



Internationalising and Transnationalising Higher Education: UNESCO, GATS, OECD and India’s Regulated Openness

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Abstract: The internationalisation of higher education unfolds at the intersection of two global regimes whose logic can be aligned. UNESCO’s rights-based framework treats education as a public good and advances cross-border recognition and quality assurance without harmonising curricula. By contrast, the World Trade Organization’s General Agreement on Trade in Services (GATS) classifies education as a tradable service. Still, it is commitment-driven and preserves policy space through the “governmental authority” carve-out. Transnational education—comprising branch campuses, franchised programmes, and cross-border online delivery—has emerged as a key form of educational internationalisation, raising distinct challenges for quality assurance, student protection, and equitable access. The OECD and UNESCO jointly developed guidelines and codes to govern this sector, emphasising that quality parity between domestic and transnational provision is essential. Focusing on India, this article argues for a strategy of managed openness that aligns UNESCO and GATS frameworks: use UNESCO recognition instruments—especially the 2019 Global Convention—and OECD–UNESCO quality guidelines to make mobility reliable and student-protective; use GATS flexibilities to avoid binding market-access obligations that could constrain public funding, equity goals, or accreditation. The analysis situates India’s historically cautious stance at the WTO alongside selective domestic opening since the National Education Policy 2020 (joint/dual degrees, regulated foreign partnerships, credit transfer). The article benchmarks India’s emerging regulation of transnational education against models from Europe, the Asia–Pacific, and the Gulf. The article concludes with a governance agenda: codify education’s public-good character, guarantee quality parity for cross-border and online delivery, design inclusive mobility programmes, prioritise mission-driven partnerships, and use OECD–UNESCO tools to guide accreditation and recognition. Done well, internationalisation and transnationalisation can expand opportunity and strengthen institutions while safeguarding autonomy, equity, and quality.

Keywords: Internationalisation of Higher Education, Transnational Education, UNESCO, GATS; OECD, Quality Assurance, NEP 2020, Policy Space, Public Good

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Internationalisation of Higher Education in India: A Historical Perspective

Higher education in India has transformed across more than two millennia. It has relied on purpose-built places for teaching and debate. Long before the rise of nation-states and modern universities, institutions such as Taksaśila, Nalandā, Vikramaśila, and Nagarjunakonda set out rules for entry, teaching, and scholarly life. Their curricula brought sacred and secular study together. Their dialogic approach relied on examinations as a main form of assessment, and it built intellectual discipline alongside ethical responsibility. From the modern perspective, these institutions make it amply clear that the movement of scholars across borders and institutional autonomy have deep historical roots in the sub-continent.²

Taksaśila in the Gandhara region ran as a collegium of *acarya* teachers, not as a single monastery. Nalandā, with the patronage of the Gupta dynasty, grew into a residential monastic university, and it drew many students from China, Korea, Tibet, and South-East Asia. Xuanzang and Yijing described demanding oral examinations it administered. They also describe specialised teaching and huge libraries that preserved knowledge and facilitated its movement across regions. Teaching placed emphasis on memorisation, commentary, and dialectical debate. Dialogue was at the core of assessment, and this shows an ancient commitment in India to scholarly rigour and exchange across borders.

A modern thread connects this inheritance to the present state regulatory system. Under

² The study of ancient Indian universities has benefited from recent scholarship emphasising their cosmopolitan character and structured pedagogy. See, inter alia, Abhay K. (2025). *Nalanda: How it changed the world*. Vintage Books (Penguin Random House India), and discussions in UNESCO's cultural heritage documentation.

colonial rule, the affiliating university model gave priority to examinations and the standardisation of degrees. After independence, public universities proliferated. Regulators and bodies for quality assurance appeared, and private participation increased from the 1990s. This developed a large system. It is wide-ranging, and it rests on state-led expansion, reforms that come and go, and safeguards for quality that shape the background for internationalisation.

Higher education now operates within globalisation, fast technical change, and large-scale cross-border movement. The global volume of students studying abroad rose from about 2 million in 2000 to more than 6 million in the early 2020s, and internationalisation shifted from the margins to a core task for universities and states (UNESCO, 2022). Education now occupies a central place in the knowledge economy. It links innovation, human capital, and social and cultural exchange, and it throws up tough questions about equity, recognition, and quality assurance that policy needs to face (Hall & Tandon, 2021).

Two global systems shape internationalisation. UNESCO supports a view of education that rests on rights and treats education as a public good, and it does this through legal texts that support fair access, cultural cooperation, and open recognition of qualifications. Key texts include the 1960 Convention against Discrimination in Education, regional recognition agreements, and the 2019 Global Convention on the Recognition of Qualifications concerning Higher Education, which took effect in 2023 (UNESCO, 2025). These texts support mobility and quality assurance. They also accept the jurisdiction of the states concerned over accreditation, curricula, and funding.

By contrast, the WTO's General Agreement on Trade in Services (GATS) is a commitment-driven framework that classifies education across four modes of supply (cross-border delivery; consumption abroad; com-

mercial presence; movement of natural persons). Critically, Members choose whether and how to schedule education; where no commitment is scheduled, market-access and national-treatment obligations do not apply. In addition, Article I(3)'s "governmental authority" clause allows states to ring-fence non-commercial public provision. In short, GATS enables cross-border education but does not compel liberalisation; quality, consumer protection, and equity regulations remain central (World Trade Organization, 1994, Annex 1B).

