

Progress in the Ratification and Implementation of the Regional Convention and the Need for Revision: Report from the Secretariat

When States agree to common rules, notwithstanding cultural differences and traditions, they can draw up an agreement or convention, which are legally binding, or develop a recommendation or a declaration. UNESCO participates in these efforts through its standard-setting action and serves as a central forum for coordination and discussion.

Among the various initiatives towards standard-setting, facilitating academic mobility and promoting mutual recognition of qualifications in higher education has always been a priority of UNESCO's higher education programme. With UNESCO's initiative, 6 regional conventions on mutual recognition of studies, diplomas and degrees in higher education have been adopted since 1973. They are as follows:

- The Latin America and the Caribbean convention on mutual recognition of studies, diplomas and degrees in higher education adopted in 1973;
- International convention on the recognition of studies, diplomas and degrees in higher education in the Arab and European States bordering on the Mediterranean in 1978;
- Convention on the recognition of studies, diplomas and degrees in higher education in the Arab States adopted in 1978;
- Regional convention on the recognition of studies, certificates, diplomas and degrees and other academic qualifications in higher education in African States adopted in 1981;
- The regional convention on the recognition of studies, diplomas and degrees in higher education in Asia and the Pacific adopted in 1983;
- The convention on the recognition of qualifications concerning higher education in the European region adopted in Lisbon, 1997.

These UNESCO Regional Conventions on the recognition of qualifications are legally binding instruments. The main objectives of the conventions are to promote international cooperation in higher education and to reduce obstacles to the mobility of teachers and students by a mutual recognition of degrees and qualifications between the countries that have ratified them. Under the regional convention, members are required to take all feasible steps within the framework of their national systems and in conformity with their constitutional, legal and regulatory provisions to facilitate academic mobility. They are to

encourage the competent authorities concerned, to give recognition to certificates of secondary education and other diplomas necessary for access to higher education, awarded in other member states, with a view of enabling their holders to undertake studies in institutions of higher education situated in the territory of the receiving state, subject to all academic admission requirements. Where no legal instruments prevail, recognition is a matter of mutual information on the qualifications provided. This enables a comparison to be made between the regulations for the qualification in question and the regulations for the relevant profession or academic qualification in the receiving country. If there remains a significant difference between the qualification and local requirements, it depends on the willingness of the competent authority as to how the differences may be overcome.

With the accelerating pace of globalisation and internationalization of HE, interest in signing and ratifying regional conventions is growing. More than 130 countries have ratified one or more of the six regional conventions on recognition of studies, diplomas and degrees in higher education.

Progress made in Asia and the Pacific

The regional convention for recognition of studies, diplomas and degrees in higher education in Asia and the Pacific was adopted at the conference of states in Bangkok in 1983, in which 33 countries participated. Since then, the Bureau of the Regional Committee, that consists of representatives from the governments that have ratified the Convention, has been monitoring the promotion of the convention. The Regional Committee meets bi-annually and examines periodic reports from the Member States on progress and difficulties in applying the convention. The major mandate of Bureau of the Regional Committee is to promote the application of the convention, examine periodic reports from the Member States on progress and difficulties in applying the convention and building partnership with stakeholders for its implementation. So far twenty member states have ratified the Convention – Armenia, Azerbaijan, Australia, China, Democratic People’s Republic of Korea, Holy See, India, Kazakhstan, Kyrgyzstan, Laos PDR, Maldives, Mongolia, Nepal, Philippines, Republic of Korea, Russian Federation, Sri Lanka, Tajikistan, Turkey, and Turkmenistan.

During the period after the Seventh Session of the Regional Committee held at Perth, Australia in March 2003, Philippines has joined the list of countries that have ratified the Convention. The following activities of the UNESCO Bangkok have contributed to further promoting the Convention:

