Middle-East Journal of Scientific Research 17 (1): 84-90, 2013

ISSN 1990-9233

© IDOSI Publications, 2013

DOI: 10.5829/idosi.mejsr.2013.17.01.12136

Issues of Comparability and Recognition of Qualifications of Higher Education in Kazakhstan

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Abstract: The article analyzes the international norms of recognition of higher education qualifications, their application sphere and the role of UNESCO in organizing of cooperation of states in recognition of foreign diplomas. On the basis of research, the authors concluded that the legislation of Kazakhstan does not conform to regional regulations of recognition of qualifications and the principles of the Bologna process. And also, were found contradictions in the understanding of the doctoral degree and its place in the higher education system of Kazakhstan.

Key words: Higher education • Qualification • UNESCO • Recognition • Nostrification • Degree

INTRODUCTION

According to the official data of the UNESCO Institute for Statistics, today in the world there are 3 million students studying abroad [1], who after their return home will face the problem of recognizing their diplomas.

The recognition of foreign qualifications of higher education is implemented on the basis of regional and bilateral agreements. The necessity of concluding such kind of agreements consists in using common methods and mechanisms of the recognition of foreign qualifications that foster academic mobility in the region.

As of today on a regional level the issues of mutual recognition of diplomas in higher education are implemented on the basis of the following multilateral agreements: Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Latin America and the Caribbean (Mexico, 1974); International Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab and European States bordering on the Mediterranean (Nice, 1976); Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab States (Paris, 1978); Regional Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and other Academic Qualifications in Higher Education in the African States (Arusha, 1981); Regional Convention

on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific (Bangkok, 1983); Convention on the Recognition of Qualifications concerning Higher Education in the European region (Lisbon, 1997).

The above-listed conventions on the recognition of qualifications were not pioneers in the field. They were preceded by the European conventions in higher education of 1950's and 1960's, such as: European Convention on the Equivalence of Periods of University Study (Paris, 1956); European Convention on the Academic Recognition of University Qualifications (Paris, 1959); Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region (Paris, 1979). Since then university education in Europe underwent cardinal changes. If in those years systems of higher education of the states of Europe consisted of traditional universities, then nowadays the system of higher education is distinguished by its more diverse character [2]. For instance, today's system of higher education is characterized by maxims of academic liberty, openness, accessibility, adaptability etc.

Area of Application of Regional Agreements: As long as states cooperate on mutual recognition of diplomas in higher education, the question about the correct understanding of the term "higher education" will

undoubtedly arise. One of the features of regional conventions on the recognition of qualifications related to the higher education is that they provide the definition of the term "higher education". For example, Art. 1 of the Lisbon Convention on the Recognition of Qualifications concerning Higher Education in the European region (1997) states that higher education implies "all types of courses of study, or sets of courses of study, training or training for research at the post secondary level which are recognized by the relevant authorities of a Party as belonging to its higher education system". All other regional conventions (Asia and the Pacific, Africa, Arab States, Latin America and the Caribbean, the Mediterranean States) on the recognition of qualifications under the term "higher education" agree upon the following definition: higher education includes "all types of education and research at the post secondary level". Moreover, the Lisbon convention (1997) provides a definition of the term "institute of higher education" as of "an establishment providing higher education and recognized by the competent authority of a Party as belonging to its system of higher education". Whereas other regional conventions do not provide the definition of the term "institute of higher education". Thus, it is obvious that the definition of the term "higher education" given in the Lisbon convention (1997) is more detailed and extended than the one mentioned in other regional conventions on the recognition of diplomas in higher education, higher education can only be acquired at institutes of higher education and recognition of types of education and of an institute of higher education as belonging to a Party's system of higher education by a relevant competent authority is required.

We believe that the regulation of the Lisbon convention (1997) about the possibility of acquiring "higher education" only at "institutes of higher education" and recognition of studies as part of its system of higher education allows Parties to the convention to promptly, objectively and correctly use the common methods and mechanisms of the recognition of foreign qualifications. For instance, this can occur when study courses at the post secondary level are not offered by institutes of higher education like colleges, schools and other organizations, or if the study is not recognized as courses of higher education (further training, summer schools, research and study internship etc). For this reason, we consider that the Lisbon Convention (1997) should serve as a model for other regional conventions on mutual recognition of diplomas. This is also confirmed by the resolution of the General Conference of UNESCO 135

C/48 (2009), where it is specified that the Lisbon Convention (1997) on the recognition represents a new generation of conventions on the recognition and that it shall stimulate further revision of other regional conventions of UNESCO that also should answer new changes in the field of higher education [3]. In 2011 the current document facilitated the revision of the Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific (1983).

