Initiating partnerships & joint ventures

In my beginning is my end…

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Initiating partnerships & joint ventures

What I will cover today

- Why are there still problems with international partnerships?
- Some typical problems
- An organic & holistic approach to partnering
- Some ground rules
- Conclusion

Initiating international partnerships

Why are there still problems with international partnerships?

TNE 20 years on…

- Many major lessons have been learned
- Most HEIs undertake TNE in some form
- Many HEIs have international officers
- Much more information available
  - HE Global
  - UK HE International Unit – Legal Guide to International Partnerships + Country Profiles
  - QAA
  - UKCISA etc

BUT...

- Many HEIs do relatively small amounts of TNE
- Has the institution's strategy been:
  - considered at all levels within the HEI?
  - translated into an operational plan?
  - applied consistently?
  - updated to deal with more complex activities eg research, work for overseas governments etc?
- Is the institution prepared to commit the level of resource needed (internally & externally)?

Initiating international partnerships

Typical problems

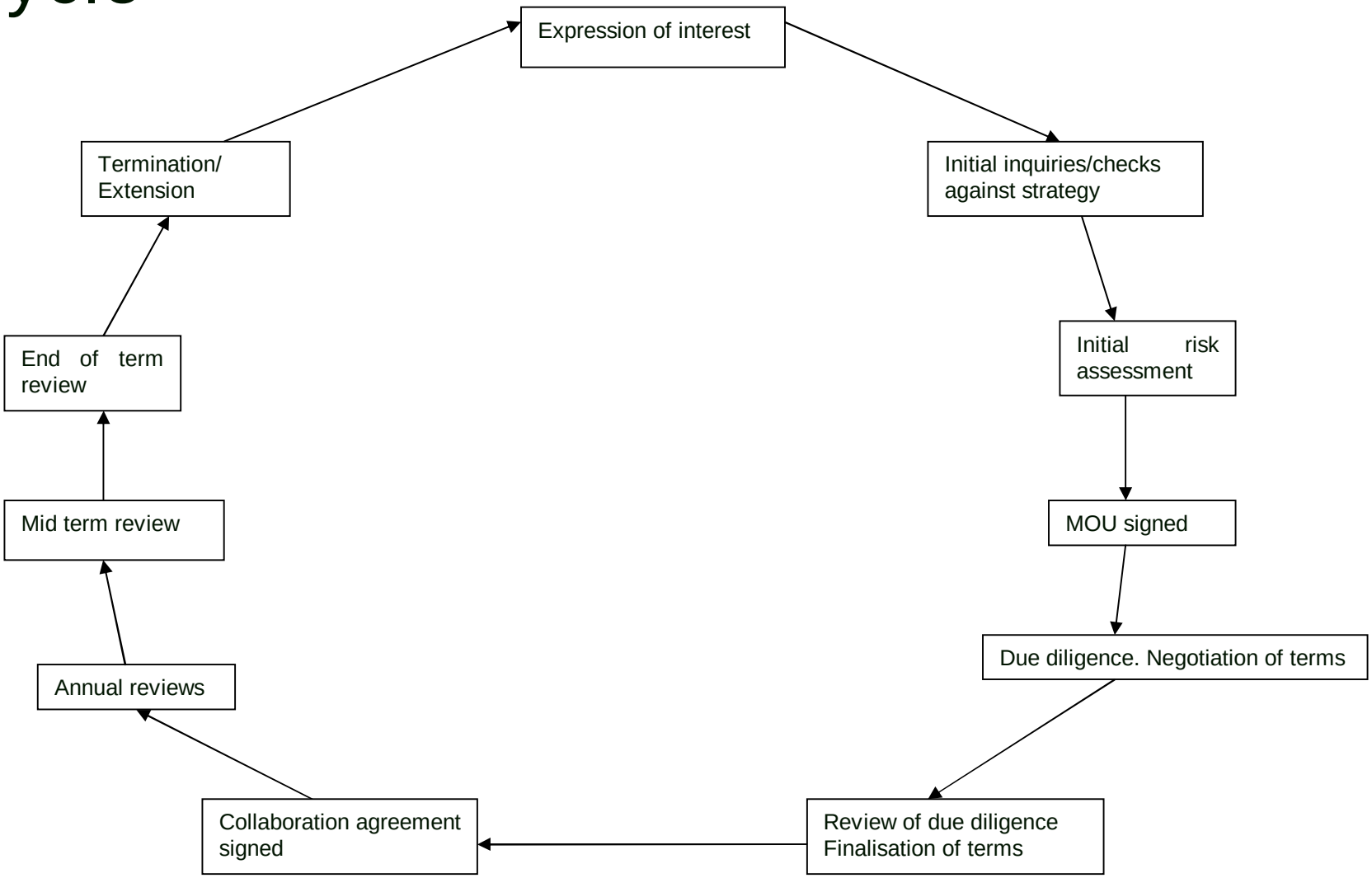
Typical problems

- failure to allow enough planning time
- delivery mode -direct/joint/venturing mechanism
- inadequate due diligence
- adequate DD – results ignored
- relying on MoU not full agreement
- full agreement simplistic/legalistic/one sided
- not allowing for inevitable change as partnership develops
- ignoring early signs of trouble with partner

Initiating international partnerships

An organic & holistic approach

Holistic approach- the partnership life cycle



Initiating international partnerships

Some ground rules

Ground rules

- Get commitment from top of both partners
- Take DD seriously
  - initial risk assessment of new country
  - use DD advisers with knowledge of country
- Negotiate for sustainable partnership if want long term relationship
- Treat each project on its merits, beware template documents
- Have an exit strategy from the start

Ground rules cont. – danger areas

- pre-conditions – eg licence to operate, exchange control, tax,
- students – with whom & for what will they have a legal relationship?
- governing law/jurisdiction
- multiple versions of agreement in different languages
- mechanisms for resolving problems
- allowing agreements to run on after termination

Conclusions

- Provision of TNE now routine for most UK HEIs
- But continuum of complexity from eg recruiting students to the UK to setting up a branch campus
- Tune your TNE activity to your HEI's strategy, risk appetite, & resources
- And ensure that your partner institution is on the same wavelength too!
- In your beginning is your end. In your end is your beginning...TNE is a learning process!

References

- Legal Guide to International Partnerships – UK HE International Unit (on website)
- International Branch Campuses – data & developments, January 2012, OBHE
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