

(一) 陳明金;

(二) 劉藝良;

(三) 麥瑞權;

(四) 李從正。

二、本批示自二零二一年十一月十三日起產生效力。

二零二一年十月二十一日

行政長官 賀一誠

1) Chan Meng Kam;

2) Lao Ngai Leong;

3) Mak Soi Kun;

4) Lee Chong Cheng.

2. O presente despacho produz efeitos a partir de 13 de Novembro de 2021.

21 de Outubro de 2021.

O Chefe do Executivo, *Ho Iat Seng*.

### 第 23/2021 號行政長官公告

中華人民共和國於二零一四年七月，就二零一一年十一月二十六日在東京簽署的《亞洲及太平洋地區承認高等教育資歷公約》（下稱“《公約》”），向聯合國教科文組織總幹事交存了核准書；

中華人民共和國在交存核准書時聲明，中華人民共和國澳門特別行政區不受《公約》第四章第七條、第五章第一條至第三條、第六章第三條和第八章第四條規定的約束；

《公約》自二零一八年二月一日對中華人民共和國生效，包括對澳門特別行政區生效；

基於此，行政長官根據第3/1999號法律《法規的公佈與格式》第五條（一）項和第六條第一款的規定，命令公佈《亞洲及太平洋地區承認高等教育資歷公約》的中文和英文正式文本。

二零二一年十月二十日發佈。

行政長官 賀一誠

### Aviso do Chefe do Executivo n.º 23/2021

Considerando que a República Popular da China efectuou, em Julho de 2014, junto do Director Geral da Organização das Nações Unidas para a Educação, Ciência e Cultura, o depósito do seu instrumento de aprovação da Convenção Regional da Ásia-Pacífico para o Reconhecimento de Qualificações de Ensino Superior, feita em Tóquio, em 26 de Novembro de 2011 (doravante designada por «Convenção»);

Considerando igualmente que, no momento do aludido depósito do seu instrumento de aprovação, a República Popular da China declarou que a Região Administrativa Especial de Macau da República Popular da China não se encontra vinculada pelo disposto no Artigo IV.7 da Secção IV, nos Artigos V.1 a V.3 da Secção V, no Artigo VI.3 da Secção VI e no Artigo VIII.4 da Secção VIII da Convenção;

Considerando ainda que a Convenção entrou em vigor para a República Popular da China, incluindo a Região Administrativa Especial de Macau, em 1 de Fevereiro de 2018;

O Chefe do Executivo manda publicar, nos termos da alínea 1) do artigo 5.º e do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), a Convenção Regional da Ásia-Pacífico para o Reconhecimento de Qualificações de Ensino Superior, nos seus textos autênticos em línguas chinesa e inglesa.

Promulgado em 20 de Outubro de 2021.

O Chefe do Executivo, *Ho Iat Seng*.

## 亞洲及太平洋地區承認高等教育資歷公約

### 序

本公約各締約國，

出於增強其地理、文化、教育和經濟聯繫的共同願望；

憶及教科文組織《組織法》所載“本組織之宗旨在於通過教育、科學和文化，促進各國之間的合作，為和平與安全做出貢獻”；

認識到亞洲及太平洋地區在教育傳統、體制和價值觀方面存在的豐富多樣性；

深信亞洲及太平洋地區文化和高等教育體制的多樣性構成一種獨特的資源；

決心加強和擴大各締約國之間的合作，以使其人力資源潛力得到最佳利用，從而促進亞洲及太平洋地區的知識進步，不斷提高高等教育的質量；

切望亞洲及太平洋地區人民能夠充分利用其文化資源，在尊重國內法規的前提下，向各締約國的國民，特別是締約國的學生和學者，提供使用各締約國教育資源的便利；

深信在此類合作框架內承認高等教育資歷將有助於學生和學者的國際流動；

銘記需要加強文化交流，以推動亞洲及太平洋地區在經濟、社會、文化和技術上的發展，促進該地區的和平；

憶及許多締約國已就相互承認高等教育資歷締結雙邊或分地區性協

定，但期望加強該等努力，通過本公約將合作擴大到整個亞洲及太平洋地區；

銘記在考慮本公約時，還應參照涉及全球其他地區的聯合國教科文組織承認資歷的公約以及 1993 年聯合國教科文組織《關於承認高等教育學歷與資格的建議書》；

意識到自上述公約獲得通過以來，亞洲及太平洋地區的高等教育發生了巨大變化，國家教育系統內和各國教育系統間日益呈現多樣化，需要對法律文書和實踐做出調整，以反映上述發展；