It is to note that in all regional agreements on the recognition of diplomas in higher education there is a general similarity in definition of the term "higher education" as of "all types of study and research at the post secondary level". Here one has to draw attention to the term "all types of research". Customary practice of institutes of higher education shows that research is generally conducted in Master and Doctoral programs. Shall we conclude that diplomas of Master and Doctoral programs are to be considered as qualifications of "higher education"? Will diplomas of Master and Doctoral studies fall under the regulation of regional agreements on the recognition of diplomas and degrees in higher education?

First, it is necessary to dwell upon the terminological aspects. For example, Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific (Bangkok, 1983) is translated into Russian as follows: "Regional convention on the Recognition of Studies, Diplomas in Higher Education and Academic Degrees in Asia and the Pacific". What is understood by the word "degree"? A degree, or a scientific degree? Etymological dictionary of Robert Barnhart [4] and the Russian Dictionary by Paul Falla [5] under the word degree imply "degree", "level", "step", "rank", however not an "academic degree". Generally, the word combination a "scientific degree" that would mean the same as an "academic degree" is not used in English language. We consider that since in Russian language until recently there was no such word combination as a "bachelor degree" or a "degree of higher education", the word "degree" was only used in scientific field that did not belong to the system of higher education. Besides, there is an obvious discrepancy in the title of convention in different languages. The abovementioned convention in English language "Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific", if to translate literally and with content in Russian language, then it must be "Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific"/«Региональная конвенция о признании учебных курсов, дипломов и степеней в области высшего образования в государствах Азии и Тихого океана» and not "Regional Convention on the Recognition of Studies, Diplomas and Academic Degrees in Asia and the Pacific"/«Региональная Конвенция о признании учебных курсов, дипломов о высшем образовании и ученых степеней в государствах Азии и Тихого океана», as it is titled in the official version of the convention. It is to note that among all regional conventions, only Asia and the Pacific (1983) and Lisbon (1997) conventions were also composed in Russian Language.

As has been mentioned earlier, the position of UNESCO in terms of regional conventions on recognition of diplomas in higher education is directed towards revision of all regional conventions on the basis of Lisbon convention (1997). The first document under revision was the Regional Convention on the Recognition of Studies, Diplomas and Degrees in Asia and the Pacific (1983). The convention under consideration was revised by Parties in 2011 in Tokyo and now it is referred to as "Revised Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education", i.e. now there are no more terminological discrepancies in titles. Here it is to mention that the Republic of Kazakhstan is a party not to the Asia-Pacific convention, but to the Lisbon convention (1997).

Not only terminological aspects influenced the revision of the Asia-Pacific convention (1983), but also demographical ones. For instance, from 2000 to 2007 in India the number of students increased from 7, 8 million to 15 million people and in China from 8,5 to 30 million people, respectively.

From the aforesaid, it could have been insisted that qualifications of Master and Doctoral programs are not considered as degrees of higher education and do not belong to the terms of regulation of all regional conventions on the recognition of diplomas. However, International standard classification of education of UNESCO (ISCED 1997) highlights the following stages of higher education [6]:

 First stage of higher education (stage that one can enter after secondary education; program of higher education mainly of theoretical character and intended for supply of sufficient qualifications for acquiring access to the advanced scientific-research programs and professions; that possess the minimal total theoretical length equivalent to 3-4 years fulltime studies); Second stage of higher education (stage that one can enter after the completion of the first stage of higher education; programs of higher education that lead to acquiring of advanced qualification in the field of scientific research; the defence of dissertation is required).

As seen, in ISCED 1997 the higher education is divided into 2 stages that enclose Bachelor and Master Programs.

In addition, on the 36th General Conference of UNESCO there was a framework document adopted (ISCED 2011) that revised ISCED 1997 and that introduces a new term "tertiary education" that in the p. 200 is understood as "...education that builds on secondary education, providing learning activities in specialized fields of education. Tertiary education includes what is commonly understood as academic education but also includes advanced vocational or professional education. Tertiary education encompasses Bachelor's or equivalent level, Master's or equivalent level and doctoral or equivalent level, respectively..." [7].

The above-mentioned standards of UNESCO are required to provide statistical data about education both on particular countries as well as on an international scale in the annual reports «Global Education Digest». In its reports the Institute for Statistics of the UNESCO uses terms «tertiary education» that encompasses Master and Doctoral programs. It is planned to transfer to the new ISCED 2011 in 2014.

