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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.

IN CONFIDENCE

- 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 demonstrated¹; 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

¹ 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."

IN C O N F I D E N C E

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 C O N F I D E N C E

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

I N C O N F I D E N C E

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.