

Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education

PREAMBLE

The Parties to this Convention:

Guided by a common will to strengthen their geographical, cultural, educational and economic ties;

Recalling that, as stated in the Constitution of UNESCO, "the purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science, and culture";

Recognising the substantial diversity that exists within the education traditions, systems and values in Asia-Pacific;

Convinced that the diversity of the cultures and higher education systems existing in Asia-Pacific constitutes an exceptional resource;

Committed to strengthening and extending collaboration among the Parties with a view to making optimal use of their human potential so as to encourage the advancement of knowledge and to continually improve the quality of higher education within Asia-Pacific;

Desirous of enabling the peoples of Asia-Pacific to take full advantage of the cultural resource by facilitating access for the nationals of each Party, in particular its students and academics, to the educational resources of each Party, with due regard to domestic regulation;

Convinced that, within the framework of such collaboration, the recognition of qualifications in higher education will facilitate international mobility of students and academics;

Mindful of the need to intensify cultural exchanges with a view to facilitating the economic, social, cultural and technological development, and the promotion of peace in Asia-Pacific;

Recalling that many Parties have concluded bilateral or sub-regional agreements regarding the recognition of qualifications in higher education among themselves, but desirous of strengthening such efforts by extending collaboration throughout Asia-Pacific by means of this Convention;

Mindful that this Convention should also be considered in the context of the UNESCO Recognition Conventions covering other Regions of the world, as well as the 1993 UNESCO Recommendation on the Recognition of Studies and Qualifications in Higher Education;

Conscious of the wide ranging changes in higher education in Asia-Pacific since these Conventions were adopted, resulting in considerably increased diversification within and among national education systems, and of the need to adapt legal instruments and practice to reflect these developments;

Willing to engage in active international collaboration at the global level with Parties to the other UNESCO Regional Conventions;

Conscious of the need to find common solutions to practical challenges in regard to the recognition of qualifications in higher education, which will facilitate mobility of students and academics in Asia-Pacific;

Conscious of the need to improve current recognition practice and to make it more transparent and better adapted to the current situation of higher education in Asia-Pacific;

Considering that the recognition by each Party of qualifications in higher education issued by other Parties represents an important measure for promoting academic mobility among the Parties;

Desirous of ensuring the recognition as widely as possible of qualifications in higher education in order to promote lifelong education and the democratisation of education in a manner suited to the cultural context of each Party;

Respectful of each Party's right to create and grant a system for qualifications, and of the autonomy of its institutions;

Have agreed as follows:

SECTION I. DEFINITION OF TERMS

Article I

For the purposes of this Convention, the following definitions apply:

1983 Convention means the Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific adopted at Bangkok on 16 December 1983;

Access (to higher education) means the right of qualified candidates to apply and to be considered for admission to higher education;

Accreditation means a process of assessment and review that enables a higher education programme or institution to be recognised or certified as meeting appropriate standards;

Admission (to higher education institutions and programmes) means the act of, or system for, allowing holders of qualifications to pursue studies in higher education at a given institution and/or a given programme;

Assessment (of institutions or programmes) means the process for establishing the educational quality of a higher education institution or programmes;

Assessment (of individual qualifications) means the written appraisal or evaluation of an individual's foreign qualifications by a competent recognition authority;

Displaced person means a person forced to move from their locality or environment and occupational activities;

Competent Recognition Authority means a governmental or non-governmental body officially authorised by government with making decisions on the recognition of foreign qualifications;

Components of a Party means public entities at the national, provincial, federal or regional level;

General Requirements for Access (to Higher Education) mean conditions that must in all cases be fulfilled for access to higher education;

Higher Education means post-secondary education, training or research that is recognised by the relevant authorities of a Party as belonging to its higher education system;

Higher Education Institution means an establishment providing higher education recognised by the relevant authorities of a Party;

