

## Cabinet Paper material

### Proactive release

Minister & portfolio Hon Jan Tinetti, Minister for Education  
Name of package Ratification of the UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education: Approval for Ratification  
Date considered 3 July 2023  
Date of release

#### These documents have been proactively released:

**Cabinet Paper: Ratification of the UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education: Approval for Ratification**

Date considered: 3 July 2023

Author: Office of the Minister for Education

**Annex 1: National Interest Analysis on the UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education**

Date considered: 3 July 2023

Author: Office of the Minister for Education

**Annex 2: Official text of the UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education**

Date considered: 3 July 2023

Author: Director-General of UNESCO

**Cabinet External Relations and Security Committee Summary**

Date considered: 27 June 2023

Author: Committee Secretary

**Cabinet External Relations and Security Committee Minute: ERS-23-MIN-0038**

Date considered: 27 June 2023

Author: Committee Secretary

**Cabinet Minute: CAB-23-MIN-0279**

Date considered: 3 July 2023

Author: Acting Secretary of the Cabinet

## In-Confidence

Office of the Minister for Education

Cabinet External Relations and Security Committee

### **Ratification of the UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education: Approval for Ratification**

#### **Proposal**

1. This paper seeks Cabinet approval for the steps necessary to ratify the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Global Convention on the Recognition of Qualifications Concerning Higher Education ("the Convention").

#### **Executive summary**

2. The UNESCO Global Convention on the Recognition of Higher Education Qualifications ("the Convention") is a legally binding multilateral international treaty which establishes universal principles for fair, transparent, and non-discriminatory recognition of higher education qualifications and credentials.
3. The Convention supplements existing regional conventions to which New Zealand is a party. Ratifying the Convention is likely to benefit New Zealand through facilitating the mobility of students and qualification holders between New Zealand and regions across the globe. Ratification will advance the goals of the New Zealand International Education Strategy 2022-2030.
4. Upon ratification, New Zealand would be obliged to take steps to recognise or partially recognise qualifications, documented or certified prior learning gained in another State Party, for the purposes of access to higher education, further study and/or employment. This obligation extends to study acquired through non-traditional learning modes, and cross-border education. The Convention would also require New Zealand to develop processes for assessing study completed by refugees and displaced persons.
5. New Zealand practice is generally consistent with the requirements of the Convention. However, the operational policy of key recognition agencies such as New Zealand Qualifications Authority (NZQA) and Vice-Chancellors' Committee (trading as Universities New Zealand) would need to be reviewed and updated in explicit reference to the Convention's obligations.

#### **Background**

*The Convention facilitates academic mobility at an inter-regional and global level based on fair and transparent principles*

6. The Convention was adopted by the 40<sup>th</sup> session of the UNESCO Global Conference in Paris on 25 November 2019. It establishes universal principles for fair, transparent, and non-discriminatory recognition of higher education qualifications and qualifications giving access to higher education and/or employment.

*New Zealand can demonstrate international leadership in ratifying the Global Convention. Currently, there are 21 State Parties to the Global Convention (as of 21 December 2022)*

7. The Convention entered into force for existing State Parties on 5 March 2023, three months after it was ratified by 20 states. It will apply to any additional states three months after their ratification.
8. Prompt ratification of the convention will demonstrate New Zealand's continued international leadership, strengthen diplomatic relationships with like-minded states, help promote New Zealand qualifications internationally, and make a meaningful commitment to fair, transparent, and equitable qualification recognition.

### **Provisions of the Convention**

9. The Convention is a legally binding agreement and stipulates that member states have an obligation to recognise qualifications and documented or certified prior learning or partial studies gained in another State where these are used to access higher education, and/or employment opportunities – unless substantial difference can be proven by the institution charged with recognition. Alternatively, the person seeking recognition can obtain an assessment of their qualification
10. The Convention aims to facilitate academic and professional mobility between regions and to enhance international cooperation and trust in higher education. The provisions allow for regional differences and respects the autonomy of recognition decision-makers involved in assessing overseas qualifications, including universities and other education providers.

*New Zealand's ratification of the Convention does not terminate any existing treaty upon entry into force*

11. The Convention is open for ratification by all members of the United Nations. New Zealand is already a party to UNESCO's regional conventions on recognition of higher education qualifications:
  - the UNESCO Convention on the Recognition of Qualifications Concerning Higher Education in the European Region ("the Lisbon Convention"), acceded by New Zealand in 2007, and
  - the UNESCO Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education ("the Tokyo Convention"), acceded by New Zealand in 2014.
12. The Convention does not take precedence over, but rather builds on and complements the existing regional qualification recognition conventions. It sets out criteria that member states must adopt in assessing fairly and transparently the

comparability of international qualifications with those of their own education systems.

13. Implementation of the Convention will require affected institutions and entities to be informed of the Convention's obligations and the actions required to ensure compliance with the Convention's provisions. For example, where the competence to make recognition decisions lies with individual higher education institutions or other entities, New Zealand will be required to send the text of the Convention to these institutions or entities and to take all necessary steps to encourage its favourable consideration and application.

**New Zealand practice already conforms to many obligations of the Convention, supported by the goals of the New Zealand International Education Strategy 2022-2030**

14. No change in legislation is required to implement this Convention domestically. Operational changes for key recognition agencies such as NZQA and Vice-Chancellors' Committee (trading as Universities New Zealand) may be required to strengthen qualification recognition arrangements and international participation to uphold the obligations in the Convention.
15. The Education and Training Act 2020 establishes appropriate mechanisms within the New Zealand education system to implement the Convention. The current systems in place for qualification recognition are transparent, fair, timely, and non-discriminatory. New Zealand already recognises higher-education qualifications awarded overseas, unless substantial differences can be shown between the qualification for which recognition is sought and the corresponding qualification in New Zealand.
16. I see New Zealand's education sector as playing a global role in supporting improved access to, and participation in, quality lifelong learning for students and workers from all countries. Recognition decisions for the purposes of admission to study, employment, and skilled migration are made by various bodies. These bodies are largely delegated authority in their decision-making and in determining the requirements for their particular purpose.
17. NZQA operates as the National Education Information Centre (NEIC) and quality assurance body that assess qualifications awarded outside of New Zealand. The Convention continues to require the NEIC to facilitate access to information on the higher education system and qualifications of New Zealand and other parties to the Convention. NZQA will continue to provide advice or information on recognition matters and the assessment of qualifications of the other parties to the Convention.
18. New Zealand currently participates in Asia-Pacific and European regional networks and conferences. The obligations to support the practical implementation of the Convention through participation in networks composed of national implementation structures and an Intergovernmental Conference of the States Parties build on those in these existing regional networks.
19. I consider that ratifying the Convention will advance the goals of the New Zealand International Education Strategy 2022-2030 ("the Strategy"). The Strategy aims to

enable international education to grow, focusing on delivering good educational outcomes for international students, global opportunities for domestic students and institutions, and bringing wider benefits to all New Zealand. The Convention provides a global framework and international presence enabling New Zealand to attract overseas students and professionals from a wider range of markets than we have previously, as well as strengthening international opportunities for domestic students and workers.

**Ratifying the Convention provides benefits and opportunities for New Zealand, including growth, diversity, and innovation within the education system**

20. I propose that New Zealand ratify the Convention by lodging an instrument of ratification with UNESCO as depositary, subject to satisfactory completion of the parliamentary treaty examination process. I have attached a National Interest Analysis for Cabinet approval.
21. Global mobility through strengthened qualification recognition arrangements and international cooperation will support the sustainable growth and diversification of New Zealand's education sector. The provisions in the Convention aim to minimise barriers to student and worker mobility and facilitate the recognition of non-traditional forms of learning (including transnational delivery modes, such as online learning and offshore provision), and recognition for general employment purposes. NZQA and other education providers can adopt any necessary changes over time to uphold the obligations outlined in the Convention.
22. The Convention is likely to have a positive effect on New Zealand's labour market, as recognition of skills and qualifications is an important tool to facilitate all types of mobility. For example, mobility between different levels and types of education, mobility between education and employment and vice versa, and mobility within employment, including between economic sectors.
23. A shortage of skilled and unskilled labour is a long-term challenge for New Zealand employers. In some industry sectors training has not kept pace with demand and employers have relied on immigration. Ratification of the Convention promotes New Zealand and its education system in supporting the Government's broader objective for a thriving and globally connected New Zealand through world-class education.
24. There are immediate financial benefits to New Zealand education providers, education agents, and the wider community through attracting more international students to New Zealand. This includes diversified revenue streams from international education fees, products, and services. It also includes a positive impact on New Zealand's regional economies through wider international student spending, such as accommodation, travel, tourism, and other expenditure.
25. I expect the Convention to have a positive cultural effect for New Zealand. Ratification of the Convention facilitates international exposure to New Zealand's culture and Te Ao Māori, through encouraging mobility of qualified individuals across the globe. It is also likely to further expose New Zealanders to different cultures, raising cultural and economic awareness, and respect for differences in background.