India stands at a unique intersection of historical legacy and global transformation. Its early universities demonstrate a deep-rooted civilizational commitment to cosmopolitan learning, ethical education, and intellectual rigour. Today, India engages with internationalisation through selective liberalisation, regulatory reforms, and new policy initiatives such as the National Education Policy (NEP) 2020, which encourages the entry of foreign universities while emphasising quality assurance, inclusion, and national development (Nielsen, 2012).

This paper brings together ancient traditions of learning and contemporary global governance in higher education. It takes the view that internationalisation should be approached not just as economic liberalisation, but as a chance to restate ethical, civilisational, and public-minded values. India historical experience suggests that knowledge flows, academic mobility, and cross-cultural engagement last longest when they rest on moral responsibility, institutional autonomy, and cultural openness. The article will look at these links in more detail, and it places India's educational trajectory within the wider debates on UNESCO norm-setting rules, the WTO to GATS regime, and the changing shape of global higher education. It pays special attention to transnational education as a distinct and expanding form of cross-border provision.

From Internationalisation to Transnational Education

Internationalisation of higher education is a broad concept. It covers cross-border student mobility, faculty exchange, research collaboration, curriculum harmonisation, and quality assurance arrangements. It is often pursued through bilateral or multilateral cooperation, and it often has backing from UNESCO recognition conventions and OECD guidelines.

Transnational education (TNE), in contrast, means specific institutional forms and teaching routes. These include branch campuses of foreign universities that operate in the host country. They also include franchised programmes, where a local partner delivers curricula that a foreign institution designs and validates. Other forms include cross-border online or distance learning degrees, plus joint or dual degree arrangements. TNE involves a direct commercial or institutional presence. It also brings its own regulatory problems—standards must stay consistent between the foreign institution's home offer and its transnational offer, students on transnational programmes need safeguarding, transnational degrees need fair recognition, and regulators must stop unfair access or predatory practices.

The global rise of TNE has been striking. Branch campuses of US universities alone numbered over two hundred by 2020. Gulf states such as the UAE and Qatar host dozens of foreign university campuses. Online cross-border provision has grown at great speed during and after the COVID-19 pandemic. This expansion has pushed UNESCO and the OECD towards joint guidelines and good practice codes, since TNE needs firm oversight to safeguard students and keep academic standards intact.

India's emerging regulation of foreign universities and cross-border degrees under NEP 2020 is thus a response to global TNE trends.

The policy framework must therefore address not only general internationalisation goals (mobility, cooperation, recognition) but also the specific governance challenges posed by transnational institutional presence. The following sections examine how UNESCO conventions, OECD–UNESCO guidelines, and GATS obligations interact to shape India’s approach to managing TNE.

Internationalisation of Higher Education: Role of UNESCO

A variety of treaties and legal instruments shape cross-border higher education. Many are overseen by UNESCO, reflecting its mandate to foster educational cooperation. The earliest global commitment is the UNESCO Convention against Discrimination in Education (1960), which enshrined the principle that “everyone has the right to education” and that “higher education shall be equally accessible to all on the basis of merit” (Kumar et al., 2024). Article 4 of that Convention explicitly obliges states to “make higher education equally accessible to all on the basis of individual capacity” (UNESCO, 1960). This establishes a legal human-rights foundation for international access and non-discrimination in higher education.

In addition to these broad commitments, UNESCO has guided the mutual recognition of foreign qualifications through regional treaties. For example, the Lisbon Recognition Convention (1997), a Council of Europe/UNESCO treaty covering the European Higher Education Area, aims to “enable all people of the region to benefit fully from their educational resources” by facilitating academic mobility (Hou et al., 2017). It emphasises that recognising studies and degrees from other countries is “an important measure for promoting academic mobility” and explicitly notes that “fair recognition of qualifications is a key element of the right to education” (UNESCO, 2020). Similar regional agreements exist worldwide: Asia-Pacific countries

adopted a recognition convention (Tokyo, 1983, revised 2011), African states have the Arusha/Arusha-Addis Ababa conventions (1981, 2014), Latin American countries passed the Buenos Aires Convention (2019), and the Arab States maintain their own recognition accords. Each of these accords shares the goal of easing student and scholar movement by setting common standards for quality assurance and credential recognition, while respecting national sovereignty over curricula and accreditation.

Most recently, UNESCO has elevated the recognition framework to a global treaty. In 2019, UNESCO adopted the *Global Convention on the Recognition of Qualifications concerning Higher Education*. The Preamble of this Convention explicitly links international recognition to mobility: it is “convinced that the international recognition of qualifications concerning higher education will facilitate ... the mobility of learners and researchers ... and will enhance international cooperation in higher education” (UNESCO, 2019). It goes on to declare that the Convention will “promote international mobility ... regarding fair and transparent procedures for recognition, and quality assurance and academic integrity in higher education at a global level” (UNESCO, 2019). In short, the 2019 Global Convention is the first legally binding multilateral treaty whose primary purpose is to foster cross-border academic mobility and cooperation by harmonising quality standards and recognition practices worldwide. By ratifying it, countries agree to mutual principles (such as fairness and transparency) but still retain authority to define qualifications.

