

Mutual Recognition of Professional Qualifications

**FIG Task Force on
Mutual Recognition of Professional Qualifications**

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Preface

The International Federation of Surveyors decided at its Congress in Brighton in 1998 to establish a Task Force to investigate the area of Mutual Recognition as a device for liberalisation of market services. We need to respond to the challenge of globalisation and devise the means to ensure global free movement, so that the process reflects the requirements of the surveyor.

Recognising the international market pressures and the regulations towards liberalisation of trade driven by WTO, FIG should review the area of mutual recognition of qualifications within the world-wide surveying community and develop a framework for the introduction of standards of global professional competence in this area.

The Task Force should develop a framework for reviewing the benefits of and barriers against introducing standards of global professional competence. This should be seen as only the first step in this direction, to reflect FIG's aim to drive these developments instead of being driven by them.

This publication aims to review the concept of mutual recognition of qualifications within the world wide surveying community and to develop a framework for the introduction of standards of global professional competence in this area. Globalisation of services is a topical issue and it is on the very top of the international agenda. The report is a timely and welcome addition to the FIG series and demonstrates how FIG seeks to prepare the profession for working within a global market place.

The report has been prepared by a Task Force that was chaired by Prof. Stig Enemark (Denmark). The members of the Task Force were Dr. Frances Plimmer (UK), Professional Secretary; Dr. Tom Kennie (UK), Vice President of FIG; Prof. John Parker (Australia), Chair of FIG Comm 1; Prof. Pedro Caverio (Spain), Vice-Chair of FIG Comm 2; Prof. David Coleman (Canada); Prof. Heinz Ruther (South Africa); Dr. Vaclav Slaboch (Czech Republic) and Teo Chee Hai (Malaysia). On behalf of the Federation it is my great pleasure to express our thanks to Stig Enemark, Frances Plimmer, the Task Force members and all who have contributed to this publication – especially to those who have submitted the regional reports – for their excellent work.

Robert W. Foster
President of FIG

1. Introduction

This FIG Publication aims to develop a general understanding of the nature of Mutual Recognition, the challenges we are facing, and the benefits for the world-wide surveying community by adopting an FIG policy in this area. The FIG Task Force on Mutual Recognition should be seen as a response to the globalisation of surveying services, and to the pressures being generated by the WTO agenda that provides a framework for free trade in professional services.

Mutual recognition is perceived by the European Commission as a device for securing the free movement of professionals within the single market place of the EU. For the WTO, the aim is the global marketplace for services, using the process of mutual recognition of qualifications. With these external pressures on surveying professional organisations, it is important that information is available to understand, firstly, how surveyors in different countries acquire their professional qualifications and secondly, the process by which their professional competence is assessed.

The report presents the approach taken by the Task Force to develop an FIG concept on Mutual Recognition tailored for the surveying profession. The approach is in line with the pressures generated by the WTO, which provides a general framework for free trade in professional services. The principles and responsibilities are identified and the role of the national surveying organisations is highlighted as the key driver in the process. The report presents the key issues to form the FIG approach in this area.

The suggested approach is, however, pragmatic by nature. It draws from the common professional identity of the surveying community. The concept does not require any country to change the way its surveyors become qualified – either in terms of the process or the standards, which should be achieved. It does, however, require that we recognise qualifications gained from other countries using other processes.

It is not the process, which is tested, nor should it be. It is the quality of the outcome of the process, measured against objective national criteria (threshold standards) which determines whether a surveyor has achieved the appropriate professional education and experience in the “home country” to be recognised in the “host country”.

There are a number of barriers, which hinder mutual recognition at a worldwide scale. Language, national customs and cultures are, however, not true barriers to mutual recognition. Ignorance and fear are the main barriers and yet with improved communication and understanding, these should disappear.

Surveyors have professional skills, which are vital for the success of the global marketplace. We need to communicate effectively in order to develop an understanding of the processes and benefits on which mutual recognition can be based. The work of the Task Force has contributed to and furthered the debate.

The principle of mutual recognition has been established and we have the chance to adopt a framework that suits the surveying profession. We should take it.

2. The Nature of Mutual Recognition

Mutual recognition is a device which allows a qualified surveyor who seeks to work in another country to acquire the same title as that held by surveyors who have qualified in that country, without having to re-qualify.

Mutual recognition is a process which allows the qualifications gained in one country (the home country) to be recognised in another country (the host country).

To understand the nature of mutual recognition it is useful to look at the different working situations.