26. I believe that this global initiative will help New Zealand and other countries and regions to continue to develop, build trust in, and improve the quality of our higher education systems.

### **Financial implications**

27. The Convention will not impose any significant economic costs on New Zealand. There are minor administrative costs associated with reviewing and adapting operational policy relating to international qualification recognition in New Zealand, and small compliance costs associated with upholding the obligations in the Convention. For example, costs associated with improving coordination efforts between different institutions (nationally and internationally), costs related to authenticating and validating foreign documents for assessments, challenges in making complex recognition decisions in a fair and timely manner, and attending the Intergovernmental Conference of States Parties which would include travel costs. The National Education Information Centre is already operating in New Zealand. Should any increase in costs be experienced to uphold the Convention's obligations, these would be met from within baselines. Assessment of prospective migrant's qualifications by NZQA is undertaken on a cost recovery basis, hence volume-related costs will be fully covered.

### **Impact analysis**

28. A Regulatory Impact Statement is not required as ratification of the Convention will not involve any changes to domestic laws and regulations. New Zealand already meets its obligations under most of the articles in the Convention, including articles imposing substantive obligations, and can implement any other obligations through administrative changes. A National Interest Analysis is attached to this paper which outlines detailed impact analysis.

### **Publicity**

29. I propose to release a media statement in 2023, upon completion of the parliamentary treaty examination process and on deposit of New Zealand's instrument of ratification with the UNESCO depositary. The National Interest Analysis attached to this paper will be published on the parliamentary website.

### **Proactive Release**

30. I intend to proactively release this paper and the National Interest Analysis after the standard 30 business days from the decision being made by Cabinet.

### **Consultation**

31. This paper was jointly prepared by NZQA and the Ministry of Education (MoE). The following government agencies were consulted on the paper: Ministry of Foreign Affairs and Trade, Ministry of Business, Innovation and Employment (including Immigration New Zealand), Education New Zealand, Tertiary Education Commission and Te Puni Kōkiri. No substantial feedback has been received and agencies are supportive of the proposed ratification of the Global Convention.

32. New Zealand's ratification of the Convention will not extend to Tokelau, accordingly a formal consultation process is not required. Both the Lisbon Convention and the Tokyo Convention were also similarly not extended to Tokelau.

## Recommendations

1. I recommend that the Committee:
  - 1.1. **note** that the UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education ("the Convention") was adopted by the 40<sup>th</sup> session of the UNESCO Global Conference in Paris, on 25 November 2019. It establishes universal principles for fair, transparent, and non-discriminatory recognition of higher education qualifications and qualifications giving access to higher education and/or employment;
  - 1.2. **note** that New Zealand practice mostly conforms to the requirements of the Convention. NZQA and education providers have an opportunity to further develop processes and adopt any necessary changes to uphold the obligations outlined in the Convention;
  - 1.3. **note** that there are minor administrative costs associated with reviewing and adapting operational policy relating to international qualification recognition in New Zealand, and small compliance costs associated with upholding the obligations in the Convention;
  - 1.4. **note** that NZQA operates as the National Education Information Centre (NEIC) and quality assurance body that assess qualifications awarded outside of New Zealand. Should any increase in costs be experienced to uphold the Convention's obligations, these would be met from within baselines;
  - 1.5. **note** the text of the Convention, which is attached to the paper;
  - 1.6. **note** that the Convention entered into force for existing State Parties on 5 March 2023. The Convention would enter into force for any other State Party, including New Zealand, three months after the deposit of its instrument of ratification, acceptance, approval, or accession;
  - 1.7. **agree** that subject to satisfactory completion of the parliamentary treaty examination process, that New Zealand ratify the Convention by lodging an instrument of ratification with UNESCO as depositary;
  - 1.8. **approve** the content of the National Interest Analysis (NIA), which is attached to the paper; and
  - 1.9. **agree** to present the Convention and the NIA to the House of Representatives for the purposes of the parliamentary treaty examination process, under Standing Order 405.

Authorised for lodgement

Hon Jan Tinetti  
Minister for Education

**Annexes**

- Annex 1: National Interest Analysis on the *UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education* (see attached document)
- Annex 2: Official text of the *UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education* (see attached PDF)

Proactively Released



## In-Confidence

Office of the Minister for Education

Cabinet External Relations and Security Committee

### **The UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education (2019): National Interest Analysis (NIA)**

#### **Executive summary**

1. On 25 November 2019, the 40th session of the UNESCO Global Conference in Paris adopted the UNESCO Global Convention on the Recognition of Higher Education Qualifications ("the Convention"). The Convention entered into force for existing State Parties on 5 March 2023.
2. The Convention is a legally binding multilateral international treaty, which establishes universal principles for fair, transparent, and non-discriminatory recognition of higher education qualifications and qualifications giving access to higher education and offering avenues for further study and employment.
3. The Convention supplements existing regional conventions to which New Zealand is a party. Ratifying the Convention is likely to benefit New Zealand through facilitating the mobility of students and qualification holders between New Zealand and regions across the globe. Ratification will advance the goals of the New Zealand International Education Strategy 2022-2030.
4. New Zealand's ratification of the Convention is expected to improve socio-economic outcomes for New Zealanders living abroad, whilst simultaneously providing an opportunity to address New Zealand's domestic skill shortages.
5. Upon ratification, New Zealand would be obliged to take steps to recognise or partially recognise qualifications, documented or certified prior learning gained in another State Party for the purposes of access to higher education, further study and/or employment. This obligation extends to study acquired through non-traditional learning modes, and cross-border education. The Convention would also require New Zealand to develop processes for assessing study completed by refugees and displaced persons.
6. New Zealand practice is generally consistent with the requirements of the Convention. However, the operational policy of key recognition agencies such as New Zealand Qualifications Authority (NZQA) and Vice-Chancellors' Committee (trading as Universities New Zealand) will need to be reviewed and updated in explicit reference to the Convention's obligations.

### **Nature and timing of the proposed treaty action**

7. The United Nations Educational, Scientific and Cultural Organisation (UNESCO) Global Convention on the Recognition of Qualifications Concerning Higher Education (“the Convention”), was adopted by the 40th session of the UNESCO Global Conference in Paris, on 25 November 2019.
8. The Convention establishes universal principles for fair, transparent, and non-discriminatory recognition of:
  - higher education qualifications and partial studies; and
  - qualifications and partial studies giving access to higher education and offering avenues for further study and employment.
9. It makes provision for non-traditional learning modes and facilitates the recognition of qualifications, prior learning and study periods earned remotely. It also promotes the recognition of refugees’ qualifications, including where documentary evidence is lacking.
10. The Convention’s focus includes recognition of cross-border education, and partial recognition where full-recognition is not possible.
11. This Convention builds on and complements existing regional qualification recognition conventions to which New Zealand is party.
12. New Zealand is already a party to the UNESCO Convention on the Recognition of Qualifications Concerning Higher Education in the European Region (“the Lisbon Convention”), acceded by New Zealand in 2007, and the UNESCO Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education (“the Tokyo Convention”), acceded by New Zealand in 2014. These existing conventions are limited in scope due to their focus on qualifications recognition within a specific region.
13. The Convention entered into force for existing State Parties on 5 March 2023, three months after it was ratified by 20 states. Currently, there are 21 States Parties to the Convention (as of 21 December 2022).
14. Subject to the Parliamentary treaty examination process, it is proposed that New Zealand ratify the Convention in 2023. The Convention enters into force for New Zealand three-months after the deposit of New Zealand’s instrument of ratification.
15. New Zealand’s ratification of the Convention will not extend to Tokelau, accordingly a formal consultation process is not required. Both the Lisbon Convention and the Tokyo Convention were also similarly not extended to Tokelau.