Higher Education Programme means a programme of study recognised by the relevant authorities of a Party as belonging to its higher education system, and the completion of which provides the student with a qualification in higher education;

Mutatis Mutandis is a Latin phrase meaning "with respective differences taken into consideration";

Non-traditional modes refer to qualifications obtained through alternative delivery mechanisms;

Partial Studies mean any homogeneous part of a higher education programme, while not a complete programme in itself, can be equated with a significant acquisition of knowledge and skills;

Qualification Giving Access to Higher Education means any qualification issued by relevant authorities attesting the successful completion of an education programme and giving the holder of the qualification the right to be considered for admission to higher education;

Qualification in Higher Education means any degree, diploma or other certificate issued by a higher education institution attesting the successful completion of a higher education programme;

Quality Assurance means an on-going process of evaluating and enhancing the quality of a higher education system, institution or programme to assure stakeholders that acceptable standards are being maintained and enhanced;

Recognition of Prior Learning means a process to formally acknowledge the knowledge and skills a person has as a result of formal and/or non-formal learning;

Recognition of Qualifications means a formal acknowledgment as defined and given by the competent recognition authorities of a Party of the value of a foreign education qualification;

Secondary Education means that stage of studies of any kind which follows primary, elementary, preparatory or intermediate or basic education and the aims of which may include preparing students for higher education, leading to a secondary school leaving certificate or enabling students to enrol in higher education;

Specific Requirements (for admission to higher education) means conditions that must be fulfilled, in addition to the general requirements, in order to gain admission to a particular higher education programme, or for the award of a specific qualification in a particular field of study in higher education; and

UNESCO Diploma Supplement, a reference document of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, commonly known as the Lisbon Recognition Convention, means a document providing a description of the nature, level, context, content and status of the studies that were pursued and successfully completed by the individual named on the original qualification to which this supplement is appended.

SECTION II. COMPETENT RECOGNITION AUTHORITIES

Article II.1

1. Where central authorities of a Party are competent to make decisions in recognition matters, that Party shall immediately be bound by the provisions of this Convention and shall take the measures necessary to ensure the implementation of this Convention's provisions within the Party's territory.
2. Where the competence to make decisions in recognition matters lies with components of a Party, the Party shall furnish the depositary with a brief statement of its constitutional situation

or structure at the time of signature or when depositing its instrument of ratification, acceptance, approval, or accession, or any time thereafter. In such cases, the competent recognition authorities of the components of the Party so designated shall take measures necessary to ensure implementation of the provisions of this Convention within the Party's territory.

3. Where the competence to make decisions in recognition matters lies with individual higher education institutions or other entities, each Party according to its constitutional situation or structure, shall transmit the text of this Convention to these institutions or entities and shall take all possible steps to encourage the favourable consideration and application of its provisions.
4. The provisions of paragraphs 1, 2 and 3 of this article shall apply, *mutatis mutandis*, to the obligations of the Parties under subsequent articles of this Convention.

Article II.2

At the time of signature or when depositing its instrument of ratification, acceptance, approval or accession at any time thereafter, each Party shall inform the depositary of this Convention of the authorities that are competent to make different categories of decisions in recognition matters.

Article II.3

Nothing in this Convention shall derogate from any more favourable provisions concerning the recognition of qualifications in higher education issued in one of the Parties that are contained in or stem from an existing or a future treaty by which that Party is bound.

SECTION III. BASIC PRINCIPLES RELATED TO THE ASSESSMENT OF QUALIFICATIONS

Article III.1

1. Holders of qualifications issued in one of the Parties shall have adequate access, upon request to the competent recognition authority to an assessment of these qualifications in a timely manner.
2. In order to assure this right for holders of qualifications, each Party undertakes to make appropriate arrangements for the assessment of an application for recognition of qualifications with the main focus on knowledge and skills achieved.

Article III.2

Each Party shall ensure that the procedures and criteria used in the assessment and recognition of qualifications are transparent, coherent, reliable, fair and non-discriminatory.