1. Recognition does not relate to the situation of “getting a job”. In general, employment is a matter between the employer and the employee. Getting a work permit in another country may be restricted by national regulations of immigration, but that has nothing to do with recognition of professional qualifications.
2. Recognition may, however, relate to the situation where a foreign employee wants to become a member of the professional organisation in the host country, and thereby enjoy the benefits of being recognised as an equal professional and sharing the same rights e.g. with regard to salary agreements.
3. Recognition becomes even more important when a professional wants to practise – e.g. setting up a company – in the host country. Recognition of professional competence may then represent a vital competitive element in terms of marketing services to the clients.
4. Finally, recognition becomes crucial when a professional wants to practise within a licensed area (typically cadastral surveys) in the host country. The license may be granted by a state agency or by a professional body. In any case, however, the recognition will represent the key itself for working in the regulated area.

Mutual Recognition this way is a device for facilitating an efficient global working place for surveying services. It is a device that WTO has approved to secure globalisation. There are various models currently in use by the surveying organisations to achieve this, including bilateral reciprocity agreement and, as in the EU, a legislative framework.

With these external pressures on surveying professional organisations, it is important that information is available to understand, firstly, how surveyors in different countries acquire their professional qualifications and secondly, the process by which their professional competence is assessed.

3. Why is it important?

Globalisation of services is a topical issue and it is on the very top of the international agenda. We need to respond to this challenge and devise the means to ensure global free movement, so that the process reflects the requirements of the surveyor. However, in order to work anywhere in the world, we need to be sure that our professional qualifications will be recognised globally and, to date, that is not happening. Until we have total freedom to practice world-wide, and that means recognition of our qualifications by other governments, professional bodies and by international clients, surveyors are not going to be in a position to respond to the global challenge.

There is no doubt that the market for the services of surveyors is world-wide. There is no human activity, which does not involve the use of land, in its broadest sense, and, increasingly, our clients have international interests. Pressure is also being generated by the WTO, which provides the framework for free trade in professional services and surveying, as a profession needs to respond. The FIG Task Force on Mutual Recognition of Qualifications should be seen as such a response to globalisation of surveying services.

It is argued that mutual recognition of qualifications is the best process to be adopted if the free movement of professionals is to be achieved efficiently and effectively. This should be undertaken at the level of professional institutions. It should not be introduced with the force of government. The whole process should be underpinned by efficient communication between organisations which recognise both the areas of professional activities undertaken by their members and the quality of the output of each of these organisations' professional qualifications.

The task force aims to review the concept of mutual recognition of qualifications within the world-wide surveying community and to develop a framework for the introduction of standards of global professional competence in this area.

4. How does it work?

The principle of mutual recognition of professional qualifications requires certain pre-conditions, as described by WTO when introducing disciplines applied to the accountancy sector (WTO, 1997):

- degree-level entry to the profession in both countries;
- appropriate regulation of the profession in the “host” country;
- a corresponding profession i.e. where a substantial number of professional activities practised in the “home” country comprise the profession as practised in the “host” country;
- an adaptation mechanism to make up for any deficiencies in the content and scope of the professional education and training of migrants; and
- a willingness on the part of the host country and its bodies which award professional qualifications/licenses to accept the principle of mutual recognition, to respect the quality of professional education and training in other countries and to trust the professionalism of migrants.

These principles may be seen as an implementation of the GATS (Article VI: 4) that seek to ensure: “..... That measures relating to qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services...” and, to this end, the Council for Trade in Services shall develop ‘disciplines’ “.... to ensure that such requirements are:

- based on objective and transparent criteria, such as competence and the ability to supply the service;
- not more burdensome than necessary to ensure the quality of the service;
- in the case of licensing procedures, not in themselves a restriction on the supply of the service”. (Honeck, 2000).

To this end, the WTO have established “disciplines” (specifically for the accountancy sector) (WTO, 1998) which can be applied to the provision of all services. These “disciplines” relate to transparency; licensing requirements; licensing procedures; qualification requirements (defined to include education, examination, practical training, experience and language skills); qualification procedures (which imply the opportunity for an adaptation mechanism to make up for a perceived deficiency in professional qualifications); and technical standards (only legitimate objectives).

Mutual recognition agreements are identified as the most common way to achieve mutual recognition of qualifications, allowing for the reconciliation of “. . . differences in education, examination standards, experience requirements, regulatory influence and various other matters, all of which make implementing recognition on a multilateral basis extremely difficult.” (WTO, 1997). Bi-lateral mutual recognition agreements are perceived as interim devices until a global system of mutual recognition of qualifications based on the above Article can be achieved by the imposition by law of a series of ‘disciplines’ which will apply to all professions.

5. Advantages of Regulatory Disciplines

There is value in creating regulatory disciplines in professional services because they help ensure greater transparency, predictability and irreversibility of policies both for trading partners and domestic producers. By providing greater opportunity for domestic users to obtain world-class services at internationally competitive prices, regulatory disciplines have the potential for enhancing domestic productivity and efficiency, as well as increasing the scope and quality of services locally available.