## **Reasons for New Zealand becoming party to the treaty**

16. The Convention is the first United Nations treaty on recognising higher education qualifications with a global scope. Fair and transparent qualifications recognition is a fundamental enabler of student, graduate, and skilled worker mobility. Like the regional conventions, the Convention recognises that we live in an interconnected world where education increasingly transcends international borders. New Zealand's education sector plays a major role in supporting improved access to, and participation in, quality lifelong learning for students and workers world-wide.
17. Prompt ratification of the Convention will demonstrate New Zealand's continued global leadership, strengthen its diplomatic relationships with like-minded states, help promote our qualifications internationally and make a meaningful commitment to fair, transparent and equitable qualification recognition.
18. Major and like-minded parties to the Convention include: Norway (2020), France (2021), United Kingdom of Great Britain and Northern Ireland (2022), Sweden (2022), Japan (2022), Iceland (2022), and Australia (2022).
19. Ratifying the Convention will advance the goals of the New Zealand International Education Strategy 2022-2030 ("the Strategy"). The strategy seeks to develop a more resilient and innovative education sector for both international and domestic students, aims to grow and diversify global education, and develop global citizens.
20. The Strategy highlights the importance of adopting an approach that is conducive to increasing New Zealand's international presence. The Convention provides a platform for New Zealand to attract students from a range of international markets, and to rebuild a thriving international education sector.
21. The Convention provides an opportunity for New Zealand's education system to diversify and innovate. It enables New Zealand to adopt and further improve recognition practices to include non-traditional learning modes such as online learning and help build a shared global recognition framework.

## **Advantages and disadvantages to New Zealand of the treaty entering into force and not entering into force for New Zealand**

22. Key advantages of ratifying the Convention are that it:

- facilitates the mobility of students and qualification holders between New Zealand and regions across the globe.
- improves understanding and recognition of New Zealand's qualifications and credentials among states parties.
- provides qualification and credential holders the right to a fair appraisal of their qualifications or periods of study in member countries, benefiting New Zealanders seeking recognition of their qualifications overseas and foreigners seeking recognition of their qualifications and credentials in New Zealand.

- improves socio-economic outcomes for those with New Zealand qualifications and credentials overseas and international qualification holders.
- develops and maintains recognition relationships with countries which have become important sources of skilled migrants for New Zealand.
- supports better flows of accurate, up-to-date information regarding the education systems and qualification frameworks between member state parties across multiple regions of the globe.
- supports increased trust and confidence in the qualification recognition service we provide, as well as the recognition services New Zealanders receive overseas.

23. Key disadvantages of ratifying the Convention are:

- some obligations in the Convention indicate there may need to be some operational changes such as extending our recognition practices to better include assessment of secondary school qualifications, and non-qualification learning, such as partial studies and certified prior learning.
- government education agencies such as NZQA and the Vice-Chancellors' Committee may incur some costs in complying with the Convention (although these are expected to be able to be absorbed within existing baselines). Some one-off costs could arise from activity required to support implementation across the New Zealand education system.

**Legal obligations which would be imposed on New Zealand by the treaty action, the position in respect of reservations to the treaty, and an outline of the dispute settlement mechanisms**

24. Under Articles 4(1), 5(1) and 6(1) of the Convention, New Zealand would be obliged to either:

- recognise (for access to higher education, further higher-education study and/or employment opportunities) qualifications, documented or certified prior learning or partial studies gained in another State party to the Convention, unless substantial differences can be demonstrated<sup>1</sup>; or
- enable the holder of the qualification to obtain an assessment of that qualification.

25. Under Articles 4(2), 5(2) and 6(2), New Zealand would be required to use the same assessment criteria for qualifications or documented or certified prior learning or partial studies which are acquired through non-traditional learning modes, as used

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<sup>1</sup> Substantial differences are defined in the Global Convention as: "significant differences between the foreign qualification and the qualification of the State Party which would most likely prevent the applicant from succeeding in a desired activity, such as, but not limited to, further study, research activities, or employment opportunities."

for those delivered through traditional learning modes, in instances where the qualification is otherwise similar.

26. Articles 5(3) and 6(3) require New Zealand to use the same assessment criteria for qualifications or documented or certified prior learning or partial studies undertaken through cross-border education, as used for those delivered in a single county, in instances where the qualification is otherwise similar, and the learning has occurred at least partially in a country which is a state party to the Convention.
27. Article 5(5) outlines that in instances where substantial differences are demonstrated in the recognition assessment, New Zealand would be required to consider granting partial recognition.
28. Under Article 7, New Zealand would be obliged to take necessary steps to develop processes for assessing the qualifications or documented or certified prior learning or partial studies of refugees and displaced persons, even in cases where the usual documentary evidence is unavailable.
29. Current practice is generally consistent with these obligations, however there may be minimal changes to qualification assessment practice to allow for assessment of secondary school qualifications, and non-qualification learning, such as partial studies and certified prior learning.
30. The Convention is silent on reservations and therefore reservations are permitted in accordance with Article 19 of the Vienna Convention on the Law of Treaties. New Zealand would not have any such reservations to declare.
31. There are no provisions in the Convention that explicitly outline dispute resolution mechanisms.

**Measures which the government could or should adopt to implement the treaty action, including specific reference to implementing legislation**

32. The Education and Training Act 2020 (the “Act”) establishes appropriate mechanisms within the New Zealand education system to implement the Convention. The Ministry of Education has oversight of New Zealand’s educational policy. Under the provisions of the Act:
  - Section 511 outlines that Education New Zealand promotes New Zealand as an educational destination for international students.
  - Section 433 delegates NZQA the responsibility for maintaining liaison with overseas recognition bodies to ensure robust recognition of higher education qualification and maintaining international comparability for New Zealand qualifications.
  - Section 253 of the Act outlines that NZQA is the body primarily responsible for quality assurance matters in the tertiary education and vocational education and training sectors, and the Vice-Chancellors' Committee is the body primarily responsible for quality assurance matters in respect of universities.

## IN CONFIDENCE

We consider these bodies as the primary 'Competent Recognition Authorities' as described in the Convention.

33. New Zealand has a national Qualification and Credentials Framework (NZQCF), which consists of all qualifications and credentials that have been approved and listed by NZQA and the Committee on University Academic Programmes (CUAP) undertakes this function on behalf of the Vice-Chancellors' Committee for university qualifications. This provides a source of accurate information about all quality assured qualifications and makes it easier for countries and regions across the globe to compare qualifications. NZQA administers the NZQCF and sets rules for quality assurance of the qualifications and credentials listed on the framework. NZQA uses these rules to approve qualifications for non-university education provision.
34. The Convention, like regional conventions, fully respects the autonomy of the recognition decision makers involved in assessing overseas qualifications. Universities and other tertiary institutions in New Zealand set their own entry requirements, and subsequently make individual decisions about access to higher education. Employers and professional bodies similarly make recognition decisions about foreign qualifications for employment purposes. In instances where an employer, education provider, or professional body requires an international qualification to undergo a formal assessment, NZQA offers International Qualification Assessments (IQA).
35. Overall, New Zealand is well-placed to implement the Convention. Current operational practice for agencies such as NZQA and the Vice-Chancellors' Committee (trading as Universities New Zealand) might require a review and update to align with the obligations of the Convention. Some of the changes required could be to better support the role of NZQA as National Education Information Centre (NEIC) through:
  - development and dissemination of guidelines and resources on recognition best-practice,
  - increased collaboration with education providers to improve recognition practices nationwide,
  - strengthening practices surrounding the recognition of secondary school qualifications, partial studies, and prior learning;
  - appropriate recognition assessments of micro-credentials, and
  - increasing equity focus of qualification recognition practices to ensure fair recognition outcomes for refugees and displaced persons.
36. No change in legislation is required to implement this Convention domestically. Operational changes may be required to strengthen qualification recognition arrangements and international participation to uphold the obligations in the Convention.

