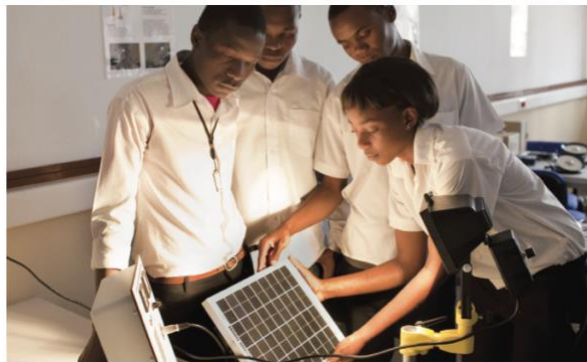


Developing the African Continental Qualifications Framework (ACQF)

The African Union policy context of the ACQF



Brief overview Working paper

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1 African Continental Qualifications Framework in the policy context of the African Union

Education, skills and qualifications are at the heart of African renaissance. Therefore, the African Continental Qualifications Framework (ACQF) is a vital policy underpinned by the key strategic commitments and policies of the African Union:

- Agenda 2063
- African Continental Free Trade Area
- Protocol on Free Movement of Persons, Right of Residence and Right of Establishment
- Continental Education Strategy for Africa (CESA 16-25)
- Sectoral development strategies, such as African Tourism Strategic Framework (2019-2028)

Development of the ACQF was officially launched at the inaugural workshop held at AUC headquarters on 2-3 September 2019. This process is led by the African Union Commission, working in partnership with the European Union, GIZ and the European Training Foundation (ETF). The process is participative, based on analysis and evidence, and builds on African and global experience. By mid 2022 the ACQF policy and technical document, supported by an Action Plan, will be submitted for adoption by the AU.

VISION FOR THE ACQF



▶ Enhance comparability, quality and transparency of qualifications from all sub-sectors and levels of education and training and support people's lifelong learning outcomes;



▶ Facilitate recognition of diplomas and certificates;



▶ Work in complementarity with national and regional qualifications frameworks, and support the creation of a common African education space;



▶ Promote cooperation and alignment between qualifications frameworks (national, regional) in Africa and worldwide.

2 Agenda 2063: First Ten Year Implementation plan

The ACQF is underpinned by **Agenda 2063: The Africa We Want**¹.

This long-term strategy articulates seven *aspirations*, which together address the Vision: “*Building an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena*”.

The *aspirations* span social and economic sustainable development, integration; good governance, democracy and rule of law; peace and security; cultural identity, shared values and ethics; people-driven development; Africa as a strong, united and resilient global player and partner.

- The first aspiration – “*A prosperous Africa based on inclusive growth and sustainable development*” - comprises, among others, the education and skills goal of *Agenda 2063*.

Mandated by the Summit in January 2015, the African Union Commission developed the *First Ten Year Implementation Plan of Agenda 2063 (2013-2023)*², as a basis for elaboration of

¹ African Union Agenda 2063. At: <https://au.int/en/agenda2063>

² Agenda 2063: First Ten Years Implementation Plan 2023. At: <https://www.nepad.org/agenda-2063/publication/agenda-2063-first-ten-year-implementation-plan-2014-2023-0>

national development plans of AU member states, of the Regional Economic Communities and the AU Organs. The Plan addresses essential drivers of prosperity and development: standards of living; good education and skills; health and nutrition; transformed economies and job creation; modern agriculture for increased productivity and production; blue / ocean economy for accelerated economic growth; environmentally sustainable and climate resilient economies and communities

- The First Ten Year Implementation plan defines goals per aspiration. Goal 2 of the first aspiration is focused on education and skills: **“Well educated citizens and skills revolution underpinned by science, technology and innovation”**.
- This goal includes the following targets 2023 linked with the ACQF initiative:
 - African Education Accreditation Agency is fully operational
 - **Common continental education qualification system is in place.**The Ten Year Plan indicates key process actions and milestones towards this target – concerning the three levels: national, REC and continental. The planned timelines for achievement have been exceeded.

3 African Continental Free Trade Agreement (AfCFTA)

Entered into the operational phase in July 2019, the AfCFTA is a key flagship of African integration, wherein the ACQF will contribute. Art 10 (“Mutual Recognition”) of the “Protocol on Trade in Services” of the “Agreement establishing the African Continental Free Trade Area”³ (16/05/2018) mentions recognition of education and harmonization.