For small- and medium-sized firms in both developing and developed countries, regulatory disciplines would help to ease and expand their cross-border trade, they will be able to form regional networks and thereby expand their activities and improve their ability to compete locally with larger international firms. The creation of disciplines will accelerate international regulatory harmonisation.

In turn, the concept of mutual recognition should lead to enhancement of professional competence based on the need for adapting to professional standards and codes of conduct adopted in different countries.

6. The FIG Approach

There is an attraction in developing and extending the principle of mutual recognition of professional qualifications. Mutual recognition allows each country to retain its own kind of professional education and training because it is based, not on the process of achieving professional qualifications, but on the nature and quality of the outcome of that process.

Mutual recognition assumes an appropriate process of pre-qualification education and training and encourages dialogue between professional organisations in each country in order to investigate the nature of the professional activities, the professional qualifications, and the details of pre- and post-qualification education and training. It therefore concentrates, not on the process of qualification, but on the outcome of that process.

In principle, it does not matter how individuals become qualified in their own country; the important fact is that they **are** qualified. It is suggested that this concentration, not on the process of qualification, but on the outcome of the process of qualification is one which should be emulated by surveyors in the system which they adopt. In turn, this should lead to an enhancement of the global professional competence of the surveying profession.

FIG recommends that this rather pragmatic approach be applied as a general principle for developing a methodology suitable for the surveying profession.

7. A methodology to Assess Professional Competence

The applicant is of course a fully qualified professional in the home country where the professional qualification was gained. However, it is that individual's competence to work in another country (the host country) which needs to be assessed.

Thus, for the purposes of facilitating professional mobility, it is necessary to recognise and accept the professional status and the competence of the applicant in the home country. For the professional organisation in the host country it is necessary merely to ensure that the applicant is competent to undertake surveying, as practised in that host country. It must be ensured that the applicant is fully aware of and has adapted to the nature and practice of the surveying profession in the host country.

It is therefore necessary for the professional organisation in the host country to establish the nature and level of professional competencies within a range of surveying activities required of a fully-qualified professional in the host country and to assess the applicant against that content and standard of professional competence.

The pre-conditions for managing this process of mutual recognition are as follows:

- An individual must be professional qualified in the home country;
- A similar profession must exist in the host country;
- A representing organisation must exist in the host country; and
- Political will must be available to support the process.

The process of assessment of professional competence must reflect:

- the nature of the profession in the host country (threshold standards of professional competence);
- the nature of the professional education and training of the surveyor (applicant) up to the point of application; and
- the professional status of the surveyor (applicant) up to point of application.

A concept tailored for the surveying profession should of course be based on the common professional identity of the surveying community. The surveying profession is sharing a “common culture” and a common educational base. The professional problems that the educational programmes are designed to solve are basically the same even if the solutions may be different, responding to national societal needs. This “surveying culture” should then be reflected when identifying the threshold standards of professional competence to be fulfilled by the applicant. Once such threshold standards are established, the process of assessing the professional status and competence of an applicant is basically administrative.

8. Surveying Activities and Surveying Professions

Surveying, as a profession, has developed in different ways and encompassed different surveying activities in different countries, in order to reflect the national needs, which have developed over time. The universal definition of “surveyor” (FIG 1991) is capable of being up-dated to reflect changes in the evolving nature of our professional practices and skills. While a similar range of surveying activities may be undertaken in different countries, there may be differences between the way these activities are grouped as a recognised “profession”.

In general, the professional activities are diverse and some activities, which are performed by surveyors in some countries, are denied to surveyors in other countries. Also, some surveying activities are regulated in some countries while not regulated in other countries. Furthermore, there may be a greater need for particular kinds of surveying skills in some countries compared to others. This is proved e.g. in the report on “Enhancing Professional Competencies of the European Surveyors” where major differences were demonstrated in the content and structure of the surveying programmes as well as the professions throughout Europe (Enemark and Prendergast 2001).

The implications of the EU directive and the WTO proposals are, however, that it does not matter **how** individuals achieve professional status, the important point is that they **have** achieved professional status. The only reason to investigate the nature and content of their pre-qualification process is to identify any discrepancy between the professional education and training of the “migrant” with that required of a newly-qualified surveyor in the host country and therefore to establish an adaptation mechanism to make good the deficiency.

In the light of the terms of the EU Directive and the implications of the WTO proposals, the ability of surveying professionals to work in other countries must depend on:

- the existence of a “corresponding profession” i.e. the extent to which the academic education and professional training and experience gained in their "home" country matches the surveying activities comprised in the surveying profession in the "host" country to which they seek access; and
- the amount of additional academic and/or professional education, training and experience which they require to demonstrate competence in the range of surveying activities comprised in the surveying profession in the "host" country to which they seek access.

