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Knowledge Production and Contradictory Functions in African Higher Education

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CHAPTER 9

THE ROLES OF NATIONAL COUNCILS AND COMMISSIONS IN AFRICAN HIGHER EDUCATION SYSTEM GOVERNANCE

Tracy Bailey

Tertiary/higher education governance and the rise of councils and commissions

A review of the international literature on higher education governance reveals that much of the focus of research and publication over the past few decades has been on governance at the institutional level (how institutions are organised and operate internally) and on the relationship between the state and universities (see, for example, Amaral et al. 2002; Bjarnason & Lund 1999; Neave & Van Vught 1991, 1994; Van Vught 1989). There has been relatively little focus on governance at the system level and, within this, the role of semi-autonomous government agencies – although in recent years, research on the role of such agencies has begun to emerge internationally and in the African context.[1]

Broadly speaking, tertiary or higher education (TE/HE)[2] governance at the system level refers to the institutional arrangements (frameworks, structures, resources, processes and activities) that are involved in the direction, planning, management and coordination of TE/HE institutions and the sector as a whole. Governance also relates to all those involved

1 For examples of research in this area in sub-Saharan Africa, see Lebotse (2014), Materu (2007), Mouton et al. (2014) and Saint et al. (2009).

2 Since the eight councils/commissions in this study service either their tertiary education (all post-secondary) or higher education (typically universities and polytechnics or similar) sectors, depending on their mandates, the abbreviation TE/HE is used when making general reference to this governance domain.

in policy-/decision-making and implementation and includes the state, institutions and, increasingly, other external stakeholders.

A core component of system governance is 'steering' – that is, the use of various mechanisms to move the sector and institutions in the direction of particular TE/HE (and national development) goals. Such goals might relate to increasing equity and access and the massification of the sector; the development of priority skills/competencies for the labour market; the attainment of certain standards of quality; differentiation in the institutional landscape or academic offerings; and increasing productivity in research, science, technology and innovation in identified priority areas. Typical steering mechanisms include funding allocations (in the case of public institutions); regulation (institutional and programme accreditation); quality assurance requirements (units within institutions and institutional/quality audits); institutional strategic planning; and financial and performance reporting requirements. Furthermore, steering involves a number of governance functions including:

- The development and maintenance of a pact (agreement) between key stakeholders about the role(s) of and vision for TE/HE;
- Policy development (national plan) and strategic planning for the sector (and hence the institutions);
- The development of regulatory frameworks (norms and standards) relating to staff qualifications, infrastructure and facilities etc.;
- Setting targets for various aspects of the sector (e.g. enrolment numbers and profiles, throughput and success rates, programme spreads, academic staff qualifications, research outputs and internationalisation); and
- Coordination of knowledge policies and activities within the broader system and of relationships between key stakeholders, as well as oversight of the governance system as a whole.

System-level governance and steering takes place within the context of the particular form of state-institution relationship, which is structured primarily around the prevailing norms on academic freedom, institutional autonomy and accountability. In this regard, Neave and Van Vught (1994) refer to 'state control' versus 'state supervision' in higher education. The authors describe the state control model, traditionally found in European higher education systems (and thus also referred to as the 'continental model'), as follows (ibid.: 9):

> *These systems are created by the state and almost completely financed by it. The state very often also is the overarching and highly powerful regulator of the system. … In the continental model the overwhelming power of the state is combined with a strong authority at the level of the senior chaired professors, who hold considerable power at the lower level of the system.*

The state supervision model, usually associated with the higher education systems in the United States and Britain, is characterised by limited government influence and much greater autonomy and powers by the faculty guilds and trustees and administrators (vice-chancellors) at the institutional level with regard to such matters as admission policies, curricula and the hiring of faculty (ibid.: 10). The supervisory model has also been linked to the rise of the so-called 'evaluative state' which focuses on the external evaluation of quality in higher education (Maassen 1995; Neave 1988).

In Europe and other developed countries, the trend towards greater institutional autonomy, and with it increased public accountability, has seen a move away from state control and academic collegial governance towards the supervisory model. Muller et al. (2006: 301) describe the rationale for this shift as follows:

> *The implicit assumption in the state control and state supervision models was that a development from state control to state supervision should be promoted because if the state had a supervisory role it would lead to the better performance of higher education than if it had a controlling role. From this perspective, state steering in the form of state supervision was the preferred alternative to the by now widely discredited, traditional, 'top-down' form of co-ordination.*

The supervisory model nowadays is characterised by 'multi-level multi-actor' governance that includes the redistribution of decision-making powers, responsibilities and accountability among external and internal stakeholders (De Boer & File 2009: 9-10; Eurydice 2008: 25; Huisman 2013). As such, system-level governance typically includes the following bodies (Eurydice 2008: 26):

- A parent ministry (and its relevant department or unit) with overall responsibility for policy-making, strategic planning and ensuring compliance;
- Semi-autonomous agencies responsible for distributing and monitoring public funds, external quality assurance and regulation (including setting norms and standards), and/or giving expert advice and monitoring/analysing trends to inform advice; and
- Informal national-level forums comprising TE/HE institutional leadership that can make proposals to the parent ministry regarding the development of the sector.

Many TE/HE systems in developing countries have adopted Western models of governance, largely via transference from colonial powers – the effect of which, according to Neave and Van Vught (1994: 11, 13), 'has been the predominance of the state control model in several developing nations, often leading to rather an authoritarian governmental attitude towards higher education institutions.' This has been the case in the African context. Following a workshop on 'Creating the African University' held in Accra in 1972, the Association of African Universities declared that 'the university in Africa occupies too critical a position of

importance to be left alone to determine its own priorities' and that it should therefore 'accept the hegemony of government' (Yesufu 1973: 45). This is echoed by Saint et al. (2009: 13) who observe that the 'history of African higher education has been characterized by strong government controls on institutions of higher learning' including 'constraints on institutional autonomy'; government interference, especially in one-party states and also in Francophone countries; and the relations between public universities and their governments characterised by 'conflict rather than partnership'. However, according to Moja et al. (1996: 130), the state control model in Africa was unworkable owing to weak bureaucracies that could not implement policy intentions:

> *The state control model of the Accra workshop was never properly translated from a policy ideal into a workable administrative procedure. Bureaucratic management structures were never put in place to 'steer' universities according to anything like a development plan. Indeed, the weakness of higher education bureaucracies in Africa has played a large role in the inefficiency and, all too often, corruption that has plagued so many of them. The result has been a ministry with clear political intentions but with a bureaucracy ill-equipped to manage them. It was almost inevitable then that the politicians would try to intervene directly in the universities to pursue their political aims, and that the universities would cry foul and resist any and every attempt at what they saw as illegitimate interference in their autonomy.*

Moja et al. (ibid.: 150) ascribe the weak bureaucracies in Africa to the 'ethos of anti-bureaucracy' amongst postcolonial intellectuals which, following independence, resulted in the absorption of intellectuals into politics, universities and the private sector rather than into the public sector: 'Consequently, most post-independence countries had a rather meagre talent pool to draw on to re-build the civil service … The result almost everywhere was a weak and unprofessionalised bureaucracy perpetually under attack from the articulate intellectuals in and out of government.'

In addition to the state control and state supervision models, various authors have highlighted a third form of interaction between the state and institutions, namely 'state intervention' or 'state interference'. Such political intervention or interference in the operations of TE/HE institutions has occurred when institutions were viewed as sites of contestation or opposition and political dissent (such as the student uprisings of the 1960s in Western Europe or the anti-apartheid activities in South African universities prior to 1994) (Court 1991: 330; Lulat 2003: 29; Moja et al. 1996: 148–149; Neave & Van Vught 1991: xi–xii). In the African context, as Moja et al. (1996: 146, 149) observe, 'the government never tried seriously to impose bureaucratic control; the control exerted was political, usually mobilised to contain ideological opposition to the state' and that 'state intervention occurs despite the fact that autonomy is the official policy.' Political intervention has also occurred as ad hoc state responses to crises of institutional governance (Du Toit 2014: 18). According to Du Toit

(ibid.: 16), while 'interference' is most often cast in terms of the (real or potential) violation of institutional autonomy, it is more constructively viewed as 'an insufficiently systemic practice of higher education governance at the level of state-sector relations, leading to ad hoc and arbitrary government interventions in having to deal directly with local crises of institutional governance.'