“For the purpose of the fulfilment, in whole or in part, of its standards or criteria for the authorization, licensing or certification of services suppliers, and subject to the requirements of paragraph 3 of this article, a State Party may recognize the education or experience obtained, requirements met, or licenses or certifications granted in another State Party. Such recognition, which may be achieved through harmonization or otherwise, may be based upon an agreement with the State Party concerned or may be accorded autonomously”. Pg 40-41.

4 Protocol on Free Movement of Persons, Right of Residence and Right of Establishment (AU Free Movement Protocol)

Most importantly for the purposes of the ACQF project, the “Protocol to the Treaty Establishing the African Economic Community relating to Free Movement of Persons, Right of Residence and Right of Establishment”, adopted by the 30th Ordinary Session of the AU Assembly (20/01/2018), in its Article 18 (on “Mutual Recognition of Qualifications”), specifies that **“The States Parties shall establish a continental qualifications framework to encourage and promote the free movement of persons**.”⁴ The AU Free Movement Protocol has 4 ratifications at present. Since a minimum of 10 ratifications is needed, it is not yet in force.

For an overview on the application of the terms AU Free Movement Protocol on the states, the required harmonisation of national legislation and the implementation roadmap concerning Article 18, the following excerpts are useful.

Part V: General Provisions

³ AfCFTA: https://au.int/sites/default/files/treaties/36437-treaty-consolidated_text_on_cfta_-_en.pdf; Factsheet on the AfCFTA: <https://www.tralac.org/documents/resources/faqs/2377-african-continental-free-trade-area-faqs-june-2018-update/file.html>

⁴ Text of the Protocol available at: <https://www.tralac.org/documents/resources/african-union/1965-protocol-to-the-abuja-treaty-free-movement-of-persons-right-of-residence-and-establishment-adopted-29-january-2018/file.html>

Article 18(2). Mutual Recognition of Qualifications: “States Parties shall establish a continental qualifications framework to encourage and promote the free movement of persons.

Part VI: Implementation

Article 26. Coordination and Harmonisation

1. In accordance with article 88 of the Abuja Treaty and guided, as appropriate, by the Implementation Roadmap annexed to this Protocol, States Parties shall harmonise and coordinate the laws, policies, systems and activities of the regional economic communities of which they are members which relate to free movement of persons with the laws, policies, systems and activities of the Union.
2. States Parties shall harmonise their national policies, laws and systems with this Protocol and guided, as appropriate, by the Implementation Roadmap annexed to this Protocol.

Article 27. Role of Member States

1. States Parties shall be responsible for implementing this Protocol.
2. States Parties shall adopt necessary legislative and administrative measures to implement and give effect to this Protocol.
3. States parties shall harmonise all laws, policies, agreements and immigration procedures and other procedures to ensure compliance with this Protocol.

Article 28. Role of Regional Economic Communities

1. Regional Economic Communities shall be the focal points for promoting, following up and evaluating implementation of this Protocol (...).

Article 29. Role of the Commission

1. The Commission shall follow up and evaluate the implementation of this Protocol by the Member States and shall through the relevant Specialised Technical Committees submit periodic reports to the Executive Council on the status of implementation of this Protocol.
2. The Commission shall in coordination with Member States develop and apply a continental follow up and coordinating mechanism for assessing the status of implementing this Protocol. (...)

Abuja Treaty, Article 88:

1. The Community shall be established mainly through the coordination, harmonization and progressive integration of the activities of regional economic communities.
2. Member States undertake to promote the coordination and harmonization of the integration activities of regional economic communities of which they are members with the activities of the Community, it being understood that the establishment of the latter is the final objective towards which the activities of existing and future regional economic communities shall be geared.
3. To this end, the Community shall be entrusted with the coordination, harmonization and evaluation of the activities of existing and future regional economic communities.
4. Member States undertake, through their respective regional economic communities, to coordinate and harmonize the activities of their sub-regional organizations, with a view to rationalizing the integration process at the level of each region.

(Draft) Implementation Roadmap annexed to the Protocol

On Article 18. Mutual recognition of qualifications

1. Ratify the African Union Revised Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications in Higher Education in African States (Actors: Member States; Indicative date: 2025)
2. Adopt a Continental and regional qualifications frameworks:

(a) Develop and maintain a Continental Framework for Higher Education Qualifications.