On this basis, it is necessary for the surveying professional organisations in each country to identify which surveying activities are comprised within their surveying professions. By comparing such a list of surveying activities with those of which the surveying applicant is qualified and experienced, any lacking competence of the applicant can be identified. Such deficiencies can (e.g. as stated in the EU Directive) be remedied by either by an aptitude test (examination) or a period of supervised work experience.

9. Professional Competence

Effectively, what is required by the WTO disciplines as well the EU directive is an assessment of the professional competence of an applicant (called a “migrant” in the EU Directive). According to the current interpretation of the Directive, the standard against which that professional competence should be assessed is that required of a newly-qualified surveyor in the host member country. This, however, may cause great difficulties. The Task Force recommends that this interpretation be changed to follow the more pragmatic approach as presented in this paper.

Despite the fact that professional competence of the surveyor is fundamental to the ability to practice freely across national boundaries, it is interesting to consider certain characteristics of the surveyor as an individual. It should also be noted that the definition of a surveyor (FIG, 1991) starts by identifying the surveyors as “ *A professional person with the academic qualifications and technical expertise to practise the science of measurement; to assemble and assess land and geographic related information; to use that information ...*”

"Professional competence" is, however, extremely hard to define, although it is something with which all surveyors are familiar. It is suggested (Kennie *et. al.*, 2000) that for newly-qualified surveyors "professional competence" combines knowledge competence, cognitive competence and business competence with a central core of ethical and/or personal behaviour competence:

- *Knowledge competence*: defined as “the possession of appropriate technical and/or business knowledge and the ability to apply this in practice”;
- *Cognitive competence*: defined as “the abilities to solve using high level thinking skills technical and/or business related problems effectively to produce specific outcomes;

- *Business competence*: defined as “the abilities to understand the wider business context within which the candidate is practising and to manage client expectations in a proactive manner”; and
- *Ethical and/or personal behavioural competence*: which is the core to the other three parts; defined as “the possession of appropriate personal and professional values and behaviours and the ability to make sound judgements when confronted with ethical dilemmas in a professional context.”

The model above recognises that different areas of surveying practice tend to place different weighting on these elements, thus for some areas of surveying practice, business competence may be a larger or smaller component of the whole. However, the ethical and/or personal behavioural competence is identified as a vital component, which can also be described as the defining characteristic of a true “professional” with all that entails.

What is ignored within the current interpretation of the EU Directive is the fact that the individual being assessed for this purpose is both a professional in the country which awarded the original surveying qualification and a practitioner. The Directive does not recognise the elements of specialisation or expertise, which an applicant may have developed over a number of years practice. It is, therefore, suggested that a pragmatic approach should be taken which ensures that the applicant can demonstrate the adaptation of existing surveying skills to a new working environment. This should include adaptation of new ethics and codes of practice, together with a broad understanding of the other surveying activities that affect the profession in the host country.

It is suggested that it should be for the professional organisation in the home country to assure other professional organisations of the professional standing of applicants (migrants). This should include such matters as the nature of the surveying profession pursued by the applicant and their component activities, and the level of the applicant's professional qualification in the home country.

Once this has been done, it is not for the professional organisation in the host country to challenge the status and professional integrity of the applicant. Its role is merely to assess that professional status against an objective list of threshold standards for the home country, including that the individual is prepared to observe any professional ethics and codes of practice it requires.

10. The Role of the Professional Organisations

There is a major role for the professional organisations, which award surveyors their surveying qualifications in the process of mutual recognition. It is recognised that there are different roles undertaken by professional organisations. For the purposes of this Task Force, the term "professional organisations" is defined by their functions rather than by their names. “Professional organisations” then means organisations at country or sub-state level which:

- award professional qualifications; and/or
- award practising licenses; and/or

- regulate the conduct and competence of surveyors; and/or
- represent surveyors and their interests to external bodies including national governments.

By using this definition, some countries may have more than one “professional organisation”. For example, in Denmark, cadastral surveying can only be undertaken by surveyors who have a masters-level diploma (bac + 5), who have undertaken three years of relevant professional work experience and who have then been granted a license by the National Survey and Cadastre (Enemark, 2001). In the United Kingdom (UK), The Royal Institution of Chartered Surveyors (RICS) assesses the quality of academic education through its system of accrediting diplomas (bac + 3), and implements a system of assessing relevant professional work experience (there is no licensing system for surveyors in the UK).

In order to achieve the free movement of professionals, judgements need to be made on the nature of the individual's professional qualification and experience which is gained in the home country in the light of the nature of the profession as practised in the host country.

The organisation to which the individual applies for recognition in the host country needs sufficient information, firstly, to recognise the nature, scope and quality of the professional qualification held by the individual and, secondly, to verify its accuracy. This requires a high level of effective and efficient communication from the professional organisation in the home country to the professional organisation in the host country, which includes:

- details of the professional qualification held;
- details of the nature of the particular surveying profession to which the individual's professional qualification gives access; and
- confirmation of the status of the individual's qualification (e.g. membership level, outstanding fees, expulsion from the organisation).