In both the European and African contexts, the establishment of statutory 'intermediary' or 'buffer' bodies (such as TE/HE councils or commissions) was seen as one way of preventing (the need for) such political interference (Du Toit 2014: 35; Neave & Van Vught 1994: pxii). The emergence of specialised, semi-autonomous government agencies was also related to broader public sector reforms widespread in developed countries since the 1980s (Caulfield et al. 2006: 1; Groenleer 2009: 15; Pollitt et al. 2001: 272, 275). Often referred to as the process of 'agencification', the creation of these bodies is usually linked to the rise of the so-called 'regulatory state'[3] and to the influence of 'new public management' or 'managerialism' at the system level (Braun 1999: 1; Gilardi 2005: 84-85; Gornitzka & Stensaker 2014: 2; Groenleer 2009: 17; Maassen 2003: 33). The literature suggests a number of motives for the establishment of agencies, including demands on governments for greater efficiency, responsiveness, transparency and accountability; decreased political interference in governance matters; and enhanced technical expertise and the specialisation of functions (Caulfield 2006: 1; Gornitzka & Stensaker 2014: 8; Groenleer 2009: 18; Pollitt et al. 2001: 277). Broadly speaking, the nature and function of government agencies are diverse but have been described as being at arm's length from their parent ministry; carrying out public tasks; having a core staff comprising public servants; being (largely) financed by the state budget; and being subject to at least some administrative law procedures (Pollitt et al. 2001: 274–275).

Reforms and the emergence of specialised, semi-autonomous government agencies have also occurred within the realm of TE/HE governance in Africa. The international nature of higher education means that developments in one part of the world often have an impact on higher education elsewhere. Certain trends within the African context also made these reforms necessary including, for example, the need for more effective management at the system level in response to increasing demand for TE/HE and the growing importance of TE/HE in national development (Fielden 2008: 2), as well as the rapid growth of these systems (massification), making them 'too large and too complex to be managed effectively from a central ministry' (Saint et al. 2009: 10). As such, the introduction of TE/HE councils and commissions in Africa can be seen as indicative of efforts to move from a state control to a state supervision model; in particular, the introduction of agencies with specialised functions and expertise, and a degree of autonomy and political independence, in order to improve efficiency and effectiveness within the governance system.

3 Broadly speaking, the 'regulatory state' is a term used to describe 'the growth of regulatory agencies to discharge a public interest on behalf of government in economic and social affairs' (King 2006: 2).

About the study

One of the analytical propositions of the Higher Education Research and Advocacy in Africa (HERANA) project is that for higher education to make a sustainable contribution to development in a country, there has to be national-level coordination of knowledge policies and of the key actors in the system. The study found that TE/HE councils/commissions had been established in each of the eight countries. More often than not, these agencies were mandated to undertake accreditation and advisory functions and had, over time, assumed additional roles and functions. It became apparent to the research team that these organisations could be key players in sector-level governance, particularly in terms of steering, coordination and implementation monitoring. In addition, as highlighted above, a review of the literature on higher education governance revealed that there was a paucity of research on governance at the system level and, in particular, on the role of councils/commissions in this regard.

In order to address this gap and to contribute to the body of empirical knowledge on the role and functions of TE/HE councils/commissions in general, and in the African context in particular, the *Higher Education Councils and Commissions in Africa* project was initiated in late 2011. The study focused on the councils and commissions that were in existence in the eight countries that formed part of HERANA Phase 1. These included:

- The Botswana Tertiary Education Council (B-TEC)[4]
- The Ghana National Council for Tertiary Education (G-NCTE)
- The Kenya Commission for Higher Education (K-CHE)[5]
- The Mauritius Tertiary Education Commission (M-TEC)
- The Mozambique National Council for Quality Assurance (M-CNAQ)
- The South African Council on Higher Education (SA-CHE)
- The Tanzania Commission for Universities (TCU), and
- The Uganda National Council for Higher Education (U-NCHE).

The key questions of the study were:

1. Why were the councils/commissions established? What were their basic characteristics in terms of legal frameworks, structures and resources?
2. What functions were the councils/commissions mandated by law to undertake? What functions were they undertaking in practice and which functions were not yet fully implemented? What roles in TE/HE governance (steering and coordination) were the councils/commissions playing via their functions?

4 This agency was reconstituted as the Human Resources Development Council in 2013.

5 This agency was reconstituted as the Kenya Commission for University Education in 2013.

3. Did the councils/commissions have the necessary capacity, data and leverage to fulfil their functions?
4. What broader systemic factors were impacting on their ability to fulfil their functions?

It was assumed that factors both internal and external to the organisation impact on its *raison d'être* and the way it functions and operates. Internal factors explored included the way in which the organisation was structured and composed, its legal status and powers, and the resources available to it to carry out its mandate. External factors included, amongst others, funding sources and arrangements, interaction with other actors in the system, and the agencies' legal and political autonomy in relation to external stakeholders.

The project began with the development of detailed case studies of the eight councils/commissions during 2012/2013. Desk research was undertaken in preparation for the site visits, which included information about each country's TE/HE system and the council/commission itself, as well as detailed overviews of the relevant legislation pertaining to the establishment, mandate and operation of these organisations. Policy documents, strategic plans, annual reports and other relevant publications, statistics and websites were also reviewed as part of the development of the case study reports. The site visits to each of the councils/commissions were undertaken by the project leader between March and October 2012, to conduct interviews with senior leadership and staff at each of the councils/commissions and with at least one key individual in the parent ministry.[6] These interviews explored the historical and broader political contexts within which the councils/commissions were created and operated, as well as the structure, composition and functions of these organisations.

The case study reports formed the basis of a synthesis report (Bailey 2014) that undertook a comparative analysis of the roles and functions of the councils/commissions. There were also two sub-components to the broader project, namely, a comparative analysis of the legislation that gave rise to and mandated the councils/commissions in the study (Chirwa 2014), and a comparative analysis of how the councils/commissions were financed, and how they carried out their funding functions (where applicable) (Mohadeb 2013).

The project was undertaken by a multidisciplinary research team with members from the participating countries, and working in collaboration with key resource people and key informants from the councils/commissions and ministries in the eight countries. The key resource people offered invaluable assistance in providing background information, negotiating with gatekeepers and scheduling interviews, responding to queries during report-writing, and attending work-in-progress seminars.

A limitation to the study was the primary focus on the perspectives and experiences of those internal to the councils/commissions concerned. It was beyond the financial and human resource capacity of the research team to extend the investigation to key external stakeholders

6 In total, interviews with 53 individuals were conducted.

which no doubt would have added valuable perspectives on the operations and functions of these agencies. However, as Pollitt et al. (2001: 288, original emphasis) observe, most of the current literature on TE/HE agencies 'is predominantly based on views from the outside – reports and other accounts by ministers, parliaments, external auditors, academics, and so on' and that, therefore, 'our knowledge of what goes on *inside* agencies is as yet fairly limited.'

It should be noted that this study was not an attempt to measure or evaluate the success, impact or effectiveness of the councils/commissions' operations or the fulfilment of their functions. To the extent that evaluative observations are made, these are based on the challenges or obstacles reported by interview respondents and in official documentation. It was also beyond the scope of this study to explore or develop a detailed picture of the overarching TE/HE governance system in each country in terms of which organisations were fulfilling which roles. However, in discussing the roles and functions of the councils/commissions and the key challenges they were facing in this regard, it was not possible to avoid making observations about the broader governance systems, as will be seen in the concluding sections of this chapter.