**Economic, social, cultural, and environmental costs and effects of the treaty action**

37. Many of the economic, social, cultural, and environmental costs and effects associated with this treaty action are similar to those noted for the regional conventions.
38. The Convention will not impose any significant economic costs on New Zealand. There may be minor administrative costs associated with reviewing and adapting operational policy relating to international qualification recognition in New Zealand, and minor compliance costs associated with upholding the obligations in the Convention.
39. The Convention is likely to have a positive effect on New Zealand's labour market, as recognition of skills and qualifications is an important tool to facilitate all types of mobility. For example, mobility between different levels and types of education, mobility between education and employment and vice versa, and mobility within employment, including between economic sectors.
40. In some sectors, training has not kept pace with demand and employers have relied on immigration. This acts as one of the key drivers for ratification of the Convention which will aid in promoting New Zealand and its education system in supporting the Government's broader objective for a thriving and globally connected New Zealand through world-class education.
41. The Convention, through improved global qualification recognition processes, will help to mitigate the social costs associated with poor access to employment or further education and training. An individual's journey to seek formal recognition of qualifications can be complex, and difficult to navigate. The Convention will help to increase understanding of recognition processes and better ensure awareness of how, where and by whom qualification recognition is granted in countries world-wide.
42. Ratifying the Convention may present costs associated with improving coordination efforts between different institutions (nationally and internationally), costs related to authenticating and validating foreign documents for assessments, and challenges in making complex recognition decisions in a fair and timely manner.
43. The Convention is expected to have a positive cultural effect for New Zealand. Ratification of the Convention facilitates international exposure to New Zealand's culture and te ao Māori, through encouraging mobility of qualified individuals across the globe. It is also likely to further expose New Zealanders to different cultures, raising cultural and economic awareness, and respect for differences in background.
44. Overall, increased mobility, as facilitated through the Convention, plays a vital role in strengthening and diversifying our international connections, reputation, diplomacy, and trade with a wide range of countries.

### **The costs to New Zealand of compliance with the treaty**

45. Section 5 of the Convention clarifies that New Zealand will continue to participate in existing regional recognition conventions and seek to strengthen interregional cooperation under the Convention. This involves engagement with the Secretariat of the Intergovernmental Conference and attending meetings of the Conference. There might also be some operational changes required associated with ratifying the Convention. These costs would cover adapting of systems and processes, training and allocation of staff. These costs do not outweigh the financial gains that can be made for New Zealand as a result of ratifying the Convention.

### **Completed or proposed consultation with the community and parties interested in the treaty action**

46. Analysis of the Convention text and its domestic implications has been undertaken by NZQA as New Zealand's NEIC, and primary 'Competent Recognition Authority' and quality assurance body for non-university tertiary education.

47. As part of this analysis, the Ministry of Foreign Affairs and Trade, and the Ministry of Education have been consulted, and support the ratification of the Convention.

48. The Vice-Chancellors' Committee (Universities New Zealand), Ministry of Business, Innovation and Employment (including Immigration New Zealand), Education New Zealand, Tertiary Education Commission, and Te Puni Kōkiri have been consulted on the draft National Interest Analysis and Cabinet paper. No substantial feedback has been received and agencies are supportive of the proposed ratification of the Global Convention.

### **Subsequent protocols and/or amendments to the treaty and their likely effects**

49. Under Article 15, The Intergovernmental Conference of the States Parties, hereinafter referred to as "the Conference", will be composed of representatives of all States Parties to this Convention. The Conference will meet at least every two years and may work to adopt recommendations, declarations, protocols, and models of good practice to guide the practical implementation of the Convention text. New Zealand will not be bound by such texts but shall endeavour to apply them as appropriate.

50. Article 23 outlines the amendment procedures of the Convention. A State Party may propose amendments to the Convention text, for circulation to all parties. If a majority of parties find the proposal favourable, the proposed amendments shall be presented at the next session of the Intergovernmental Conference of the States Parties for discussion and vote. A two-thirds majority is required for the amendment to be adopted and submitted to parties for ratification, acceptance, approval, or accession.

51. New Zealand would have to specifically agree to be bound by such amendments, subject to usual domestic treaty-making procedures. If agreed to by New Zealand, amendments shall enter into force three months after two-thirds of parties take



similar action, or alternatively, three months after the date on which New Zealand deposits its instrument of ratification, acceptance, approval, or accession, as outlined in Article 23(4).

**Withdrawal or denunciation provision in the treaty**

52. Article 21 of the Convention outlines that New Zealand may at any time, denounce the Convention by written deposit with the Director-General of UNESCO. Such denunciation would take effect twelve months after receipt.

53. Denunciation would not have any impact on previous Recognition decisions, nor any recognition assessments in progress, under the provisions of the Convention.



United Nations  
Educational, Scientific and  
Cultural Organization

Ref.: CL/4318

Subject: **Global Convention on the Recognition of Qualifications  
concerning Higher Education**

Dear Sir/Madam,

I have the honour of informing you that the Global Convention on the Recognition of Qualifications concerning Higher Education was unanimously adopted by the UNESCO General Conference at its 40th session on 25 November 2019.

The Global Convention is designed to facilitate international academic mobility and promote inclusive access to higher education, by ensuring the right of individuals to have their higher education qualifications evaluated through fair, transparent and non-discriminatory mechanisms. It also aims to strengthen international cooperation in higher education and contribute to raising the quality of higher education worldwide.

This text, which was the result of an extensive and innovative participatory process, will create opportunities for millions of students. As such, it will be particularly useful in fostering social inclusion and dynamic economic and cultural exchanges for years to come.

Accordingly, I invite all States to ratify the Convention.

Please find enclosed a certified copy of the Convention in the six working languages of UNESCO; it can also be found on the Organization's Portal: [www.unesco.org/EN/LA](http://www.unesco.org/EN/LA).

I should like to draw your attention to Article IV, paragraph 4, of UNESCO's Constitution, which requires each Member State to submit conventions to its competent authorities within a period of one year from the close of the session of the General Conference at which these conventions were adopted.

Please also note that, as stipulated in its Article XVIII, paragraph 2, the Convention shall enter into force three months after the date of deposit, with the Director-General of UNESCO, of the 20th instrument of ratification, acceptance, approval or accession.

Accept, Sir/Madam, the assurances of my highest consideration.



Audrey Azoulay  
Director-General

Enclosed document: Certified copy of the Global Convention on the Recognition of Qualifications concerning Higher Education

cc: National Commissions for UNESCO  
Permanent Delegations to UNESCO



**GLOBAL CONVENTION ON THE RECOGNITION  
OF QUALIFICATIONS CONCERNING HIGHER EDUCATION**

**CONVENTION MONDIALE SUR LA RECONNAISSANCE DES  
QUALIFICATIONS RELATIVES À L'ENSEIGNEMENT SUPÉRIEUR**

**CONVENCIÓN MUNDIAL SOBRE EL RECONOCIMIENTO DE LAS  
CUALIFICACIONES RELATIVAS A LA EDUCACIÓN SUPERIOR**

**ГЛОБАЛЬНАЯ КОНВЕНЦИЯ О ПРИЗНАНИИ КВАЛИФИКАЦИЙ,  
ОТНОСЯЩИХСЯ К ВЫСШЕМУ ОБРАЗОВАНИЮ**

**الاتفاقية العالمية للاعتراف بالمؤهلات المتعلقة بالتعليم العالي**

**承认高等教育相关资历全球公约**



United Nations  
Educational, Scientific and  
Cultural Organization

**GLOBAL CONVENTION ON THE RECOGNITION  
OF QUALIFICATIONS CONCERNING HIGHER EDUCATION**

Paris, 25 November 2019

# GLOBAL CONVENTION ON THE RECOGNITION OF QUALIFICATIONS CONCERNING HIGHER EDUCATION

## PREAMBLE

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 12 to 27 November 2019 at its 40th session,

**Inspired** by a common will to strengthen educational, geographical, humanitarian, cultural, scientific and socioeconomic ties between States Parties, and to enhance dialogue between regions and the sharing of their recognition instruments and practices,

**Recalling** the Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO), which stipulates that “the purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture”,

**Mindful** of the provisions of the Charter of the United Nations of 1945, the Universal Declaration of Human Rights of 1948, the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967, the Convention relating to the Status of Stateless Persons of 1954, the UNESCO Convention against Discrimination in Education of 1960 and in particular its Article 4a, the International Covenant on Economic, Social and Cultural Rights of 1966, and the UNESCO Convention on Technical and Vocational Education of 1989,

**Mindful** of the UNESCO Recommendation on the Recognition of Studies and Qualifications in Higher Education of 1993; the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel of 1997; the United Nations Declaration on the Rights of Indigenous Peoples of 2007; and the UNESCO Recommendation on Science and Scientific Researchers of 2017,

**Building** on the UNESCO regional conventions on the recognition of qualifications concerning higher education,

**Reaffirming** the States Parties’ responsibility to promote inclusive and equitable quality education at all levels and lifelong learning opportunities for all,

**Conscious** of increasing international cooperation in higher education, of the mobility of students, workers, professionals, researchers and academics, of changes in scientific research, and of the different modes, methods, developments and innovations in teaching and learning,

**Considering** higher education, provided by both public and private institutions, as a public good and a public responsibility, and **being aware** of the need to uphold and protect the principles of academic freedom and of the autonomy of higher-education institutions,