1. UNESCO Bangkok published the Second Edition of the Handbook on Diplomas, Degrees and Certificates in Higher Education in Asia and the Pacific.
2. The Workshop on “Exporters and Importers of Cross-Border Higher Education” was held on 20-22 March 2004 in Beijing, China. This is a training workshop for decision makers from the Asia and Pacific region focusing on “Exporters and Importers of Higher Education” and addressing emerging issues linked to the recognition of qualifications and quality assurance.
3. The Global University Network of Innovations in the Asia-Pacific (GUNI-AP) held an international symposium on Quality Assurance and Mutual Recognition of Qualifications in Higher Education on 20-21 September 2004, HangZhou, China, to present case studies of innovative practices at the institutional level among member universities in this network. The symposium had a focus on the way the research universities had responded to Quality Assurance and Mutual Recognition in their transition towards a knowledge based society. The symposium was expected to provide the platform to exchange experiences of innovative practices and future strategies on Quality Assurance in and Mutual Recognition of Qualifications between GUNI-AP member universities.
4. The UNESCO/OECD Australia Forum on Trade in Education Services was held on 10-12 October 2004 in Sydney, Australia. This forum focused on three cross cutting themes:
 - Bridging the divide – differing perspectives on cross-border provision of education
 - Trade capacity building – promoting understanding of the General Agreement on Trade in Services (GATS) and the trade negotiation process; and
 - Building capacity in quality assurance and accreditation in higher education particularly in the Asia-Pacific region.
5. The UNESCO Global Forum on Higher Education, Research and Knowledge and UNESCO New Delhi held a Preparatory Expert Meeting for the UNESCO Regional Seminar on the Implication of WTO/GATS on Higher Education in Asia and the Pacific on 9-10 December, 2004 in New Delhi. The issue of GATS and trade in education, specifically focusing on the impact of trade in a system that has weak structures and little capacity was discussed. This workshop also launched the capacity building exercise for quality assurance at the regional and national level, as part of strengthened policy and regulatory frameworks in higher education.

6. A Situation Analysis of Higher Education in eight Southeast Asian countries, namely, Cambodia, Indonesia, Lao PDR, Malaysia, Philippines, Singapore, Thailand and Vietnam was launched in January 2005 and the study is expected to be completed in October 2005.
7. UNESCO Regional Seminar on the Implications of WTO/GATS on Higher Education in Asia and the Pacific was organised during 27-29 April 2005 at Seoul, the Democratic Republic of Korea. The purpose of this seminar is to identify the implications of WTO/GATS for higher education and research policies, to share the experiences among countries and regions.

Emerging Challenge: Implications of Cross-Border Education

The differing national context among the countries of the region is not a new challenge to the implementation of the Convention. What is emerging as a major challenge, of late, is the implication of cross-border education. In the Asia-Pacific region, the issue concerning the implications of WTO/GATS on higher education has become urgent as many countries are facing the challenges from the international trade and cross-border provision of higher education. Discussions of international trade in higher education have become polarized according to countries' interest and culture. Exporters of higher education assert that it will increase the variety and amount of education services. Importers warn that WTO/GATS will undermine the public education system and destroy intangible values with which higher education has been contributing to the establishment and development of its society.

UNESCO is aware that the implications of WTO/GATS on higher education should be viewed from an educational aspect, not solely by economical one. As the internationalization of higher education develops, a scheme for a bi- or multi-lateral cooperation concerning quality assurance, accreditation and recognition of qualifications has become an important issue. From this perspective and within the framework of UNESCO's main ideas on higher education, there is a need to revisit the Convention. At present, the convention refers to the mutual recognition, by State Parties, of qualifications issued by institutions part of the educational system of a Member State. It does not cover adequately qualification recognition and quality assurance related to the new providers, new delivery means and new qualifications in cross-border education. This calls for revisiting the Regional Convention.

What happened elsewhere?

The Europe Convention (1979) has been the first to be updated. It is now known as the 1997 'Lisbon Convention for the Europe Region' and is a joint document of the Council

of Europe and UNESCO, a first of its kind. It represents a significant landmark in recognition practices in Europe through the introduction of the following key concepts:

- i) It shifted the focus in favour of the applicant in the process of recognition by entitling them to a fair recognition of their qualifications within a reasonable time limit, according to transparent, coherent and reliable procedures;
- ii) Recognition should be granted unless substantial differences can be shown;
- iii) It emphasised the importance of information and networking at the expert level, in particular through national information centres and the ENIC network that meets annually;
- iv) Though it offered a solid legal framework, it also promoted recognition practices through instruments of a lesser binding nature such as codes of good practice or recommendations and guidelines.

For Transnational Education, Lisbon Convention has adopted a Code of Good Practice that lists 11 principles. The 1981 Arusha Convention is currently being revised to address new needs posed by assessing the qualifications earned through distance education. A study prepared as the basis for the revision process underlines the need to establish quality assurance mechanisms specific to the needs of open and distance learning, to assure the credibility of the learning outcomes and to ease the transfer of credits within and between national borders. Trust and credibility are key to this process.