願意在全球層面與其他教科文組織地區公約的締約國進行積極的國際合作；

意識到高等教育資歷承認方面的實際挑戰，需要找到有助於亞洲及太平洋地區學生和學者流動的共同解決方案；

意識到締約國需要改進目前承認資歷的做法，使其更加透明並能更好地適應亞洲及太平洋地區高等教育的現狀；

考慮到各締約國承認其他締約國頒發的高等教育資歷是促進締約國之間學術流動的一個重要手段；

切望確保高等教育資歷得到儘可能廣泛的承認，從而以適應各締約國文化背景的方式，促進終身教育和教育民主化；

尊重各締約國設立和批准資歷制度的權利及其機構的自主權；

特約定如下：

## 第一章 術語定義

在本公約中，下列術語的定義為：

1983 年公約指 1983 年 12 月 16 日於曼谷通過的《亞洲及太平洋地區承認高等教育學歷、文憑和學位的地區公約》；

入學（高等教育）指符合條件的候選人申請並被考慮進入高校學習的權利；

認證指承認或認定高等教育課程或機構符合相關標準的評估和審查程序；

錄取（高等教育機構或課程）指准許資歷持有者在特定機構和/或特定課程接受高等教育的行為或制度；

評估（機構或課程）指確定高等教育機構或課程之教育質量的程序；

評估（個人資歷）指資歷承認主管部門對個人國外資歷出具的書面評價或評估；

流離失所者指被迫離開其居住地或環境以及放棄職業活動者。

資歷承認主管部門指由官方授權對國外資歷的承認做出決定的政府或非政府機構；

締約國的組成實體指國家、省市、聯邦或地區一級的政府實體；

入學基本要求（高等教育）指在任何情況下均應滿足的高等教育入學條件；

高等教育指被締約國相關部門承認屬於其高等教育系統的中學後教育、培訓和研究；

高等教育機構指得到締約國有關部門承認的高等教育辦學機構；

**高等教育課程**指被締約國相關部門承認屬於其高等教育系統的教育課程，完成該等課程的學生將獲得某種高等教育的資歷；

**Mutatis Mutandis** 係拉丁語，意為“考慮到各自的差異”；

**非傳統方式**指通過其他教育機制取得資歷；

**部分學程**指某個高等教育課程中的任何同質部分，儘管其本身並非一個完整的課程，但可等同於獲得一定的知識或技能；

**高等教育入學資格**指由相關部門頒發的任何資歷，證明持有者順利完成某個教育課程並享有高等教育入學申請資格；

**高等教育資歷**指由高等教育機構頒發的任何學位、文憑或其他證書，證明持有者順利完成某項高等教育課程；

**質量保證**指評估和改進高等教育系統、機構或課程質量的一個持續過程，旨在向利益攸關者保證公認標準得到保持和提高；

**對先前學習的承認**指正式承認通過正規和/或非正規學習所獲得的知識和技能的一個程序；

**資歷承認**指締約國資歷承認主管部門對國外教育資歷的程度給予的由其定義的正式承認，以便利繼續學業和/或就業；

**中等教育**指小學、初等、預備、中間階段或基礎教育之後任何教育種類的一個階段，其目的包括為學生進入高等教育做準備，為順利完成者頒發中學畢業證書或使其得到高等院校的錄取；

**特殊要求**（高等教育錄取）指除基本要求外，為獲得某個高等教育課程的錄取或獲得某個特定教育領域中的特定高等教育資歷所需滿足的條件；以及

聯合國教科文組織學歷文憑附錄係《歐洲地區承認高等教育資歷公約》（即“里斯本資歷承認公約”）的一份參考文件，實為對該附錄附於的資歷證書原件所述人員攻讀並順利完成之學業的性質、程度、背景、內容和地位作出說明的文件。