Ideally, this could be based on a simple questionnaire. Each professional organisation should also have a procedure which requests and deals with requests for the above information as a basis for processing applicant's request for mutual recognition, in an efficient and effective manner.

Ultimately, it will be for the professional organisation to establish what, if any, additional professional education and/or training is necessary before a particular applicant is able to practice within the host country in the light of the threshold standards applied.

The role of professional organisations is vital if free movement of professionals through the mutual recognition of qualifications is to be achieved.

11. Barriers and Hurdles to Implementation

There are major issues of principle (not the least of which is that of mutual recognition itself) which professional organisations on behalf of their own countries need to embrace and embrace with commitment. However, professional associations are frequently held back by bureaucracy and by potential conflict of views between ministry rules with which professional organisations do not always agree. Thus appropriate ministries should be included in any discussions on mutual recognition processes.

There are, however, a number of principles which should be observed, and these include the absence of any form of discrimination against any individual surveyor simply because qualification has been earned in another country. Indeed, this is stated within the WTO disciplines proposed (WTO, 1997 and 1998a). Assuming that the professional organisations which represent surveyors and which monitor their qualifications fulfil their responsibilities fairly and professionally, there should be little problem in administering the process of mutual recognition of qualifications.

Similarly, it will be necessary to ensure that practising licenses, are awarded solely on the basis of professional competence to practice in that country and not on any basis which discriminates against those who are professionally training and experienced in another country.

However, it is recognised that we are all products (to a greater or lesser extent) of our national and professional backgrounds and the various cultural influences, which affect how we work and why we undertake our professional activities in the way we do. In order to achieve any kind of dialogue, these differences, particularly those in professional practice, and those which affect inter-personal relationships, need to be investigated, understood and respected.

The most obvious barrier to the free movement of surveyors is language. However, this is a barrier, which can be overcome. Access to learning different languages is normally dependent on individual efforts, and, initially, on the national primary and secondary education systems, which can provide either a very positive or rather negative lead. Language skills are of course vitally important to permit international communication and genuine understanding of the rich variety of professional and personal life-styles.

However, there is also the matter of culture which permeates our national or regional societies and which comprises a series of unwritten and often unconscious rules of conduct, professional practice and of perceiving relationships. Failure to understand and observe the cultural norms of other people can result in confusion, hurt and, at worse, perceived insult. There is evidence that culture divides us, both as individuals (as the products of our nation's upbringing) and also as surveyors (as the products of our professional background).

In order to ensure the mutual recognition of professional qualifications, cultural differences need to be recognised in order to understand and accept that surveyors in different countries have different perceptions as to the nature of professional practice and the routes to professional qualifications.

Overall, ignorance and fear are of course the main barriers, which may hinder mutual recognition at a worldwide scale. However, with improved communication and understanding, these barriers should disappear.

12. FIG Policy Statement on Mutual Recognition

The FIG Council at its meeting in Seoul 2001 adopted by the recommendation of the Task Force the FIG Policy Statement on Mutual Recognition of Professional Qualifications. This statement was then endorsed by the FIG General Assembly at the FIG XXII Congress in Washington, DC in April 2002. The FIG Policy Statement on Mutual Recognition reads as follows:

FIG Policy Statement on Mutual Recognition of Professional Qualifications

The International Federation of Surveyors (FIG) recognises the importance of free movement of surveyors in a global marketplace. The mutual recognition of professional qualifications provides a means whereby professional qualifications held by individual surveyors can be recognised by individual professional organisations as comparable to those acquired by their own national surveyors.

FIG will promote the principle of mutual recognition of professional qualifications by:

- Encouraging communication between professional organisations to ensure a better understanding of how surveyors acquire their professional qualifications in different countries;
- Developing with professional organisations a methodology for implementing mutual recognition for surveyors;
- Supporting professional organisations where difficulties are identified in achieving mutual recognition, and encouraging debate at national government level in order to remove such difficulties;
- Working with external organisations (such as the WTO) in order to achieve mutual recognition in both principle and practice of professional qualifications for surveyors world-wide.”

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Appendix

The following case studies on Mutual Recognition in Practice provide a representative sample of how different regions and countries across the world have developed their approach to free trade in professional services and especially in as a respond to globalisation of surveying services.

There are various models currently in use in different parts of the world. The case studies this way underpin the need for developing a global framework that suits the surveying profession.

NORTH AMERICAS/USA

Donald A. Buhler, United States

Introduction

The United States has a multifaceted system of mutual recognition. As a country with over 50 individual State and Territorial jurisdictions, the United States has separate and distinct laws and regulations governing the licensing of land surveyors within each State and Territory. Each professional licensing process reflects the unique character of each of the States and Territories. The requirements, testing, and certification vary, although, there are some basic commonalities across these jurisdictions.