**Convinced** that the international recognition of qualifications concerning higher education will facilitate interdependent learning and knowledge development via the mobility of learners and learning, academics, scientific research and researchers, and workers and professionals and will enhance international cooperation in higher education,

**Respecting** the cultural diversity among the States Parties, including, inter alia, differences in educational traditions and in the values of higher education,

**Desiring** to respond to the need for a global convention on the recognition of qualifications concerning higher education to complement the UNESCO regional conventions on the recognition of qualifications concerning higher education, and to enhance the cohesion between them,

**Convinced** of the need to find common, practical and transparent solutions to improve recognition practices globally,

**Convinced** that this Convention will promote international mobility, as well as communication and cooperation regarding fair and transparent procedures for recognition, and quality assurance and academic integrity in higher education at a global level,

**Adopts** this Convention on this twenty-fifth day of November 2019.

## SECTION I. DEFINITION OF TERMS

### Article I

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

**Access (to higher education):** the right provided to any individual holding a qualification to apply and be considered for admission to a level of higher education

**Admission (to higher-education institutions and programmes):** the act of, or system for, allowing qualified applicants to pursue higher education at a given institution and/or in a given programme

**Applicant:**

- (a) an individual submitting to the competent recognition authority a qualification, partial studies, or prior learning for assessment and/or recognition; or
- (b) an entity acting with consent on behalf of an individual

**Assessment:** the evaluation of an applicant's qualifications, partial studies, or prior learning by a competent recognition authority engaged in the evaluation of qualifications

**Competent authority:** an individual or entity that has the authority, capacity, or legal power to perform a designated function

**Competent recognition authority:** an entity which, in accordance with the laws, regulations, policies, or practices of a State Party, assesses qualifications and/or makes decisions on the recognition of qualifications

**Constituent units:** official entities of a State Party to this Convention at the level of subnational jurisdictions, such as provinces, states, counties, or cantons, in accordance with Article XX b), Federal or Non-Unitary Constitutional Systems, of this Convention

**Cross-border education:** all modes of educational delivery which involve the movement of people, knowledge, programmes, providers and curriculum across States Parties' borders, including, but not limited to, quality-assured international joint degree programmes, cross-border higher education, transnational education, offshore education and borderless education

**Displaced person:** an individual forced to move from his or her locality or environment and occupational activities to another locality or environment

**Formal education system:** a State Party's education system, including all officially recognized entities with responsibility for education, as well as public and private education institutions at all levels recognized by a State Party's competent authorities and authorized thereby to deliver instruction and other education-related services

**Formal learning:** learning derived from activities within a structured learning setting, leading to a formal qualification, and provided by an education institution recognized by a State Party's competent authorities and authorized thereby to deliver such learning activities

**Higher education:** all types of study programmes or sets of courses of study at the post-secondary level which are recognized by the competent authorities of a State Party, or of a constituent unit thereof, as belonging to its higher-education system

**Higher-education institution:** an establishment providing higher education and recognized by a competent authority of a State Party, or of a constituent unit thereof, as belonging to its higher-education system

**Higher-education programme:** a post-secondary programme of study recognized by the competent authority of a State Party, or of a constituent unit thereof, as belonging to its higher-education system and the successful completion of which provides the student with a higher-education qualification

**Informal learning:** learning which occurs outside the formal education system and which results from daily life activities related to work, family, local community, or leisure

**International joint degree:** a type of cross-border education degree; a single degree recognized and/or authorized and conferred jointly upon completion of an integrated, coordinated and jointly offered programme, by two or more higher education institutions belonging to more than one country

**Learning outcomes:** a learner's acquired knowledge and skills upon completion of a learning process

**Lifelong learning:** a process which refers to all learning activities, whether formal, non-formal, or informal, covers the entire lifespan and has the aim of improving and developing human capacities, knowledge, skills, attitudes and competencies

**Mobility:** the physical or virtual movement of individuals outside their country for the purpose of studying, researching, teaching, or working

**Non-formal learning:** learning achieved within an education or training framework which places an emphasis on working life and which does not belong to the formal education system

**Non-traditional learning modes:** formal, non-formal and informal mechanisms for the delivery of educational programmes and learning activities not primarily relying on face-to-face interaction between the educator and the learner

**Partial recognition:** the partial recognition of a full and completed qualification which cannot be fully recognized on account of the demonstration of substantial differences by a competent recognition authority

**Partial studies:** any part of a higher-education programme which has been evaluated and, while not a complete programme in itself, represents a significant acquisition of knowledge, skills, attitudes and competencies

**Prior learning:** the experience, knowledge, skills, attitudes and competencies which an individual has acquired as a result of formal, non-formal, or informal learning, assessed against a given set of learning outcomes, objectives, or standards

**Qualification:**

- (a) **Higher-education qualification:** any degree, diploma, certificate, or award issued by a competent authority and attesting the successful completion of a higher-education programme or the validation of prior learning, where applicable
- (b) **Qualification giving access to higher education:** any degree, diploma, certificate, or award issued by a competent authority and attesting the successful completion of an education programme or the validation of prior learning, where applicable, and giving the holder of the qualification the right to be considered for admission to higher education

**Qualified applicant:** an individual who has fulfilled relevant criteria and is considered eligible to apply for admission to higher education

**Qualifications framework:** a system for the classification, publication and organization of quality-assured qualifications according to a set of criteria

**Quality assurance:** an ongoing process by which the quality of a higher-education system, institution, or programme is assessed by the competent authority/authorities to assure stakeholders that acceptable educational standards are continuously being maintained and enhanced

**Recognition:** a formal acknowledgment by a competent recognition authority of the validity and academic level of a foreign education qualification, of partial studies, or of prior learning for the purpose of providing an applicant with outcomes including, but not limited to:

- (a) the right to apply for admission to higher education; and/or
- (b) the possibility to seek employment opportunities



**Region:** any one of the areas identified in accordance with the UNESCO definition of regions with a view to the execution by the Organization of regional activities, namely, Africa, Arab States, Asia and the Pacific, Europe, and Latin America and the Caribbean

**Regional recognition conventions:** the UNESCO conventions on the recognition of qualifications concerning higher education in each of the UNESCO regions, including the Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab and European States bordering on the Mediterranean

**Requirements:**

- (a) **General requirements:** conditions which must be fulfilled for access to higher education, or to a given level thereof, or for the obtaining of a higher-education qualification at a given level
- (b) **Specific requirements:** conditions, in addition to the general requirements, which must be fulfilled for admission to a particular higher-education programme, or for the obtaining of a specific higher-education qualification in a particular field of study

**Substantial differences:** significant differences between the foreign qualification and the qualification of the State Party which would most likely prevent the applicant from succeeding in a desired activity, such as, but not limited to, further study, research activities, or employment opportunities

## **SECTION II. OBJECTIVES OF THE CONVENTION**

### **Article II**

Building on and enhancing the coordination, revisions and achievements of the regional recognition conventions, the objectives of this Convention are to:

1. Promote and strengthen international cooperation in higher education;
2. Support interregional initiatives, policies and innovations for international cooperation in higher education;
3. Facilitate global mobility and the achievement of merit in higher education for the mutual benefit of qualification holders, higher-education institutions, employers, and any other stakeholders of the States Parties to this Convention while understanding and respecting the diversity of the States Parties' higher-education systems;
4. Provide an inclusive global framework for the fair, transparent, consistent, coherent, timely and reliable recognition of qualifications concerning higher education;
5. Respect, uphold and protect the autonomy and diversity of higher-education institutions and systems;
6. Foster trust and confidence in the quality and reliability of qualifications through, inter alia, the promotion of integrity and ethical practices;
7. Promote a culture of quality assurance in higher-education institutions and systems, and develop the capacities necessary for ensuring reliability, consistency and complementarity in quality assurance, in qualifications frameworks and in the recognition of qualifications in order to support international mobility;
8. Promote the development, collection and sharing of accessible, up-to-date, reliable, transparent and relevant information and the dissemination of best practices among stakeholders, States Parties and regions;
9. Promote, through the recognition of qualifications, inclusive and equitable access to quality higher education and support lifelong learning opportunities for all, including refugees and displaced persons;
10. Foster globally the optimal use of human and educational resources with a view to promoting education for sustainable development, and contribute to structural, economic, technological, cultural, democratic and social development for all societies.

