CBHE would be necessary in order to be able to respond to the question of whether quality assurance organizations need to utilize unique methodologies or specific standards in this field of activity.

It is important to emphasize that CBHE is not just an organizational issue brought on by a program's irregular delivery (Hopbach, 2022). To presume that CBHE is "doing the same but elsewhere" would be to overlook the organization's distinctive features. Cultural traditions in

science and education are vital! It would be evident how different cultural traditions in science affect even common scientific activities like writing if English, French, and German students were given identical essay assignments. Such divergent traditions can affect learning and teaching, as well as the relationship between students and teachers:

- What are the traditions of education in the recipient's country? Attending classes that require a lot of interaction or learning through problem-based learning that involves a lot of case studies and alone study time?

- Does it matter to do research and participate in research activities?

- How is student testing often conducted? Are students accustomed to taking oral exams or writing papers? Tests can be formative or summative. How are standards maintained when tests are administered to students in multiple languages? Is it important?

- To what extent do students take part in their institutions' governance? Issues such as co-education of male and female pupils involve much more general cultural factors. There may be further issues mentioned. Of course, some topics might or might not be important, and some might not even be pertinent. But questions like the one above draw attention to the special features of a program offered in a foreign country. Ignoring these traits lowers all "specific" methods of regulation and quality assurance to a legal or formalistic approach, which renders them useless.

The former Australian quality assurance agency AUQA summarized this as follows:

The transnational education (TNE) agreements are given particular attention in AUQA audits. The main justification for this concentration is that these operations are intrinsically more challenging to manage because they are located far from the university's core operations, are ingrained in a distinct culture, and are overseen by a different organization. As a result, getting them right is challenging (AUQA, 2018, p. 1).

(b) The GUIDELINES' objective of protecting students and other stakeholders against dubious providers and subpar training also makes reference to the inherent risk that CBHE students encounter. This is consistent with the general conversation around CBHE. However, the GUIDELINES are clear that there is no comprehensive international framework for international initiative coordination and that CBHE is not covered by national quality assurance   programs.

Consequently, no accreditation or quality assurance system includes CBHE programs. "As a result, students and other stakeholders are more susceptible to subpar instruction and dubious Cross-Border Higher Education providers" (UNESCO, 2005, p. 10). The claim that "low

quality of provision equals lack of regulation/quality assurance" may be oversimplified. This serves as the foundation for the OECD and UNESCO's suggested remedy:

There is therefore a need for additional national initiatives, strengthened international co-operation and networking, and more transparent information on procedures and systems of quality assurance, accreditation and recognition of qualifications (UNESCO, 2005, p. 9).

What exactly the two organizations mean by 'national initiatives' becomes clear just a couple of lines later:

Countries attach a high importance to national sovereignty over higher education. Higher education is a vital means for expressing a country's linguistic and cultural diversity and also for nurturing its economic development and social cohesion. It is therefore recognized that policy-making in higher education reflects national priorities (UNESCO, 2005, p. 10).This suggests that national authorities will be responsible for correcting the quality issues in CBHE. The strong belief in the effectiveness and obvious appropriateness of state control over higher education forms one of the pillars of the GUIDELINES. To fully understand the GUIDELINES, one must take into account the historical context. The national authorities' need for regulation also reflects the underlying resistance to market-driven regulation. This has a direct bearing on the GATS negotiations. Naturally, the OECD and UNESCO joined the criticism, stating that "Higher education is not a commodity!" in regards to how the GATS handled education. Consequently, both parties view the GUIDELINES as "an educational response to the growing commercialization of higher education."

(c) The second fundamental principle of the GUIDELINES is international cooperation, or even shared accountability for quality control. Beyond discussing a particular case, the regional framework's strong emphasis on cross-border cooperation and collaboration necessitates the building and upkeep of confidence, which is seen to be a critical requirement for the reciprocal acceptance of degrees. When quality assurance agencies were encouraged to work together at the regional level in 2005 to build mutual trust and exchange best practice examples, they were by no means confronting a novel issue. Review panels already regularly included overseas professionals, albeit this was not the standard. In many countries, it is even customary for foreign specialists to serve on review committees to ensure the quality of study programs offered "at home."

The recommendation that universities adopt the receiving country's quality assurance regime in addition to their domestic procedures should not be interpreted as a solution to the uncertainty that still exists or the lack of accountability in CBHE quality assurance, even

though it briefly explains one of the main problems with CBHE. It is a shared duty, especially when any form of licensing in the two countries is linked to foreign quality assurance. For universities and quality assurance organizations carrying out evaluations and program implementation, this presents major administrative challenges.