Creation and characteristics of the councils/commissions

There were various narratives relating to the developments, discussions and, in some cases, reviews and reports that led to the creation of the councils/commissions in this study. Most began with the (sometimes significant) expansion of the TE/HE sectors (public and/or private) since about the 1970s. Official documents and interview respondents described rapidly expanding and diversifying sectors, primarily as a result of market forces and trends locally and internationally, as well as internal or donor-driven policy initiatives to increase access and participation rates. These developments saw significant increases in student numbers. According to a UNESCO (2010: 1) report, for instance: 'While there were fewer than 200 000 tertiary students enrolled in the region in 1970, this number soared to over 4.5 million in 2008 – a more than 20-fold increase.' There has also been exponential growth in the number and range of institutional players – and particularly in the private sector – as enumerated by a World Bank report as follows (Yusuf et al. 2009: 48):

> *A significant portion of Africa's enrollment expansion can be explained by the emergence of a private tertiary education sector on the continent over the past two decades. Since 1990, private colleges, universities, and tertiary-level professional institutes have been established at a far faster rate than public ones. While public universities doubled from roughly 100 to nearly 200 between 1990 and 2007, the number of private tertiary institutions exploded during the same period, from two dozen to an estimated 468.*

Together with the expansion and diversification of the TE/HE sectors in the eight countries, there

were increasing demands on TE/HE institutions for quality, efficiency and accountability, and the need to regulate and assure the quality of the new (and in some cases existing) institutions and academic programmes moved onto the TE/HE governance agenda. There was also a need to coordinate various aspects of the growing (and in some cases emerging)[7] TE/HE systems in terms of, for example, the efficient allocation of funds and other resources; policy and planning for the development of the TE/HE sector, often in relation to national development objectives, and the information and expertise such policy development and planning requires; uniformity/equivalence across academic programmes and between institutions locally and abroad; and managing the increasingly important relationships between key TE/HE stakeholders (in particular, the government, institutions, the professions, the market and industry).

Broadly speaking, then, the councils/commissions included in this study *were created in response to the need to regulate, ensure the quality of and/or coordinate their growing and diversifying TE/HE sectors.* The initial focus of the councils/commissions at the time of their establishment included one or more of the following:

- As a (semi-autonomous) body responsible for regulating and ensuring the quality of the sector, with a particular focus on the accreditation and quality monitoring of new (and in some cases existing) institutions and programmes (Botswana, Kenya, Mozambique, South Africa, Tanzania and Uganda);
- As a funding agency or playing a role in the allocation and/or distribution of funds (Botswana, Ghana and Mauritius);
- As an expert/advisory body within the broader TE/HE governance landscape to inform policy and/or planning (Ghana and South Africa); and
- As an intermediary/buffer between (primarily) government and institutions (e.g. managing the government steering–institutional autonomy tensions or those relating to funding allocations) (Botswana, Ghana and South Africa).

Table 9.1 indicates the year of establishment of each council/commission and, where applicable, the date on which it became operational, as well as the legislation that established the agency and outlined its structure and mandate. The table also shows that, in some cases, the councils/commissions were established as entirely new bodies, whereas in other cases they had replaced or been established on the basis of an earlier, similar body. The oldest agency in the sample was the K-CHE, established in 1985, and the newest the M-CNAQ, established in 2007. Thus, some of the councils/commissions were relatively new organisations – in terms of both their date of establishment and the fact that they were established as entirely new organisations – and were therefore, comparatively speaking, in the early stages of development.

7 In Botswana and Mauritius, the TE/HE systems were so small at the time that they comprised basically one (well-resourced) public university and a few other small post-school institutions and, therefore, there was no real 'system' to speak of.

Table 9.1 Establishment of the councils/commissions

Council/ commission	Date of establishment/ operational	Founding Act of Parliament	New/based on previous organisational form
B-TEC Botswana	1999/2003	Tertiary Education Act No. 4 of 1999	New
G-NCTE Ghana	1993	National Council for Tertiary Education Act No. 454 of 1993	National Council for Higher Education
K-CHE Kenya	1985/1985	Universities Act of 1985	New
M-CNAQ Mozambique	2007	Decree of the Council of Ministers No. 63/2007	New
M-TEC Mauritius	1988/1990	Tertiary Education Commission Act No. 9 of 1988 (amended by Act No. 18 of 2005)	New
SA-CHE South Africa	1997	Higher Education Act No. 101 of 1997	University and Technikons Advisory Council
TCU Tanzania	2005/2005	Universities Act No. 7 of 2005	Higher Education Accreditation Council
U-NCHE Uganda	2001/2003	Universities and Other Tertiary Institutions Act of 2001 (amended in 2003 and 2006)	New

In terms of *legal status*, all of the councils/commissions were established by Acts of Parliament as bodies corporate with separate legal personality. These Acts are either general statutes that focus broadly on TE/HE, or specific statutes that focus solely on the council/commission. The Acts also set out the mandated functions and operations of the councils/commissions, although in differing degrees of specificity.

Although some of these bodies were constituted as 'councils' and others as 'commissions',[8] the eight councils/commissions in this study were *structured* in similar ways (see Table 9.2). All were led by a governing body comprising a council/board or commissioners, headed by a chairperson – except for the Mozambique M-CNAQ, which was governed by a president and executive and non-executive directors. The chairpersons and members were appointed either by the state president/ prime minister or by the minister responsible for TE/HE. The number of council members or commissioners varied from nine to 25. The day-to-day work of the councils/commissions was undertaken by secretariats of salaried staff and headed by a chief executive officer[9] who was appointed either by the council or commissioners, the minister or the state president.

In terms of *composition* (Table 9.2), seven of the eight councils/commissions comprised what could be termed 'stakeholder representative' membership insofar as at least a certain

8 According to Chirwa (2014: 7), in his review of the legislation giving rise to seven of the eight councils/commissions in this study, the contexts in which the terms 'council' and 'commission' are used 'show that these terms carry the same meaning'.

9 The heads of secretariats were also referred to as 'executive secretary', 'executive director' or 'commission secretary'.

number were to be nominated and appointed from within TE/HE institutions, ministries, government agencies and/or stakeholder groups (e.g. business and industry). In some cases, the membership was invested in the post and not the person; in other words, if the individual resigned from his/her post, s/he automatically lost membership on the council or board. Some of the councils/boards were also intended to be 'expert-based' bodies – at least to the extent that members had work experience in TE/HE institutions or government bodies, or where they were appointed (or co-opted) for their particular TE/HE-related knowledge and expertise.

Table 9.2 Council/commission composition and appointments (2012/2013)

Council/ commission	No. of members	Representative and or expert-based composition	Who appoints …		
			Chairperson	*Members*	*Head of secretariat*
B-TEC Botswana	Minimum of 14 members including Chair	Representative	President	Minister; co-opted members appointed by the B-TEC	Council
G-NCTE Ghana	19 Council members including Chair	Representative	President	President	President (with advice of G-NCTE in consultation with the Public Service Commission)
K-CHE Kenya	21–25 Commission members including Chair	Representative	President	Minister	Minister
M-CNAQ Mozambique	President + 3 executive directors + 5 non-executive directors	Expert	Prime Minister	Minister	n/a
M-TEC Mauritius	Chair + eight Board members	Representative and expert	Prime minister	Prime minister	Board (with minister's approval)
SA-CHE South Africa	Chair + 22 Council members	Representative and expert	Minister	Minister; co-opted members appointed by the SA-CHE	Council
TCU Tanzania	Chair + 15–21 Commissioners	Representative and expert	President	Minister; co-opted members appointed by TCU	Commissioners (vetted by the president via the ministry)
U-NCHE Uganda	18 Council members including Chair	Representative	President (from two names recommended by U-NCHE)	Minister appoints eight Council members; others are nominated by their institutions or sectors	Minister (on recommendation of U-NCHE)

All of the establishing Acts of Parliament provided for the formation of council/commission *committees* (some permanent), which generally did the work of reviewing, synthesising and making recommendations to/advising the council or board members, assisted by secretariat staff. Committees focused on a wide range of matters, both internal to the agency and with regard to their work with institutions including, amongst others, finance, quality assurance, staff appointments and remuneration, research, infrastructure, inspections, and monitoring and evaluation.