Beyond recognition treaties, UNESCO and its allies have produced recommendations and non-binding instruments to guide internationalisation. UNESCO’s “World Declaration on Higher Education” (1998) and subsequent education-for-all declarations highlight the role of education in development and the need for global collaboration. UNESCO has

also convened ministerial conferences (e.g. “Education for All”) that frame goals for equitable access. In summary, UNESCO’s conventions (from 1960 onward) affirm education as a universal right, while regional treaties like Lisbon and the new Global Convention operationalise that right through credential recognition. These frameworks underscore education’s social mission even as other laws (notably trade agreements) push for openness. Importantly, such treaties leave primary oversight in the hands of states and education authorities—for example, the Lisbon Convention attaches “great importance to the principle of institutional autonomy” (Council of Europe, 1997). Thus, the global legal backdrop stresses both facilitating student mobility and protecting the public purposes of higher learning.

UNESCO–OECD Guidelines on Transnational Education

In response to the fast growth of transnational education and the risks it brings for standards and student protection, UNESCO and the OECD put out joint guidance. The 2005 UNESCO–OECD Guidelines for Quality Provision in Cross-Border Higher Education set out a set of expectations on quality checks, openness, and student protection. The guidelines ask governments to put in place strict accreditation and plain disclosure for transnational programmes—and to make sure that students at branch campuses of foreign institutions, or on franchised programmes, study under the same academic standards and receive fair acceptance of their degrees (UNESCO & OECD, 2005).

The Council of Europe and UNESCO also produced a Code of Good Practice in Transnational Education. Member states endorsed it in order to protect students and to guide relevant authorities on quality checks. The Code states that transnational provision must meet the same quality standards as domestic provision. It also states that information for

students and protections for consumers must be open and easy to verify. Host country relevant authorities must keep control (Council of Europe & UNESCO, 2025).

Where UNESCO’s recognition conventions emphasise fair evaluation procedures and national autonomy, the UNESCO–OECD guidelines on TNE add an explicit quality-parity principle: transnational degrees must be recognised as equivalent to the home institution’s domestic degrees, and transnational students must receive equivalent teaching quality, library and laboratory resources, and student support. This is crucial because TNE providers sometimes deliver fewer resources or simplified curricula in their transnational operations, creating inequality and undermining credential recognition.

The OECD, for its part, brings a data-driven and market-oriented lens. The OECD’s *Education at a Glance* series tracks global student mobility flows, and the OECD’s analysis emphasises that cross-border education is increasingly important to national skill formation and innovation. However, OECD policy analyses also caution against race-to-the-bottom dynamics in accreditation: as more countries compete to host foreign universities or online TNE programmes, some may lower standards to attract providers. The UNESCO–OECD partnership, therefore, bridges a normative gap—UNESCO insists education is a public good requiring protection; the OECD provides empirical evidence that quality and institutional strength are necessary for education to serve its economic and social functions. Together, they argue that managed TNE regulation—strong accreditation, transparent recognition, student protections—is essential.

For India, the shared position from UNESCO and OECD offers useful direction. India’s NEP 2020 sets out an ambition to bring in the top one hundred foreign universities, yet it needs rules that work in practice and match

international expectations on quality assurance. The UNESCO and OECD guidelines set out a route forward—India can allow foreign campuses and cross-border degrees, and it can also keep strict domestic accreditation that matches the standards that apply to Indian institutions. It can treat recognition of transnational degrees on fair terms. It can also protect student data and consumer rights.

Internationalisation of Higher Education: Role of International Institutions

International bodies have backed global education policy, and they have also helped to coordinate it. UNESCO sits at the centre of this work. It places education within its wider mission on peace and development. UNESCO carries out wide-ranging research. It builds data systems, such as the UIS statistics portal, and it offers spaces where governments can talk to each other. UNESCO reports that global tertiary enrolment reached 264 million in 2023. It also reports that 6.9 million students study abroad, and it argues that this scale of movement changes higher education in lasting ways (UNESCO, 2024). UNESCO also calls global conferences and committees, such as the World Conference on Higher Education in 1998. It uses these meetings to set priorities, and it puts equity and quality at the top of the list in a world that is becoming more connected (UNESCO, 1998).

UNESCO does not act alone. Other international organisations also shape education across borders. The World Bank and regional development banks often treat education as part of human capital and economic growth, and they sometimes encourage partnerships across borders. The OECD follows student mobility. It has also pointed to the rising flow of international students, and it links this trend to global competition for skills. Global coalitions, such as the International Association of Universities (IAU), run surveys like the Global Survey on Internationalisation. These surveys allow comparisons across countries

and institutions, and they track how universities build partnerships, run mobility programmes, and link research across borders.

Groups that work on trade and education advocacy also take part. Education International, which is a global union for teachers, campaigns on the ways that trade rules, such as the WTO, might shape education. It argues that education is a public good, not a commodity. The European University Association (EUA) and the Association of Indian Universities (AIU) also publish statements on international education norms, and they warn against unchecked market pressure. These groups often take a similar line to UNESCO. They stress that authority to regulate higher education must stay with competent bodies, and further argue that trade agreements must not weaken public oversight.³

A broad network of international institutions now affects internationalisation. UNESCO leads much of this work, and the OECD and regional agencies add support. Together, these bodies offer ideas, shared standards, and help with skills and systems. UNESCO, in particular, puts weight on the harmonisation of qualifications through its Global Convention. It also puts weight on quality assurance, and it links both aims to safe mobility (UNESCO, 2019). Through conventions, declarations, and guidelines, these organisations influence how countries and universities handle internationalisation. They also keep education on the global agenda. This matters because higher education becomes more global each year, and principles on access, quality, and equity can slip from view.