(d) A more thorough examination of the recommendations reveals that anyone hoping to find detailed guidance for CBHE quality assurance methods is probably going to be disappointed. In all aspects of quality assurance and recognition, the GUIDELINES uphold a basic level of principles, including collaboration and shared responsibility, as well as the comparability of quality standards for providing "at home" and "abroad."

From 2005 to 2024: Changing Framework Conditions

Nineteen years after their implementation, what use do the GUIDELINES still have? Undoubtedly, there has been a substantial shift in the CBHE scenario. In terms of CBHE volume, this is already the case. Additionally, the ways that CBHE is provided have changed, and new ways—like education hubs—have become more significant.

Regional Integration and Convergence

Regional integration is one important feature of recent developments in higher education that significantly affects all matters pertaining to regulation and quality assurance. This is true at both the "soft law" and legally binding regulation levels. The Bologna Process has surely had a major influence in this area since the official launch of the EHEA in 2010. Two elements of the Bologna Process in particular deserve special attention: first, the convergence of national quality assurance systems based on the adoption of the *Standards and Guidelines for Quality Assurance* in the European Higher Education Area (ESG) and their subsequent implementation in the participating countries; second, the 2005 adoption of the *Qualifications Framework for the European Higher Education Area* and the ensuing alignment of the national qualifications frameworks with it. These occurrences could also be interpreted as a response to the GUIDELINES' call for greater regional collaboration. Three pillars of openness in the regional higher education program offering have undergone substantial change as a result of the EHEA's implementation of the Lisbon Recognition Convention.

But the EHEA is just one example, perhaps the most powerful. Global acceptance exists for both the sphere of recognition and the concept of regional credentials systems. Finally, quality assurance is another area where regional integration is growing. ESG frameworks have been

formed or are now being developed in South America, Central America, Southeast Asia, the Asia-Pacific Region, East Africa, West Africa, and the entire African continent.

Another development in the sphere of quality assurance that highlights the extent of the situation's shift since 2005 must be emphasized. Regional quality assurance initiatives that specifically addressed CBHE first emerged in the Asia-Pacific region. As early as 2006, the *UNESCO/APQN Toolkit Regulating the Quality of CBHE* was jointly released by UNESCO and APQN. As a result of a project including partners from Europe, the Asia-Pacific region, and the Arab world, ENQA published *Guidelines for External Quality Assurance in CBHE* in 2015. It is crucial to acknowledge that much progress has been made in establishing expectations for qualification kinds, levels, quality of provision, and other associated concerns, if it is true that a lack of clear information poses a special risk for low-quality provision.

Quality Assurance Covers CBHE

The main problem noted by UNESCO and the OECD is that external quality assurance processes would not apply to CBHE. After a careful analysis of the various quality assurance programs, a more nuanced understanding of this issue is needed. When the ESG was founded in 2005, it did not address CBHE or any specific issues related to that type of service.

The ESG was developed "to apply to all higher education institutions and quality assurance agencies in Europe" (ENQA, 2009, p. 12), regardless of their size, structure, and purpose, as well as the national system in which they are placed. This suggests that they were also supposed to cover CBHE implicitly. It was anticipated that the revised ESG draft, which emphasizes that it is "applicable to all higher education including transnational and cross-border provision" (ENQA et al., 2018, p. 5), would be accepted at the 2015 Bologna ministerial meeting in Yerevan. The question of whether or not quality assurance procedures based on the ESG encompass CBHE will be answered by contrasting the different external quality assurance techniques. While accreditation will be discussed separately in the following subsection, this paragraph will describe CBHE in evaluations and quality audits. These two approaches frequently give primary responsibility for quality assurance to the organizations that set the quality objectives and create the internal quality management system. Internal quality assurance must therefore by definition cover CBHE, and external quality audits that evaluate the effectiveness of internal quality management will likewise focus on it.

However, it is true that CBHE coverage is often not a technical issue and often has little to do with the preparedness of the institutions. Instead, it comes down to comprehending the special qualities of CBHE that must be taken into account.

It seems logical that the outcomes of the official Bologna Seminar, which ENQA convened in 2008, did not satisfy those who pushed for a more thorough and explicit consideration of CBHE. According to Costas et al. (2020), the seminar's final statement accurately concluded that the ESG is equally relevant to that kind of service and does not need to be amended to include CBHE.

The awareness issue in external quality assurance is intimately tied to the idea of relevance. Unsurprisingly, countries like Germany, which were late entrants into the higher education market and frequently import higher education, require greater attention from their external quality certification programs when it comes to CBHE. The UK has a very different perspective on the matter because it is one of the biggest exporters of higher education. The UK Quality Assurance Agency (QAA) conducted focused assessments of UK institutions' cross-border programs in a number of countries, including the United Arab Emirates, in 2014. Stella (2021) points out that the quality issue in CBHE served as the main driving force behind the creation of the former Australian quality assurance organization, AUQA.

