



LEGAL REGULATIONS GOVERNING COOPERATION BETWEEN STATES IN THE FIELD OF EDUCATION

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Annotation: in this scientific article, the regulation of cooperation between states in the field of education by regulatory legal acts at the international level is of great importance in the activities of modern educational cooperation.

Keywords: World-class treaties, convention, Lisbon convention, producer.

A distinctive feature of international legal documents at the universal level is that most of them are adopted within the framework of universal international organizations such as the UN and UNESCO or under their auspices. At the same time, it should be noted that there are few such regulatory documents. These acts are united by a common focus on protecting the right of the individual to education and non-discrimination.

In this regard, it is necessary to distinguish between universal international treaties, which contain only separate norms concerning certain aspects of education, and universal treaties dedicated to full education.

The first category of agreements at the global level consists of the following acts:

- 1) The International Covenant on Economic, Cultural and Social Rights, adopted on December 16, 1966 (Article 13.14);
- 2) International Convention on the Elimination of Racial Discrimination of December 21, 1965 (Para. V, Para. "e," Article 5);
- 3) Convention on the Rights of the Child of November 20, 1989 (Articles 28, 29);
- 4) Convention on the Elimination of All Forms of Discrimination against Women of December 18, 1979 (Article 10).

The main direction of these norms is aimed at preventing discrimination on the grounds listed in the relevant acts in connection with the accessibility of education to both the general person and certain categories of subjects (women, children). These norms, together with the norms of acts devoted to full education, constitute international standards in the field of education. Scientific research on their meaning and implementation has been studied.

It is necessary to highlight a universal international treaty, such as the UNESCO Charter. The charter defines the goals and significance of education, as well as the goals and directions of cooperation in this area.

The second category of acts is very rare and includes international treaties:

- 1) the Convention against Discrimination in Education adopted at the eleventh session of the UNESCO General Assembly;
- 2) The convention adopted at the twenty-fifth session of the UNESCO General Assembly on November 10, 1989. As can be seen, both of these conventions were adopted at conferences convened for this purpose at the initiative of UNESCO. Since most of the world's countries are members of this specialized UN organization, the sessions of its supreme body

(the General Assembly) are an international forum where issues related to the conclusion of such treaties can be discussed on a broad and multilateral basis .

The Convention against Discrimination in Education provides a detailed definition of the concept of "discrimination" (Article 1), provisions on cases where discrimination may arise and non-discriminatory provisions (Article 2), as well as the obligations of States to take appropriate measures to eliminate or prevent discrimination (Article 3). The Convention is interesting with a number of its provisions. This primarily defines the goals of education - the comprehensive development of the human personality (Article 5) and the main goal of education and upbringing .

The 1989 Convention incorporates a broader approach to education. In particular, the issues of orientation of educational programs are carefully regulated. The principles of lifelong learning, its connection to the world of work, and its connection to the achievements of scientific and technological progress have been confirmed. In addition, the parties have set goals for the exchange of information and experience, as well as the development of cooperation in the field of education.

From other universal documents of this Convention

the difference lies in the breadth of aspects affecting education. At the same time, the convention has a general character, the text of which is sometimes insufficiently clear.

As far as implementation is concerned, the Convention refers to the "legislative and other measures" that must be taken to implement it (Article 7). Accordingly, legislative measures should be understood as changes or concretization of internal documents in accordance with the provisions of the Convention.

It should be noted that this convention is an expression of the concentration of specific types of all directions and directions of cooperation in the field of education between states. Any regional or bilateral agreement is dedicated to the specific regulation of a particular issue mentioned in the convention.

The Convention is also of great importance for the development of internal rules, as it deals with a number of issues related to the content and essence of education, on the one hand, and the legal regulation of educational relations, on the other. While these conventions are of a recommendatory nature in relations on educational cooperation, they can also define specific obligations of states in certain matters, except for the issue of accountability.

It is also worth noting that the aforementioned UNESCO conventions adopted broader recommendations on issues of educational cooperation . It can be said that since traditional regulation does not meet the needs of relations in the field of education, this gap is being filled with UNESCO recommendations.

When studying the issues of international legal regulation of cooperation in the field of education at the universal level, it is important to note an international treaty such as the General Agreement on Trade in Services (GATS, Marrakesh, April 15, 1994). The norms of this document form the legal basis for the implementation of cross-border trade in educational services. GATS defines the sale of services as their transmission.