## 第二章 資歷承認主管部門的權限

### 第一條

一、 如果締約國的中央政府有權對承認事項作出決定，則該締約國應即刻受到本公約規定的約束，並應採取必要措施，保證本公約的規定在該締約國境內得到實施。

二、 如果承認事項的決定權屬於締約國的組成實體，則該締約國應在簽署或交存其批准書、接受書、核准書或加入書時，或在此後的任何時間，向保存人提供其憲政狀況或結構的一份簡要說明。在該等情況下，締約國組成實體中被指定的資歷承認主管部門應採取必要措施，保證本公約的規定在其境內得到實施。

三、 如果承認事項的決定權屬於各高等教育機構或其他實體，各締約國根據其憲政狀況或結構應將本公約全文轉發給上述機構或實體，並應採取一切可能的措施，鼓勵該等機構或實體積極考慮和適用本公約的規定。

四、 本條第一、二和三款規定應適用於締約國在本公約以下各條項下的義務，但應考慮到各自的差異。

### 第二條

在簽署或交存其批准書、接受書、核准書或加入書時，或在此後的任何

時間，各締約國應向本公約的保持人通報有權對承認事項作出各類決定的主管部門。

### 第三條

本公約中的任何內容均不應減損對一締約國具有約束力的現有或未來條約中所含或由於該等條約而產生的、對承認該締約國的高等教育資歷更為有利的任何規定。

## 第三章 與資歷評估相關的基本原則

### 第一條

一、 在向資歷承認主管部門申請後，一締約國所發資歷的持有者有權得到對其資歷的及時評估。

二、 為保證資歷持有者的這一權利，各締約國承諾對資歷承認申請的評估做出適當安排，重點在於評估所獲得的知識和技能。

### 第二條

各締約國應確保資歷的評估和承認所採用的程序和標準透明、一致、可靠、公平並且無歧視。

### 第三條

一、 承認的決定應以與申請承認的資歷相關的信息為依據。

二、 提供充分信息的責任首先在於資歷持有者，資歷持有者應出於誠信提供信息。

三、 締約國應酌情指示或鼓勵所有隸屬於其教育系統的機構滿足為評估在該等機構所獲得的資歷所提出的任何合理的提供信息請求。特別是，締約國應鼓勵隸屬於其教育系統的機構根據請求在合理的時間內，向資歷持有者、受理承認申請的機構或締約國的資歷承認主管部門提供相關信息。

四、 只要提供了與資歷評估相關的必要信息，則證明申請不符合相關要求的責任就在於資歷承認主管部門。

#### 第四條

為便於資歷的承認，各締約國應確保提供與其教育系統有關的充分和明確的信息。

#### 第五條

承認資歷的決定應在資歷承認主管部門事先規定的合理時限內做出，從所有必要的相關信息提交之時起計。拒絕給予承認的，必須闡明拒絕承認的理由，並應就申請者可採取的措施提供信息，以便其下次獲得承認。對拒絕給予承認或未作出決定的，申請者有權在合理的時限內通過各締約國的有關程序提出申訴。

### 第四章 對高等教育入學資格的承認

#### 第一條

除非能夠表明獲得資歷所在締約國與受理資歷承認申請的締約國在入學基本要求上存在實質性差異，否則各締約國為便於其各高等教育課程的入學，應承認其他締約國出具的符合上述高等教育課程入學基本要求的資

歷。

## 第二條

或者，一締約國亦可根據另一締約國資歷持有者的申請，使其獲得的資歷能夠得到評估，並且第四章第一條規定也應適用於該等情況，但應考慮到各自的差異。

## 第三條

如果特定高等教育課程的錄取除基本入學要求外還需要滿足特殊的要求，則相關締約國資歷承認主管部門可對其他締約國高等教育資歷獲得者提出額外的要求，或者評估擁有其他締約國高等教育資歷的申請者是否滿足相似的要求。