(b) Create Minimum Standards in Targeted Qualifications

(Actors: Commission, Regional Economic Communities and Member States; Indicative date: 2025)

5 African Youth Charter

Although the African Youth Charter⁵ predates Agenda 2063, it is worth mentioning that in its Article on Education and Skills Development (Article 13) it calls the States Parties to take the appropriate measures with a view to achieving the full realisation of the right to education and skills, including equivalence of degrees between African educational institutions. The African Youth Charter has been ratified by 39 states and entered into force in 2009.

- Article 13 (4) (o): Education and Skills Development: “Promote the equivalence of degrees between African educational institutions to enable the youth to study and work in State Parties”
- Article 28: Duties of the African Union Commission: The African Union Commission shall ensure that States parties respect the commitments made and fulfil the duties outlined in the present charter (...)

6 Continental Education Strategy for Africa 2016-2025 (CESA 16-25)

The AU is deploying efforts to advance the strategic objectives defined by the *Continental Education Strategy for Africa 2016-2025* (CESA)⁶; and the *Continental Strategy for Technical Vocational Education and Training (TVET) to Foster Youth Employment*⁷.

CESA 15-26 pursues twelve strategic objectives, which address a wide range of dimensions and drivers of change, spanning the teaching profession, infrastructure development, ICT potential, improved skills acquisition and completion rates, eradication of illiteracy, gender parity, expansion of TVET at secondary and higher levels and better linkages with the world of work, expansion of higher education and research, education management system and data analysis, education for peace and creation of partnerships to support CESA.

Strategic Objective 4, c) and d) explicitly refers to establishment of qualifications frameworks, notably a continental qualifications framework linked with national and regional qualifications frameworks.

“Strategic Objective 4: Ensure acquisition of requisite knowledge and skills as well as improved completion rates at all levels and groups through harmonization processes across all levels for national and regional integration.

⁵ African Youth Charter. At: <https://au.int/en/treaties/african-youth-charter>

⁶ CESA 2016-2025 at: https://au.int/sites/default/files/documents/29958-doc-cesa_-_english-v9.pdf; CESA Journal at: https://au.int/sites/default/files/documents/33863-doc-cesa_journal_vol2_final.pdf

⁷ Continental TVET Strategy to Foster Youth Employment. At: <https://au.int/en/documents/20181022/continental-strategy-technical-and-vocational-educational-and-training-tvet>

- a) Establish and institutionalize assessment of classroom learning outcomes at various stages
- b) Build the capacity of teachers informative assessment and its utilization for the improvement and remedial of learning outcomes
- c) **Set up national qualification frameworks (NQFs) and regional qualification frameworks (RQFs) to facilitate the creation of multiple pathways to acquisition of skills and competencies as well as mobility across the sub-sector**
- d) **Develop continental qualifications framework linked to regional qualifications and national qualification frameworks to facilitate regional integration and mobility of graduates**
- e) Establish and strengthen quality assurance mechanisms and monitoring and evaluation systems.”

Two of the guiding principles of CESA - harmonisation of education and training systems and quality and relevant education, training and research – inspire the Pan-African Quality Assurance and Accreditation Framework (PAQAF), a wide ranging policy initiative with ties to ACQF.

Indicator 4.2 of “CESA Indicators Manual”⁸ (March 2018) is closely related with the ACQF.

- **“4.2: Existence of a National Qualifications Framework**
Definition: a structure which allows TVET and academic certifications to be significantly broadened, harmonised in line with industry requirements, unified and streamlined.
Purpose: this indicator gives shows whether a country can catalogue the skills that are being produced and whether these skills can easily be compared across institutions and countries. A National Qualifications Framework, which is aligned to a Regional Qualifications Framework presents opportunities for regional integration.”

7 Sectoral development: the case of tourism

Other African Union policies point to the importance and necessity to operationalise a continental qualifications framework. One such case is the *African Tourism Strategic Framework (2019-2028)*, adopted by the second Ordinary Session of the Specialised Technical Committee on Transport, Intercontinental and Interregional Infrastructures, Energy and Tourism, 14-18/04/2019, in Cairo (www.au.int).