This way of division of stages in higher education is also proved by the practice of states of Europe. In the Joint declaration of the European Ministers of Education convened in Bologna on the 19th of June 1999 ministers of education took commitment to coordinate the educational policy for the reason of "adoption of a system essentially based on two main cycles, undergraduate and graduate. Access to the second cycle shall require successful completion of first cycle studies, lasting a minimum of three years. The second cycle should lead to the master and/or doctorate degree as in many European countries".

So, are the diplomas of Master and Doctoral programs subject to undergoing mutual recognition in the framework of the above-mentioned conventions or are there any other independent agreements on mutual recognition of academic degrees required? For example, the Agreement about the mechanisms of mutual recognition and establishment of equivalence of documents on scientific degrees in state members of the EurAsEC of 27th of September, 2005. In this case, we

should refer to the p.p. 1 and 3 of the Art. 31 of Vienna Convention on the Law of Treaties (1969) that anchor that agreement should be interpreted in its context, in the light of its objective, goal and further practice of application of the contract.

Besides, states that became members of Bologna process must reform their systems of higher education by dividing the education into Bachelor, Master and Doctoral programs as well as recognize diplomas in higher education on the basis of UNESCO recommendations. This regulation allows avoiding duplications of the agreements on recognition of degrees between the states. Accordingly, Master and Doctoral degrees must be recognized at least in member states of Bologna process in the framework of existing regional conventions on the recognition of diplomas in higher education.

Recognition and Nostrification of Diplomas: Being party to the Lisbon Convention (1997) for a state does not mean that the diplomas in higher education of its citizens will be automatically recognized in other member states of the convention. According to the Art. 1 of the convention recognition is "a formal acknowledgement by a competent authority of the value of a foreign educational qualification with a view to access to educational and/or employment activities". Therefore, each state appoints its own competent authority, responsible for the recognition of qualifications in higher education.

In the Republic of Kazakhstan Committee for Control of Education and Science of Ministry of Education and Science of the Republic of Kazakhstan (hereafter MES RK) is a competent authority on the recognition and nostrification of certificates of education issued by foreign educational organizations with delivering of the relevant documents [8]. Apparently, the Kazakhstani legislation two terms: "recognition" "nostrification". In the Lisbon convention the term "nostrification" does not come up. According to the Art. 2 of the above-mentioned regulations, "recognition" of certificates of education means the official confirmation by a competent authority of the value of a foreign educational qualification for its owner to access the academic and/or employment activities, whereas "nostrification" refers to procedure that is held with a view of determining the equivalence of documents to the national educational documents.

To our point of view, despite the fact that the Lisbon Convention does not anchor the term "nostrification", the definition of the recognition as "...acknowledgement of the value of a foreign educational qualification..." in our understanding means procedure of

nostrification, since it is impossible to access to educational and employment activities without determining the value of qualification in terms of degree, profession, content, volume and time of studies. Besides, it is logical to inquire about to what capacity or to what degree to recognize the qualification.

However, Rules of recognition and nostrification of educational documents by MES RK of 10.01.2008 sets the same rules for the list of required documents for the process of recognition and nostrification of educational qualification, however issues two different documents, i.e. certificate of recognition and certificate of nostrification. To our mind, there is no point in issuing a certificate of recognition, since this document contains no information on qualification and degree, the availability of which is of importance for the institute of higher education and employer. Besides, according to the p. 1 Art. III.3 of the Lisbon convention (1997) "decisions on recognition shall be made on the basis of appropriate information on the qualifications for which recognition is sought". Therefore, there is no necessity in issuing two different documents on the recognition of qualifications in higher education. To compare, in the Russian Federation there is only one document issued "on the recognition of certificate of higher education in the territory of the Russian Federation providing the owner of the document the relevant academic and/or professional rights" (Art. 9) [9].

As well, we would like to dwell on the issue of time-frame of recognition of certificates of education. Lisbon convention requires considering applications for recognition of qualifications in a reasonable time frame (Art. III.5).

For instance, in Great Britain the process of recognition of diploma certificates runs in accordance with the standards set by the national agency UK NARIC. The national agency offers its services to individuals and legal entities on recognition of diplomas in compliance with qualification framework and levels of education in Great Britain. The process of recognition of certificates of education depends on the type of the document and takes from 24 hours up to 15 work days [10]. The application takes place online and payment is made via the payment systems World Pay. As a result of work, the National Recognition Information Centre (the UK) provides with a certificate that recognizes the degree as provided by the standards of Great Britain. For example, Fылым кандидаты (Candidate of Science): Philology, Ministry of Education and Science of the Republic of Kazakhstan is considered comparable to British Doctor of Philosophy degree (PhD) standard, i.e. the Candidate of Science is equal to the PhD degree.