## 第四條

如果在獲得學校結業證書的締約國，作為入學的一個必要條件，該等證書的持有者還應參加額外的資格考試方可進入高等教育，則其他締約國可將上述要求作為入學條件，或者在其本國教育系統內提供一種能夠滿足上述額外要求的選擇。

## 第五條

在不影響第四章第一至第四章第四條規定的情況下，特定高等教育機構或該機構中的高等教育課程可採取限制性或選拔性錄取。在高等教育機構和/或高等教育課程採取選拔性錄取的情況下，錄取程序的設計應確保對國外高等教育資歷的認證符合第三章所述之公平和無歧視的基本原則。

## 第六條

在不影響第四章第一至第四章第五條規定的情況下，為使申請者能夠學有所獲，特定高等教育機構的錄取可要求申請者顯示具備相關機構教學所用語言或其他特定語言的充分能。

## 第七條

對於在一締約國通過非傳統方式接受高等教育所獲得的資歷，其他締約國應加以公平評估。

## 第八條

就高等教育課程的錄取而言，各締約國對本國境內運行的外國教育機構出具的資歷，可視本國法律的具體要求或與該等教育機構所屬締約國簽訂的具體協定，給予承認。

# 第五章 對部分學程的承認

## 第一條

各締約國均應酌情承認或至少評估在另一締約國高等教育課程框架內完成的部分學程。該等承認應包括以完成受理資歷承認申請的締約國的某項高等教育課程為目的將該部分學程考慮在內，除非所完成的部分學程與受理資歷承認申請的締約國的部分和/或全部高等教育課程之間有實質性的差別。

## 第二條

第五章第一條的規定應適用於通過非傳統方式完成的部分學程，但應

考慮到其各自的差異。

### 第三條

特別是在以下情況下，各締約國應對部分學程的承認提供便利：

(一) 以下機構之間先前已有協定：

- 1、負責有關部分學程的高等教育機構或資歷承認主管部門；與
- 2、負責受理該等承認的高等教育機構或資歷承認主管部門。

(二) 完成部分學程所在的高等教育機構已出具證書或學習成績單，證明學生已全部符合該等部分學程的規定要求。

## 第六章 對高等教育資歷的承認

### 第一條

如果承認決定主要取決於高等教育資歷所證明的知識和技能，則各締約國應承認其他締約國授予的高等教育資歷，除非能夠證明存在實質性的差別。

### 第二條

或者，締約國亦可根據持有其他締約國所發高等教育資歷證書人的申請，使其資歷獲得評估，並且第六章第一條規定也應適用於該等情況，但應考慮到各自的差異。

### 第三條

第六章第一條和第六章第二條應適用於通過在教育系統範圍內符合本

國法規要求的非傳統方式取得的高等教育資歷，但應考慮到其各自的差異。

#### 第四條

一締約國對另一締約國所頒發高等教育資歷的承認可具有下列一種或多種用途：

（一）進一步的高等教育學習，包括相關考試或研究生預備課程，條件應與受理資歷承認申請的締約國的資歷持有者所應適用的條件相同；

（二）使用學術頭銜，但應符合受理資歷承認申請的締約國或其管轄地的法律法規；或者

（三）獲得就業機會，但應符合受理資歷承認申請的締約國或其管轄地的法律法規。

#### 第五條

一締約國資歷承認主管部門對另一締約國出具的高等教育資歷進行評估可採用對下列一個或多個方面提出“建議”的形式：

（一）教育機構，用於其課程錄取；

（二）任何其他資歷承認主管部門；以及

（三）潛在僱主。

#### 第六條

各締約國對本國境內運行的外國高等教育機構出具的資歷，可視本國法律的具體要求或與該等教育機構所屬締約國簽訂的具體協定，給予承

認。

## **第七章 對難民、流離失所者或難民處境人員 所持資歷的承認**

### **第一條**

各締約國應按照本國憲法、法律和法規的要求，在其教育系統範圍內做出一切合理努力，制定旨在公平、迅速地評估（甚至在無法通過文件憑據證明從一締約國所獲資歷的情況下）難民、流離失所者或難民處境人員是否符合進入高等教育課程或為就業獲得資歷承認之相關要求的程序，包括對先前學習的承認。