Developments with regard to the Lisbon Convention and Arusha Convention illustrate the ability of the regional conventions to be updated to respond to the recent developments in cross-border education. Efforts have been initiated to update the Mediterranean Convention. During the UNESCO/Norway Forum held in May 2003 and the World Conference on Higher Education +5 meeting held in June 2003, it was agreed that the conventions need to be revised to respond to the challenges and opportunities of globalisation and to facilitate the recognition of qualifications and transparent arrangements for quality assurance.

Next Steps

The analysis of the progress made in Asia and the Pacific and comparison with the Lisbon context indicates that ensuring the following core elements in the member states of Asia and the Pacific has to be the first step:

- i) Convergence in understandings about qualifications for which National Qualifications Framework (NQF) can be a way forward.
- ii) Assurance about the quality of qualifications by a national quality assurance (NQA) mechanism which has the capacity to cover CBE also
- iii) Reliable information about the above for which national information system

- (NIS) or an appropriate mechanism at the national level is necessary
- iv) Regional networking of the national information mechanisms for which APARNET can become the platform
 - v) Implementation of Diploma Supplement and Credit scheme
 - vi) Specificity in the assessment mechanism for foreign qualifications including those obtained through CBE

For immediate attention: Revising the convention may not be beneficial if the member states are not ready to commit themselves to ensure the basic things: NQF, NQA and NIS. Introducing credit scheme and diploma supplement also need immediate attention.

For short term attention: Streamlining the information flow to APARNET to serve as the regional information system.

For Discussion: The major aspects to be discussed are the “feasible steps” to be taken up by the state parties as given in the Convention. In the present form, they seem to be very general and do not guide the member states on specific actions to be taken to facilitate academic mobility. Compared to the Asia-Pacific Convention, the Lisbon Convention is more specific. As mentioned earlier, the Lisbon Convention has shifted the focus of the recognition practices in favour of the applicant by entitling them to a fair recognition of their qualifications within a reasonable time limit, according to transparent, coherent and reliable procedures. It emphasises that recognition should be granted unless substantial differences can be shown.

The set of Criteria and Procedure for Assessment of Foreign Qualifications that runs to a 26-page document, and adopted by the Lisbon Convention, spells out clearly action to be taken by the member states. For example, under “Assessment procedures” applicants have the right to information and the recommendations list specific steps as below:

- The competent recognition authority should give all applicants an acknowledgement of the receipt of their application.
- National information centres, competent recognition authorities and other assessment agencies should publish standardised information on the procedures and criteria for the assessment of foreign qualifications concerning higher education. This information should automatically be given to all applicants as well as to persons making preliminary inquiries about the assessment of their foreign qualifications.
- The time normally required to process recognition applications, counted from such time as all relevant information has been provided by applicants and/or higher education institutions, should be specified to applicants. Applications should be

processed as promptly as possible, and the time of processing should not exceed four months.

- National information centres, competent recognition authorities and other assessment agencies should provide advice to individuals enquiring about the possibilities and procedures for submitting formal applications for the recognition or assessment of their foreign qualifications. As appropriate, in the best interests of the individual, informal advice should also be provided in the course of, as well as after, the formal assessment of the applicants' qualifications, if required.
- National information centres and competent recognition authorities should draw up an inventory of typical recognition cases and/or a comparative overview of other education systems or qualifications in relation to that of their own country as an aid in making recognition decisions consistent. They should consider whether this information could be made available to applicants with the proviso that this information serve only as an indicative guide, and that each application will be assessed on an individual basis.

A similar strategy that spells out the criteria, procedure, as well as rights and responsibilities of member states and the applicants may be needed for the Asia-Pacific.

Diploma Supplement

The Diploma Supplement was initiated by UNESCO and revised jointly by UNESCO, the European Commission and the Council of Europe to provide additional information on students' qualifications. A subsidiary text to the Convention for the Recognition of Qualifications Concerning Higher Education in the European Region (Lisbon 1997), it is a tool for promoting the transparency of higher education qualifications (Lisbon Recognition Convention Section IX. Article IX.3). The Diploma Supplement explains the contents of the qualifications delivered by higher education institutions in an internationally understandable form. It was piloted in 35 institutions and is meant to always be used with the diploma, never alone.