Article III.3

1. Decisions on recognition shall be made on the basis of appropriate information on the qualifications for which recognition is sought.
2. In the first instance, the responsibility for providing adequate information rests with the holder of the qualifications, who shall provide such information in good faith.
3. The Parties shall instruct or encourage, as appropriate, all education institutions belonging to their education systems to comply with any reasonable request for information for the purpose of assessing qualifications earned at the said institutions. In particular, the Parties shall encourage institutions belonging to their education systems to provide, upon request and within a reasonable timeframe, relevant information to the holder of qualifications or to the institution or the competent recognition authorities of the Party in which recognition is sought.

4. As long as the information relevant to the assessment of the qualifications is appropriately provided, the responsibility to demonstrate that an application does not fulfil the relevant requirements lies with the competent recognition authority.

Article III.4

Each Party shall ensure, in order to facilitate the recognition of qualifications, that adequate and clear information on its education system is provided.

Article III.5

Decisions on recognition of qualifications shall be made within a reasonable time limit specified beforehand by the competent recognition authority and calculated from the time all necessary information in the case has been provided. If recognition is withheld, the reasons for the refusal to grant recognition shall be stated, and information shall be given concerning possible measures the holder of the qualification may take in order to obtain recognition at a later stage. If recognition is withheld, or if no decision is taken, the holder of the qualification shall be entitled to make an appeal through appropriate procedures in each Party within a reasonable time limit.

SECTION IV. RECOGNITION OF QUALIFICATIONS GIVING ACCESS TO HIGHER EDUCATION

Article IV.1

Each Party shall recognise, for the purpose of access to each of its higher education programmes, the qualifications issued by the other Parties that meet the general requirements for access to these respective higher education programmes, unless a substantial difference can be shown between the general requirements for access in the Party in which the qualifications were obtained and those in the Party in which recognition of the qualifications is sought.

Article IV.2

Alternatively, it shall be sufficient for a Party to enable the holder of a qualification issued in one of the other Parties to obtain an assessment of that qualification, upon request by the holder, and the provisions of Article IV.1 shall apply *mutatis mutandis* to such a case.

Article IV.3

Where admission to a particular higher education programme is dependent on the fulfilment of specific requirements in addition to the general requirements for access, the competent recognition authorities of the Party concerned may impose the additional requirements on holders of higher education qualifications obtained in the other Parties or assess whether the holder of qualifications in higher education obtained in other Parties has fulfilled comparable requirements.

Article IV.4

Where, in a Party in which they have been obtained, school leaving certificates give access to higher education only in combination with additional qualifying examinations as a prerequisite for access, the other Parties may make access conditional on these requirements or offer an alternative for satisfying such additional requirements within their own education systems.

Article IV.5

Without prejudice to the provisions of Articles IV.1 – IV.4, admission to a given higher education institution, or to a higher education programme within such an institution, may be restricted or selective. In such cases in which admission to a higher education institution and/or higher education programme is selective, admission procedures should be designed with a view to ensuring that the accreditation of foreign qualifications in higher education is carried out according to the basic principles of fairness and non-discrimination described in Section III.

Article IV.6

Without prejudice to the provisions of Articles IV.1 - IV.5, admission to a given higher education institution may be made conditional on demonstration by the holder of the qualification of sufficient competence in the language or languages of instruction of the institution concerned, or in other specified languages in order for the holder of the qualification to profitably undertake the studies in question.

Article IV.7

Qualifications obtained through non-traditional modes which allow access to higher education in one Party shall be assessed in a fair manner in other Parties.

Article IV.8

For the purpose of admission to higher education programmes, each Party may make the recognition of qualifications issued by foreign educational institutions **operating** in its territory contingent upon specific requirements of national legislation or specific agreements concluded with the Party of origin of such institutions.