³Education International, & Other International Higher Education Organizations. (2019). Statement on WTO negotiations and higher education. Education International.

The Global Legal Framework: WTO, GATS, and Education

A key component of the international system is the World Trade Organization's General Agreement on Trade in Services (GATS), which covers cross-border commerce in services—including education. Under GATS, *education services* is one of the 12 sectors listed (Sector 5), subdivided into primary, secondary, higher, adult, and other education. In practice, GATS defines four “modes” of supplying services internationally:

- **Mode 1 (Cross-border supply):** Delivery of education from one country into another without physical movement (for example, online courses or distance learning provided across borders). This is key to understanding cross-border online TNE (World Trade Organization, 1994, Art. I:2[d], Mode 1).
- **Mode 2 (Consumption abroad):** When students travel to another country to study (consumer movement).
- **Mode 3 (Commercial presence):** Establishing a subsidiary or branch campus of a foreign institution in the host country. This is the main modality for branch campus TNE (World Trade Organization, 1994, Art. I:2[d], Mode 3).
- **Mode 4 (Presence of natural persons):** Foreign teachers or researchers travelling to teach or deliver services (World Trade Organization, 1994, Art. I:2[d], Mode 4).

GATS is a binding multilateral treaty: all WTO members are subject to its rules of non-discrimination (Most-Favoured-Nation, National Treatment) and must list any sectors they commit to open. Importantly, GATS Article I.3(b) excludes from its obligations “services supplied in the exercise of governmental authority,” meaning purely public, non-commercial government education can be kept out of liberalisation (World Trade Organization, 1994). Each member country then makes *specific commitments* in its Schedule, de-

termining which education sub-sectors (and modes) it will subject to GATS disciplines on market access and national treatment. If a country does not commit a sector or mode, it retains full regulatory freedom in that area.

To date, relatively few WTO members have opened up education under GATS. By the early 2000s, only about 44 WTO members had any commitments to education services (Verger, 2013). Even among those, commitments overwhelmingly focus on tertiary or private education. An analysis notes that “52 countries” have specific commitments in education, but that “generally only private higher education was committed,” and even those commitments are often limited (e.g. market access allowed with reservations to protect public subsidies) (World Trade Organization, 2006a). In higher education specifically, roughly 32 members had made commitments (as of 2009), meaning only a minority of countries bound their university sector to trade rules (Naidoo, 2009).

Where commitments obtain, they vary widely. For instance, many countries carve out public institutions or financial aid. Austria's schedule is committed only to private tertiary education (excluding public universities); Slovenia expressly excludes publicly funded institutions; and the United States limits subsidies and grants to domestic institutions and citizens (World Trade Organization, 2006a). Full liberalisation is rare: for higher education, only about 17 members offered full national treatment across all modes, only two offered full market access, and only three allowed unfettered movement of foreign personnel (Mode 4) (World Trade Organization, 2006b). The pattern is clear: commitments usually permit foreign entry only to a limited degree and are often subject to regulatory approval or quotas.

Given this limited liberalisation, GATS has had a muted direct impact on higher education markets. Many countries approached education cautiously. Nonetheless, GATS re-

mains a potential catalyst for policy change, as binding commitments could make reversing liberalisation legally challenging. During WTO negotiations (e.g., the Doha Round), countries actively aimed to safeguard education. Education stakeholders have pointed out that “WTO Member States have recognised through UNESCO” that higher education “is not a ‘commodity’” to be freely traded (World Trade Organization, 2006a). However, the framework is in place: in theory, a country that commits to all modes and allows market access could permit entirely open foreign campuses and providers. To date, very few have taken this step.

In summary, the GATS global legal framework permits education trade but does not force it. While education is formally included as a services sector, each member’s commitments determine how much liberalisation occurs. The evidence shows that most nations have kept tight controls, especially for basic and public education, while allowing some private higher-education exchanges under strict conditions. Crucially, WTO law itself does not override domestic authority: countries may use GATS exceptions (such as public service carve-outs) and schedule limitations to safeguard their education policies (Adlung, 2006). The GATS thus coexists with UNESCO frameworks, and its effect has largely been to prompt debate about quality, recognition, and the public dimension of international education.

India’s Position: WTO GATS and Higher Education

India has been notably cautious in linking higher education to international trade rules. Historically, India did not commit its higher education sector under GATS when it joined the WTO. As one analysis observes, countries like the USA and Australia formally asked India to take full commitments, but India “has also received requests from New Zealand, Norway, Singapore, and Brazil. All requests

made to India are for full market access and national treatment commitments in Modes 1, 2, and 3” (Tilak, 2011, p. 47). The very framing of these requests implies India had not already liberalised its market: India has effectively kept its higher education unbound in GATS schedules, meaning it retained discretion to regulate foreign providers.