Details of the Diploma Supplement

Information identifying the holder of the qualification

Family name(s):

Given name(s):

Date of birth: (day/month/year)

Student identification number or code: (if available)

Information identifying the qualification and its originating institution

Name of the qualification: (in original language)

Name and type of awarding institution:(in original language)

Name and type of institution administering studies: (in original language)

Language(s) of instruction/examination:

Information on the level of the qualification

Level of qualification:

Access requirements(s):

Main field(s) of study for the qualification:

Information on the contents and results gained

Mode of study:

Normal length of programme:

Programme requirements:

Components, courses, modules or units studied:

(if this information is available on an official transcript this should be used here)

Individual grades obtained:

Grading scheme, grade translation and grade distribution guidance:
Overall classification of the award:(in original language)

Information on the function of the qualification

Title conferred by the qualification:(in original language)

Access to further study:

Professional status conferred:

Additional information

Additional information:

Further information sources:

Certification of the supplement

Date:

Signature:

Capacity:

Official stamp or seal:

Information on the national higher education system(s)

General overview of the educational system(s)

Description of the national higher education awards structure(s).

Code of Good Practice
in the Provision of Transnational Education
(adopted by the Lisbon Recognition Convention Committee
at its second meeting, Rīga, 6 June 2001)

PREAMBLE

The Parties to the **Convention on the Recognition of Qualifications concerning Higher Education in the European Region (the Lisbon Recognition Convention)**,

Conscious of the rapid development of transnational education, characterised by those arrangements and partnerships between institutions and organisations in which the students are located in a different country to the one where the institution providing the education is based, and of its impact on higher education globally, but also specifically in the Europe Region;

Conscious in particular of the challenges posed by transnational education institutions and programmes operating outside of the framework of any national education system;

Being aware of the fact that transnational higher education is rapidly expanding, due mainly to the growing and seemingly limitless uses of the new information technologies in providing educational services in a world of borderless higher education;

Convinced that national systems of higher education are, and will continue to be, entrusted *inter alia* to preserve the cultural, social, philosophical, and religious diversity of the European Region while also being expected to promote various forms of international and global co-operation;

Attaching great importance to the academic quality of study programmes and degrees awarded by higher education institutions engaged in transnational education;

Considering that, regardless of the procedures adopted for establishing and providing educational services, higher education institutions should comply with those standards of performance in teaching and learning that are required by the present and future development of knowledge, technology and the labour market;

Acknowledging that facilitating the recognition of qualifications awarded through transnational arrangements will contribute to promoting both the mobility of students and that of study programmes between higher education institutions and systems;

Having regard to the Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region that provides an overall normative framework for dealing with academic recognition matters;

Having regard also to the Codes of good practice developed and monitored by some of the major providers, such as:

§ **Code of Ethical Practice in the Provision of Education to International Students by Australian Universities**, Australian Vice-Chancellors' Committee;

§ **Quality Assurance Code of Practice: Collaborative Provision**, United Kingdom Quality Assurance Agency for Higher Education;

§ **Principles of Good Practice for Educational Programs for Non-U.S. Nationals**;

Mindful that such Codes provide working frameworks from the perspective of the sending institutions/systems of higher education, and that they have to be complemented by the perspectives of the receiving institutions/systems;

Having regard also to the Diploma Supplement developed jointly by the European Commission, the Council of Europe and UNESCO and aiming to provide supplementary information facilitating the assessment of qualifications;

Confident that ethical principles and values should closely guide the international and global cooperation between higher education systems and institutions;

Conscious of the need to find commonly agreed solutions to practical recognition problems in the European Region, and between the States of this Region, and those of other regions of the world, in an ever more global space of higher education;

Conscious of the need to permanently update the implementation mechanisms of the principles and provisions of the **Lisbon Recognition Convention**, thus keeping up with the pace of new developments in higher education cooperation;

Have agreed on the need for:

§ **A Code of Good Practice** in the provision of higher education study programmes and other educational services by means of transnational arrangements;

§ **Recommendation on procedures and criteria for the assessment of foreign qualifications**, with a view to implementing the Code of Good Practice and to facilitating the recognition of qualifications awarded following completion of transnational study programmes/courses of study;

§ and for these to be considered as fully complementary and mutually supportive documents.

Section I. Terminology

Terms defined in the **Lisbon Recognition Convention** are not mentioned here again and shall, for the purposes of this Code of Good Practice, have the same meaning as in the Convention. The following terms, listed in alphabetical order, shall have the following meaning:

Agents

Third parties, such as brokers, facilitators, or recruiters, that act as intermediaries between awarding and providing institutions for establishing transnational educational arrangements. An agent is not usually involved in the provision of educational services.