States normally will recognize a professional from another state through the process of comity or reciprocity. The recognition by comity entitles a professional/registered land surveyor with a license to practice within another State. From an international perspective the North American Free Trade Act (NAFTA) which was ratified by the United States Congress and signed into law allows for “Licensing and Certification”, between the United States, Canada and Mexico. There is an existing process for all foreign practitioners to obtain recognition or licensing.

Process

The process is normally organized through a state government agency, usually, under the Board of Business Licenses and Practices which falls under the Secretary of State of the particular State or Territory. The Board administers all professions which includes Professional Land Surveyor or Registered Land Surveyors. These Boards have made efforts to standardize on the basic requirements for a surveyor but are different on the requirements based upon the State and Territorial laws and organizational structures.

The educational requirements and the experience levels for a surveyor are increasing with all states. Many states are requiring a four year degree from a college or university with a surveying program that is accredited through the Accreditation Board for Engineering and Technology (ABET). The State Boards also provide oversight on the practice and ethical conduct of the profession by appointing a group of surveyors to a board. This surveying board can be the catalyst for change in the process and requirements of comity and also provide input on any changes in the laws that govern surveying. The surveying board may be involved in the review of applications for comity in some States.

Application Criteria

The criteria used for the assessment of application for comity is based upon a written application. It varies in form by each State with basic experience, references and educational requirement included. The comity process requires written references from licensed professionals which are sent to the State and are factored into the assessment of applicants. These requirements vary depending upon the nature of an application.

The physical and geographic nature of a State or Territory may require additional expertise, experience and testing. Many of the coastal States and Territories have educational and testing requirements for tidal studies, storm water models and other water

related issues. Most states require some type of written examination on the state laws and some also require an interview with a board of surveyors. Water rights, subdivision regulations, recording and platting are examples of laws which may be unique to a State or Territory.

For individuals with a foreign licenses and degrees in surveying, again, the process for recognition varies with each State and Territory just as is does for United States citizens. The education may require a type of validation. The following language is standard with many of the Board of Business Licenses and Practices:

Foreign Degree. If you have a non-ABET (Accreditation Board for Engineering and Technology) accredited foreign undergraduate engineering degree, your academic records must be evaluated by Engineering Credentials Evaluation International (ECEI) of ABET. Contact the Foreign Evaluations Department of the National Council of Examiners for Engineering and Surveying (NCEES) regarding requirements to have your degree evaluated.

The National Council of Examiners for Engineering and Surveying (NCEES) web site (www.ncees.org) has the forms and contact information to apply for comity. NCEES forms include an Experience, Affidavit, and Certificate/Verification Record. NCEES functions as a clearing house for many States for verification of educational institutions and administrative processes.

Comments

The North American Free Trade Act (NAFTA) serves as a model for a national recognition guide for all States and Territories when working with Canada and Mexico. Article 1210 of NAFTA is followed by all States in principle. The current process used by the States has worked well because each State is enabled to incorporate State specific laws and customs, thus ensuring qualified professionals knowledgeable in local laws and issues. There is not a “national” recognition of licensed surveyors for all States but the basic requirements and processes are nationalized through NCEES.

The process for comity or mutual recognition in the states can be lengthy and prolonged in some states. It may include extensive application review, personal interviews and testing on specific State laws. In other States the process can be an application and verification process with minimal testing. There is a movement towards greater uniformity between States. Most states require continuing education, this is increasing the professional knowledge between states and adds to more uniformity between the States. The cost of maintaining multiple State licenses is substantial in time and money. Fees are significant and time needed for the application and renewal processes is long even with web based systems.

The benefits of mutual recognition are mainly economical because it provides services at a competitive costs to consumers of surveying services. Mutual recognition also provides economic opportunities to surveyors by expanding markets. The North American Free Trade Act (NAFTA) was based upon these principles. NAFTA’s section on mutual recognition follow and benefits all professions.

EUROPE

Frances Plimmer, UK

Introduction

In 1988, the principle of mutual recognition of professional qualifications was recognised by the European Union as a priority if the creation of the Single European Market was to be perceived as irreversible.

Earlier attempts to harmonise professional education and training had resulted in seven sectoral directives covering mainly medical professions and architects. However, the length of the negotiations necessary to achieve these sectoral directives meant that harmonisation was not seen as suitable solution for the Commission.

The result is the European Council's Directives on a general system for the recognition of higher education diplomas awarded on completion of professional education and training of at least three years duration (the Directive), which was adopted by the European Council in 1988 and came into effect in 1991.

Unlike harmonisation (where the same rules apply in each country), the Directive is based on mutual recognition of the outcome of professional education in other member states and relies on the acceptance of the equivalent professional qualifications gained within the European Union (EU).

