

**Input by Nasima Badsha, Advisor to the Minister of Education of South Africa, at the World Bank/OECD/Nuffic Seminar on Cross-border Higher Education for Capacity Development. 14 –15 September 2006, The Hague, Netherlands.**

As suggested by Prem Naidoo and Mala Singh, South Africa's experience of cross border higher education needs to be seen against the background of three major factors. First, the return of South Africa into the broader international community following the first democratic elections in 1994. Secondly, the restructuring of South African higher education to produce a system that is more co-ordinated, equitable and responsive to the needs (social, political and economic) of the country. Thirdly, the growth of private provision, in a context where the large majority of private providers are local for-profit institutions.<sup>1</sup>

The regulatory framework for the provision of private higher education in South Africa was only put into place in December 1997 with the promulgation of the Higher Education Act. This resulted in a policy vacuum between 1994 and 1997, which led to an influx of overseas providers, mainly from Australia and the United Kingdom, establishing operational bases in South Africa either independently or in some cases, in partnership with local public and private institutions. At the same time, the numbers of local private institutions grew, with most offering vocational higher education in niche areas.

It is estimated that in the period before the implementation of the regulatory framework for the registration of private providers, over 50 foreign providers operated in South Africa, many through various partnership arrangements with local institutions. Currently, however, there are only a handful of foreign providers registered with the Department of Education. Most were unable or unwilling to meet the requirements of the new regulations, which, in particular

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<sup>1</sup> Prem Naidoo and Mala Singh: National Regulation of Transnational Higher Education: A South African Case Study (commissioned by UNESCO, 2004)

require foreign providers to establish a presence in South Africa and to take responsibility for the quality of their academic programme offerings in the country. Foreign providers are required to comply with the same quality assurance requirements as local public and private institutions.

In Naidoo and Singh's assessment the role of the transnational providers in South Africa has been limited, with few benefits to the country, as they:

- “Do not significantly contribute to access, either for the middle class or the poor, given the small percentage of enrolments.
- Offer programmes, mainly in business and management, and do not contribute significantly to the more comprehensive human resource needs of South Africa, leading to a concern about the ‘cherry picking’ of programmes.
- Lack any form of social engagement with South African society.
- Have limited partnerships with local institutions.
- Conduct little or no research, not unlike transnational companies whose research and development is done in the home country while cheap production takes place in foreign countries.
- Rely heavily on a few academic full-time staff and large numbers of part-time academic staff.
- Have some academic oversight from the parent institution and their national quality assurance agency but not enough to safeguard quality in cross-border sites.
- Are mainly public institutions that have broader ‘public good’ missions in their home countries but are profit –driven abroad.”

While the strong regulatory environment in South Africa has been characterised by Svava Bjarnason<sup>2</sup> as a ‘control’ model, it must be emphasised that the

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<sup>2</sup> Svava Bjarnason: Emerging Trends in Cross-border Higher Education for Capacity Development. World Bank/OECD/Nuffic Seminar on Cross-Border Higher Education for Capacity Development, 14-15 September 2006, The Hague, Netherlands

unregulated growth of cross-border providers would have impacted significantly on a public higher education system in the process of renewal. However, as the system matures, there may well be the possibility of reviewing aspects of the regulatory framework.

Since 1994, we have also seen the rapid internationalisation of our public higher education institutions. In 2005, international students made up 7% of the students enrolled in public universities, with the majority coming from the Southern African Development Community (SADC) and the African continent more broadly. All students from the SADC region are treated as home students with respect to Government subsidy, which represents a major financial commitment to support high-level human resource development for the region.

South African universities are also attracting increasing numbers of academic staff from other countries in Africa, in part due to the more favourable resourcing of higher education in South Africa as compared to most other countries on the Continent. This has been supported by the relaxation of barriers, such as immigration requirements including visa and work permits, that have, in the past, limited the mobility of staff and students from the region and more broadly. The removal of such barriers has taken place without committing the education sector to GATS and have largely occurred through regional protocols, particularly in the SADC.

South African universities have a rich history of partnerships with institutions across the globe. These relationships include staff and student exchanges, support for capacity building, research linkages etc and have expanded considerably since 1994. These are partnerships between peers, shaped for mutual benefit and not for commercial purposes. Examples of good practice include relationships with universities in the Netherlands, Norway, Finland, United Kingdom and others.

Within the African continent, South Africa is one of the few countries that has the capacity to export education. We have indeed seen a considerable growth (although not quantified) in this regard. While some of this has been taking place in the context of collaborative relations between governments (for example, the role that UNISA, which is South Africa's dedicated distance university, plays in supporting the rebuilding of higher education capacity in war ravaged countries such as Rwanda and the Democratic Republic of the Congo) other developments clearly point to commercial endeavours. South African public and private higher education institutions are seeking to expand their operations on the Continent through, amongst others, the establishment of branch campuses. The South African government and its quality assurance regulator, the Higher Education Quality Committee (HEQC), are concerned that such expansion should not undermine higher education systems in host countries and should not sacrifice quality imperatives. In this regard, South African quality standards are expected to be met by all providers offering programmes beyond our borders, over and above meeting host country requirements. This requires rigorous oversight of external operations and full cooperation with host country quality assurance agencies where these exist. To date, the HEQC has withdrawn the accreditation of a South African institution, which was offering an MBA programme in Mauritius on the basis that the quality of provision was not on par with the same programme offered in South Africa.

The Ministry has proposed guidelines (in the form of a draft code of conduct) to inform the operations of South African higher education institutions outside of our borders. We also are in full support of the UNESCO/OECD Guidelines for Quality Provision in Cross-border Higher Education.

As emphasised, South Africa has a policy and legal framework for the regulation of local and foreign providers. These frameworks have been developed to safeguard concerns for quality, access and the 'public good' agenda of higher

education. Moreover, the frameworks also bring certainty to private providers who wish to invest in South Africa.

However, we remain concerned that some elements of our regulatory frameworks may be threatened under a GATS regime. For example, the implications of the most-favoured nation status and potential threats to public funding. It has also been pointed out that even where a country has not scheduled any commitments in education, the GATS agreement still may apply to the sector.<sup>3</sup>

Notwithstanding the discussions within the GATS environment, South Africa will continue to invest in strengthening existing bilateral and multilateral agreements for international exchanges, assistance and education and training provision to enable sustainable development of education systems, particularly in developing countries on the African continent.

Trade liberalisation is undoubtedly impacting on these efforts to internationalise higher education. Of particular concern is whether limited financial resources might increasingly be used for trade driven activities rather than those that emphasise intellectual and social gains.

While we will continue to monitor developments within the WTO, we are of the view that the internationalisation of higher education is better addressed using conventions and agreements outside of a trade policy regime.

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<sup>3</sup> GATS and Education: Subsidies, Public Funding and Public Procurement. Chapter in Jan De Groof & Gracienne Lauwers: Competition in Education, 2004