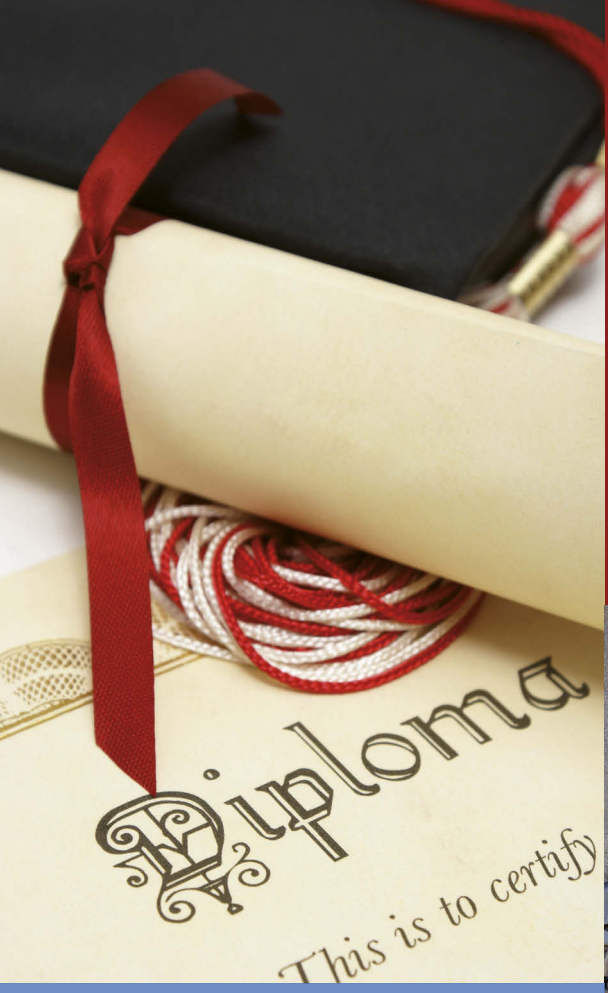

The Lisbon Recognition Convention at 15: making fair recognition a reality

Council of Europe
Higher Education
Series No. 19

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

The Lisbon Recognition Convention at 15: making fair recognition a reality

Sjur Bergan and
Carita Blomqvist (editors)

Council of Europe Publishing

Cover design: Documents and Publications Production Department (SPDP), Council of Europe
Layout: Jouve, Paris
Cover photo: Shutterstock

Council of Europe Publishing
F-67075 Strasbourg Cedex
http://book.coe.int

ISBN 978-92-871-7740-7

Printed at the Council of Europe

Contents

Preface

It gives me great pleasure to present this book marking the 15th anniversary of the Lisbon Recognition Convention, which we celebrated in 2012.

The Lisbon Recognition Convention (LRC) is "special" in many ways: it is the only convention developed and overseen jointly by the Council of Europe and the United Nations Educational, Scientific and Cultural Organization (UNESCO). It is also implemented in close co-operation with the European Commission, through annual joint meetings of the European Network of Information Centres in the European Region (ENIC) and the National Academic Recognition Information Centres in the European Union (NARIC), through joint meetings of the respective bureaus, and through close inter-secretariat co-operation. Few if any Council of Europe conventions have achieved a greater number of ratifications in such a short time.

While the recognition of qualifications has a technical aspect, the political importance of the LRC is very considerable. The recognition of qualifications is a necessary, if not sufficient, condition for both student and labour mobility. The convention is an all-too-rare example of close co-operation among three international institutions, to the benefit of both those who are affected by it most immediately and those who finance it: European taxpayers. Significantly, the LRC is the only legally binding text of the European Higher Education Area (EHEA).

A 15th anniversary is an occasion to celebrate and to look back but above all, it is an opportunity to look forward. This is what the book sets out to do. While our achievements are duly recognised, the book focuses mainly on our challenges. The international legal framework is now in place but implementation is imperfect. Too often, holders of qualifications are still not given the fair recognition they deserve and too often, recognition specialists see their role as "protecting" their own system rather than helping applicants.