The directive applied to all professions for which:

- (i) access in some way is restricted;
- (ii) at least three years higher education is required; and
- (iii) a specific sectoral directive does not already exist.

The directive does, therefore, apply to surveyors. The directive does not, however, apply to architects for whom a specific sectoral directive already exists. This has caused problems for those specialised surveying activities which, in some countries, are recognised as being undertaken by architects.

The directive does not affect employment. It merely gives the right for suitable qualified individual to apply for professional qualification which is regulated in one member state, based on previous professional education and training achieved in another EU member state.

Specifically, access to a regulated profession can not be denied a migrant from another member state simply because that individual does not hold the host nation's own professional qualification if the migrant:

1. holds the diploma required in another member state for the pursuit of the profession in question; or

2. has pursued the profession full-time for two years during the previous ten years in another member state which does not regulate that profession and possesses evidence of a three years diploma of higher education.

Furthermore, the Directive is interpreted in such a way that:

3. the duration of the education and training of the migrant must be of a comparable number of years; and
4. the matters covered by the professional education must be substantially the same as those covered by the diploma required in the host country, or the regulated profession in the host country must be a “corresponding profession” i.e. a profession including a substantial number of professional activities comprised in the profession in the home country.

Process

The establishment of (1), (2), and (3) above should be a matter of fact evident on receipt of the migrants application form. The failure of a migrant to demonstrate either (1) or (2) above will render invalid an application to join a regulating professional body under the Directive. The failure of a migrant to demonstrate (3) above will result in the imposition of a period of professional experience.

The failure of a migrant to demonstrate (4) above will result in the imposition of an adaptation mechanism. It is, therefore, for the regulating professional bodies to establish whether the matters covered the professional education and training of the migrant differ substantially from those covered by the diploma required from non-migrant applicant or whether the regulated profession in the host country is a corresponding profession.

Where there is a substantial difference between the matters covered by the professional education and training of the migrant and those required by non-migrant applicants, or where the regulated profession in the home country is not a corresponding profession, the regulating professional body of the home country will need to identify the deficiencies. The adaptation mechanisms which allow a migrant to make good any apparent deficiencies of academic or pre-qualificational knowledge, can be either an aptitude test (examination) or an adaptation period i.e. a period of supervised work experience. It is for the applicant to decide on the form of adaptation mechanism.

In member states where it is necessary to hold a license in order to practice as surveyor, it is for the licensing body to request academic organisations in each member state to provide details of the contents of academic education which is required for access to their surveying professions. However, it is for the licensing body to make the decision as to the appropriateness of the nature and content of the applicant’s professional qualifications.

Comment

The interpretation of the Directive has changed over the past 10 years and the details are currently under review by the Commission.

Experience within the UK is that the Directive has made very little impact. This is probably because of the absence of corresponding professions between the UK Chartered Surveyors (as represented by the Royal Institution of Chartered Surveyors) and the Land

Surveying professions in other EU countries (except the Republic of Ireland which has groupings of professional surveying activities very similar to those in the UK).

There is, however, more commonality between the professions of land surveyors within the rest of the EU and it seems that the Directive has proved important for the mobility of professionals within Europe during the past decade.

One of the main problems which exists within the process of mutual recognition is the issue of the “corresponding profession” and the extent to which variation in professional activities can be allowed when determining what is and what is not a “corresponding profession”. There seem to be some conflicts of judicial interpretations and it will of course be for the Commission to resolve the matter. In principle it does not matter how individuals become qualified in their own country. The important fact is that they ARE qualified. It is suggested that that the concentration should be not on the process of qualification, but on the outcome of that process. This will be clear, pragmatic and adaptable.

Mutual recognition has never been promoted as a device to alter national systems of education or professional practice. Yet, in some member states, such national systems are being used to defeat the principles and practice of mutual recognition. It is important that the Commission is aware of both the nature and the extent of the barriers so that progress can be made.

Mutual recognition is, and has been for some decades, perceived by the European Commission as the cornerstone of the principle of free movement of professionals within the EU. The original directive focused clearly on professional activities and the professional education and training and, if necessary, the adaptation mechanisms necessary to ensure that professionals who undertake those activities in one member state had the right to have their qualification recognised in another member state, and thereby undertake the same functions anywhere in the EU.

This mechanism is now being promoted by the World Trade Organisation as a device for achieving global mutual recognition of qualifications. With ten years of experience of dealing with this issue, the EU model could be seen as a potential template for a global model.

It is therefore extremely important that the EU model is refined so that it can be (and is in fact) applied successfully within the member states and that this success informs the global debate within the WTO.