Agreement

A document agreed formally by the partners that contains all collaborative arrangements made between the awarding and providing institutions.

Awarding institution

A higher education institution issuing degrees, diplomas, certificates or other qualifications.

Educational services

Any study programme, course of study or parts of a course of study that leads, after successful completion, to a qualification. This also includes services such as preparatory/introductory modules to facilitate access to a course of study, or training modules that lead to professional development.

Partners

The awarding and providing institutions involved in transnational arrangements.

Providing institution

An institution or organization which is delivering all or part of a study programme.

Transnational arrangements

An educational, legal, financial or other arrangement leading to the establishment of (a) collaborative arrangements, such as: franchising, twinning, joint degrees, whereby study programmes, or parts of a course of study, or other educational services of the awarding institution are provided by another partner institution; (b) non-collaborative arrangements, such as branch campuses, off-shore institutions, corporate or international institutions, whereby study programmes, or parts of a course of study, or other educational services are provided directly by an awarding institution.

Transnational education

All types of higher education study programmes, or sets of courses of study, or educational services(including those of distance education) in which the learners are located in a country different from the one where the awarding institution is based. Such programmes may belong to the education system of a State different from the State in which it operates, or may operate independently of any national education system.

Section II. Principles

1. Transnational arrangements should be so elaborated, enforced and monitored as to widen the access to higher education studies, fully respond to the learners' educational demands, contribute to their cognitive, cultural, social, personal and professional development, and comply with the national legislation regarding higher education in both receiving and sending countries. In the case of collaborative arrangements there should be written and legally binding agreements or contracts setting out the rights and obligations of all partners.

2. Academic quality and standards of transnational education programmes should be at least comparable to those of the awarding institution as well as to those of the receiving country. Awarding institutions as well as the providing institutions are accountable and fully responsible for quality assurance and control. Procedures and decisions concerning the quality of educational services provided by transnational arrangements should be based on specific criteria, which are transparent, systematic and open to scrutiny.

3. The policy and the mission statement of institutions established through transnational arrangements, their management structures and educational facilities, as well as **the goals, objectives and contents** of specific programmes, sets of courses of study, and other educational services, should be published, and made available upon request to the authorities and beneficiaries from both the sending and receiving countries.

4. Information given by the awarding institution, providing organization, or agent to prospective students and to those registered on a study programme established through transnational arrangements should be appropriate, accurate, consistent and reliable. The information should include directions to students about the appropriate channels for particular concerns, complaints and appeals. Where a programme is delivered through a collaborative arrangement, the nature of that arrangement and the responsibilities of the parties should be clearly outlined. The awarding institution is responsible for and should control and monitor information made public by agents operating on its behalf, including claims about the recognition of the qualifications in the sending country, and elsewhere.

5. Staff members of the institutions or those teaching on the programmes established through transnational arrangements should be proficient in terms of qualifications, teaching, research and other professional experience. The awarding institution should ensure that it has in place effective measures to review the proficiency of staff delivering programmes that lead to its qualifications.

6. Transnational education arrangements should encourage the awareness and knowledge of the **culture and customs** of both the awarding institutions and receiving country among the students and staff.

7. The awarding institution should be responsible for the **agents** it, or its partner institutions, appoint to act on its behalf. Institutions using agents should conclude written and legally binding agreements or contracts with these, clearly stipulating their roles, responsibilities, delegated powers of action as well as monitoring, arbitration and termination provisions. These agreements or contracts should further be established with a view to avoiding conflicts of interests as well as the rights of students with regard to their studies.

8. Awarding institutions should be responsible for issuing the qualifications resulting from their transnational study programmes. They should provide clear and transparent information on the qualifications, in particular through the use of the Diploma Supplement, facilitating the assessment of the qualifications by competent recognition bodies, the higher education institutions, employers and others. This information should include the nature, duration, workload, location and language(s) of the study programme leading to the qualifications.

9. The admission of students for a course of study, **the teaching/learning activities, the examination and assessment requirements** for educational services provided under transnational arrangements should be equivalent to those of the same or comparable programmes delivered by the awarding institution.

10. The academic work load in transnational study programmes, expressed in credits, units, duration of studies or otherwise, should be that of comparable programmes in the awarding institution, any difference in this respect requiring a clear statement on its rationale and its consequences for the recognition of qualifications.

11. Qualifications issued through transnational educational programmes, complying with the provisions of the present Code, should be assessed in accordance with the stipulations of the Lisbon Recognition Convention.