In terms of *financing* (Table 9.3), the councils/commissions in the study were all largely government-funded (85–100%) – except the TCU, which received only 40% of its funding from government in 2012. Additional (albeit small) sources of income for these agencies included fees charged for regulatory and quality assurance-related services; fees charged for student admissions (TCU); interest earned on bank balances and investments (B-TEC); and service charges levied on institutional grants (G-NCTE). Fees charged for services covered institutional accreditation and registration, programme accreditation, quality audits, grant of awarding powers, and/or recognition and equivalence of qualifications (Mohadeb 2013: 2).[10] In addition, a number of the councils/commissions received grants from international development partners and/or government departments for specific projects.

Table 9.3 Sources of funding for councils/commissions (2012) (%)

Council/ commission	Government funding	Fees charged for services	Other
B-TEC Botswana	85	11	4
G-NCTE Ghana	95	0	5
K-CHE Kenya	89	11	0
M-CNAQ Mozambique	100	0	0
M-TEC Mauritius	91	9	0
SA-CHE South Africa	98	2	0
TCU Tanzania	40	22	38
U-NCHE Uganda	100	0	0

10 Note that although the U-NCHE charged fees for quality assurance activities, these monies were remitted to the national treasury and could not be utilised by the agency.

In terms of *accountability*, the councils/commissions fell under the ministry responsible for TE/HE in their country. In legislatives terms, the emphasis in the respective Acts was on financial accountability (rather than accountability for performance or regulatory decisions) and usually required the annual audit of council/commission finances and the submission of annual financial reports to Parliament. In some cases, the councils/commissions were also required to submit annual reports of their activities to the minister who, in turn, submitted these to Parliament.

Finally, the establishment of the councils/commissions, together with their formal structures and legislative frameworks, their semi-autonomous status and their distinct organisational identities, suggests a degree of *institutionalisation* of these agencies within their broader governance systems. In addition, while two of the councils/commissions (the B-TEC and K-CHE) were restructured into new organisations during the time of the study, none of the interview respondents expressed the view that these agencies should be closed down. This points to the persistence, and hence institutionalisation, of these organisations (see Groenleer 2009: 42).

Functions and roles in tertiary/higher education governance[11]

The councils/commissions in this study had been mandated, via their respective founding Acts, to undertake a wide variety of functions – many in common, but also some functions that were unique within the sample of organisations. Some of their approaches were the same or similar – especially with regard to the regulatory and quality assurance functions that have increasingly standardised definitions, processes and procedures. Some functions (or 'duties') are listed in great detail in the relevant Act, while others are given broad mandates that are open to interpretation and operationalisation. For the purposes of analysis, we categorised this wide range of functions into five 'governance roles', namely regulatory, distributive, monitoring, advisory and coordination roles (see Table 9.4). It is important to highlight that these roles are not mutually exclusive and that there are, or certainly could be, useful linkages between them. In addition, regulatory, distributive and monitoring roles in TE/HE governance can be seen as part of the overall mechanisms for government steering of the sector.

11 In this study, a simple distinction between 'function' and 'role' was maintained, where a function refers to activities an individual or organisation engages in, in order to carry out their role in a particular context. In other words, the functions of a council/commission are those responsibilities and tasks it carries out (mandated or otherwise) which contribute to its role(s) in the overall governance of TE/HE in the country.

Table 9.4 Functions associated with different tertiary/higher education system governance roles

Regulatory	• Determining norms and standards for the sector, the equivalence of qualifications between institutions, and credit accumulation and transfer policies and procedures • Determining the regulatory framework (i.e. procedures, guidelines, criteria) for institutional and programme accreditation • Registering, licensing and/or accrediting new (and in some cases existing) public and/or private TE/HE institutions • Accrediting new and/or existing academic programmes of public and/or private institutions
Distributive	• Determining budget allocations for TE/HE institutions and/or the sector as a whole • Distributing financial resources from the state to institutions, units or individuals in the sector • Monitoring expenditure at both institutional and sector levels
Monitoring	• Collecting and analysing system and institutional-level data, including the development of performance indicators • Tracking developments and trends in the system, and performance and quality of institutions, against the norms and standards set for the sector or against stated national goals or system targets • Monitoring the quality assurance mechanisms or systems within institutions • Communicating identified problem areas to the minister or institutions, where relevant
Advisory	• Providing expert and evidence-/research-based advice to policy-makers and other TE/HE leadership in government and institutions, either proactively or reactively in response to specific requests • Commenting on or formulating draft policies on behalf of the ministry responsible for TE/HE • Providing advice (in some cases as 'recommendations') to the relevant government body on the licensing and accreditation of TE/HE institutions and the accreditation of their academic programmes
Coordination	• Enabling interaction between key stakeholders and policy spheres • Developing and maintaining agreement (a pact) between stakeholders about central TE/HE objectives and issues • Promoting the objectives of TE/HE institutions or the sector to the market and within government itself • Managing the relationships between key stakeholders (especially government and TE/HE institutions) • Strategic and financial planning (including setting targets) for TE/HE institutions and the sector (e.g. enrolments, institutional differentiation, financial and/or human resources and facilities) • Developing data and knowledge flows between different system-level governance roles • An oversight function ensuring no duplication, confusion or gaps with regard to who is doing what in the overall governance system

Table 9.5 provides a snapshot of the governance roles to which the councils/commissions were contributing; these are discussed in greater detail below.

Table 9.5 Overview of governance roles fulfilled by councils/commissions (2012/2013)

Council/commission	Regulatory	Distributive	Monitoring	Advisory	Coordination
B-TEC Botswana	•	•	•	•	•
G-NCTE Ghana	•	•	•	•	•
K-CHE Kenya	•	•	•	•	•
M-CNAQ Mozambique	•	–	–	–	–
M-TEC Mauritius	•	•	•	•	•
SA-CHE South Africa	•	–	•	•	•
TCU Tanzania	•	•	•	•	•
U-NCHE Uganda	•	•	•	•	•

Regulatory functions

Table 9.6 indicates the regulatory functions that were undertaken by the councils/commissions in the study.

All of the councils/commissions were involved in developing and publishing various norms, standards and guidelines as part of the regulatory framework for their respective TE/HE sectors with regard to the accreditation of institutions and/or their academic programmes; institutions' quality assurance systems and/or their general operations; qualification standards or the equivalence of qualifications; and credit accumulation and transfer procedures.

Of the six councils/commissions mandated to undertake institutional accreditation,[12] the majority were focused on the accreditation of private institutions.[13] This reflects the narrative that the origins of many of these organisations lay in the need to regulate a mushrooming private sector, but also, as Materu (2007: 56) observes: 'Until recently, public higher education institutions in most of Africa have resisted national accreditation efforts on the grounds that they are accredited de jure by the government charters or acts that created them.' Similarly, all of the seven councils/commissions mandated to undertake programme accreditation

12 The terms 'licensing', 'registration' and 'accreditation' essentially refer to the process by which applications to establish new TE/HE institutions are assessed according to set criteria in order for recommendations to be made to the regulatory authority on whether these institutions should be allowed to operate. Hereafter, the term 'accreditation' is used as shorthand.

13 This focus on the regulation of the private institutions has started to shift to public institutions too (e.g. the new Universities Act of 2012 in Kenya, which replaced the K-CHE with the Commission for University Education, includes the accreditation of public institutions).

were focused on private institutions, while not all were responsible for the accreditation of programmes in public institutions. While the M-TEC and C-NAQ had been mandated to undertake accreditation functions, these had not been implemented.