This caution reflects India’s development priorities and political sensitivities. The Report of the Central Advisory Board of Education (CABE) Committee on Autonomy of Higher Education Institutions explicitly recommended that India’s system should *not* be subjected to GATS liberalisation (Government of India, Ministry of Human Resource Development, 2005). Subsequent attempts to open foreign campuses were slow. A 2009 proposal (UGC White Paper) to allow a limited number of foreign institutions failed to gain approval, and a 2010 bill proposing liberal conditions for foreign providers did not pass Parliament (Foreign Universities [Regulation of Entry and Operation] Act, 2010).⁴ In practice, foreign universities have been excluded: only a handful of joint-degree programmes or collaborations operate, and full-fledged foreign university branches were, until recently, not permitted by regulation.

The main shift came with India’s National Education Policy 2020, or NEP 2020. NEP 2020 brings internationalisation into national policy as a stated priority—this is new (Government of India, Ministry of Education, 2020). It sets out a plan to position India as a global study destination. It also proposes that the top one hundred global universities, as measured by rankings, may set up campuses in India under strict accreditation. This points to a willingness to accept cross-border educa-

⁴ Foreign Universities (Regulation of Entry and Operation) Act, 2010—bill drafted but not enacted due to parliamentary opposition and implementation concerns.

tion and TNE through domestic policy, but the opening is narrow. Only elite foreign universities may enter, quality checks remain central, and numbers stay limited.

India's Regulation of Transnational Education

Under NEP 2020, India's TNE rules now take shape in the following way:

1. **Foreign Universities in India:** The policy allows the top one hundred global universities, by ranking, to establish campuses. Approval would come from the National Higher Education Regulatory Authority, which India plans to set up, and universities would need to meet Indian quality standards. Yet no foreign university has set up a campus by 2025. Regulatory delays play a part, and questions remain on land acquisition and the level of autonomy that a campus would have.
2. **Joint and Dual Degrees:** The UGC has issued regulations permitting Indian universities to offer joint or dual degrees with foreign partners, provided that (a) the foreign partner is a recognised institution, (b) the programme is accredited both in India and the partner country, (c) students receive degrees from both institutions, and (d) fees are transparent and non-exploitative.
3. **Cross-Border Online Delivery:** The UGC has also clarified rules for Indian universities offering online programmes across borders, and for cross-border distance-learning partnerships. Quality assurance and recognition requirements apply.

However, several regulatory gaps remain:

There is no explicit requirement that branch campuses deliver exactly equivalent standards to the home institution's domestic provision. India's accreditation bodies (NAAC, NBA) do not yet systematically audit transnational

branch campus provision against domestic standards.

There is limited clarity on student grievance redressal, refund policies, or academic recognition for transnational students in India if a foreign provider exits the market.

While joint degrees are recognised, the recognition of pure transnational degrees (earned entirely at a branch campus) remains opaque; students may face obstacles when applying for further study or employment outside India.

At the WTO front, India remains essentially non-committal. Because it made no GATS commitments for higher education, it is under no binding obligation to open its market. Indian negotiators have occasionally reiterated concern that liberalising education under GATS could undermine public goals. In WTO ministerial meetings, India has emphasised that developing countries need flexibility to expand access and that education is a special sector tied to sovereign objectives.

India's approach combines protective stances under WTO with incremental domestic opening. India has largely excluded higher education from GATS commitments (in contrast to countries like Australia or New Zealand), and has used domestic policy (NEP 2020) to cautiously internationalise and permit TNE on its own terms.⁵ India's position illustrates a middle path: it acknowledges the gains from global academic engagement but insists on full regulatory control over quality, pricing, and equity. This reflects India's broader development strategy, which treats education both as a public service and as a possible export sector.

⁵ The absence of GATS commitments is India's strongest protective measure; it ensures that any future opening of the education sector would require explicit WTO scheduling, which India can defer indefinitely.

Comparative Perspectives: India and Global Models

Across the world, countries display different models of international higher education and TNE. Some adopt very open-market approaches: for example, Australia and New Zealand have deliberately liberalised their higher-education services under GATS. They made relatively unrestricted commitments to allow foreign providers and maximise student flows (Knight, 2002). As a result, Australia and New Zealand host large numbers of international students and are very active in transnational education. Similarly, countries like the United Arab Emirates (UAE) and Qatar actively recruit foreign universities through initiatives like Education City, inviting top global institutions to open branch campuses (e.g. NYU Abu Dhabi, Sorbonne University in Qatar). These host countries see higher education as an export industry and a means to build knowledge economies.

By contrast, many other nations have been more guarded. Several major developed countries allow their domestic institutions to set up overseas branches, but typically do *not* allow unrestricted entry of foreign universities. For instance, the United States sends many students abroad and has universities worldwide, but has generally not opened its own campuses to foreign control (the few exceptions are joint programmes, not full foreign ownership). Within the European Union, the Bologna Process has harmonised degree structures and recognition, facilitating intra-European mobility, but EU countries have not generally used trade agreements to promote foreign providers; most Western European governments shield public universities from international market pressures.

In East Asia, Singapore and Malaysia initially attracted foreign branch campuses (Malaysia's agent campuses since the 1990s), but neither country committed to GATS liberalisation; they retained significant regulatory restrictions

despite hosting many international students (Robertson et al., 2016).⁶ China, upon WTO accession, allowed limited foreign universities through joint ventures, but education commitments under GATS were minimal and primarily focused on sub-sectors like adult training.