SECTION V. RECOGNITION OF PARTIAL STUDIES**Article V.1**

Each Party shall recognise, where appropriate, or at least assess partial studies completed within the framework of a higher education programme in another Party. This recognition shall consist of taking such partial studies into account for the purposes of the completion of a higher education programme in the Party in which recognition is sought, unless substantial differences can be shown between the partial studies completed and the part and/or all of the higher education programme in the Party in which recognition is sought.

Article V.2

Article V.1 shall apply *mutatis mutandis* to partial studies carried out through non-traditional modes.

Article V.3

In particular, each Party shall facilitate recognition of partial studies when:

- (a) there has been a previous agreement between:
 - i. the higher education institution or the competent recognition authority responsible for the relevant partial studies; and
 - ii. the higher education institution or the competent recognition authority responsible for the recognition that is sought; and
- (b) the higher education institution in which the partial studies have been completed has issued a certificate or transcript of academic records attesting that the student has successfully completed the stipulated requirements for the said partial studies.

SECTION VI. RECOGNITION OF QUALIFICATIONS IN HIGHER EDUCATION**Article VI.1**

To the extent that a recognition decision is mainly based on the knowledge and skills certified by a qualification in higher education, each Party shall recognise the qualifications in higher education conferred in another Party, unless a substantial difference can be shown.

Article VI.2

Alternatively, it shall be sufficient for a Party to enable the holder of a qualification in higher education issued in another Party to obtain an assessment of that qualification, upon request by the holder of the qualification, and the provisions of Article VI.1 shall apply *mutatis mutandis* to such a case.

Article VI.3

Articles VI.1 and VI.2 shall apply *mutatis mutandis* to qualifications in higher education obtained through non-traditional modes within the framework of a Party's education system and in conformity with domestic regulatory requirements.

Article VI.4

Recognition in a Party of a qualification in higher education issued in another Party may have one or more of the following consequences:

- (a) access to further higher education studies, including relevant examinations or to preparations for a postgraduate course on the same conditions as those applicable to holders of qualifications of the Party in which recognition is sought;
- (b) the use of an academic title, subject to the laws and regulations of the Party or a jurisdiction thereof, in which recognition is sought;
- (c) access to employment opportunities, subject to the laws and regulations of the Party or the jurisdiction thereof, in which recognition is sought.

Article VI.5

An assessment by a competent recognition authority in a Party of a higher education qualification issued in another Party can be used in the form of advice to one or more of the following:

- (a) an educational institution for the purpose of admission to its programmes;
- (b) any other competent recognition authority;
- (c) potential employers.

Article VI.6

Each Party may make the recognition of qualifications in higher education issued by foreign higher education institutions operating in its territory contingent upon specific requirements of national legislation or specific agreements concluded with the Party of origin of such institutions.

SECTION VII. RECOGNITION OF QUALIFICATIONS HELD BY REFUGEES, DISPLACED PERSONS AND PERSONS IN A REFUGEE-LIKE SITUATION**Article VII**

Each Party shall make all reasonable efforts within the framework of its education system and in conformity with its constitutional, legal, and regulatory requirements to develop procedures, including recognition of prior learning, designed to assess fairly and expeditiously whether refugees, displaced persons and persons in a refugee-like situation fulfil the relevant requirements for access to higher education programmes or for recognition of qualifications for employment activities, even in cases in which the qualifications obtained in one of the Parties cannot be proven through documentary evidence.

SECTION VIII. INFORMATION ON ASSESSMENT/ACCREDITATION AND RECOGNITION MATTERS**Article VIII.1**

Each Party shall provide adequate information on any institution belonging to its higher education system, and on its quality assurance system, with a view to enabling the competent recognition

authorities of the other Parties to ascertain whether the quality of the qualifications issued by these institutions justifies recognition in the Party in which recognition is sought. This includes:

- (a) a description of its higher education system;
- (b) an overview of the different types of higher education institutions belonging to its higher education system, and of the typical characteristics of each type of institution;
- (c) a list of recognised and/or accredited higher education institutions (public and private) belonging to its higher education system, indicating their powers to award different types of qualifications and the requirements for gaining access to each type of institution and programme;
- (d) an explanation of quality assurance mechanisms; and
- (e) a list of educational institutions located outside its territory which the Party considers as belonging to its education system.