## **第八章 與評估/認證和承認事項有關的信息**

### **第一條**

各締約國應提供與隸屬於其高等教育系統的機構和質量保證系統有關的充分信息，以幫助其他締約國的資歷承認主管部門確定上述機構所出具資歷的質量能否證明受理資歷承認申請的締約國應予以承認。這包括：

- （一）對其高等教育系統的描述；
- （二）對隸屬於其高等教育系統各類高等教育機構的概述以及每類機構的典型特徵的概述；
- （三）隸屬於其高等教育系統得到承認和/或經認證的高等教育機構（公立及私立）清單，說明其頒發不同資歷的權限及其對進入各類機構和課程的要求；

(四) 對質量保證機制的說明；以及

(五) 締約國視為隸屬於其教育系統的境外教育機構清單。

## 第二條

各締約國應提供便於高等教育資歷承認的相關、準確和最新信息，包括：

(一) 便利查閱有關其高等教育系統及頒發的資歷的權威和準確的信息；

(二) 便利查閱有關其他締約國高等教育系統和頒發的資歷的信息；  
並且

(三) 根據國家法律法規就承認事項和資歷的評估提供建議或信息。

## 第三條

各締約國應採取充分措施，建立並保持一個提供高等教育信息的國家信息中心。國家信息中心的形式可各不相同。

## 第四條

各締約國應通過其國家信息中心或其他途徑宣傳使用下列文件：

(一) 《聯合國教科文組織學歷文憑附錄》或任何其他類似的資歷證明附錄；以及

(二) 教科文組織/經合組織《保障高等教育跨國辦學質量指導方針》和/或各締約國高等教育機構根據各自國家法律法規編製的任何類似文件。

## 第九章 實施

### 第一條

對本公約的實施進行監督、宣傳和協助的機構是“亞洲及太平洋地區承認高等教育資歷公約委員會”，以下簡稱為“委員會”。

### 第二條

一、 根據本公約成立的委員會應由各締約國的一名代表組成。

二、 不屬於本公約締約國的國家可以作為觀察員參加委員會的會議。活躍於本地區資歷承認領域的政府及非政府組織亦可受邀作為觀察員參加委員會的會議。

三、 委員會可以締約國的多數票表決通過建議書、宣言、議定書和最佳實踐模式，用於指導締約國資歷承認主管部門實施本公約和考慮高等教育資歷承認的申請。儘管不受上述文件的約束，各締約國應盡最大努力應用上述文件，使其受到資歷承認主管部門的關注並鼓勵其應用。

四、 委員會應與聯合國教科文組織各地區實施承認高等教育學歷、文憑和學位公約（由聯合國教科文組織主持通過）委員會保持聯繫。

五、 締約國的簡單多數應構成法定人數。

六、 委員會應通過自己的《議事規則》。委員會應至少每三年舉行一屆常會。委員會的首屆會議應在本公約生效後的第一年內舉行，並在此後的前五年內每年召開一屆會議，以落實對本公約的實施。

七、 委員會的秘書處工作應交由聯合國教科文組織總幹事託管。

### 第三條

- 一、 應建立國家學術流動和資歷承認信息中心網絡，負責支持和協助各國資歷承認主管部門對本公約的實際實施。
- 二、 各締約國均應向國家信息中心網絡指派本國信息中心的一名成員。如果建立或保持的國家信息中心不止一個，則所有該等中心均應成為網絡的成員，但相關國家信息中心的投票權僅為一票。
- 三、 國家信息中心網絡應每年召開一屆全體會議。網絡應選舉其主席和理事會。
- 四、 國家信息中心網絡的秘書處工作應交由聯合國教科文組織總幹事託管。
- 五、 國家信息中心網絡應收集各締約國有關學術資歷承認和流動的信息。