India's approach falls into the more cautious camp. Like Singapore and Korea, India has traditionally prioritised domestic control. India has not opened its market under WTO rules and allows only a limited foreign academic presence. Compared to the liberal models (Australia, New Zealand, UK, etc.), India's internationalisation has been managed slowly and selectively.⁷ In policy discourse, India's stance echoes that of many developing nations: education is seen as a strategic public sector and a tool for national capacity-building, not purely a commercial commodity.

Key Lessons from Global Experience

Market-led models, as in Australia, New Zealand, and the UAE, draw in international fee income and skilled students. They also bring risks—quality can slip, students can face exploitation, and access can become unfair when oversight lacks strength. These countries now use strict domestic accreditation to reduce the danger.

Cooperative models, as in the Bologna Area and ASEAN, depend on recognition conventions and quality agreements, not market rules. They support mobility without heavy

⁶ See especially Chapter 4 (“Education Services and the WTO: East Asia's Regional Responses”) — which discusses how Malaysia, Singapore, and China have embraced educational internationalisation while avoiding binding commitments under GATS, maintaining state authority and regulation over foreign providers.

⁷ In this regard, India resembles Japan, which has been cautious about foreign university entry despite being an economic powerhouse; Japan's approach prioritizes domestic HE quality and domestic student access.

commercial pressure, and they often sit alongside a stronger commitment to education as a public good.

Selective regulation, as in Singapore, Malaysia, and China, allows foreign TNE, but only with firm state permission. Seat numbers stay limited. Partnerships with domestic institutions are compulsory. This path sits closest to the approach that India now seems to favour.

Across all models, policymakers need to watch for brain drain. They also need to make international partnerships work for wider social aims—not only for elite groups or those who can pay high fees. Countries that do best tend to draw in foreign providers and keep strong public spending at home, with access and quality treated as priorities.

For India, comparisons point towards selective regulation, like the system in Singapore. It fits India's development priorities better than full liberalisation or a closed door. Yet India still needs rules that work in practice—quality parity, student safeguards, and recognition of credentials all need firm answers.

Policy Implications and Recommendations

Global trade rules, UNESCO standards, and transnational education meet in ways that create hard choices for policy. Comparative experience and international guidance point to several implications.

Regulating Transnational Providers

Education is widely regarded as a public good and a human right. Policymakers should explicitly affirm that notion. As UNESCO declares, the core mission of higher education is broader than trade—it should “serve the public interest and not be treated as a commodity” (UNESCO, 2018). Governments should ensure that any trade commitments or cross-

border activities do not undermine access, equity, or the social mission of education.

National laws (on licensing, accreditation, and student support) should remain under the control of educational authorities. Major university associations stress that “authority to regulate higher education must remain in the hands of competent bodies” and “nothing in international trade agreements should restrict or limit this authority” (OECD, 2025).

For TNE specifically, governments should establish explicit regulatory standards: (a) foreign providers must be vetted by competent home-country accreditors; (b) branch campuses must deliver curricula and resources equivalent to the home institution’s domestic programmes; (c) pricing and fee structures must be transparent and non-predatory; (d) student grievance mechanisms must be accessible; and (e) regular audits of quality parity must be conducted.

Ensuring Quality Parity and Student Protection

Cross-border activity needs strong safeguards on quality. There is no single set of international rules, and countries lean on domestic quality assurance and on agreements for mutual recognition. Governments need open accreditation rules for foreign providers. They also need degrees to meet national standards. The UNESCO and OECD guidelines make this point in plain terms—cross-border programmes need assessment in the same way as domestic provision (Carvalho et al., 2022).

Countries can also draw on well-known guidance, such as the Council of Europe and UNESCO Code of Good Practice in Transnational Education, to protect students. Transnational degrees need particular attention, and branch campus degrees often raise the hardest questions. Host countries should require degree certificates to state the place of study, and recognition processes should treat these

degrees on fair terms, with openness from start to finish.

Countries should ratify UNESCO recognition conventions and bring domestic rules into line with them. When states endorse the 2019 Global Convention on Higher Education, they accept a duty to promote international mobility, and they do it through openness in the way that foreign credits and qualifications receive evaluation (UNESCO, 2025).

Using GATS Flexibilities

Countries should take full advantage of GATS exceptions and limitations in crafting their commitments. For instance, the “governmental authority” carve-out (Article I) can be used to exclude fully public institutions from liberalisation (Fidler et al., 2006). Similarly, in their schedules, countries may put conditions on market access (e.g. limiting foreign enrollment quotas, ownership rules) or national treatment (e.g. reserving subsidies for domestic students).

India and others might explicitly reserve education sub-sectors at the WTO, signalling no liberalisation of basic or public education. By negotiating reservations and clarifications, policymakers can protect core public education while still participating in global trade frameworks. India should also engage in WTO discussions to advocate for education-specific flexibilities, such as allowing states to set enrolment caps on TNE programmes to ensure domestic capacity is not displaced.

Promoting Equity and Access

Internationalisation should not worsen domestic inequalities. Evidence shows that international student growth is concentrated in wealthier regions (Europe, North America, parts of Asia) (Tran & Pham, 2016). Policymakers must guard against brain drain and ensure that international partnerships serve broad social goals.