To sum up, nations that export and/or import significant quantities of higher education may specifically address CBHE, sometimes even with distinct processes; in contrast, quality assurance systems in low-level exporting or importing nations may do so, but not always explicitly and most likely not with sufficient focus.

Accreditation/State Approval Disregards CBHE

There is a strong argument to be made that no specific CBHE characteristics should be included in national certification processes. Despite its sharpness, it is essentially true. Most accrediting processes in the nation's higher education system are governed by legally specified mandates that either take the place of or serve as the basis for governmental approval of a program. Therefore, the state frequently accredits the degrees offered in these programs. This link to state approval calls for consistent treatment of all programs. Special CBHE features, including staffing requirements or cultural sensitivity, are hardly accommodated by these methods. Although "incoming programs" must undergo "accreditation," this is frequently a distinct type of accreditation; these are usually accredited because they result in a formal yes/no decision based on predetermined criteria. This is particularly true for the certification of "outgoing

programs," which must meet the same formal requirements and qualification frameworks as programs given "at home" because they award a degree that is recognized by the state (of the sending country!) regardless of where it is delivered. Notably, this type of external quality assurance is mainly initiated by national agencies. These approved programs are not in any way state-approved, nor do they ensure degrees that are recognized by the destination country, even though selections frequently entail some kind of license (Ziguras & McBurnie, 2022).

The strong legal basis of the certification process is the main reason why one of the GUIDELINES' recommendations—for bilateral agreements between accrediting bodies—has not proven to be a wise move.

Bilateral Agreements in Quality Assurance: Solution or Problem?

The second essential guideline in the GUIDELINES, which urges accreditation agencies to cooperate in order to reach mutual recognition agreements, deserves particular attention. This kind of bilateral agreement appears to describe the problem rather than offer a remedy, according to European experience. All things considered, the growing convergence of concepts, procedures, and technologies has simplified and eased international quality assurance collaboration. Given the high level of agreement in the EHEA about the use of the ESG as a common basis for evaluations, it might be considered somewhat unusual. However, similar developments have emerged and continue to exist in most other parts of the world.

Additionally, the differences between the approaches become less and less significant at the interregional level as well, and they primarily relate to aspects like the release of reports or the inclusion of students on review panels rather than the general framework of external quality assurance procedures. It is important to keep in mind that this type of convergence frequently has to do with the methodological aspects of quality assurance. The legal repercussions of accreditation judgments present a different picture in this instance. Because of their strong ties to official approval, accrediting bodies may also be able to reach consensus on methodological matters and process design. However, the standards or criteria that are employed usually consist of a number of components that are not directly related to academic excellence but rather relate to formal national issues such as the quantity of coursework required of students, the number of study locations, the type of degree granted, or admissions policies. Because of the legally binding nature of their decisions, accrediting bodies have little to no discretion in applying these standards and criteria. The EHEA's *European Consortium for Accreditation* had interesting experiences with mutual recognition agreements, which often failed to

overcome legal barriers but were helpful in building confidence through a common methodology.

In conclusion, methodological developments in quality assurance result in a high degree of convergence in the field without having an immediate effect on the law. Since quality assurance agencies are building a more complex web of networks, joint projects, and joint evaluations, it can be assumed that this GUIDELINES need is almost being fulfilled. This is both a cause and an effect of this development.

Conclusion: The Future of the GUIDELINES

The internationalization of higher education is one of the most significant trends impacting universities around the world in the past decade. Through study abroad programs, international internships, and exposure to a global curriculum at home, it offers students multiple opportunities to develop into global citizens and professionals. The dramatic increase in CBHE has raised concerns and attention among the various internationalization tactics. The financial risks are substantial, especially for countries that have large populations of overseas students and for universities or companies that offer international education. But the outcomes of education have been inconsistent. Positively, by boosting competition and broadening educational options in countries with limited public funding for postsecondary education, cross-border providers encourage local higher education institutions to improve their quality and relevance. The drawback is that in countries with weak legal and quality control frameworks, subpar service providers take advantage of students.

To prevent the creation of degree mills and fraudulent programs, developing countries must strengthen their processes for guaranteeing the relevance and quality of programs offered by cross-border providers. Internationalization of higher education can only be advantageous under specific situations.

Which conclusions are reasonable to draw? Do the guiding principles of the GUIDELINES still make sense to adhere to? Are the recommendations still worth implementing? Are they still asking the right questions and giving the right answers?