Article VIII.2

Each Party shall provide relevant, accurate and up-to-date information in order to facilitate the recognition of qualifications in higher education by:

- (a) facilitating access to authoritative and accurate information on its higher education system and qualifications;
- (b) facilitating access to information on the higher education systems and qualifications of the other Parties; and
- (c) giving advice or information on recognition matters and assessment of qualifications, in accordance with national laws and regulations.

Article VIII.3

Each Party shall take adequate measures for the development and maintenance of a national information centre that will provide higher education information. The form of the national information centre could vary.

Article VIII.4

The Parties shall promote, through their national information centres or otherwise, the use of the:

- (a) "*UNESCO Diploma Supplement*" or any other comparable qualification supplement; and
- (b) the UNESCO/OECD Guidelines for Quality Provision in Cross-border Higher Education and/or any comparable document produced by the Parties' respective higher education institutions, subject to their respective national laws and regulations.

SECTION IX. IMPLEMENTATION

Article IX.1

The body to oversee, promote and facilitate the implementation of this Convention shall be the Committee of the Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education, hereinafter referred to as "the Committee".

Article IX.2

1. The Committee, which is hereby established, shall be composed of one representative of each Party.
2. States which are not Parties to this Convention may participate in the meetings of the Committee as observers. Representatives of governmental and non-governmental organisations active in the field of recognition in the region may also be invited to attend meetings of the Committee as observers.
3. The Committee may adopt, by a majority vote of the Parties, recommendations, declarations, protocols and models of good practice to guide the competent recognition authorities of the Parties in their implementation of this Convention and in their consideration of applications for the recognition of qualifications in higher education. While they shall not be bound by such

texts, the Parties shall use their best endeavours to apply them, to bring them to the attention of the competent recognition authorities and to encourage their application.

4. The Committee shall maintain its links to the UNESCO Regional Committees for the Application of Conventions on the Recognition of Studies, Diplomas and Degrees in Higher Education adopted under the auspices of UNESCO.
5. A simple majority of the Parties shall constitute a quorum.
6. The Committee shall adopt its Rules of Procedure. It shall meet in ordinary session at least every three years. The Committee shall meet for the first time within a year of the entry into force of this Convention and annually for the first five years after that in order to manage its implementation.
7. The role of Secretariat of the Committee shall be entrusted to the Director-General of UNESCO.

Article IX.3

1. A network of national information centres on academic mobility and recognition shall be established and shall uphold and assist the practical implementation of this Convention by the competent recognition authorities.
2. Each Party shall appoint a member of their national information centre to the network of national information centres. In cases in which more than one national information centre is established or maintained, all these shall be members of the network, but the national information centres concerned shall dispose of only one vote.
3. The network of national information centres shall meet annually in plenary session. It shall elect its President and Bureau.
4. The role of the Secretariat of the network of national information centres shall be entrusted to the Director-General of UNESCO.
5. The network of national information centres shall collect relevant information from the Parties relating to academic recognition and mobility.

SECTION X. FINAL CLAUSES

Article X.1

1. This Convention shall be open for signature and ratification, acceptance, approval or accession by all UNESCO Member States and the Holy See.
2. These States may express their consent to be bound to this Convention by:
 - (a) a signature without reservation as to ratification, acceptance, approval or accession;
 - (b) a signature subject to ratification, acceptance, approval or accession, followed by ratification, acceptance, approval or accession; or
 - (c) the deposit of an instrument of ratification, acceptance, approval or accession.
3. Instruments of ratification, acceptance, approval, or accession shall be deposited with the Director-General of UNESCO, hereinafter referred to as "the depository".