The recognition of qualifications is about education systems but most of all about how individuals can move from one education system to another without losing the real value of their qualifications. This is one important reason why the recognition of qualifications is a Council of Europe issue: recognition is about empowering and enabling individual citizens to make full use of their real qualifications as well as of their potential. That is a crucial issue for an organisation dedicated to human rights, democracy and the rule of law, and it is a crucial issue for Europe.

I am therefore proud to present this book, which draws on our achievements to think critically about the future. I am grateful to all the authors who have contributed articles from their diverse perspectives. Together, this collection of articles provides readers with a comprehensive view of the state of recognition as well as of the challenges we need to face in the next few years. These views are drawn from all parts of Europe as well as from some other parts of the world; they belong to recognition specialists as well as to policy makers in public authorities, higher education institutions, student organisations and trade unions.

Last but not least, I am grateful to the editors, who have also contributed articles: Carita Blomqvist, who was President of the Lisbon Recognition Convention Committee for six years until June 2013, and my colleague Sjur Bergan, who is Head of the Council of Europe's Education Department and series editor of the Council of Europe higher education series. With the book you are about to read, the series now offers 19 volumes on many aspects of higher education policy and practice.

Snežana Samardžić-Marković
Director General for Democracy

A word from the editors

Sjur Bergan and Carita Blomqvist

Readers may well ask whether a 15th anniversary is really a reason, or rather an excuse, to celebrate. Average life expectancy in many European countries today is 75 years or more, and to the degree that turning 15 is meaningful at all, it marks the transition from one education course to another rather than a need to continue one's education. A few generations ago, many – perhaps most – students left formal schooling around the age of 15 to enter employment. In France, one explanation offered for why confirmation (which is generally held at the age of 15) has since the 19th century been preceded by another religious ceremony called *profession de foi* a year earlier is that many students would have left school by their confirmation and were no longer in an institution where Church authorities could easily reach them. Vikings were considered adult even earlier, by age 12; at least adult enough to "go on Viking", as the saying went, that is to participate in their first military or paramilitary campaign. In our own day, the *quinceañera* is still an important rite of passage in some Spanish-speaking cultures, including that of Mexico.

Readers will not therefore be surprised to learn that, as editors of this book, we believe that the 15th anniversary of the Lisbon Recognition Convention (LRC) is worth celebrating, even if the actual celebration – in 2012 – was low-key. The Council of Europe and United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Recognition of Qualifications concerning Higher Education in the European Region, to use its full formal name, is today the leading international treaty on the recognition of qualifications. It represents an important evolution of the previous generations of conventions, which generally dated from the 1950s and 1960s, because it puts the individual rather than the education system at the centre. The basic principle of the LRC is that foreign qualifications should be recognised and when recognition authorities decide this is not possible, they should provide justification. It is the system that has to make the case that an individual qualification should not be recognised; it is not up to the individual holding the qualifications to prove that it should. Justification should be given in terms of the purposes for which the foreign qualification will be used and not simply because an official feels his or her own education system is better or should be protected from foreign qualifications. This is where the concept of "substantial differences" comes in, a concept that has become a household word at least in the world of those who make a living by assessing the qualifications of others or who develop policies to make recognition easier.

Another reason to celebrate is that the LRC is now the international legal text of the European Higher Education Area (EHEA), the only one in existence. The EHEA was formally established in 2010 and was developed through the Bologna Process, which started two years after the LRC was adopted and in the same year that the convention came into force, when five countries had ratified it. Even if the LRC has a broader span, in geographical terms, than the EHEA, it has been of great importance in developing the structural reforms that are a hallmark of the Bologna Process.

From the five ratifications that allowed the convention to enter into force less than two years after it had been adopted, we now have 53 ratifications and another two countries – Canada and the United States – have signed but not yet ratified the LRC. Of the 47 countries that are members of the EHEA, only Greece has yet to ratify the LRC. Of the Council of Europe's member states, only Greece and Monaco have not ratified. On the other hand, countries outside of geographical Europe have deposited their instruments of ratification, and these include Australia, Israel, Kyrgyzstan, New Zealand and Tajikistan. Rarely has an international convention developed for one world region been ratified so quickly by so many countries. The LRC has also become a model of inspiration for other regions of UNESCO, as seen in the adoption of a new convention for the Asia-Pacific region in 2011.

