

Foreign institutions will need to deal with India's often impenetrable and sometimes corrupt bureaucracy. For example, recent reports have evidence that some Indian institutions were granted a coveted "deemed" university status after questionable practices between the applicants and high government officials. It is unclear if the foreign branches will be evaluated by Indian authorities or if overseas quality-assurance and accrediting agencies will be fully involved.

In short, many unanswered questions remain concerning just how foreigners will be admitted to India, how they will be managed, and who will control a highly complex set of relationships.

A LIKELY SCENARIO

India's higher education needs are significant. The country needs more enrollment capacity at the bottom of the system as well as more places at its small elite sector at the top. The system needs systemic reform. Furthermore, fresh breezes from abroad might help to galvanize local thinking. Yet, it is impossible for foreigners to solve or even to make a visible dent in India's higher education system.

Foreign institutions, once they realize the challenges of the Indian environment are unlikely to jump in a big way. Some may wish to test the waters. Many others will be deterred by the conditions put into place by Indian authorities and the uncertainties of the local situation.

The involvement of foreign higher education providers in India is perhaps just as murky as it was prior to Minister Sibal's new regime.

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Legal Frameworks for Higher Education in Sub-Saharan Africa

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A shortage of research on the legal frameworks for higher education is evident in sub-Saharan Africa. Out of 49 countries, half either have no legal framework at all or one at

least two decades old. Consequently, the national higher education legislation and individual statutes of public universities in 24 sub-Saharan African countries were analyzed and compared.

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SYSTEM GOVERNANCE

As sub-Saharan African higher education has swelled, many governments have established intermediary—or "buffer"—bodies to oversee their increasingly complex systems. Such boards are more commonly found in English-speaking countries. French-speaking countries have tended to create separate ministries of higher education. Presently, 15 of 42 countries possess semiautonomous buffer bodies. The number of members on their governing boards ranges from 7 to 28, with an average of 16. Composition often reflects a balance among public sector, academic community, and private-sector representatives.

In a majority of countries, board appointments are made directly by the head of state, prime minister, or minister of education. In other cases, a blended procedure is followed, where by some members are appointed and others are elected democratically from within legally designated stakeholder groups.

INSTITUTIONAL GOVERNANCE

Universities are characterized by similar governance structures. Usually, a governing board is charged with formulating the institution's strategic direction, approving internal statutes, accepting budgets, accounting for use of funds, managing the institution's assets, and safeguarding institutional interests. The first model, characteristic of French- and Portuguese-speaking universities, is made up entirely or largely of university staff and student representatives. Chaired by the chief officer, it governs with considerable autonomy and little involvement of external stakeholders. This model gives considerable authority to the chief officer. The second model, found in English-speaking universities, incorporates various types of external members within the board. Most common are government representatives, followed by those from the private sector.

GOVERNING BOARDS

The number of university board members ranges from a low of 11 to a high of more than 40. Recent reforms accord with international trends toward smaller boards and a larger portion of external stakeholders. Procedures used in appointing board members provide insight into the lines of political accountabil-

ity (or control) formalized within the legal frameworks. In French- and Portuguese-speaking countries, an internal formula defines board membership. Members are usually university employees who serve on the board as a result of their titled position within the university. In several English-speaking countries, board members are appointed by the head of state or the minister of education. In this case, a portion of board positions is often designated for senior university staff. In eight countries representing all language groups, board appointments are made on the basis of a “stakeholder representation formula.”

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SENIOR OFFICERS

The chief officer (i.e., president, rector) is a highly visible and politically sensitive position in most African countries. For this reason, and to make the lines of accountability clear, the head of state appoints the chief officer in 9 out of 22 cases. In 4 countries, the governing board is authorized to choose the institution's chief officer without government approval. Government control over other senior university positions is less stringent, with the governing board authorized to make these choices in 10 of 22 countries. In 8 out of 18 countries, deans and directors are elected by their academic peers, making these positions the most democratically chosen within the university. Election is employed less frequently in selecting department heads, where the chief executive is likely to make the choice.

ACADEMIC GOVERNANCE

Academic affairs are normally managed by an academic board accountable to the governing board and responsible for institutional policies concerning curriculum, educational quality, admissions, examinations, award of degrees, and research. The academic board often advises the governing board on academic employment, promotions, and the establishment of new academic units. Sometimes it prepares a preliminary budget for academic activities. Academic boards often have 50 or more members and are usually chaired by the university's chief officer.

FINANCIAL AUTONOMY

The freedom to obtain operating revenues from a range of sources enhances the decision-making autonomy of tertiary institutions. Most universities in Africa are permitted to receive funds from government, donations, income-generation

activities, and student fees. Legal provisions permitting universities to demand and receive student fees are nearly universal (17 out of 21 countries), although this authority may be curbed in practice by political pressures. Whether a university can employ or dismiss staff is also a gauge of financial autonomy. In Portuguese-speaking countries, the chief officer is given this mandate. Within English-speaking countries, the governing board is often empowered to make these decisions. French-speaking countries are likely to assign this authority to the chief officer or minister. On balance, tertiary institutions in English-speaking countries appear to enjoy somewhat greater financial autonomy than those in French- and Portuguese-speaking countries.