In 2012, the OECD published a review of the GUIDELINES' implementation. According to the report, OECD member countries have generally complied with 72% of the main recommendations, and even more so with regard to the recommendations for higher education institutions (80%). 76% and 61% of standards are followed by governments and organizations

in charge of accreditation and quality assurance, respectively. This research leads the author to the intriguing conclusion that additional work was needed to implement the GUIDELINES, even if change was not necessary. However, it was concluded that the GUIDELINES do not seem to be very relevant for universities because so many individuals are not aware of them (Vincent-Lancrin & Pfotenhauer, 2022).

The following conclusions propose how to proceed with the GUIDELINES in the future.

First and foremost, future CBHE-specific issues will necessitate even greater focus on CBHE's expansion in terms of volume and product type. Clarification of accountability, quality standards, and recognition is necessary due to the growing divergence of political, legal, and educational institutions.

Second, it is crucial to emphasize that the two key principles—national responsibility and cross-border collaboration amongst important parties—remain applicable. On the other hand, considering the recent and continuing developments in higher education, there is no reason to think that issues like regulation in general and quality assurance and recognition would fall under the sole purview of national governments.

As seen by the tendency towards regional integration, the "regional soft-law approach," which combines international (regional) cooperation with national responsibility, actually enhances the significance of both concepts.

Third, when implementing the principles of the recommendations in 2015 and the years to follow, it is important to take into account new issues and recent advancements.

With regard to the recommendations of the GUIDELINES the following proposals are made:

(a) It is essential to specify the specifics of CBHE. Recent experience shows that it is vital to acknowledge that there is a lack of knowledge about the specifics of the CBHE regulations. The argument about the purported risk of subpar service or even dishonest vendors ignores the differences between CBHE and "regular" providing inside national borders. The specifics go beyond the clause's assertion that it is "culturally sensitive." Consequently, it is understandable that neither national authorities, accrediting and quality assurance organizations, or sometimes even higher education institutions recognize the need to pay special attention to CBHE quality issues. Answers to queries concerning legislation, recognition, and quality assurance can only be provided after the unique characteristics of CBHE have been understood.

(b) All present regulations pertaining to higher education, as well as all certification and quality assurance processes, must specifically address CBHE due to its unique characteristics and the challenges associated with offering it. In terms of methodology, this calls for guidelines or standards that help handle the special features of CBHE rather than completely novel approaches. In this context, too, the guidelines remain appropriate.

(c) It is crucial to distinguish between quality assurance that is not directly related to the law and certification that is associated with governmental approval.

(d) Academic institutions and national government organizations need to recognize the unique duty of specifically participating in quality assurance. Given that everyone is aware of the special features of CBHE and the resulting quality control tasks:

- the national internal quality assurance procedures of higher education institutions will encompass all CBHE provisions. The public, particularly potential students and stakeholders in the country of provision, will have access to the results and other information.
- if accrediting regimes have linkages to state approval, national authorities and/or accreditation bodies must include all CBHE provisions by specifically addressing its unique aspects in any standards and criteria. Findings and other data will be made available to the public, especially to potential students and interested parties in the nation of supply.

(e) If applicable, the regional framework shall be used to promote a common understanding of the special qualities of CBHE and the consequences for any kind of certification and quality control.

Standards and requirements for accreditation and quality control will be determined at the regional level. Aside from this, the regional strategy works much better than bilateral agreements, partly because of the greater degree of regional integration that occurs more quickly. The second disadvantage of this approach is its efficacy. Draughting and approving hundreds of bilateral agreements seems more complicated and bureaucratic than a regional plan.

(f) Since there isn't now a global regulatory framework in place, it is unlikely to develop. In its stead, interregional collaboration can close the gap. Regional approaches should be communicated to each other. Given the, in certain cases, high degree of regional integration, an expression of regional ways may be a helpful solution to solve the quality concerns in CBHE without overstretching the ability to construct regulatory frameworks or "soft-law" approaches.

In conclusion, with the exception of how they treat agreements for mutual recognition, the principles of the GUIDELINES are still applicable. To ensure that all stakeholders have a common knowledge of the distinctive features of CBHE, cooperation between regions is very important. This type of common knowledge is necessary for effective regulation and quality assurance. It is not necessary to update the GUIDELINES, and it might not be feasible. It would also be incorrect to turn the GUIDELINES into comprehensive guidelines for quality assurance. The GUIDELINES, however, need to be converted into documents that offer guidance on carrying out practical tasks. Regional efforts to develop best practices for CBHE quality assurance should be coordinated in order to reach interregional consensus.

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