

**ON THE ISSUE OF PREPARING
THE GLOBAL CONVENTION ON RECOGNITION
HIGHER EDUCATION QUALIFICATIONS**

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1. From the origin to the promotion of the idea

The idea of establishing a universal legal instrument, which is aimed at regulating the process of recognition of academic qualifications that are crossing national borders so that their owners will be able to continue their studies overseas, was formulated as a “necessity to examine the equivalence problem of academic degrees” that are issued in different countries, as early as the first years of UNESCO establishment [1].

Practice has shown that initially it was deemed possible to implement the idea of intergovernmental regulation of recognition of foreign degrees and qualifications only on a level of separate regions, a format that was acceptable at that time. Which is why, during the 70’s and 80’s, spearheaded by UNESCO, six conventions on recognition of study courses, diplomas and higher education degrees were formulated and adopted for the following regions: Latin America and the Caribbean (1975), Arab nations (1978), Europe (1979), Africa (1981), Asia and the Pacific (1983) and the Mediterranean countries (1976). It is characteristic, that the preambles of the majority conventions that were passed stipulated the necessity to adopt a worldwide universal document that would be aimed at regulating the recognition of foreign qualifications and degrees.

The first real step in the direction of the formulation of the Universal Convention on the Recognition of Qualifications was made at the UNESCO International Congress on Recognition of Studies and Mobility with the participation of all six regional conventions’ committees and 84 nations (Paris, November 2nd-5th, 1992) [2].

The projects and early draft versions of the Convention on the Recognition of Qualifications and Recommendations on the Recognition of Studies and Qualifications in Higher Education, that are addressed to all nations in the world, were examined and reviewed at that very Congress for the first time ever. The latter document was adopted on the 27th session of the UNESCO General Conference (October 25th - November 16th, 1993) [3] and is still in force.

Later on, discussions about the formulation of the Convention on the Recognition of Qualifications appeared during sessions of various international organizations over and over again with UNESCO retaining its leading role in the process. However, they did not lead to any concrete actions until recently.

Laws, statutes and regulations that were already in force and were acting within the area of global education cooperation, especially the abovementioned six regional conventions on recognition of qualifications, served as a basis for said discussions. Comparatively successful experience of their implementation, which varied from region to region, naturally motivated all stakeholders to initiate the universal convention formulation. It's necessary, however, to emphasize that those very differences in the practice of recognition and its implementation efficiency, which resulted from great differences between regions' legal regulations of their already acting conventions and established implementation mechanisms, led to a fundamental failures for all attempts to propose a qualifications recognition agreement that would be acceptable for all nations of the world.

Only with the advent of regional conventions of the second generation that had close similarities of their legal regulations and implementation mechanisms for all countries involved, real prerequisites for a possible implementation of the Convention on the Recognition of Qualifications started to appear.

Such convention on the recognition for the European region (Lisbon Recognition Convention, 1997) became the benchmark for a reconsideration and preparation of new generation conventions for other regions of the world. And it was hardly a surprise. The adoption of the Lisbon Convention was preceded by a huge preparation work and enormous experience that was accumulated on the issue of recognition of qualifications and degrees, starting from the year 1953 [4]. The Convention was developed with joint efforts of UNESCO and the Council of Europe. All this allowed them to establish modern legal regulations and efficient mechanisms of the convention implementation.

Such capacity and vast experience didn't exist in other regions when they were developing their first-gen conventions. Their main disadvantages, when compared to the Lisbon Convention, are: nonconcreteness and outdated legal regulations that led to their misinterpretation by legal parties, and the main thing - lack of practical mechanisms of the convention's implementation. The Lisbon Convention is vastly different from all first generation conventions due to the specificity of its legal regulations that were established with the use of practical experience, which opened an opportunity for future innovations in the sphere of education. One of the biggest assets of the Lisbon convention, that existed only in its

“infancy” among other regional conventions, is the existence of efficient mechanisms of its implementation and further development, to which we can include the Lisbon Recognition Convention Committee and the National Information Centres network (ENIC-NARIC Networks) which is run by the Secretariat and the governing bodies that are working on the basis of clear legal regulations.

2. Formulation and implementation of new regional conventions: difficult and long process

The actual work on adopting the second generation regional conventions is aimed at establishing a universal legal framework on international recognition of qualifications and elimination of differences between the existing conventions. This enormous job, which involves various regional organizations and state authorities that is organized by UNESCO with the participation of other international organizations, still has to be done. At the time, results from said work can be seen in adaptation of two new regional conventions: Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education (Tokyo, Japan, November 2011) and Revised Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications in Higher Education in African States (Addis Ababa, Ethiopia, December 2014).

The formulation of the first document started in 2005. It was meant to change the Bangkok Convention of 1983. It was signed by 11 nations, two of which ratified this convention. However, in order for this convention to come into force, it has to be signed by at least 5 nations. The second convention is meant to replace the Arusha Convention on Recognition (Arusha, Tanzania, 1981). It was signed by 17 nations of the African continent. The convention hasn't come into force due to the lack of number of its ratifications.