In India’s case, while many students study abroad, attracting top foreign universities and students could boost research and innovation. Nevertheless, India must continue to invest in expanding access at home (e.g. through scholarships, distance learning, and state-financed expansion) so that the benefits of globalisation—global research collaboration, financial inflows—support broad social equity goals. This aligns with UNESCO’s vision that commitment to international cooperation should reduce gaps between countries (UNESCO, 2023).

For TNE specifically, governments should require that foreign providers operating in the host country contribute to local capacity-building—e.g. through research collaboration with local institutions, graduate training, or technology transfer—rather than purely extracting revenue or enrolling only fee-paying students.

Engaging in International Forums

Countries should stay active in the relevant international forums. That means participating in WTO negotiations on services (to ensure special conditions for education) and in UNESCO processes (to shape conventions and guidelines). For example, by engaging in the Global Convention on recognition, India can help define global norms that facilitate mobility while protecting standards.

Similarly, during WTO discussions, India can articulate its priorities (as it did in the Doha Round)—for instance, advocating the classification of student flows as Mode 2, or securing development-oriented flexibilities. Coordination with like-minded countries (e.g. in South Asia or the Global South) may strengthen India’s voice and protect common interests.

Strengthening Institutional Partnerships

Beyond government, universities and colleges themselves should be proactive. Institutions can form bilateral agreements for student exchanges, joint research, dual degrees, etc. Such partnerships can advance internationalisation goals independently of trade treaties. At the same time, they should ensure quality: e.g. when Indian universities collaborate with foreign partners, they must verify the academic recognition and institutional standing of the partner.

Policymakers can facilitate such initiatives by providing frameworks (e.g. credit-transfer guidelines, MOA templates) and support (e.g. international joint programme funding). The UGC and AICTE should develop detailed guidelines for quality assurance in joint and dual degrees, clearly specifying how recognition will be handled.

Conclusion

The internationalisation of higher education is now deeply embedded in global dynamics. The interplay between trade liberalisation (WTO/GATS) and educational development (UNESCO conventions) is complex and evolving. WTO rules provide a multilateral framework for allowing or restricting foreign provision of education services, while UNESCO and international bodies supply a normative framework focused on rights, recognition, and quality. Transnational education—comprising branch campuses, franchised programmes, and online delivery—has emerged as a major form of cross-border provision, raising distinct regulatory challenges that trade law alone cannot address.

The result is that higher education straddles two paradigms: it can be seen as a tradable service, but also as a public good requiring protection. Globally, few countries have fully liberalised education under GATS, and India has been especially cautious. The comparative

experience shows that countries can open educational markets selectively—for example, Australia and New Zealand have embraced international students as an export industry, whereas many developing and European nations prefer cooperative mobility under strong oversight. India's choice to stay out of GATS commitments on higher education, while gradually encouraging select international collaborations and transnational provision through NEP 2020, reflects a middle path grounded in development priorities.

Looking ahead, digital technology (massive open online courses, virtual exchange, cross-border online TNE) is blurring borders even further. This will likely intensify both opportunities for access and challenges for regulation. In this changing scenario, the global legal and institutional frameworks—UNESCO conventions, OECD–UNESCO guidelines, quality codes, and GATS flexibilities—remain crucial tools. As UNESCO reports emphasise, continued growth in cross-border enrolment demands committed global cooperation on recognition and quality. Policymakers and educators must therefore use these tools—GATS schedules, UNESCO conventions, OECD–UNESCO guidelines, quality assurance networks—to shape an international higher education system that is open yet fair, competitive yet inclusive.

Specifically, for India:

1. Operationalise TNE regulation by establishing clear accreditation standards requiring quality parity for branch campuses and transnational programmes, backed by regular audits.
2. Strengthen credential recognition by adopting the UNESCO Global Convention and developing transparent procedures for recognising transnational degrees.
3. Protect students by mandating transparent pricing, accessible grievance mechanisms, and financial safeguards (e.g. escrow accounts for foreign provider fees).

4. Preserve GATS flexibility by maintaining zero commitments for higher education under WTO schedules, signalling India's right to regulate foreign provision.
5. Link internationalisation to equity by ensuring that TNE and international partnerships serve broad capacity-building goals and contribute to domestic access.

The world has never been more interconnected in education, but also never more aware that education must serve universal ends. An effective approach requires balance: leveraging trade and cooperation to share knowledge globally, while safeguarding the rights of students and the integrity of academic institutions. By drawing on both the WTO's trade framework and UNESCO's educational ideals—and implementing the OECD–UNESCO guidelines for transnational education—countries can craft policies that advance the benefits of globalisation and fulfil the promise of international education for all.