Table 9.6 Regulatory functions undertaken by councils/commissions (2012/2013)

Council/ commission	Developing regulatory frameworks and/or setting norms and standards for the sector	Registering or accrediting institutions		Programme accreditation	
		Public	*Private*	*Public*	*Private*
B-TEC Botswana	Standards for teaching, examinations and research in tertiary education institutions	•	•	–	•
G-NCTE Ghana	Norms and standards for infrastructural and operational requirements of higher education institutions	–	–	–	–
K-CHE Kenya	Standards and guidelines for quality control and accreditation; recognition and equivalence of qualifications	–	•	–	•
M-CNAQ Mozambique	Mandated to develop standards and quality indicators for institutions, but had not been implemented	•	•	•	•
M-TEC Mauritius	Regulatory framework for institutional and programme accreditation; recognition and equivalence of qualifications	–	•	•	•
SA-CHE South Africa	Qualification standards; credit accumulation and transfer procedures; criteria for programme accreditation	–	–	•	•
TCU Tanzania	Guidelines and minimum standards for institutional governance units, budgeting, academic programme approval, staff performance and promotion, and postgraduate training; recognition and equivalence of qualifications; credit accumulation and transfer	•	•	•	•
U-NCHE Uganda	Norms and standards for running and governance of institutions; minimum standards for courses of study	–	•	•	•

While there were similarities in the approaches adopted in both institutional and programme accreditation (largely owing to adherence to international practice), there were variations in where the decision-making powers lay (with the council/commission or the parent ministry) and in the extent to which the agencies had any leverage to compel institutions to comply with basic standards or criteria. All of the councils/commissions reported taking more of a developmental and supportive approach rather than a 'policing' or purely compliance approach to their regulatory activities. This was particularly so in the early phase – primarily because many private institutions were very new and needed capacity development and/or because quality assurance processes were relatively new in the country (and continent).

Distributive functions

Table 9.7 indicates the distributive functions that were undertaken by the councils/commissions in the study.

Six of the councils/commissions fulfilled two or more distributive roles, even though only three of these (the B-TEC, M-TEC and G-NCTE) were officially established as funding councils. The K-CHE was mandated by the Universities Act of 1985 to plan and provide for the financial needs of university education and research; to determine and recommend to the Minister of Higher Education, Science and Technology the allocation of government grants for university education and research; and to review the expenditure of these funds by higher education institutions. Similarly, the TCU was required to coordinate budgets, to collate information relating to the budgets of public universities, and to submit this information to the Ministry of Education and Vocational Training for consideration. The K-CHE, U-NCHE and TCU were meant to administer government funds for research or scholarships; however, at the time of the study, these functions were only partially implemented – and in the case of the TCU, not implemented at all.

There was little commonality between the agencies in terms of the spread of distributive functions undertaken (as evidenced in Table 9.7), which suggests that this role was shared between the councils/commissions and other government bodies in the system.

Table 9.7 Distributive functions mandated for and/or undertaken by councils/commissions (2012)

Council/commission	Making input into/ coordinating institutional or sector budgets	Determining budget allocations for institutions	Distributing financial resources to institutions	Monitoring financial performance of institutions	Mobilising additional funds for institutions
B-TEC Botswana	•	•	–	–	–
G-NCTE Ghana	–	•	–	•	•
K-CHE Kenya	–	•	•	•	•
M-CNAQ Mozambique	–	–	–	–	–
M-TEC Mauritius	•	•	•	•	–
SA-CHE South Africa	–	–	–	–	–
TCU Tanzania	•	–	•	•	–
U-NCHE Uganda	•	–	•	–	•

Monitoring functions

Table 9.8 indicates the monitoring functions that were undertaken by the councils/commissions in the study. Details of these monitoring activities are provided in Appendix Table A9.1.

Table 9.8 Monitoring and data functions undertaken by councils/commissions (2012/2013)

Council/ commission	Sector-level trends	Institutional performance	Quality assurance
B-TEC Botswana	–	–	•
G-NCTE Ghana	•	•	–
K-CHE Kenya	–	–	•
M-CNAQ Mozambique	–	–	–
M-TEC Mauritius	•	•	•
SA-CHE South Africa	•	–	•
TCU Tanzania	–	•	•
U-NCHE Uganda	•	–	•

Four of the councils/commissions were engaged in *monitoring aspects of their respective TE/HE sectors*. In two cases, the focus of this monitoring was limited: the M-TEC focused on student enrolments for both public and private institutions, and the G-NCTE on institutional infrastructure and operations. The SA-CHE and the U-NCHE had a broader focus: in addition to enrolments, the SA-CHE collected data on throughput and graduation rates, as well as participation across different categories of students, while the U-NCHE also included academic staff and programmes, physical and educational facilities, and institutional expenditure. Where available, statistics on the TE/HE sectors gathered during the monitoring process were published in one or more reports – most of which were intended to be produced annually although this was not always achieved.

It appears that the direct *monitoring of the performance of institutions* was not a core focus of the councils/commissions in the study. In the case of the M-TEC and the G-NCTE, the focus of institutional monitoring was on financial expenditure, while the TCU adopted a wider approach via site visits and on the basis of institutional reports.

While quality assurance is mainly the business of TE/HE institutions themselves, six out of eight of the councils/commissions in the study were engaged in *monitoring the establishment and implementation of quality assurance mechanisms or systems* within public and/or private institutions. Such monitoring was undertaken via quality or institutional audits, which followed similar approaches in each of the councils/commissions. Some councils/commissions had to begin their quality or institutional audit work by assisting institutions to establish quality assurance units and systems (since many of these were absent) and to provide capacity-building to those responsible for quality assurance activities within institutions.

Advisory functions

Table 9.9 indicates which of the councils/commissions were mandated with an advisory function and the focus of the advice given.

Table 9.9 Advisory functions undertaken by councils/commissions (2012/2013)

Council/ commission	Specific policy issues or problems	Draft policies, strategies or legislation	Licensing or accreditation of institutions
B-TEC Botswana	•	•	•
G-NCTE Ghana	•	•	–
K-CHE Kenya	•	–	•
M-CNAQ Mozambique	–	–	–
M-TEC Mauritius	•	•	–
SA-CHE South Africa	•	•	–
TCU Tanzania	•	–	•
U-NCHE Uganda	•	–	•

All of the councils/commissions (except the M-CNAQ) were mandated via their respective founding Acts to undertake some form of advisory function. In most cases, the Acts specified to some degree or another in which areas the council/commission was to give advice, although in two cases (the M-TEC and TCU) the advisory function was only broadly outlined.

Often, policy advice was given reactively; in other words, in response to a direct request from the minister (e.g. relating to a specific policy problem such as student fees, or to comment on a draft policy). The councils/commissions also offered advice proactively – usually on issues/problems that emerged during research or reviews of the TE/HE sector, or via monitoring activities such as institutional or quality audits. In some cases, the advice was submitted in writing to the minister; for example, in the form of a report with a focus on recommendations (SA-CHE) or in the form of policy briefs or position papers (U-NCHE). In only two cases (South Africa and Tanzania) was the minister required by law to account for *not* taking the advice of the council/commission; in other cases, it was not mandatory for the minister to seek or consider advice, or the advice did not have legal binding authority or strong recommendatory force. Nevertheless, councils/commissions' technical/expert-based advice was reported by ministry and agency respondents to be valuable – often in the absence of a lack of expertise in the ministry or national department itself.

The B-TEC was the only agency in the study that was mandated to undertake a policy-making function. In particular, Section 5(2) of the Botswana Tertiary Education Act No. 4 of 1999 stated that the Council 'shall formulate policy on tertiary education and advise Government accordingly'. The B-TEC had formulated policies or strategies on request/behalf

of the Ministry of Education and Skills Development, including Botswana's first Tertiary Education Policy, the Human Resource Development Strategy and the Research, Science, Technology and Innovation Strategy.

While in all cases there was an aspiration for policy advice to be research- or evidence-based, in practice at the time, the policy advice in some councils/commissions was based primarily on the experience of the council/commission members.[14] This was largely owing to the lack of research and data capacity in the organisation (and often in the parent ministries and institutions too) in terms of human resources/expertise and technology. In some cases, and where finances allowed, research was outsourced to, or expert opinion sought from, external consultants to fill this gap.