Other regions are also expressing wishes on revising their conventions on recognition, but up until now they haven't been concrete enough, particularly due to the passive engagement of their national education institutions.

What new measures should be absolutely established in new generation conventions for the purpose of their mutual alignment? Here's the list of them:

- formulation of modern principles and transparent procedures that can be completed within reasonable and limited time and are aimed at making a fair assessment and recognition of qualifications;
- implementation of a rule of recognition of any foreign qualifications that have no proven and obvious differences with the national ones;
- promotion of the role of provision of reliable information, cooperation within the network of recognition experts and establishment of national information centres;
- expansion of legal and methodical framework on recognition of qualifications with the help and adaptation of the European experience on the higher education with the inclusion of modern recommendations, guidelines and best practices. We shall call this a set of measures of the first level.

It's evident that this is the main track of preparation and implementation of the second generation conventions. The minimum

requirements for updated conventions to reach their appropriate efficiency have to be taken into consideration.

However, in order to successfully implement all revised conventions and to meet requirements of modern cross border mobility these measures will not be enough. It's inevitable that they will require the use of other important elements of the European experience in this field, such as: sponsorship and regional recognition system management, as well as national information centres network as a core of cross border informational exchange, access to reliable information and a transparent mechanism of decision making. Moreover, any cross border systems of recognition of qualifications are flawed if they don't include mechanisms of quality assurance of education among the member states on uniform conditions and terms. They also should specify the principles of recognitions of qualifications among refugees and displaced people. All this makes up for the second level set of measures, which is a higher one.

A distinctive feature of many approaches towards the formulation and implementation of new generation conventions is a weak role of regional sponsor organizations that can, just like UNESCO, Council of Europe or European Commission, invest financial resources and ideas to establish the core of all European complex of qualifications recognition, which is represented by European Network of National Information Centres on academic recognition – ENIC-NARIC Network.

Particularly, passive engagement of regional sponsor organizations is one of the main reasons of slow ratification process of the Tokyo Convention of 2011. It would seem, that even such countries as Japan that expressed clear interest in the implementation of their new generation regional convention by organizing the international conference on its adoption in their capital city (Tokyo, November 25-26th, 2011) up until now haven't established their own national information centre and only have declared about their intention to do so. Such centres are built in the Asian-Pacific region today by the countries that are successfully implementing the policy of academic mobility support and are actively using the accumulated international experience in their cases. Examples of such countries can include Australia, New Zealand and China. It is expected that India and South Korea will also establish their national information centres.

To a lesser extent one can mention the leading role of regional coordinating centres for preparation and implementation of the second generation conventions for Africa, Latin America and the Mediterranean region.

It is necessary to make an objective time assessment for the processes of formulation and implementation of the second generation regional conventions. Asian-Pacific experience shows that it can take 10 or more years starting from the beginning of convention formulation until the process of its implementation. For instance, the formulation of the Tokyo Convention started in 2005, but it still hasn't come into force.

Ultimately, it can be noted that the sluggishness in the process of promotion of new regional conventions can be explained with weak regional leadership, lack of political willpower on the national level

and insufficient financing and expertise in those regions' respective countries.

It is also worth noticing that a completion of the first level set of measures on the national level can be considered a sufficient basis for ratification and full-scale practical use of revised conventions. But this sort of completion is what lacking in the majority of African and Asian-Pacific states which have already successfully finalized formulation of their conventions. It is clear that the second level set of measure is even more lackluster in its implementation.

3. Preparation of a universal legal document on recognition of qualifications

Modern processes of internationalization of education and the growth of academic mobility clearly create a need to adopt a universal legal document that would ensure their subsequent development. It was proven with the participation of all world's regions which expressed their support to establish such legal document at the International Conference of States on Asian-Pacific Recognition Convention (Tokyo, Japan, 2011).

In 2012, Secretariat of UNESCO started to look into the implementability of such project and disseminated a questionnaire among all its member-states. 77 of them expressed positive feedback for their questions. This topic was also discussed during several regional sessions: Seoul (May 2012), Toledo (June 2012), Abidjan (September 2012), Nanjing (October 2012) [5].

The results of the examination and discussions were presented to the Executive Board of UNESCO on its 191st session, later to the 37th session of the General conference in 2013. Following the results of the session, Resolution 37 C/15 was adopted that stipulated the concept of support of the global convention development that was expressing the motion to develop a universal convention that would act as a legal framework for academic mobility growth and international cooperation in the sphere of education while complementing the existing regional conventions as well [6].

In accordance with this motion, UNESCO organized a session of an expert group to review this issue in July, 2014, the second session was held in April 2015. The Draft Preliminary Report Concerning the Preparation of a Global Convention on the Recognition was prepared as a result of the experts work [7]. The report was reviewed on the 38th session of UNESCO General Conference, where it was decided to prepare further substantiations on the development of a global convention on recognition and "preliminary draft convention" and present them on the 39th session of the General Assembly in November 2017 [8]. For these ends, the Drafting Committee for a so-called "Global Convention on Recognition of Higher Education Qualifications" was established. Its first session was held in Paris, May 2016 [9].