## **SECTION III. BASIC PRINCIPLES FOR THE RECOGNITION OF QUALIFICATIONS CONCERNING HIGHER EDUCATION**

### **Article III**

For the recognition of qualifications concerning higher education, this Convention establishes the following principles:

1. Individuals have the right to have their qualifications assessed for the purpose of applying for admission to higher education studies or seeking employment opportunities.
2. Recognition of qualifications should be transparent, fair, timely and non-discriminatory in accordance with the rules and regulations of each State Party, and should be affordable.
3. Recognition decisions are based on trust, clear criteria, and fair, transparent and non-discriminatory procedures, and underline the fundamental importance of equitable access to higher education as a public good which may lead to employment opportunities.
4. Recognition decisions are based on appropriate, reliable, accessible and up-to-date information on higher-education systems, institutions, programmes and quality assurance mechanisms which has been provided through the competent authorities of the States Parties, official national information centres, or similar entities.
5. Recognition decisions are made with due respect for the diversity of higher-education systems worldwide.
6. Competent recognition authorities undertaking recognition assessments shall do so in good faith, giving clear reasons for decisions, and have mechanisms for appealing recognition decisions.
7. Applicants seeking recognition of their qualifications provide adequate and accurate information and documentation on their achieved qualifications in good faith, and have the right to appeal.
8. States Parties commit to adopting measures to eradicate all forms of fraudulent practices regarding higher education qualifications by encouraging the use of contemporary technologies and networking activities among States Parties.

## **SECTION IV. OBLIGATIONS OF THE STATES PARTIES TO THE CONVENTION**

This Convention establishes the following obligations for the States Parties:

### **Article IV. Recognition of Qualifications Giving Access to Higher Education**

1. Each State Party shall recognize, for the purposes of access to its higher-education system, the qualifications and documented or certified prior learning acquired in other States Parties which meet the general requirements for access to higher education in those States Parties, unless substantial differences can be shown between the general requirements for access in the State Party in which the qualification was obtained and those in the State Party in which recognition of the qualification is sought. Alternatively, it shall be sufficient for a State Party to enable the holder of a qualification issued in another State Party to obtain an assessment of that qualification.
2. Qualifications acquired through recognized non-traditional learning modes which are subject to comparable quality assurance mechanisms will be assessed according to the rules and regulations of the State Party, or of the constituent unit thereof, using the same criteria as those applied to similar qualifications acquired through traditional learning modes.
3. Where a qualification gives access only to specific types of institutions or programmes of higher education in the State Party in which the qualification was obtained, each State Party shall grant holders of such qualifications access to similar specific types of institutions or programmes belonging to its higher-education system, if available, unless substantial differences can be shown.

## **Article V. Recognition of Higher-Education Qualifications**

1. Each State Party shall recognize a higher-education qualification conferred in another State Party, unless substantial differences can be shown between the qualification for which recognition is sought and the corresponding qualification in the State Party in which recognition is sought. Alternatively, it shall be sufficient for a State Party to enable the holder of a higher-education qualification issued in another State Party to obtain an assessment of that qualification, upon the request of the holder.
2. Higher-education qualifications acquired through recognized non-traditional learning modes which are subject to comparable quality assurance mechanisms and which are considered a part of the higher-education system of a State Party will be assessed according to the rules and regulations of the State Party in which recognition is sought, or of the constituent unit thereof, using the same criteria as those applied to similar qualifications acquired through traditional learning modes.
3. Higher-education qualifications acquired through cross-border education with international joint degrees or through any other joint programme undertaken in more than one country, of which at least one is a State Party to this Convention, shall be assessed according to the rules and regulations of the State Party in which recognition is sought, or of the constituent unit thereof, using the same criteria as those applied to qualifications acquired through programmes undertaken in a single country.
4. Recognition in a State Party of a higher-education qualification issued in another State Party shall have at least one of the following outcomes:
  - (a) It shall provide the holder with the right to apply for admission to further higher education under the same conditions as those applicable to holders of higher-education qualifications of the State Party in which recognition is sought; and/or
  - (b) It shall provide the holder with the right to use the title associated with a higher-education qualification in accordance with the laws or regulations of the State Party, or of the constituent unit thereof, in which recognition is sought.

In addition, assessment and recognition may enable qualified applicants to seek employment opportunities subject to the laws and regulations of the State Party, or of the constituent unit thereof, in which recognition is sought.

5. Where a competent recognition authority can demonstrate substantial differences between the qualification for which recognition is sought and the corresponding qualification in the State Party in which recognition is sought, the competent recognition authority shall seek to establish whether partial recognition may be granted.
6. Each State Party may make the recognition of higher-education qualifications acquired through cross-border education or through foreign educational institutions operating in its jurisdiction contingent upon specific requirements of the legislation or regulations of the State Party, or of the constituent unit thereof, or upon specific agreements concluded with the State Party of origin of such institutions.

## **Article VI. Recognition of Partial Studies and Prior Learning**

1. Each State Party may recognize, for the purpose of the completion of a higher-education programme or the continuation of higher education studies, where appropriate, and taking into account the legislation of the States Parties regarding access, documented or certified partial studies or documented or certified prior learning acquired in another State Party, unless substantial differences can be shown between the partial studies or prior learning and the part of the higher-education programme they or it would replace in the State Party in which recognition is sought. Alternatively, it shall be sufficient for a State Party to enable an individual who has undertaken documented or certified partial studies or documented or certified prior learning in another State Party to obtain an assessment of these partial studies or this prior learning, upon the request of the individual concerned.

2. Documented or certified partial completion of higher-education programmes delivered by recognized non-traditional learning modes which are subject to comparable quality assurance mechanisms and which are considered a part of the higher-education system of a State Party shall be assessed according to the rules and regulations of the State Party, or of the constituent unit thereof, using the same criteria as those applied to partial studies delivered by traditional learning modes.
3. Documented or certified partial completion of higher-education programmes delivered through cross-border education with international joint degrees or any other joint programme undertaken in more than one country, of which at least one is a State Party to this Convention, will be assessed according to the rules and regulations of the State Party, or of the constituent unit thereof, using the same criteria as those applied to partial studies acquired in a single country.

#### **Article VII. Recognition of Partial Studies and Qualifications Held by Refugees and Displaced Persons**

Each State Party shall take the necessary and feasible steps, within its education system and in conformity with its constitutional, legislative and regulatory provisions, to develop reasonable procedures for assessing fairly and efficiently whether refugees and displaced persons fulfil the relevant requirements for access to higher education, to further higher-education programmes, or to the seeking of employment opportunities, including in cases where partial studies, prior learning, or qualifications acquired in another country cannot be proven by documentary evidence.

#### **Article VIII. Information for Assessment and Recognition**

1. Each State Party shall establish transparent systems for the complete description of the qualifications and learning outcomes obtained in its territory.
2. Each State Party, to the extent feasible based on its constitutional, legislative and regulatory situation and structure, shall put in place an objective and reliable system for the approval, recognition and quality assurance of its higher-education institutions in order to promote confidence and trust in its higher-education system.
3. Each State Party shall establish and maintain a national information centre or similar entities to provide access to relevant, accurate and up-to-date information about its higher-education system.
4. Each State Party shall encourage the use of technologies to ensure easy access to information.
5. Each State Party shall:
  - (a) Provide access to authoritative and accurate information on its higher-education systems, qualifications, quality assurance, and qualification frameworks, if applicable;
  - (b) Facilitate the dissemination of and access to accurate information on the other States Parties' higher-education systems, qualifications, and qualifications giving access to higher education;
  - (c) Give advice and information, where appropriate, on recognition matters, including criteria and procedures for the assessment of qualifications, and the development of materials for good recognition practices in accordance with the laws, regulations and policies of the State Party; and
  - (d) Ensure the provision, within a reasonable time, of adequate information on any institution belonging to its higher-education system, and on any programme operated by such institutions, with a view to enabling the competent authorities of other States Parties to ascertain whether the quality of the qualifications issued by these institutions justifies recognition in the State Party in which recognition is sought.

#### **Article IX. Assessment of an Application**

1. In the first instance, the responsibility for providing adequate information rests with the applicant, who shall provide such information in good faith.

2. Each State Party shall ensure that the institutions belonging to its education system provide to the extent available, upon request, within a reasonable time frame and free of charge, relevant information to the holder of a qualification or to the institution or the competent recognition authorities of the State Party in which recognition is sought.
3. Each State Party shall ensure that the body undertaking assessment for the purposes of recognition demonstrates the reasons for which an application does not fulfil requirements or demonstrates where substantial differences are identified.