Coordination functions

Table 9.10 indicates which coordination functions were undertaken by the councils/commissions in this study, while specific details of these activities are provided in Appendix Table A9.2.

Table 9.10 Coordination functions undertaken by the councils/commissions (2012/2013)

Council/ commission	Strategic planning	Enabling interaction/ managing relationships between key TE/HE stakeholders	Promoting TE/HE objectives and priorities
B-TEC Botswana	•	•	–
G-NCTE Ghana	–	•	–
K-CHE Kenya	•	•	•
M-CNAQ Mozambique	–	–	–
M-TEC Mauritius	•	•	•
SA-CHE South Africa	–	•	–
TCU Tanzania	–	•	•
U-NCHE Uganda	–	•	•

Three of the councils/commissions (the B-TEC, K-CHE and M-TEC) were directly involved in *strategic planning* for their respective TE/HE sectors in some way or another. On the one hand, this involved making inputs into planning processes at the ministerial level or preparing the sector strategic plan itself. On the other hand, the planning was more focused on specific aspects of the sector, such as long-term institutional plans and

14 The exceptions were the M-TEC and SA-CHE which, over the years, had undertaken or commissioned a range of research to underpin their advice functions.

targets (e.g. staff development, academic outputs, physical infrastructure, quality assurance or budgeting); resources, facilities and staff utilisation for the sector; and national human resource development requirements.[15] Some of the councils/commissions had established divisions that focused on planning.

In terms of *enabling interaction and managing relationships* between key stakeholders, some of the councils/commissions (in their official documents and via interview respondents) referred to themselves as 'intermediary' or 'buffer' bodies. The terms 'intermediary' and 'buffer' are taken to refer to particular roles that organisations play in helping to manage the relationships between key TE/HE stakeholders. In an intermediary role, councils/commissions undertake 'bridging' or 'linking' functions (e.g. providing platforms and channels of communication for stakeholders and policy spheres to interact). As buffer bodies, the agencies essentially 'buffer' or 'protect' key stakeholders (especially TE/HE institutions, government and the public) from one another. Three of the councils/commissions in the study were established as buffer bodies: the B-TEC and G-NCTE in the sense of mediating between government and TE/HE institutions in order to protect the academic or institutional autonomy of the latter; and the TCU in terms of buffering the ministry from the day-to-day problems and requests from institutions. A number of the councils/commissions were also involved in facilitating interaction between key stakeholders in order to discuss key TE/HE issues, primarily via the hosting of conferences, colloquia or seminars, or via participation in the committees or boards of other stakeholder bodies.

In terms of *promoting TE/HE objectives*, the councils/commissions in the East Africa region (K-CHE, U-NCHE and TCU) were required to undertake functions that promoted various national or sector objectives for TE/HE in each country. These included, amongst others, the promotion of 'national values such as unity and identity in universities'; 'gender equality, balance and equity'; 'cooperation and networking among universities'; and 'national interests in the courses of study and professional qualification' in institutions (Chirwa 2014: 34). The promotion of these objectives was undertaken primarily via the organisation of annual exhibitions that brought together TE/HE institutions, prospective students and/or business and industry.

Another form of coordination and the promotion of TE/HE objectives – in terms of the efficient distribution of students across institutions and the promotion of access – was the coordination of student admissions. In this regard, the TCU was responsible for setting academic criteria for student admission into universities; approving admissions into institutions; and providing a Central Admission System (CAS) for university institutions. The K-CHE was also mandated to provide a central admissions service to public universities and the Central Universities Admission Committee of the Commission had been established to this effect. However, the K-CHE was not able to implement the coordination of student admissions function, primarily because of the lack of capacity in the organisation and the 'resistance of the university senates to relinquish their mandate of admission of students to respective degree

15 In order to inform their planning around human resource development requirements, the M-TEC in Mauritius conducted employer surveys every two years to obtain feedback on the graduates who were entering the labour market, as well as graduate tracer studies every four to five years.

courses' (Kenya Ministry of Education 2008: 28). This led to the establishment of the Joint Admissions Board that was managing the central admissions system at the time of the study.

Support functions

Finally, three of the councils/commissions undertook *support* functions that are not considered to be part of a governance role. These included providing information technology and other technical support to public institutions and other institutions outside of the tertiary education sector (M-TEC); career guidance and counselling for prospective higher education students (U-NCHE) (although this had not actually been implemented); and various donor-funded projects (TCU). Arguably, these are all important services provided by the councils/commissions concerned, especially given the lack of capacity in other parts of the system (and particularly in the parent ministry and its TE/HE department or unit), as well as the unique position these agencies occupy (i.e. between government, institutions and other key stakeholders). However, this can also be considered to be a potentially detrimental 'function drift', not least because of the existing constraints on capacity and hence the potential for such support services to direct existing capacity away from core functions. Indeed, a number of interview respondents from both the councils/commissions and their parent ministries raised questions about the appropriateness of these agencies carrying out such functions.

Capacity, data and leverage

Part of the rationale for the establishment of semi-autonomous government agencies is to bring specialised expertise into different spheres of public sector governance. The councils/commissions in this study had developed, or were in the process of developing, *specialised expertise* for key TE/HE functions – both internally within their organisations and externally within institutions and the sector at large – around, for example, quality assurance, planning, research, policy advice and stakeholder engagement. Arguably, this was bringing capacity into the system that was not available in the parent ministries or their departments.

Having said this, the most commonly cited obstacle to function implementation in all eight councils/commissions was the *lack of capacity*. On the one hand, this manifested as shortages of staff within the organisation in general because vacancies had not been filled (M-CNAQ and TCU), and specifically in relation to particular tasks – most commonly institutional or programme accreditation but also in other areas. In terms of institutional accreditation, the severest shortages were in the U-NCHE in Uganda where only two staff members were available for the registration and accreditation of 175 institutions. In some councils/commissions, there were also shortages in terms of programme accreditation although this was alleviated (or had the potential to be alleviated) through the use of external

subject specialists from TE/HE institutions, professional bodies and industry.[16]

On the other hand, the capacity issue was described in terms of expertise – both within the councils/commissions and within the broader sector – in specialised areas such as quality assurance, research and data analysis. To some extent, the shortage of quality assurance expertise was inevitable given the relatively recent formalisation of quality assurance in many of these systems and, in some cases (such as Botswana and Mauritius), because of the small size of the countries. In order to begin to address these capacity problems, some of the councils/commissions (or the individuals within them) had invested in capacity- or expertise-building initiatives – internally and within the broader system.

Comprehensive and up-to-date data on TE/HE institutions and the sector is a key resource in the effective implementation of a range of functions including, for example, to inform decisions about the accreditation of institutions or the allocation of funds; policy advice to government; and strategic planning for both institutions and the sector. Four of the eight countries had a tertiary or higher education management information system (TEMIS or HEMIS) in place (Botswana, Ghana, Mauritius and South Africa) but only two of these (Mauritius and South Africa) were comprehensive in nature.[17] The other four countries (Kenya, Mozambique, Tanzania and Uganda) did not have a TEMIS/HEMIS – although there were plans (some of which were already underway) to develop such systems in the future. Furthermore, only South Africa had an effective mechanism to leverage data from institutions insofar as the national Department for Higher Education and Training could withhold funding from institutions if they did not submit the required data.

In order to fill these gaps in TE/HE data, some of the councils/commissions (e.g. the K-CHE, U-NCHE and TCU) attempted to collect data directly from individual institutions (via requests for information or conducting surveys), as well as from regulatory agencies, examination centres and embassies. However, the councils/commissions faced a number of difficulties in collecting data from (especially private) institutions – either because it was not available at all or because it was only available in hardcopy format.

All of this suggested a need for incentives and capacity development within the national system and within institutions around the collection of TE/HE data.