This type of trade in services is particularly relevant for developed countries, primarily the United States and European countries. Of course, in this case, it is not about cooperation in the field of education, but about economic cooperation. However, it is very important to define norms of this content in an international legal document at the universal level, and, firstly, it speaks about the trends in the socio-economic development of states, and secondly,

about the perception of these trends by international law and the processes of legal regulation of these processes.

Moreover, in recent years, a very interesting phenomenon has emerged - transnational education. This phenomenon has already expressed its reaction in the act of the Lisbon Convention Committee. This document defines transnational education as all higher education programs, educational grants or educational services (including distance learning). In this case, the student has the opportunity to receive transnational distance learning while being outside the country where the institution is located.

A transnational organization may or may not be state owned (i.e., part of the formal education system). In the first case, the educational institution is under the supervision of the state body for assessing the quality of education, and the educational programs presented are generally recognized in the country of origin. In the second case, such education is not regulated by the state, resulting in many problems. The main problems are: 1) ensuring the quality of transnational education; 2) recognition of diplomas received; 3) protection of the rights of consumers of educational services. One way to solve these problems could be to try to bring the institutions providing such services under state control. It is also possible to conclude a multilateral agreement, for example, in Europe, which obliges states to take control of transnational education and ensure its quality. Some authors also suggest the use of an application to a European diploma by such institutions to facilitate recognition procedures.

International treaties and declarations on education contain norms that define the rights and obligations of certain participants in educational relations, mainly internal relations. Of course, it is impossible to talk about the existence of a specific international legal status of a student, educational institution, or teacher. It is possible to speak only of the elements of the legal status of these subjects that arise from international legal documents.

Since the state is the main subject obliged to ensure the right of a person to education, the analysis of international legal documents should begin with defining the rights and obligations of the state. It is possible to highlight the rights and obligations arising from universal acts of a general nature (primarily from the UN Charter), as well as the rights and obligations arising from universal acts on education.

The first group of powers of states in the field of education includes: 1) the obligation of states to ensure the observance of human rights, in particular the right to education; 2) the right and duty of states to cooperate in solving humanitarian problems, including in the field of education; 3) the obligations of states to promote social and economic development, including through the development of the national education system. These elements were analyzed in more detail when considering the general and specific principles governing the relations of states in the field of education. We only emphasize that states implement their obligations in domestic legislation both independently and through cooperation with other states, including through the use of the capabilities of international organizations. Based on an analysis of universal documents of a special nature, in particular the 1960 Convention against Discrimination in Education and the 1989 Convention on Technical and Vocational Education, it is possible to determine the powers, obligations and role of the state in the field of education.

The norms of the 1960 Convention define the obligation of states to ensure equal opportunities and equal treatment of all in the field of education, thereby counteracting any

forms of discrimination. For example, Paragraph "b" of Article 4 of the Convention provides for the obligation of states to ensure equal educational environment and equal conditions in terms of the level of education in all public educational institutions. It is noteworthy that the obligation determines not the provision of quality, but the provision of its equal level.

Paragraphs 2, 3 and 4 of the 1989 Convention contain a detailed description of the requirements to be fulfilled by education, curricula and programmes developed and implemented by the state. In other words, international law even includes this area of internal relations. This has its own logic: if a state has certain powers in any area, it can exercise its regulatory powers by developing relevant rules jointly with other states and then implementing these rules in the area of its jurisdiction.

An international organization such as UNESCO contributes to a certain extent to the description of the status of educational institutions. The Recommended Regulation "On the Status of Teaching Personnel in Higher Educational Institutions" of November 11, 1997, states that higher education institutions must have autonomy to properly fulfill their tasks. The concept of autonomy has been thoroughly studied in the analysis of special principles. At the same time, as noted in the recommendation, "Member States and higher education institutions should maintain an appropriate balance between the level of autonomy of higher education institutions and their systems of accountability, taking into account significant financial investments." In other words, the unique status of the university is determined by the unity of autonomy and responsibility. The educational institution is responsible to society and the state for fulfilling its mission, therefore appropriate control by the state is necessary. As noted in the recommendation, responsibility systems can be created and applied by both the university itself and the state. In any case, it is advisable to involve representatives of universities in the development of such systems.