Article X.2

This Convention shall enter into force on the first day of the month following the expiration of the period of one month after five UNESCO Member States of the Asia-Pacific region have expressed their consent to be bound by this Convention. It shall enter into force for each other State on the

first day of the month following the expiration of the period of one month after the date of expressing its consent to be bound by the Convention.

Article X.3

1. The Parties to this Convention which are not already Contracting States to the 1983 Convention undertake to abstain from becoming Contracting States to the 1983 Convention
2. Parties to this Convention that are at the same time Contracting States to the 1983 Convention:
 - (a) shall apply the provisions of this Convention in their mutual relations; and
 - (b) shall continue to apply the 1983 Convention in their relations with any other Contracting States to the 1983 Convention that is not a Party to this Convention.

Article X.4

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession specifies the territory or territories to which this Convention shall apply.
2. Any Party may, at any later date, by a declaration addressed to the depositary, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of receipt of such declaration by the depositary.

Article X.5

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the depositary.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of twelve months after the date of receipt of the notification by the depositary. However, such denunciation shall not affect recognition decisions taken previously under the provisions of this Convention.
3. Termination or suspension of the operation of this Convention as a consequence of a violation by a Party of a provision essential to the accomplishment of the object or purpose of this Convention shall be addressed in accordance with international law.

Article X.6

1. Any State may, at the time of signature or when depositing its instrument of, ratification, acceptance, approval, or accession declare that it reserves the right not to apply, in whole or in part, one or more of the following Articles of this Convention: Article IV.7, Article V.1, Article V.2, Article V.3, Article VI.3, and Article VIII.4. No other reservation can be made.
2. Any Party that has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to the depositary. The withdrawal shall take effect on the date of receipt of such notification by the depositary.
3. A Party that has made a reservation in respect of a provision of this Convention may not claim the application of that provision by any other Party; it may, however, if its reservation is partial or conditional, claim the application of that provision in so far as it has itself accepted it.

Article X.7

1. Amendments to this Convention may be adopted by the Committee by a two-thirds majority of the Parties. Any amendment so adopted shall be incorporated into a Protocol to this Convention. The Protocol shall specify the modalities for its entry into force which, in any event, shall require the expression of consent by the Parties to be bound by it.

2. No amendment may be made to Section III of this Convention under the procedure of paragraph 1 above.
3. Any proposal for amendments shall be communicated to the depositary, who shall transmit it to the Parties at least three months before the meeting of the Committee. The depositary shall also inform the Executive Board of UNESCO.

Article X.8

The depositary shall notify the Parties to this Convention, as well as the other Member States of UNESCO when any of the following has been accomplished:

- (a) any signature made in accordance with provisions of Article X.1.2;
- (b) the deposit of any instrument of ratification, acceptance, approval or accession made in accordance with the provisions of Article X.1.2;
- (c) the date of entry into force of this Convention in accordance with the provisions of Articles X.2;
- (d) any reservation and the withdrawal thereof made in accordance with the provisions of Article X.6;
- (e) any denunciation of this Convention in accordance with the provisions of Article X.5;
- (f) any declaration made in accordance with the provisions of Article X.4;
- (g) any proposal made in accordance with the provisions of Article X.7;
- (h) any notification with regard to competent recognition authorities made in accordance with the provisions of Article II.2;
- (i) any other act, notification or communication relating to this Convention.

In witness thereof the undersigned representatives, being duly authorised, have signed this Convention.

Done at Tokyo, this twenty-sixth day of November 2011, in the Chinese, English, and Russian languages, the three texts being equally authoritative, the original version shall be deposited in the archives of the United Nations Educational Scientific and Cultural Organisation. A certified copy shall be sent to all States referred to in Article X.1 and to the Secretariat of the United Nations.