## 第十章 最後條款

### 第一條

- 一、 聯合國教科文組織的所有會員國和羅馬教廷均可簽署並批准、接受、核准或加入本公約。
- 二、 上述國家可通過下述方式表示接受本公約的約束：
  - (一) 對批准、接受、核准或加入不加保留的簽署；
  - (二) 須經批准、接受、核准或加入的簽署，隨後批准、接受、核准或加入；或者

(三) 交存批准書、接受書、核准書或加入書。

三、 批准書、接受書、核准書或加入書應交存於聯合國教科文組織總幹事，以下簡稱“保存人”。

## 第二條

本公約在亞洲及太平洋地區的五個聯合國教科文組織會員國表示同意接受本公約的約束滿一個月後的翌月首日開始生效。本公約在其他締約國表示同意接受本公約約束滿一個月後的翌月首日開始對該等締約國生效。

## 第三條

一、 並非屬於 1983 年公約締約國的本公約締約國承諾放棄成為 1983 年公約的締約。

二、 同時也屬於 1983 年公約締約國的本公約締約國：

(一) 應在其雙邊關係中適用本公約的規定；並且

(二) 對於不屬於本公約締約國的 1983 年公約締約國，在與其關係中應繼續適用 1983 年公約；

## 第四條

一、 在簽署本公約或在交存其批准書、接受書、核准書或加入書時，任何國家均可指定本公約適用的領土範圍。

二、 任何締約國均可在以後的任何一個日期向保存人提交一份聲明，將本公約的適用範圍擴大到聲明中指定的任何其他領土。在保存人收到上述聲明之日起滿一個月後的翌月首日，本公約應對上述領土生效。

## 第五條

- 一、 任何締約國均可隨時通知保存人退出本公約。
- 二、 退出應在保存人收到上述通知之日起滿十二個月後的翌月首日生效。但是，退出不應影響此前根據本公約規定作出的承認決定。
- 三、 因締約國違反實現本公約目標或宗旨不可或缺的基本規定而導致本公約的實施終止或暫停，應根據國際法加以解決。

## 第六條

- 一、 任何國家在簽署本公約或交存其批准書、接受書、核准書或加入書時，均可宣布保留其不適用本公約下列一項或數項條款之全部或部分規定的權利：第四章第七條、第五章第一條、第五章第二條、第五章第三條、第六章第三條和第八章第四條。除此之外，不得做出任何其他保留。
- 二、 根據前款規定做出保留的締約國可通知保存人全部或部分撤銷其保留。撤銷應自保存人收到上述通知之日起生效。
- 三、 對本公約某項規定做出保留的締約國不得要求任何其他締約國適用該規定；但如果所做保留屬於部分或有條件的保留，則該締約國可在其接受該等規定的範圍內要求該等規定適用。

## 第七條

- 一、 經三分之二多數締約國同意，委員會可通過對本公約的修正。按上述方式通過的任何修正均應納入本公約的一項議定書。議定書應明確其生效方式並在任何情況下均應要求締約國表示同意接受其約束。
- 二、 不得根據本條第一款程序規定對本公約第三章做出修正。

三、修正提案應提交保存人，由其在委員會召開會議的至少三個月之前轉交給各締約國。保存人還應通知聯合國教科文組織執行局。

## 第八條

在下列任何事項得到完成之後，保存人應通報本公約的締約國以及聯合國教科文組織的其他會員國：

- (一) 依照第十章第一條第二款規定簽署本公約；
- (二) 依照第十章第一條第二款規定交存批准書、接受書、核准書或加入書；
- (三) 本公約依照第十章第二條規定開始生效之日；
- (四) 依照第十章第六條規定做出任何保留和撤銷任何保留；
- (五) 依照第十章第五條規定退出本公約；
- (六) 依照第十章第四條規定發佈聲明；
- (七) 依照第十章第七條規定提出提案；
- (八) 依照第二章第二條規定發出有關資歷承認主管部門的通知；
- (九) 與本公約有關的任何其他行動、通知或交流。