According to the data provided by the Federal Education and Science Supervision Centre of the Russian Federation, competent authority of the Ministry of Education and Science of Russia on recognition of foreign certificates of education, in international practice in academic recognition it is accepted to consider applications of citizens as promptly as possible within the time limit of no more than 4 months. In Russia it takes up to 3 ½ months. In this regard, one can hardly say that the time frame of considering applications in the Republic of Kazahstan can be regarded as reasonable. In the "Rules of order of recognition and nostrification of diploma certificates" MES RK of 10.01.2008 it is fixed that the time frame of considering applications for recognition should not exceed more than 6 months (Art.15).

It is also to note that the Rules of order of recognition and nostrification of educational certificates MES RK (2008) are spread not on all documents of education in the territory of Kazakhstan. According to the Art. 5 of the Law on Education of the Republic of Kazakhstan, "documents of higher education issued by foreign institutes of higher education, scientific centres and laboratories for citizens of the Republic of Kazakhstan – the holders of the international scholarship "Bolashak" - are recognized in the Republic of Kazakhstan without undergoing of recognition or nostrification process". We believe that such a condition places on an unequal footing other holders of qualification of higher education who graduated from the same universities independently and gained the same degrees just as "Bolashak" graduates did.

Recognition of Studies: Provision of higher education in today's world is implemented not by universities alone, but by cooperation between those universities. Despite the fact that the number of universities that launch Joint as well as Double-Degree Programs together with other universities is growing, it is practically impossible to provide complete and credible information on the amount of such programs in the world. Nevertheless, representatives of the Centre for International Cooperation of the Free University of Berlin Daniel Obst and Matthias Kuder managed to interview 245 universities from 28 countries that launched Joint and Double-Degree programs and 95% of the questioned universities were willing to extend those [11]. Nowadays in Kazakhstan double diploma education in cooperation with foreign universities is being realized in 38 universities. Questions about the recognition of such kind of degrees in Higher Education will arise in this case, too

and Recommendation on the Recognition of Joint Degrees (2004) of the Committee of the Lisbon Convention (1997) is appealed to control the sector. According to the p. 5 of the Recommendation, a joint degree can be issued as: "a joint diploma in addition to one or more national diplomas; a joint diploma issued by the institutions offering the study program in question without being accompanied by any national diploma; one or more national diplomas issued officially as the only attestation of the joint qualification in question". P. 9 of the Recommendation shall fill in this gap. According to it, "governments of States party to the Lisbon Recognition Convention should, where appropriate, therefore review their legislation with a view to removing any legal obstacles to the recognition of joint degrees and introduce legal provisions that would facilitate such recognition". The Recommendation takes consideration the prevalent practice of provision of the educational services by the group or consortium of universities (p.11). For example, today the University of Shanghai Cooperation Organization and University of CIS are functioning.

We should also go into the recognition of courses of study, received in the systems of higher education. As has been mentioned previously in the Art. 1 of the Lisbon Convention on the Recognition of Qualifications relating to the Higher Education in European Region (1997), "the higher education" implies "all types of courses of study, or sets of courses of study, training or training for research at the post secondary level which are recognized by competent authorities of a Party as belonging to its higher education system" and Art V.1 "each Party shall recognize periods of study completed within the framework of a higher education programme in another Party". Accordingly, to the span of the Convention's control belong not only qualifications (diplomas) in higher education, but the studies (study periods) that are subject to a recognition. Under the term "Studies" one should understand either receiving of knowledge on particular disciplines, after completion of which student was willing to receive a degree from another university. Accordingly, the holder of the certificate or of the academic reference with the indicated list of the completed disciplines has rights on the recognition in another country, which gives the opportunity to continue one's educational course at another university.

As has been noted previously, Doctoral degrees are also subject to undergoing the process of recognition in the framework of the Lisbon Convention (1997).

Completing Doctoral programs assumes attending theoretical courses. However, the attending of the theoretical courses alone does not assume getting a doctoral degree. In order to do that, one has to defend one's own doctoral dissertation. According to the:

- Kazakhstani Laws on Education (p.3 Art. 1) [12] and Science (p.28 Art. 1) [13] "Doctor of Philosophy (PhD), Doctor with a Major is an academic degree that is awarded to individuals mastered the relevant curriculum of doctoral studies under consideration and defended a doctoral dissertation".
- Law on Science, to the terms of reference of a competent authority in the scientific field belongs: "adoption of the order on awarding of academic degrees" (p.14, Art. 4) [13];
- Regulations on awarding of academic degrees (p.3),
 "the academic degree of Doctor of Philosophy (PhD),
 Doctor with a Major is awarded by the Committee for
 Control of Education and Science of the MES RK to
 individuals having completed their doctoral studies
 on the ground of petitions of the dissertational
 councils with an allowance of conclusions of the
 relevant experts' council that is advisory body of the
 committee" [14].