They have developed a structure of the document that will consist of 7 sections. The Committee includes a representative of the Russian Ministry of Education and Science - Mr. Alexey Koropchenko.

The authors of this article wholeheartedly support the UNESCO initiative in this regard but would like to express their point of view on this issue.

4. Splitting the process of preparation of the Global Convention in two parts that will work simultaneously and separately

The regional conventions experience explicitly shows us that the process is a very tough one and requires large timing and financial resources. It would be logical to assume that the preparation of a document that encompasses almost 200 member-states of UNESCO will be accompanied with even bigger difficulties and expenses.

This was the main point of discussion on the 23rd Annual Meeting of ENIC-NARIC Networks (Amsterdam, The Netherlands) in June 21st, 2016, where its participants divided into supporters and opponents of the Global Convention adoption idea. Recognition experts from all European states as well as representatives of other international organizations were divided over their opinion of a possible implementation of the Global Convention, their divide was also expressed in the results of their vote. More than a half of them (53%) were positive that this concept is impossible to implement any time soon.

Considering the results of the vote that should be examined, first of all, as a result of a spontaneous expert poll, it is worth noting that:

- it is high time to pass a universal legal framework document that could benefit not only to the development of regional academic mobility, but to all types of interregional mobility (UNESCO research);
- a response for these challenges can be seen in an adoption of UNESCO resolutions that stipulate the preparation of the Global Convention and the creation of the appropriate international Committee of Experts that are tasked with drawing a draft convention until the session of the year 2017.

We believe that existing contradictions call for a new approach to solve this pressing issue.

We propose to split this process in two directions that will be carried out at the same time.

First direction should be focused on the process of rapid development, adoption and implementation of the document that will give all the interested parties the ability to establish universal procedures and tools of recognition that we referred to the first level set of measures (ref. item 2). Such document could be formulated in a format of a declaration with clear instructions for voluntary obligation of parties to achieve such measures and demonstrate them in practice. This will lead to the following effects:

- 1) Legal framework and conditions will be established for overcoming interregional limitations for mobility and recognition;
- 2) They will be no further need to carry out difficult and time-consuming procedures that were inevitable while adopting and implementing international conventions, which will allow nations that possess adequate political willpower and sufficient resources to rapidly join the global cooperation on this track;
- 3) There will be no further need to establish an intergovernmental committee for convention management and control, as well as a legal institution that regulates its work. An establishment of a Council on the Declaration Implementation that will act on a rotational basis will be enough.

4) New legal framework for quick transfer of experience which has been accumulated in this sphere for countries that will be ready to use it, regardless of regional borders, will be implemented. This will enhance the speed of adopting new generation regional conventions.

5) Ultimately, all this will require much less resources and time than to formulate and implement the Global Convention.

The goals of the first direction can be attainable within the period of 2-3 years.

The Global Convention on the Recognition of Higher Education Qualifications aims to formulate the minimum and sufficient conditions for ensuring unimpeded cross-border movement of qualifications and their fair recognition.

In other words, these conditions will not provide for possible recognition of all diversity of modern qualifications. The Declaration cannot demand upon the coverage of such qualifications as:

- issued by HEIs and other educational organizations of a quality that is ensured by non-traditional institutions and mechanisms;
- issued after completion of various “lifelong learning” programmes
- issued on realization of joint programmes and double diplomas programmes;
- refugees and displaced persons;
- for various reasons non-covered by officially recognized system of quality assurance -and others.

The second direction should focus on a more difficult and long-term task: while promoting the measures within the framework of the proposed universal declaration and new generation regional conventions, it has to try to achieve the biggest outreach among member-states for the process of implementation of all measures on recognition of qualifications, those include the second level set of measures (ref item 2) but now in a format of a global convention.

It is obvious that it will take 7 to 10 years in order to reach the goals of the second direction.

Appendix

Possible structure of the Global Convention on the Recognition of Higher Education Qualifications

1. Chapter 1: Preamble.
2. Chapter 2: Obligations of the parties on adopting and implementing the first level set of measures:
 - 2.1. establishment of transparent and coherent procedures that can be completed within reasonable and limited time and are aimed at making a fair assessment and recognition of qualifications;
 - 2.2. implementation of a rule of recognition of any foreign qualifications that have no proven and obvious differences with the national ones;
 - 2.3. enhancement of information exchange and cooperation within the network of recognition experts and establishment of national information centres;
 - 2.4. expansion of legal and methodical framework on recognition of qualifications with the help and adaptation of the European experience on the higher education with the inclusion of modern

recommendations, guidelines and best practices.

3. Chapter 3. Supervisory council.
- 3.1. Organization of Supervisory council.
- 3.2. Functions of Supervisory council.

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 - European Convention on the Equivalence of Periods of University Study (1956, ETS 21);
 - European Convention on the Academic Recognition of University Qualifications (1959, ETS 32);
 - Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region (1979);
 - European Convention on the General Equivalence of Periods of University Study (1990, ETS 138).
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