International legal documents on education also include provisions on the legal status of teachers, meaning that states undertake to ensure certain rights of teachers in the area of their jurisdiction.

The 1960 Convention against Discrimination in Education obliges states to provide training for the teaching profession without discrimination (Article 4, paragraph "d"), so that potential teachers have the right to train in their profession without any discrimination.

The 1966 International Covenant on Social, Economic, and Cultural Rights enshrined an important provision that the material conditions of professors and teachers should be constantly improved

(Article 13, paragraph "e," part 2), thereby providing for the right of teachers to improve their social conditions. of the Covenant

Article 15 obliges states to respect the freedom necessary for scientific research and creative activity, therefore the right of teachers to such freedom is guaranteed.

Article 5 of the 1989 Convention states: "All persons engaged in teaching in the field of vocational and technical education, whether full-time or part-time, must possess appropriate theoretical and practical knowledge in their professional competence. As appropriate teaching skills, they correspond to the type and level of professions called upon to perform" (Art. This norm also assumes the obligation of the state to ensure the necessary correspondence between the authority of the teacher and the functions he performs. In

addition, teachers should be given the opportunity to improve their knowledge and skills, as well as be informed in the field of pedagogical innovation (Para.2, Article 5).

Article 7 of the Declaration of Principles of International Cultural Cooperation of 1966 states that "the widespread promotion of ideas and knowledge based on the most free exchange and comparison is necessary for creative activity, the search for truth, and the prosperity of the human personality." In the preamble of the Declaration, the principles outlined in it apply not only to government bodies, but also to organizations responsible for cultural activities, that is, not only to subjects of international law. However, it follows from the content of this norm that it is more focused on individuals, as only people can engage in creative activity. In this case, the norm directly applies to teachers and implies their right to participate in international exchanges .

In addition, as a researcher, teachers are subject to the norms of International Labor Organization Conventions No. 128, as well as the norms of other international legal documents related to human rights in the field of labor relations. This work does not consider the issues of regulating labor relations under Article 64 of the International Labour Organization Convention in the field of local legal regulation of relations in the field of education, taking into account international issues.

It can also be said that the norms of general international law concerning education very briefly define the rights and obligations of teachers, mainly affecting the issues of teacher training, the correspondence of their powers to the functions they perform. It should be noted that these provisions are aimed not at protecting and ensuring the rights of teachers, but at protecting the right of students to a quality education, as the teacher ultimately refers to the subject that ensures this education. In other words, in general international law, the foundations of the legal status of teachers are primarily linked to their functions of "providing" and "producing" knowledge. The state is interested in the results of their activities and this determines their rights and obligations, including those enshrined in the norms of international law created by joint efforts of states. Regarding the protection and guarantees of teachers' rights, this function is primarily carried out by labor law norms, including international legal norms on labor relations. The rights and obligations of higher education teachers are largely defined in UNESCO recommendations. The most important of these documents is the Recommendation "On the Status of Teaching Personnel in Higher Educational Institutions" dated November 11, 1997 .

World-class instruments provide for the prevention of discrimination on a number of grounds, but these lists do not specify a sign of nationality (Article 1, paragraph 1 of the 1960 Convention, Article 2, paragraph 3 of the 1989 Convention). A characteristic feature of these documents is that the entire list of grounds for non-discrimination in the field of education is not exhaustive, therefore non-discrimination on the basis of citizenship can be determined by interpreting the provisions of the relevant legislation. As the right to education is defined as the fundamental right of every person (Article 13 Paragraph 1 of the Covenant, Preamble to the 1960 Convention), it can be argued that, despite the provision of education, this right does not depend on nationality. The state is obliged to guarantee equal rights and opportunities in the field of education not only to its own citizens, but also to foreign students, primarily for the development of its society and citizens.

Paragraph 3 "c" of the 1960 Convention prohibits the establishment of any benefits and preferences in the field of education for their nationals in comparison with foreigners.

Paragraph "e" of the Convention means that states must ensure that foreigners have the same access to education as their own nationals, and that the rights of foreigners should not be violated in comparison with their own nationals. The 1989 Convention on Technical and Vocational Education contains a special provision obliging states to provide foreign nationals with the opportunity to receive education in their educational institutions. Therefore, the right to education is a human right and does not depend on citizenship. International law establishes the principle of equal opportunities and equal rights for all.

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