So there are good reasons to celebrate, but that is not the main purpose of this book. The book aims not to look back but to look ahead. To do so, we need to take account of our achievements, but also to look at what still needs to be done. We believe the achievements of the LRC could fill a book and we are absolutely certain that the challenges ahead could do so as well. What we offer our readers is a mix of both but with a clear emphasis on the challenges. As readers will discover, these are many-faceted but many are linked to the ways in which the convention is put into practice. In the same way as democratic institutions alone are not enough to guarantee democracy, a good law is not enough to ensure justice. Democratic institutions need a culture of democracy to work in practice and good laws need to be put into practice. The principles and provisions of the LRC are good and necessary and to the extent that they need to be adjusted to keep up with the development of higher education as well as of our societies, this can be done through subsidiary texts.

The more difficult issues are related to how the provisions of the LRC are put into practice. The LRC is, we believe, a wonderful instrument in the hands of those who wish to provide fair recognition for learners and holders of qualifications. It is not a magic wand, however. Those concerned have to be interested in implementation of the LRC, which only spells out or suggests what can and should be done. This is what much of the book aims to present.

The book starts, however, as you might expect with an anniversary publication, by looking at how we got to where we are and why there is reason to celebrate. Pavel

Zgaga, who as the Deputy Minister of higher education of Slovenia was vice president of the diplomatic conference that adopted the convention, looks at some of the factors that made the convention both necessary and possible and places the development and the implementation of the convention in a broader political and policy context. It is a part of that story that Pavel Zgaga went on to become one of the initiators of the Bologna Process, with which the LRC is so intimately linked, as well as Minister of Education of Slovenia. Today he is one of Europe's leading higher education researchers.

In his first contribution, Sjur Bergan provides an overview of how the convention was written and also offers a first view of the challenges. As the person in the Council of Europe Secretariat responsible for recognition policy for many years, Sjur Bergan was one of the main authors of the convention and he remains intimately involved with the development of the EHEA.

To emphasise the need to look ahead rather than backwards, we have limited the background and context section of the book to these two articles. The second section provides an outlook from the perspectives of various regions.

Frances Kelly writes from the perspective of the party to the convention that is the furthest away from Europe in geographical terms: New Zealand. More broadly, she combines the perspective of her own country as well as that of Australia and draws on her own experience with Europe. Both countries were pioneers in the development of qualifications frameworks and both countries co-operate closely with both European and North American as well as Asian countries in their education policy and practice.

Gayane Harutyunyan, who was previously in charge of the Armenian European Network of Information Centres (ENIC) and now heads the Bologna Secretariat, writes from the perspective of a country that is a party to both the LRC and the new UNESCO convention for the Asia-Pacific region. Armenia belongs to two major world regions, many of its foreign students hail from Asia rather than from Europe, and it has a sizeable diaspora that wishes to learn more about the language and culture of their ancestors. This means that Armenia is particularly sensitive to the global impact of recognition.

In her contribution, Milica Popović writes from the perspective of South-Eastern Europe and in particular the countries of former Yugoslavia. Mobility among these countries has traditionally been high because of personal, linguistic and political links but recent history has also seen political obstacles to mobility. In addition, recognition procedures are not always conducive to mobility or to equal treatment of students, as Milica Popović illustrates with reference to three countries.

Aurelija Valeikienė offers the perspective of one of the newer members of the European Union (EU) in writing on the basis of her experience as head of the Lithuanian

ENIC and National Academic Recognition Information Centres (NARIC). She looks at some of the main reasons why the LRC has been successful and also looks at some less successful aspects of the convention and the challenges ahead. In particular, she argues that the notion of quality assurance should be extended to include the quality of recognition procedures. She also offers some thoughts on the attempt to develop a global recognition convention.