Thus we may conclude that completion of Doctoral programs consists of two stages: theoretical courses and defense of doctoral dissertation; theoretical part is organized by universities, whereas the process of defense is organized by a competent authority in science of the MES RK; university sends documents about the successful completion of the student's theoretical studies to the dissertational council; outcome of the defense of dissertation a competent authority in science awards a candidate the degree of Doctor of Philosophy (PhD) or Doctor with a Major [15-17]. Accordingly, the document about acquiring of theoretical courses in Doctoral program and Doctoral degree are subject to undergoing the recognition in the framework of the Lisbon Convention (1997). We consider that exactly this regulation demarcates the field of higher education from the one of science, just as one can complete the doctoral program, but will not be awarded a doctoral degree. In this case, individual that completed the whole course of studies of doctoral program shall receive the document of the completion of the full-time doctoral program (academic certificate) without awarding doctoral degree.

However in Kazakhstan such state of things, i.e. recognition of academic certificates of all types of higher education is impossible during the process of recognition

of foreign diplomas. P. 2 of Rules of recognition and nostrification of educational documents (2008) under the term recognition of diplomas understands "official acknowledgement of a competent authority of the value of a foreign educational qualification with a view to access to educational and/or employment activities". As for nostrification, procedure with a view of determining the equivalence of documents issued to individuals studied in other countries at international and foreign educational institutions (and affiliated branches)". As we can see, in Rules there is a notion of "certificate/document of education", however the Kazakhstani legislation does not provide the definition of the notion. Nevertheless, according to the requirements of the above-mentioned law on education, educational entities with a license, that were certified and that are realizing educational study programs of all levels issue the individuals who passed the final credits documents of education of national standards (p.1 Art. 39), it is required to have a certificate of a national standard in order to continue the next level of studies (p.2 Art. 39), individuals who failed to complete their studies or who failed the final credits, will get the reference of the due form (p.3, Art. 39).

We assume that the legislators herewith under the term certificate of education in higher education imply only those documents that prove participants having been awarded a definite degree or qualification in higher education. Accordingly, academic references are not subject to undergoing of recognition and/or nostrification of educational certificates in the Republic of Kazakhstan, the fact which contradicts the regulations of the Lisbon convention (1997), according to which parties recognize periods of studies that were held within the framework of the program of higher education in other party. This recognition refers to the periods of studies for the purpose of completion of the program of higher education in the land the recognition is solicited for (Art. V.1). Unlike the Kazakhstani legislation, the Russian legislation gives the opportunity to recognize the periods of studies. For instance, according to the p.9 of the Order of the Ministry of Education and Science of the Russian Federation 114043 of 14.04.2009 "On approval of the procedure of recognition and determining equivalence of international documents on education in the Russian Federation", Federal Education and Science Supervision Service also makes decision about recognition of a document of education as of a document that confirms mastering of groups of disciplines and/or period of studies on education program of the definite level (of an academic reference).

CONCLUSION

Summarizing the analysis of the international legal framework on the recognition of diplomas in higher education, it is to note that nowadays issues of the recognition of qualifications in higher education become more and more urgent as far as the academic mobility in the world grows.

The UNESCO plays a major part in the organization of cooperation on improvement of the legal basis of the regional recognition of diplomas. Confirmation to this is that all regional agreements on the recognition of diplomas in higher education were signed in the framework of the organization under consideration.

The Lisbon Convention (1997) promotes the creation of an international practice of the recognition of diplomas, which in turn serves as a model for other regional documents on the recognition of qualifications in higher education. To the scope of regulations of the current agreement do not only refer all degrees of education gained at universities such as Bachelor, Master, or Doctor, but academic studies as well.

Legislation of the Republic of Kazakhstan on recognition of certificates of education does not meet the standards of the Lisbon Convention (1997) in terms of recognition of studies and time of the recognition of documents of education.

Issues on the mutual recognition of diplomas in new forms of cooperation on creation of educational space in the Eurasia territory are left in abeyance. For instance, unsolved is the question about the recognition of diplomas of the University of Shanghai Cooperation Organization, some CIS member states are parties to Lisbon Convention (1997), while others are not. Agreements on the mutual recognition of education certificates within the framework of the CIS function formally, since the region is distinguished by a very low internal academic mobility.

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