Consistent with the African Union Agenda 2063 flagship project of *making Africa the preferred tourism destination* and the provisions of the AU Plan of Action for Tourism (2017-2019), the vision for the African Tourism Strategic Framework 2019-2028 is that:

- *“Africa becomes the preferred destination for tourism offering unique and diverse African experience and committed to sustainable and inclusive tourism development that contributes to regional integration and the socio-economic well-being of the African People.”*

Priority Area 1.5 of the African Tourism Strategic Framework focuses on training and skills, and calls for harmonisation of tourism training and certification amongst the AU Member States. In other words, the development of African Tourism depends on a well-functioning framework of comparable and trusted qualifications, portable and understandable among the AU Member States. This is precisely one of the major objectives of a continental qualifications framework.

⁸ CESA 16-25 Indicators Manual, 2018. At: http://www.education2030-africa.org/images/systeme_edu/docs/Final_Indicators_Manual.compressed.pdf

Excerpt from Priority Area 1.5 of the African Tourism Strategic Framework:

“Priority Area 1.5: Tourism Human Resource Development

Objective 1: Bridge the short-term HR needs for Africa’s tourism sector.

- Reduce barriers to intra-regional labour mobility to ensure low-capacity Member States attract external expertise and skills to bridge the short-term HR deficit

Objective 2: Develop Sustainable supply of globally competitive human resource for the tourism sector in Africa

- **Harmonize tourism training and certification amongst AU Member States**
- Establishing centres of excellence in tourism training across the continent

Objective 3: Formulate appropriate policies to encourage labour mobility across the region

Identify and formulate relevant policy framework for intra-regional labour mobility”

8 What legal form could the ACQF take? Initial considerations

General considerations

At present, the African Union operates essentially as an intergovernmental organisation. That implies that in areas such as qualification frameworks, it does not adopt - through a legislative procedure - a form of secondary legislation that is directly binding upon the Member States. Legally binding instruments of the African Union in matters such as qualifications frameworks would seem to require a separate signing and ratification by the Member States. Instruments that are not signed and ratified by the Member States are not legally binding.

While an intergovernmental organisation, the AU’s legal order borrows certain legal principles from the EU. For example, the principles of subsidiarity and proportionality. While not explicitly mentioned in the AU’s Constitutive Act, the concepts have already been applied in judicial decisions of the AU judicial system. The principle of subsidiarity prescribes that decisions should be taken at local levels except where continental level decision making is more effective. The principle broadly governs the division of powers between the AU and other regional bodies and also Member States. The principle of proportionality is closely linked with the subsidiarity principle and prescribes that actions at the continental level should not extend beyond what is necessary to achieve the objectives of the union.

The African Union Commission (AUC) has the task of initiating proposals to be submitted to the AU’s organs. The AUC will therefore play the key role in proposing the legal form which the ACQF will take.

Forms of legal instruments

Examples of binding legal instruments include:

- **Protocols and Conventions** (are full Treaties that are adopted by the Assembly and must be signed and ratified before entering into force)
- **Charters** (are adopted by the Assembly and must be signed and ratified before entering into force; e.g. [African Youth Charter](#); [Charter for African Cultural Renaissance](#))
- **Statutes** (are adopted by the Assembly and binding as such; they deal with the creation of bodies and organs within the AU; e.g. [Statute of the African Observatory in Science Technology and Innovation](#); Statute of the African Science Research and Innovation Council; [Revised Statute of the Pan-African University](#))

Examples of soft law instruments include:

- **Declarations** (e.g. the Declaration on Gender Equality in Africa), such Declarations may be accompanied by a Plan of Action (e.g. the Ouagadougou Declaration and Plan of Action on Accelerating Prisons and Penal Reforms in Africa; and the Grand Bay (Mauritius) Declaration and Plan of Action)
- **Principles and Guidelines** (e.g. Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa; Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights)
- **Resolutions, Motions ...**

9 Sources

- African Union Agenda 2063. At: <https://au.int/en/agenda2063>
- Agenda 2063: First Ten Years Implementation Plan 2013-2023. At: <https://www.nepad.org/agenda-2063/publication/agenda-2063-first-ten-year-implementation-plan-2014-2023-0>
- African Youth Charter. At: <https://au.int/en/treaties/african-youth-charter>
- African Strategic Tourism Framework 2019-2028. www.au.int
- CESA 16-25. At: https://au.int/sites/default/files/documents/29958-doc-cesa_-_english-v9.pdf; CESA Journal. At: https://au.int/sites/default/files/documents/33863-doc-cesa_journal_vol2_final.pdf
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