Ercan Laçin describes the development of higher education in Turkey as well as Turkish recognition policy and practice. In addition to outlining the legal framework, he discusses the links between recognition, quality assurance and qualifications frameworks. He also underlines that the very high increase in student numbers of the past couple of decades as well as Turkey's participation in the Bologna Process since 2001 have greatly increased the need for fair and smooth recognition of foreign qualifications.

The next section offers perspectives from three key stakeholders. Drawing on her involvement with the European Students' Union, including one year as its Chair in 2012/13, Karina Ufert explains that building the EHEA will take time. Mobility is at the heart of the EHEA and while the LRC provides a good legal basis, recognition practice leaves much to be desired.

While Karina Ufert underlines the importance of engaging students in developing recognition policy and practice, Jens Vraa-Jensen, writing from the perspective of Education International and its European counterpart, the European Trade Union Committee for Education, argues that higher education staff should play a key role. Without high-quality teaching and teachers there can be no high-quality education. Jens Vraa-Jensen argues that higher education is a right and an investment for society. The quality of education depends on broad participation and the quality of mobility depends on fair recognition.

In presenting a university point of view, Howard Davies recalls the two connotations of recognition: universities need to be recognised – which today means they need to be quality assured – and only then can they themselves recognise qualifications issued by other institutions. The fair recognition of qualifications is essential to one of the key goals of the EHEA: international recruitment of higher education staff. Nevertheless, the diversity of national legislation and of actual recognition practice is not conducive to this goal, as shown by studies published in *Trends*, conducted by the European University Association (Sursock and Smidt 2010), and the study of national action plans on recognition (Rauhvargers and Rusakova 2010). The desire for more standardised practice must, however, also take account of the importance of university autonomy.

The fourth section of the book examines instruments of recognition and explores the relationship between some key policy areas and recognition. Maria Kelo, from

her perspective as Secretary General of the European Association for Quality Assurance in Higher Education (ENQA), writes about the role of quality assurance in promoting recognition, while Sjur Bergan – wearing his hat as co-chair of the EHEA Working Group on Structural Reforms – does the same for qualifications frameworks. Between them, quality assurance arrangements and qualifications frameworks should help credential evaluators answer at least three of the five questions they would normally ask when assessing a foreign qualification (Bergan 2007): Is it of the required quality? Is it of the required level? Is it based on the required workload? To some extent, these two instruments will also help answer the two remaining questions: What is the profile of the qualification? What are its learning outcomes? Nevertheless, neither quality assurance nor qualifications frameworks will entirely replace the need for an assessment of individual qualifications, even if they will help considerably.

The key provision of the LRC is that a foreign qualification should be recognised unless the competent recognition authority can demonstrate that there is a substantial difference between the foreign qualification and the corresponding qualification of the country (or, in technical terms, education system) in which recognition is sought. This seemingly straightforward principle does, however, need to be put into practice in quite diverse situations, and this is the topic of E. Stephen Hunt's contribution. The emphasis on substantial differences is entirely in keeping with a more generalised move from considerations of procedure to that of content and it requires a shift of approach and attitudes among those who assess qualifications. No legal text can provide anything like a complete overview of what might constitute substantial differences and a solid dose of common sense is also required for the principle to work.

The development of learning outcomes as one of the key factors of recognition and, more broadly, education policy is the topic of Stephen Adam's article. There is an obvious link between the articles by E. Stephen Hunt and Stephen Adam: an assessment of learning outcomes should be the most important basis on which credential evaluators decide whether there is a substantial difference between two qualifications. Quality assurance and qualifications frameworks, discussed in the two preceding articles, should help them in doing so. The emphasis on learning outcomes is more recent than the LRC but the convention is well suited to taking account of the development. At the same time, while learning outcomes are an important basis for assessing a qualification, they are not a magic wand that will solve all recognition issues.

Lucie de Bruin describes a very practical recognition instrument: the projects of the European Area of Recognition, in particular the EAR manual. The manual discusses all major aspects of the LRC with a very practical approach that is intended to develop the skills and attitudes of credential evaluators. This "how to" method is considered a very valuable effort in promoting fair recognition and in removing at least some of the remaining barriers.