#### **Article X. Information on the Competent Recognition Authorities**

1. Each State Party shall provide the depository of this Convention with official notification of the competent authorities that make decisions on recognition matters in its jurisdiction.
2. Where there are central competent recognition authorities of a State Party, they shall immediately be bound by the provisions of this Convention and shall take the necessary measures to ensure the implementation of the provisions of this Convention in the jurisdiction of said State Party.
3. Where the competence to make decisions on recognition matters lies with the constituent units, the State Party shall furnish the depository with a brief statement on its constitutional situation or structure at the time of signature or when depositing its instrument of ratification, acceptance, approval, or accession, and on any changes thereafter. In such cases, the competent recognition authorities of the constituent units so designated shall take, to the extent feasible within the State Party's constitutional situation and structure, the necessary measures to ensure the implementation of the provisions of this Convention within the State Party's jurisdiction.
4. Where the competence to make decisions on recognition matters lies with individual higher-education institutions or other entities, each State Party or constituent unit thereof, according to its constitutional situation or structure, shall transmit the text of this Convention to these institutions or entities and shall take all the necessary steps to encourage the favourable consideration and application of its provisions.
5. The provisions of paragraphs 2, 3 and 4 of this Article shall apply, mutatis mutandis, to the obligations of the States Parties under this Convention.

#### **Article XI. Additional Requirements for Admission to Higher-Education Programmes**

1. Where admission to particular higher-education programmes is dependent on the fulfilment of specific requirements in addition to the general requirements for access, the competent authorities of the State Party concerned may impose the same specific requirements on holders of qualifications obtained in other States Parties or assess whether applicants with qualifications obtained in other States Parties fulfil the equivalent requirements.
2. Where qualifications giving access to higher education in one State Party are issued only in combination with additional qualifying examinations as a prerequisite for access, the other States Parties may make access conditional on these requirements or offer an alternative for satisfying such additional requirements within their own education systems.
3. Without prejudice to the provisions of Article IV, admission to a given higher-education institution, or to a given programme within such an institution, may be restricted or selective, according to fair and transparent regulations.
4. With respect to paragraph 3 of the present article, admission procedures shall be designed with a view to ensuring that the assessment of foreign qualifications is carried out according to the principles of transparency, fairness and non-discrimination described in Article III.
5. Without prejudice to the provisions of Article IV, admission to a given higher-education institution may be based on the condition of the demonstration by the qualification holder of sufficient competence in the language or languages of instruction of the institution concerned, or in other specified languages.

6. For the purpose of admission to higher-education programmes, each State Party may make the recognition of qualifications issued by foreign educational institutions operating in its jurisdiction contingent upon specific requirements of the legislation and regulations of the State Party or the constituent unit thereof, or upon specific agreements concluded with the State Party of origin of such institutions.

## **SECTION V. IMPLEMENTATION STRUCTURES AND COOPERATION**

### **Article XII. Implementation Structures**

The States Parties agree to implement this Convention through or in cooperation with:

1. National implementation structures;
2. Networks of national implementation structures;
3. National, regional and global organizations for accreditation, quality assurance, qualification frameworks, and recognition of qualifications;
4. The Intergovernmental Conference of the States Parties;
5. Regional recognition convention committees.

### **Article XIII. National Implementation Structures**

1. In order to facilitate the recognition of higher-education qualifications, the States Parties undertake to implement this Convention through relevant organizations, including national information centres or similar entities.
2. Each State Party will notify the Secretariat of the Intergovernmental Conference of the States Parties of its national implementation structures and of any modification in this regard.
3. National implementation structures should form and actively participate in networks.

### **Article XIV. Networks of National Implementation Structures**

1. Under the auspices of the Intergovernmental Conference of the States Parties, the networks shall be composed of national implementation structures of the States Parties and shall uphold and assist with the practical implementation of this Convention.
2. The networks shall provide information exchange, capacity building and technical support to the States Parties upon request.
3. The networks shall seek to strengthen the interregional cooperation under this Convention and uphold links to the Intergovernmental Conference of the States Parties.
4. States Parties may participate in existing regional networks established through the regional recognition conventions or create new networks. Participation in existing regional networks shall be subject to the agreement of the relevant regional recognition convention committees.

### **Article XV. The Intergovernmental Conference of the States Parties**

1. An Intergovernmental Conference of the States Parties, hereinafter referred to as “the Conference”, shall be established.
2. The Conference shall be composed of representatives of all States Parties to this Convention.
3. The States which are not States Parties to this Convention and the heads of the regional recognition convention committees shall be invited to participate in the meetings of the Conference as observers.
4. Representatives of relevant international and regional organizations, as well as representatives of governmental and non-governmental organizations active in the field of recognition of higher-education qualifications, may also be invited to attend meetings of the Conference as observers.

5. The Conference shall meet in ordinary sessions at least every two years. It may meet in extraordinary sessions if it so decides or at the request of at least one third of the States Parties. The Conference shall have an interim work programme concerning activities between sessions. The Conference shall submit a report at each of the ordinary sessions of the General Conference of UNESCO.
6. The Conference shall meet for the first time within two years of the entry into force of this Convention, and at that time it shall adopt its own rules of procedure.
7. The Conference shall promote the application of this Convention and shall oversee its implementation by adopting recommendations, declarations, models of good practices, or any relevant subsidiary text at the global or interregional level.
8. The Conference may adopt operational guidelines for the States Parties to this Convention, in consultation with the regional recognition convention committees.
9. The Conference shall support the follow-up of the activities relating to monitoring by and reporting to UNESCO's governing bodies with regard to the implementation of this Convention.
10. The Conference shall cooperate with the regional recognition convention committees under the auspices of UNESCO.
11. The Conference shall ensure that there is the necessary information exchange between the Conference and the regional recognition convention committees.
12. The Conference shall examine for adoption the draft amendments to this Convention in accordance with Article XXIII. The amendments adopted shall not undermine the principles of transparent, fair, timely and non-discriminatory recognition stated in this Convention.
13. The Secretariat of the Conference shall be provided by the Director-General of UNESCO. The Secretariat shall prepare the documentation of the Conference, draft the agenda of its meetings, and ensure the implementation of its decisions.

## **SECTION VI. FINAL CLAUSES**

### **Article XVI. Ratification, Acceptance, or Approval by Member States**

1. This Convention shall be subject to ratification, acceptance, or approval by Member States of UNESCO and the Holy See in accordance with their respective constitutional and legislative procedures.
2. The instruments of ratification, acceptance, or approval shall be deposited with the Director-General of UNESCO.

### **Article XVII. Accession**

1. This Convention shall be open to accession by all States which are not members of UNESCO but which are Members of the United Nations and are invited by the General Conference of UNESCO to accede to it.
2. This Convention shall also be open to accession by territories which enjoy full internal self-government recognized as such by the United Nations, but which have not attained full independence in accordance with General Assembly resolution 1514 (XV), and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of such matters.
3. The instrument of accession shall be deposited with the Director-General of UNESCO.

### **Article XVIII. Entry into Force**

1. This Convention shall enter into force three months after the date of deposit of the twentieth instrument of ratification, acceptance, approval, or accession, but only with regard to those States Parties which have deposited their respective instruments of ratification, acceptance, approval, or accession on or before that date.

2. This Convention shall enter into force with regard to any other State Party three months after the deposit of its instrument of ratification, acceptance, approval, or accession.

#### **Article XIX. Relationship between the States Parties to this Convention and the Parties to the Regional Recognition Conventions and to other Treaties**

1. The ratification of, acceptance of, approval of, or accession to of any of the regional recognition conventions shall not be a prerequisite for the ratification of, acceptance of, approval of, or accession to this Convention.
2. The States Parties to this Convention shall:
  - (a) Foster mutual support between this Convention and the other treaties to which they are parties, particularly the regional recognition conventions; and
  - (b) Take into account the relevant provisions of this Convention when interpreting and applying the regional recognition conventions to which they are parties or when entering into other international obligations.
3. Nothing in this Convention shall be interpreted as modifying the rights and obligations of the States Parties under the regional recognition conventions and any other treaties to which they are parties.
4. To ensure coherent interaction between this Convention, the regional recognition conventions, any other relevant bilateral or multilateral agreements, and any other existing or future treaty or convention to which a State Party to this Convention may be or may become a party, nothing in this Convention shall be deemed to derogate from any provisions more favourable to recognition, in particular, provisions regarding national information centres, networks and substantial differences.