References

- Abhay K. (2025). *Nalanda: How it changed the world*. Vintage Books.
<https://www.penguin.co.in/book/nalanda/>
- Adlung, R. (2006). Public services and the GATS. *Journal of International Economic Law*, 9(2), 455–485.
<https://doi.org/10.1093/jiel/jgl010>
- Carvalho, N., Rosa, M. J., & Amaral, A. (2022). Cross-border higher education and quality assurance: Results from a systematic literature review. *Journal of Studies in International Education*, 27(5), 695–718.
<https://doi.org/10.1177/10283153221076900> (Original work published 2023)
- Council of Europe, & UNESCO. (2025). Code of good practice in the provision of transnational education (adopted on 22 October 2025, Paris, France). Council of Europe. <https://rm.coe.int/code-of-good-practice-in-tne-adopted-on-22-october-2025/4880291d8e>
- Council of Europe. (1997). Convention on the recognition of qualifications concerning higher education in the European region (Lisbon, 1997). UNESCO. <https://unesdoc.unesco.org/ark:/48223/pf0000111238>
- Education International. (2025). *Education International*. <https://www.ei-ie.org/en>
- Fidler, D. P., Correa, C. M., Aginam, O., & World Health Organization. (2006). Legal review of the General Agreement on Trade in Services (GATS) from a health policy perspective: Draft. World Health Organization. <https://iris.who.int/items/433695af-4847-4d46-ae08-9322425ae16e>
- Government of India, Ministry of Education. (2020). *National Education Policy 2020*. Government of India Press.
- Government of India, Ministry of Human Resource Development. (2005). Report of the Central Advisory Board of Education (CABE) Committee on autonomy of higher education institutions. Department of Secondary and Higher Education. <https://www.education.gov.in/sites/uploads/files/mhrd/files/document-reports/AutonomyHEI.pdf>
- Hall, B. L., & Tandon, R. (Eds.). (2021). *Socially responsible higher education: International perspectives on knowledge democracy*. Brill Sense. https://www.unescochair-cbrsr.org/wp-content/uploads/2020/08/Socially_Responsible_Higher_Education.pdf
- Hou, A. Y.-C., Morse, R., & Wang, W. (2017). Recognition of academic qualifications in transnational higher education and challenges for recognizing a joint degree in Europe and Asia. *Studies in Higher Education*, 42(7), 1211–

1228. <https://doi.org/10.1080/03075079.2015.1085010>
- Knight, J. (2002). Trade in higher education services: The implications of GATS. *The Observatory on borderless higher education*, 3, 1–25.
- Kumar, A., Sonawane, A., & Kharat, M. (2024). Right to education as a human right—Constitutional and legal outlook. *ShodhKosh: Journal of Visual and Performing Arts*, 5(3), 636–646.
- Naidoo, R. (2003). Repositioning higher education as a global commodity: Opportunities and challenges for future sociology of education work. *British Journal of Sociology of Education*, 24(2), 249–259.
<https://doi.org/10.1080/01425690301902>
- Nielsen, G. B. (2012). Higher education gone global: Introduction to the special issue. *Learning and Teaching*, 5(3), 1–21.
<https://doi.org/10.3167/latiss.2012.050301>
- OECD. (2025). *Policy brief: Regulatory authority and academic autonomy in an era of cross-border education*. OECD Publishing.
- Robertson, S., Olds, K., & Dale, R. (2016). *Global Regionalisms and Higher Education: Projects, Processes, Politics*. Cheltenham: Edward Elgar Publishing.
<https://doi.org/10.4337/9781784712358>
- Tilak, J. B. G. (2011). *Trade in higher education: The role of the General Agreement on Trade in Services (GATS)*. UNESCO – International Institute for Educational Planning. <https://www.iiep.unesco.org/en/publication/trade-higher-education-role-general-agreement-trade-services-gats>
- Tran, L. T., & Pham, L. (2016). International students in transnational mobility: intercultural connectedness with domestic and international peers, institutions and the wider community. *Compare: A Journal of Comparative and International Education*, 46(4), 560–581.
<https://doi.org/10.1080/03057925.2015.1057479>
- UNESCO, & OECD. (2005). *Guidelines for quality provision in cross-border higher education*. OECD Publishing.
- UNESCO. (1960). *Convention against Discrimination in Education* (Article 4).
- UNESCO. (1998). *World declaration on higher education for the twenty-first century*. UNESCO.
- UNESCO. (2018). *Shifting perspectives on global engagement in higher education*. UNESCO Publishing.
- UNESCO. (2019). *Global Convention on the Recognition of Qualifications concerning Higher Education*. UNESCO.
- UNESCO. (2020). *Recognising studies and qualifications in higher education: Good practices and challenges*. UNESCO.
- UNESCO. (2022). *A contribution to the 3rd UNESCO World Higher Education Conference (WHEC2022): UNESCO higher education global data report—Towards Sustainable Development Goals Target 4.3: By 2030, to ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university*. https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNESCO_Higher%20Education%20Global%20Data%20Report_Working%20document_May2022_EN_0.pdf
- UNESCO. (2023). *Internationalisation of higher education: A global perspective*. UNESCO Publishing.
- UNESCO. (2024). *Global data report on higher education*. <https://www.uis.unesco.org/en/topic/higher-education>
- UNESCO. (2025, November 11). *Global convention on higher education*. <https://www.unesco.org/en/higher-education/global-convention>
- Verger, A. (2013). *WTO/GATS and the global politics of higher education*. Routledge. <https://www.routledge.com/WTOGATS-and-the-Global-Politics-of-Higher-Education/Verger/p/book/9780415848664>

- World Trade Organization. (1994). General Agreement on Trade in Services.
https://www.wto.org/english/docs_e/legal_e/gats_e.htm
- World Trade Organization. (2006a). Education services: Background note by the secretariat (S/C/W/313). Geneva: WTO.
<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/S/C/W313.pdf>
- World Trade Organization. (2006b). Trade in services: Sectoral classifications and commitment patterns. Background Note by the Secretariat (S/C/W/273/Rev.1). World Trade Organization.
<https://docs.wto.org/dol2fe/Home.aspx>