A potential obstacle to effective steering relates to the *absence of leverage and/or sanctions* available to either the council/commission or the parent ministry to compel institutions to meet quality or accreditation standards or to achieve priority targets. There were examples of such steering mechanisms in place, such as the K-CHE's (Kenya) power to deregister an institution, withdraw a programme or prevent graduations in a particular cohort should prescribed standards not be met; the TCU's (Tanzania) capacity to limit enrolments (via its

16 In South Africa, for instance, the SA-CHE utilised one external peer reviewer per programme accreditation application and up to three reviewers to conduct site visits and obtain additional information, where necessary.

17 For example, the Mauritius TEMIS, which was housed and managed by the M-TEC, contained data on enrolments, programmes, staff, budgets, expenditure and research, amongst others, in both public and private institutions. Reports were published using this data and, in addition to informing the work of the various divisions of the M-TEC, other stakeholders drew on the TEMIS data. The database was updated on a regular basis via surveys and research studies.

Central Admissions System) to institutions that did not have adequate resources; and the M-TEC's (Mauritius) ability to use its funding mandate to leverage institutions to meet their performance and/or quality targets. However, such mechanisms were not in place in other countries. And, while some interview respondents acknowledged the benefits of linking regulatory and distributive functions for the purposes of leverage or sanctions, others questioned whether these roles should be played by the same agency.

Power dynamics, pacts and coordination

There were also systemic features that were impacting on the ability of the councils/commissions to carry out their roles effectively. One of these was the *power dynamics between these agencies their parent ministries*. In the positive sense, a number of interview respondents referred to the importance of a cooperative working relationship with the parent ministry, recognising that councils/commissions cannot operate in complete isolation from their political environments. However, there were also observations that if institutions and other key stakeholders perceive the council/commission as being too close to the parent ministry, or as the implementation arm of a political agenda, this could undermine perceptions of their independence. There was thus a sense in which these agencies were challenged to maintain the delicate balance between independence and cooperation.

On the other side of the coin, there were reports of *political interference* in the decision-making of management (especially relating to regulatory decisions or recommendations) and also in terms of government ignoring the advice of or bypassing the advisory function of the councils/commissions. This is perhaps not surprising given the inherent tensions between the parent ministry and its agencies with regard to control, autonomy and accountability. Speaking generally about such relationships in the African context, and echoing Moja et al. (1996) on weak African bureaucracies in the 1990s, Caulfield (2006: 23) points to some of these power issues:

> *Where agencies are created out of a de-bureaucratisation reform process, permanent secretaries are resentful and, in Africa, political ministers are equally resentful of the conditionality attached to reform policy by donors. In other words, at the political level there is an acute sense of loss of ownership, and at the bureaucratic level loss of status and power. … The inevitable clash between the two organisations, one dynamic and enterprising and the other conservative and rule bound, has a real impact on communications between them.*

There were echoes of this idea in the current study, as expressed by interview respondents, to the effect that some parent ministries regarded the councils/commissions as too independent and/or as unacceptably critical of government, resulting in the agencies being ignored or side-

lined. This has potentially significant ramifications for the fulfilment of these agencies' roles in governance. In particular, if a council/commission does not or cannot apply its expertise, or leverage its power and authority owing to political interference, it runs the risk of becoming a 'post box' in the system; an unnecessary intermediary. This is also a real danger of not having a clearly agreed-to role in the governance system.

Another aspect of this relates to the tension between, on the one hand, parent ministries' control over their agencies via the parameters set out in their founding Acts of Parliament as well as their accountability requirements (which effectively constrain their behaviours and curb their autonomy) and, on the other hand, the delegation of responsibilities (functions) to the councils/commissions as expert bodies. As Groenleer (2009: 37) argues, the 'information asymmetry' between expert-based agencies and their parent ministries 'makes it difficult for principals to control the behaviour of agents by monitoring and sanctioning', making it possible 'for agents to develop their own preferences and interests.' Groenleer refers to this as 'agency slippage', which can also be explained by the notion of institutional path dependency. As highlighted earlier, when models of agency are imported into new contexts they are not adopted wholesale; rather, they are shaped by institutional path dependencies. As Gornitzka and Stensaker (2014: 6) observe: 'What happened at an earlier point in time will affect the possible sequence of events occurring at a later point in time.' This can result in unintended consequences of initial institutional designs and gaps between intention and practice (ibid.): 'Once in place institutions tend to take on a life of their own and their internal dynamic creates a gap between intention of institutional designers and institutional practice. This happens as ways of doing things become institutionalised, and institutions spell out and interpret their own standards.' This echoes what we have termed 'function drift', namely incidences where councils/commissions were undertaking functions that were not originally mandated in the legislation or were somewhat marginal to their primary focus.

What are some of the factors that impact on the autonomy and independence of councils/commissions? One possible issue is the close involvement of the parent ministry in the appointment of council/board members and, in some cases, where the minister has to give his/her approval to the appointment of the chief executive officer and even secretariat staff. Another factor is the sometimes heavy reliance on government for funding, although there was disagreement amongst interview respondents about this. Arguments against the challenge to autonomy because of financial dependence generally rested on the idea that the relevant Act of Parliament protected the agency from such interference. Arguments put forward as to why financial dependence could potentially threaten autonomy rested on the notion that 'he who pays the piper, calls the tune'. Finally, some interview respondents made the point that the style and approach of individual ministers, and the nature of the relationship (paternalistic, cooperative) between the council/commission and its parent ministry, had different implications for the agencies' independence from or cooperation with the parent ministry.

Another feature of the broader governance environment that was impacting on the councils'/commissions' function implementation was the *absence of a clear pact (or agreement) amongst*

key stakeholders regarding the vision for TE/HE in the country (see Cloete et al. 2011: 165–167) and, linked to this, very *limited coordination at the system level*. A pact and overarching coordination clarifies which functions need to be fulfilled and the resources required for their implementation (e.g. expertise, human resource capacity, funding, data/information systems and appropriate leverage, incentives and sanctions).

To the extent that the councils/commissions were operating in the absence of a pact and limited coordination, they were vulnerable to fluctuating external influences and mixed messages (e.g. shifting priorities/agendas or demands from the environment, or duplication, confusion or gaps within the broader governance system). This can result in a scenario in which the councils/commissions must constantly negotiate their roles in the system as well as the resources/capacity they need to carry out their functions. This is not to ignore the fact that systems such as TE/HE governance systems develop on the basis of ongoing interactions between key stakeholders and institutions and that 'institutional survival often involves active political renegotiation and heavy doses of institutional adaptation' (Thelen 2004: 8). It is simply to point out that if not checked, such constant renegotiation in the face of ongoing challenges to roles, division of labour, authority and routine access to resources can lead to a process of de-institutionalisation and thus institutional instability and the failure of function implementation.

The absence of a pact and limited coordination can also leave the councils/commissions adrift in terms of a guiding framework for certain of their functions. For instance, with regard to institutional accreditation, in some countries there was a proliferation of private institutions which, in certain cases, had significantly low enrolment numbers, as exemplified by the following:

- In Uganda in 2010/2011, 137 out of 187 tertiary education institutions were private, some of which had very small enrolments (e.g. 14 theology colleges with a total enrolment of 1 597 students or 61 management/social development colleges – of which only five were public – with a total enrolment of 5 547).
- In Tanzania in 2011/2012, there were 11 public universities/university colleges with 114 531 enrolments versus 23 private institutions with 51 953 enrolments.
- In Mauritius in 2011, there were 70 tertiary education institutions, 59 of which were private, with a total student enrolment in the sector of 35 906 – and this in a country with a population of around 1.3 million (2012 estimate).

This raises the question as to why these councils/commissions were registering or accrediting so many private institutions. This again talks to the absence of a pact or, more specifically, a broader national plan linked to the countries' development model for differentiation or planning for the sector (e.g. in relation to the labour market or national development objectives), to guide the councils/commissions in their regulatory work. This could be considered a failure of steering. It also flags the mismatch between function implementation and capacity in the light of personnel shortages for institutional accreditation highlighted as a key issue in this chapter.