#### **Article XX. Federal or Non-Unitary Constitutional Systems**

Recognizing that international agreements are equally binding on States Parties regardless of their constitutional systems, the following provisions shall apply to States Parties which have a federal or non-unitary constitutional system:

- (a) With regard to the provisions of this Convention the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central Government shall be the same as for those States Parties which are not federal States;
- (b) With regard to the provisions of the Convention the implementation of which comes under the jurisdiction of constituent units of a State Party, such as provinces, states, counties, or cantons, which are not obliged by the constitutional system of the federation to take legislative measures, the federal Government shall inform, as necessary, the competent authorities of the constituent units of a State Party of said provisions, with its recommendation for their adoption.

#### **Article XXI. Denunciation**

1. Any State Party to this Convention may denounce, at any time, this Convention.
2. The denunciation shall be notified by an instrument in writing deposited with the Director-General of UNESCO.
3. The denunciation shall take effect 12 months after the receipt of the instrument of denunciation. It shall in no way affect the obligations under this Convention incumbent upon the State Party denouncing the Convention until the date on which the withdrawal takes effect.
4. The denunciation of this Convention shall not have any impact with respect to:
  - (a) Recognition decisions taken previously under the provisions of this Convention;
  - (b) The recognition assessments still in progress under this Convention.



## **Article XXII. Depositary Functions**

The Director-General of UNESCO, as the depositary of this Convention, shall inform the Member States of the Organization, the States not members of the Organization referred to in Article XVII, as well as the United Nations, of:

- (a) The deposit of all the instruments of ratification, acceptance, approval, or accession provided for in Articles XVI and XVII;
- (b) The denunciations provided for in Article XXI;
- (c) The amendments to the Convention adopted in accordance with Article XXIII and the date on which the amendments come into force as proposed in accordance with Article XXIII.

## **Article XXIII. Amendments**

1. A State Party to this Convention may, by written communication addressed to the Director-General of UNESCO, propose amendments to this Convention. The Director-General shall circulate such communication to all States Parties. If within six months of the date of dispatch of the communication, no less than one half of the States Parties to the Convention reply favourably to the request, the Director-General shall present such proposal to the next session of the Intergovernmental Conference of the States Parties for discussion and possible adoption.
2. Amendments shall be adopted by a two-thirds majority of States Parties present and voting.
3. Once adopted, amendments to this Convention shall be submitted to the States Parties for ratification, acceptance, approval, or accession.
4. For States Parties which have ratified, accepted, approved, or acceded to them, amendments to this Convention shall enter into force three months after the deposit by two thirds of the States Parties of the instruments referred to in paragraph 3 of this Article. Thereafter, for each State Party which ratifies, accepts, approves, or accedes to an amendment, said amendment shall enter into force three months after the date on which that State Party has deposited its instrument of ratification, acceptance, approval, or accession.
5. A State which becomes a State Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered to be:
  - (a) A State Party to this Convention as so amended; and
  - (b) A State Party to the unamended Convention in relation to any State Party not bound by the amendments.

## **Article XXIV. Registration with the United Nations**

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.

## **Article XXV. Authoritative Texts**

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, all six texts being equally authoritative.



# Cabinet External Relations and Security Committee

## Summary

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education: Approval for Ratification

Portfolio

Education

This paper seeks approval for New Zealand to ratify the *UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education* (the Convention).

The Convention requires member States to recognise higher education qualifications gained in another State, unless substantial differences can be established. It was adopted at the UNESCO Global Conference in Paris in November 2019 and is now open for ratification.

Ratification would require New Zealand to take steps to recognise or partially recognise qualifications, documented or certified prior learning that is gained in another State Party, for the purposes of access to higher education, further study and/or employment. It would also require New Zealand to develop processes for assessing study completed by refugees and displaced persons.

While New Zealand practice is generally consistent with the Convention's requirements, NZQA and Universities New Zealand would need to review and update their operational policies. Ratification would advance the goals of the New Zealand International Education Strategy 2022-2030.

The Convention would enter into force for New Zealand three months after the deposit of New Zealand's instrument of ratification.

The text of the Convention and the draft National Interest Analysis are **attached**.

#### The Minister of Education recommends that the Committee:

1 note that:

- 1.1 the *UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education* (the Convention) was adopted by the 40<sup>th</sup> session of the UNESCO Global Conference in Paris, on 25 November 2019;
- 1.2 the Convention establishes universal principles for fair, transparent, and non-discriminatory recognition of higher education qualifications, and qualifications giving access to higher education and/or employment;

- 2 note that:
- 2.1 New Zealand practice mostly conforms to the requirements of the Convention;
- 2.2 NZQA and education providers have an opportunity to further develop processes and adopt any necessary changes to uphold the obligations outlined in the Convention;
- 3 note that there are minor administrative costs associated with reviewing and adapting operational policy relating to international qualification recognition in New Zealand, and small compliance costs associated with upholding the obligations in the Convention;
- 4 note that:
- 4.1 NZQA operates as the National Education Information Centre and quality assurance body that assess qualifications awarded outside of New Zealand;
- 4.2 should any increase in costs be experienced to uphold the Convention's obligations, these would be met from within baselines;
- 5 note the text of the Convention, attached to the paper under ERS-23-SUB-0038;
- 6 note that the Convention entered into force for existing State Parties on 5 March 2023, and would enter into force for any other State Party, including New Zealand, three months after the deposit of its instrument of ratification, acceptance, approval, or accession;
- 7 agree, subject to the satisfactory completion of the parliamentary treaty examination process, that New Zealand ratify the Convention by lodging an instrument of ratification with UNESCO as depositary;
- 8 approve the content of the National Interest Analysis, attached to the paper under ERS-23-SUB-0038;
- 9 agree that the Convention and the National Interest Analysis be presented to the House of Representatives for the purposes of the parliamentary treaty examination process, under Standing Order 405.

Janine Harvey  
Committee Secretary

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**Hard-copy distribution:**

Cabinet External Relations and Security Committee  
Minister of Education



# Cabinet External Relations and Security Committee

## Minute of Decision

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### UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education: Approval for Ratification

Portfolio                      Education

On 27 June 2023, the Cabinet External Relations and Security Committee:

- 1        **noted** that:
  - 1.1      the *UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education* (the Convention) was adopted by the 40<sup>th</sup> session of the UNESCO Global Conference in Paris, on 25 November 2019;
  - 1.2      the Convention establishes universal principles for fair, transparent, and non-discriminatory recognition of higher education qualifications, and qualifications giving access to higher education and/or employment;
- 2        **noted** that:
  - 2.1      New Zealand practice mostly conforms to the requirements of the Convention;
  - 2.2      NZQA and education providers have an opportunity to further develop processes and adopt any necessary changes to uphold the obligations outlined in the Convention;
- 3        **noted** that there are minor administrative costs associated with reviewing and adapting operational policy relating to international qualification recognition in New Zealand, and small compliance costs associated with upholding the obligations in the Convention;
- 4        **noted** that:
  - 4.1      NZQA operates as the National Education Information Centre and quality assurance body that assess qualifications awarded outside of New Zealand;
  - 4.2      should any increase in costs be experienced to uphold the Convention's obligations, these would be met from within baselines;
- 5        **noted** the text of the Convention, attached to the paper under ERS-23-SUB-0038;
- 6        **noted** that the Convention entered into force for existing State Parties on 5 March 2023, and would enter into force for any other State Party, including New Zealand, three months after the deposit of its instrument of ratification, acceptance, approval, or accession;

- 7 **agreed**, subject to the satisfactory completion of the parliamentary treaty examination process, that New Zealand ratify the Convention by lodging an instrument of ratification with UNESCO as depositary;
- 8 **approved** the content of the National Interest Analysis, attached to the paper under ERS-23-SUB-0038;
- 9 **agreed** that the Convention and the National Interest Analysis be presented to the House of Representatives for the purposes of the parliamentary treaty examination process, under Standing Order 405.

Janine Harvey  
Committee Secretary

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**Present:**

Hon Jan Tinetti  
Hon Nanaia Mahuta (Chair)  
Hon Willow-Jean Prime  
Hon Rachel Brooking

**Officials present from:**

Officials Committee for ERS



# Cabinet

## Minute of Decision

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### **Report of the Cabinet External Relations and Security Committee: Period Ended 30 June 2023**

On 3 July 2023, Cabinet made the following decisions on the work of the Cabinet External Relations and Security Committee for the period ended 30 June 2023:

ERS-23-MIN-0038    **UNESCO Global Convention on the Recognition of  
Qualifications Concerning Higher Education:  
Approval for Ratification**    **CONFIRMED**  
Portfolio: Education

Out of Scope

Diana Hawker  
Acting Secretary of the Cabinet