ACCOUNTABILITY

Accountability is a necessary companion of autonomy. When governments cede decision making to tertiary institutions, they face the challenge of ensuring that institutions remain accountable to them for adherence to approved policies and responsible use of funds. Legal frameworks for higher education commonly stipulate five mechanisms for ensuring accountability: strategic planning, stakeholder representation in governance, quality and financial auditing, annual reporting, and performance-based funding.

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An institution provides accountability to its stakeholders by including representatives of these groups on its governing board. During recent years, the number of board members have been expanded from outside the university community, and these external members have been elected representatives of specified constituencies. For example, recent legislation in Tanzania requires 75 percent of board members to be external, whereas Lesotho and South Africa specify 60 percent. In French-speaking countries, the Université de Thiès in Senegal and the Kigali Institute of Science and Technology in Rwanda require 35 percent of board members to be external.

CONCLUSION

In sub-Saharan Africa wide discrepancies in progress are observed. Roughly half of the countries have introduced significant reforms in the past two decades, while such notables as Ghana, Kenya, and Nigeria—and others—have not. These reforms commonly promote more representative governance, quality assurance, and private provision. Other reform topics

such as system differentiation, cost efficiency, and diversification of funding sources are less frequently addressed. A few countries—such as South Africa, Tanzania, and Uganda—have enacted substantial changes to their legal frameworks, equaling or exceeding good practices worldwide. In other countries—such as Botswana, Cameroon, Ethiopia and Mali—reforms have been noteworthy but less bold.

Francophone countries in particular have lagged the rest of the continent in both the number and ambition of their higher education reform efforts. Although notable differences characterize the legal systems and university traditions of French- and English-speaking countries, recent changes to the legal frameworks for Anglophone higher education should provide heuristic examples for those Francophone systems interested in renewal and modernization. To facilitate comparative learning and further research on the legal frameworks for sub-Saharan African higher education systems, universities in this region might post current copies of relevant higher education acts, university statutes, and associated decrees or regulations on their Web sites. ■

Mongolia's Challenge: Becoming Asian in Higher Education

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Despite the global economic crisis, the Republic of Mongolia is determined to move ahead in restructuring its higher education system. Not generally known, its education indicators rival those of its closest neighbors—China, South Korea, and Japan. It has a literate population, a popularized school system, and a higher education enrollment rate that is approaching 80 percent. Since 1990, when it moved from a planned to a market economy, the private higher education sector has grown to encompass a third of all enrollments. Most colleges and universities are in the capital city where 40 percent of the national population resides. The rest of the population, also literate and schooled, adheres to a nomadic lifestyle. English has replaced Russian as the declared second language of this land of 2.8 million, the largest landlocked country in the world. Historical circumstance made Mongolia the most

Europeanized state in East Asia. However, its people retained the Asian value of acquiring as much education as possible.

UNTYING KNOTTY PROBLEMS

Mongolia ranks 7th internationally in the percent of the gross domestic product (GDP) (9.0%) for education, and its education law guarantees that at least 20 percent of the government budget is spent on education. Yet, higher education receives only 12 percent of that amount. This made sense for a developing country in transition. However, the time is ripe for a rethink of the higher education system, including its funding structure. State universities obtain government funds for heating and lighting, but little else. One university leader pointed out that 80 percent of academic staff salaries come from student fees. A national fund for higher education provides coverage to one child from each civil servant family, and support is also offered for outstanding students from poor families. However, there is also a view that higher education is a source of poverty because 67 percent of the personal loans taken by countryside cattle rancher families are spent on the higher education of their children.

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With such literacy, school attendance, and higher education enrollment rates, as well as a sustained Asian value toward education, the Republic of Mongolia would seem to be in a good position to move ahead with a higher education restructuring that brings the standard of teaching and research to internationally recognized levels. Nevertheless, several daunting challenges remain.

URGENT CHALLENGES

Government spending on higher education is severely limited in comparison to other regional players. For example, Malaysia and Hong Kong tower over most Asian countries with respect to per student expenditure as a percentage of GDP. Mongolia's transition to a market-oriented system included introducing fees for higher education. However, unlike Japan, Korea, and China, Mongolia's government could not make the same investment in its top universities. Investment does matter. Hong Kong spends about 30 percent of the education budget on higher education and has the highest concentration of top-rated universities in one city than elsewhere in Asia. While some Asian governments allocate a smaller slice of the pie to higher education, quality is not going to be achievable with a 12 percent slice of the education budget for higher education.