下列經正式授權的代表在本公約上簽字，以昭信守。

二〇一一年十一月二十六日於東京簽署中文、英文和俄文文本，三種文本同等作準，正本應交存於聯合國教育、科學及文化組織檔案處。經認證的副本應提交給第十章第一條所述各國和聯合國秘書處。

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

**PREAMBLE**

The Parties to this Convention:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Have agreed as follows:

## SECTION I. DEFINITION OF TERMS

### Article I

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## SECTION II. COMPETENT RECOGNITION AUTHORITIES

### Article II.1

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

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

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

#### **Article II.2**

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

#### **Article II.3**

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

### **SECTION III. BASIC PRINCIPLES RELATED TO THE ASSESSMENT OF QUALIFICATIONS**

#### **Article III.1**

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

#### **Article III.2**

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

#### **Article III.3**

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

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

**Article III.4**

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

**Article III.5**

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

**SECTION IV. RECOGNITION OF QUALIFICATIONS GIVING ACCESS TO HIGHER EDUCATION**

**Article IV.1**

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

**Article IV.2**

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

**Article IV.3**

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

**Article IV.4**

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

**Article IV.5**

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

**Article IV.6**

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

**Article IV.7**

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

**Article IV.8**

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

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

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

**Article V.2**

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

**Article V.3**

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

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

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

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

**Article VI.2**

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

**Article VI.3**

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

**Article VI.4**

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

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

**Article VI.5**

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

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

**Article VI.6**

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

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

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

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

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

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

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

#### **Article VIII.2**

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

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

#### **Article VIII.3**

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

#### **Article VIII.4**

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

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

### **SECTION IX. IMPLEMENTATION**

#### **Article IX.1**

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

#### **Article IX.2**

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

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

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

#### **Article IX.3**

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

### **SECTION X. FINAL CLAUSES**

#### **Article X.1**

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

#### **Article X.2**

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

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

**Article X.3**

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

**Article X.4**

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

**Article X.5**

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

**Article X.6**

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

**Article X.7**

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

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

**Article X.8**

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

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

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

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

**第 24/2021 號行政長官公告**

中華人民共和國於二零二一年五月二十六日就二零一八年十月三日訂於伊盧利薩特的《預防中北冰洋不管制公海漁業協定》（下稱“《協定》”）向加拿大外交、貿易和發展部交存核准書，並聲明《協定》適用於中華人民共和國澳門特別行政區；

根據《協定》第十一條第一款的規定，《協定》自二零二一年六月二十五日起對中華人民共和國生效，包括對澳門特別行政區生效；

基於此，行政長官根據第3/1999號法律《法規的公佈與格式》第五條（一）項和第六條第一款的規定，命令公佈《預防中北冰洋不管制公海漁業協定》的中文正式文本和葡文譯本。

二零二一年十月二十日發佈。

行政長官 賀一誠

**Aviso do Chefe do Executivo n.º 24/2021**

A República Popular da China efectuou, em 26 de Maio de 2021, junto do Ministério das Relações Exteriores, Comércio e Desenvolvimento do Canadá, o depósito do seu instrumento de aprovação do Acordo de Prevenção da Pesca Não Regulamentada no Alto-Mar no Oceano Ártico Central (doravante designado por «Acordo»), feito em Ilulissat, em 3 de Outubro de 2018, e declarou que o Acordo é aplicável à Região Administrativa Especial de Macau da República Popular da China;

Em conformidade com o seu n.º 1 do artigo 11.º, o Acordo entrou em vigor para a República Popular da China, incluindo a Região Administrativa Especial de Macau, em 25 de Junho de 2021;

O Chefe do Executivo manda publicar, nos termos da alínea 1) do artigo 5.º e do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), o Acordo de Prevenção da Pesca Não Regulamentada no Alto-Mar no Oceano Ártico Central, no seu texto autêntico em língua chinesa, acompanhado da tradução para a língua portuguesa.

Promulgado em 20 de Outubro de 2021.

O Chefe do Executivo, *Ho Iat Seng*.