Finally, there were other indications of the lack of coordination and system oversight at the time of the study. One of these was the problem of duplication, confusion and/or gaps in the legislation or governance system in terms of what different state bodies were mandated to do. In three cases in particular (the M-TEC, TCU and U-NCHE), interview respondents reported that their council/commission faced challenges or were not able to implement certain of their functions because of such duplication or gaps. Another indication of lack of coordination, already highlighted, was the lack of comprehensive data on both public and private institutions (most noticeable in Kenya, Mozambique, Tanzania and Uganda).

Concluding comments

Castells (1993, 2001), in his historical analysis of the functions of universities, identifies four overlapping and contradictory roles for the university. His discussion of these roles rests on the traditional view of universities as autonomous. Arguably, however, the management of these contradictory functions requires some form of national steering – and this is perhaps especially so in the developing country context.

A reading of the individual case studies and the comparative analysis provided in the synthesis report indicates a shift from a state control to a state supervision model of governance, with its focus on steering, in the eight countries in this study. This is evidenced by, amongst others, the existence of parent ministries with specific departments or units with a TE/HE focus, and of legislation, policies, plans and/or strategies relating to the direction and operation of TE/HE institutions and the sector, as well as the establishment of councils/commissions with specialised TE/HE functions and expertise, and with semi-autonomous status in order to limit political interference. The delegation of steering functions (regulatory, distributive and monitoring) to the councils/commissions is a positive development given the limited TE/HE expertise and steering capacity in the national departments (except for South Africa) (see Cloete et al. 2011: 42), which were often referred to as playing an administrative role in the sector.

However, as highlighted in this chapter, various factors were inhibiting the ability of the councils/commissions to carry out their governance roles, including a lack of capacity and appropriate expertise; the lack of comprehensive and up-to-date data; the absence of the necessary leverage or sanctions to compel institutions to meet their targets; and the absence of a pact and system-level coordination to guide the work of the councils/commissions within the overall system. Furthermore, the councils/commissions are part of the institutional architecture of TE/HE governance in their respective systems, and even where they have been restructured recently (i.e. Botswana and Kenya) this was in order to strengthen their role rather than diminish it. Nevertheless, where the councils/commissions were experiencing capacity challenges, function drift or role confusion, contested political autonomy, and were having to negotiate their roles and access to resources, this indicates that they were not fully

institutionalised. As such, they could be considered a 'barometer' of the evolving governance systems within which they were operating.

In conclusion, the key findings of this study point to a number of *policy issues*, including the need for a detailed national plan for TE/HE in each country; a review of governance roles and coordination at the system level; capacity-building and identification of expertise; the development and maintenance of TE/HE management information systems; and clarity regarding autonomy and political independence.

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Appendix tables

Table A9.1 Examples of council/commission monitoring activities

Sector-level trends	
G-NCTE	Implementation of norms and standards set for institutional infrastructure and operations. Based on data collected by the National Accreditation Board and data collected by the G-NCTE in relation to targets.
M-TEC	Produces an annual report, *Participation in Tertiary Education,* which covers student enrolments across all tertiary education institutions in the country. Data collected from institutions, examination centres and embassies and high commissions (in the case of foreign institutions).
SA-CHE	Produces various publications on performance of the sector using data from the HEMIS and from StatsSA. Covers student enrolments, throughput and graduation rates; participation by race, gender and nationality; staff complement. Also developing performance indicators to inform the Department of Higher Education and Training in their development of the system.
U-NCHE	Statistics on student enrolments, academic programmes, academic staff, physical infrastructure and educational facilities, as well as institutional funding and expenditure, amongst others. Based on data collected from institutions and published in *State of Higher Education and Training in Uganda* reports.

Institutional performance	
G-NCTE	Financial expenditure of institutions based on audited accounts submitted.
M-TEC	Financial expenditure of public institutions on the basis of quarterly financial reports and against budgets, institutional long-term plans and national priorities for the sector. Informs further release of funds from the Ministry for Tertiary Education, Science, Research and Technology for public institutions.
TCU	Monitors relevance, general management and performance via site visits and technical inspections, as well as each university's resource base in relation to its academic programmes and related functions, based on submission of various institutional reports.

Quality assurance mechanisms	
B-TEC	Institutional audits of public and private institutions – assessing institutional systems for monitoring and enhancing academic quality and standards. Based on *Internal Quality Assurance Guidelines for Tertiary Institutions* and *External Quality Assurance Audit Framework for Tertiary Institutions.*
K-CHE	Quality assessments and quality audits. Based on the *Handbook on Processes for Quality Assurance in Higher Education in Kenya.*
M-TEC	Quality audits of public institutions undertaken in five-year cycles. Based on the *Quality Audit Handbook.*
SA-CHE	Institutional audits – effectiveness of quality assurance arrangements in institutions. Based on the Higher Education Quality Committee's *Framework for Institutional Audits.*
TCU	Institutional audits of quality assurance mechanisms in universities.
U-NCHE	Mandated to monitor the quality of implementation in institutions against the *Quality Assurance Framework for Universities and the Licensing Process for Higher Education Institutions*. However, only partially implemented.

Table A9.2 Examples of council/commission coordination activities

Strategic planning	
B-TEC	Developed the frameworks for institutional planning (including governance, academic, financial and infrastructural planning), and undertaken capacity-building in institutions in the use of these frameworks. Implementation of these to be monitored in future. Also mandated to coordinate long-term planning for the sector, including the coordination of funding for the sector, but this function had not been fully implemented at the time.
K-CHE	Long-term student enrolment planning, informed by graduate tracer studies and university needs assessments, which is used to inform government regarding funding for public institutions and to identify priority fields of study. However, limited implementation of this function. Strategic planning for the sector, as well as participation in the development of the MHEST strategic plan for higher education and the second medium-term plan for higher education as part of Vision 2030.
M-TEC	Planning for the graduate labour market: employer surveys every two years and graduate tracer studies every 4–5 years. From these, M-TEC develops a List of Indicative Priority Fields of Study that is given to students to guide them in their course selection and that is also used to guide the allocation of scholarships and bursaries. Also developed strategies and strategic plans for the sector as a whole (including budgets for these plans), in order to realise the policy objectives of the MTESRT.

Enabling interaction and managing relationships between key TE/HE stakeholders	
B-TEC	Established as a buffer body to maintain the balance between government steering of academic programmes and universities' academic freedom.
G-NCTE	Established as a buffer body to prevent political interference in tertiary education institutions with the emphasis on protecting institutional autonomy. Also participated in a range of meetings and on the boards of key stakeholders in government and private sector.
K-CHE	Organises stakeholder seminars (linked to annual exhibitions) to discuss higher education issues.
M-TEC	Organises conferences on tertiary education issues.
SA-CHE	Organises conferences and colloquia on higher education issues.
TCU	Organises forums to bring higher education stakeholders together to discuss higher education issues, and acts as a buffer or intermediary body between government and universities, particularly around issues arising within the institutions.
U-NCHE	Mandated to receive and investigate complaints regarding higher education institutions (e.g. relating to the quality of teaching and research or to the availability of facilities and resources) and to take appropriate action.

Promoting TE/HE objectives and priorities	
K-CHE	Organises annual exhibitions during which recognised Kenyan universities showcase and market their academic programmes to the public. The aim is to promote the role of universities in socio-economic development and to foster university-industry partnerships. Since 2002, exhibitions have been held in Nairobi and other centres around the country.
M-TEC	Promotes coordination of research through administration of various research support schemes including Masters/PhD scholarships/bursaries and postdoctoral fellowships; funding applied research in university-based centres; national research chairs; and a publication grant scheme. Also promotes open and distance learning in line with the national need for distance education and training (e.g. by fostering networking between institutions; developing think-tanks on ODL-related matters to support local and regional initiatives; and collecting data on and developing quality assurance frameworks for the provision of ODL in Mauritius).
TCU	Organises exhibitions where universities come together to show their products and services, and to meet and share ideas, and coordinates student admissions to universities via the Central Admissions Service.
U-NCHE	Promotes higher education, vocational courses and skills, and science to the broader public via annual exhibitions involving institutions and business representatives. Targeted at secondary school A-level students.