AUSTRALIA/NEW ZEALAND

John Parker, Australia

Introduction

There are a number of mechanisms that affect mutual recognition within Australia and New Zealand and are dependant on the recognition sought. These are:

1. “Recognition within each State and Territory of the Commonwealth of regulatory standards adopted elsewhere in Australia regarding goods and occupations”. (Mutual Recognition Act 1992 of the Commonwealth of Australia)
2. “To give effect to reciprocal arrangements with the Surveyors Boards or other similar authority in any place outside Victoria for or with respect to
 - (i) securing uniformity in the education training and examination of persons in surveying;
 - (ii) registering under persons who satisfy the Board that they are registered or licensed or otherwise authorised to practice surveying or cadastral surveying, as the case maybe, in such place”;
 - (iii) granting exemptions from any course of study or course of training in surveying required by this Act to any person who satisfies the Board that he has in such place completed a course of study or course of training in surveying of a similar standard to the course of study or course of training in surveying required by this Act to be completed by such persons or passed an examination in surveying of a similar standard to the examination in surveying required by this Act to be passed by such persons; ...”.(Surveyors Act 1978, Victoria, Australia – similar legislation exists for other States and Territories of Australia and New Zealand).
3. Assessment of overseas qualifications by a “Bureau of Assessment of Overseas Qualifications” for those seeking registration to practice as a land surveyor in Australia and New Zealand or become a member of the Institution of Surveyors Australia (professional body).

Discussion

1. The key principle of the Mutual Recognition Act 1992 is that “... a person who is registered in the first State for an occupation is, entitled after notifying the local registration authority of the second State for the equivalent occupation:
 - a) to be registered in the second State for the equivalent occupation; and
 - b) pending such registration, to carry on the equivalent occupation in the second State.”

There are a number of conditions that must be met by the applicant seeking mutual recognition and there are time limits imposed on the registration authority in the second State.

2. The reciprocal arrangements for recognition of registration of surveyors is provided for in the legislation of the States and Territories of Australia and New Zealand has had to incorporate the requirements of the above Mutual Recognition Act. e.g. A surveyor from a reciprocating board seeking registration in Victoria must make

application in writing and enclose the following documentation : (i) Copy of a Letter of Accreditation from a Reciprocating Board; (ii) Statutory Declaration that all information is true and correct; (iii) Completed application form as required by the Mutual Recognition Act 1992 and; (iv) Prescribed fee.

For a surveyor to obtain a Letter of Accreditation he/she must make written application to his/her home registration board specifying the reciprocating board that the surveyor requires registration with. The home board confirms the person is registered and issues the letter with any conditions that may exist on the register of the applicant to the reciprocating board.

The receiving board on receipt of all information enters into the register the name of the surveyor unless there is some inconsistency in the information.

3. For surveyors who do not have a qualification in surveying from an Australian or New Zealand university, the Reciprocating Surveyors Boards of Australia and New Zealand set up the Bureau of Assessment of Overseas Qualifications, to assess the qualifications of overseas surveyors against those in Guidelines developed from a broad aggregation of the content of surveying courses in Australia and New Zealand. This Bureau works in close cooperation with the Membership and Qualifications committee of the Institution of Surveyors Australia and the National Office of Overseas Skills Recognition (an Australian Government organisation).

The Bureau assesses the competencies of the overseas qualified surveyor against standards that have been agreed by the Reciprocating Surveyors Boards of Australia and New Zealand and those contained in the “National Competency Standards for Professional Surveyors” published by the Institution of Surveyors Australia in July 1996 (see www.isaust.org.au/members/issues/cbstds/cbstds.htm)

The Bureau having made an assessment of the overseas qualification maintains that assessment in a data base for future reference.

Comment

The Bureau relies on the information provided by the applicant: education, work experience, etc. and that the information is reliable. The system relies on documentation only and has proved satisfactory over many years. Where there is doubt about aspects of an applicant, the relevant board is advised on a possible action, such as interviewing the applicant in relation to the perceived short coming/s and that a training program is implemented. Over the past 10 years there have been few cases where problems have arisen and these were not due to the assessment process. Further benefits are expected to be obtained in the process as further work is done on competency standards and in the assessment system to support the standards.

The approach taken has been well received by the Reciprocating Surveyors Boards of Australia and New Zealand, by the Institution of Surveyors Australia and by the Australian Government through its National Office of Overseas Skills Recognition in providing a standardised approach to mutual recognition.

AFRICA/South Africa

Ken Lester, South Africa

The South African Council for Professional and Technical Surveyors is a statutory body constituted to register professional surveyors, surveyors, survey technicians and candidates as well as to deal with matters connected therewith including education, training and discipline.

While registration is only mandatory for professional land surveyors the membership includes various categories of surveyors and incorporates the activities of cadastral, topographical, engineering, photogrammetric, mining and hydrographic surveyors.

The Act which established the council specifically provides for the keeping and maintaining of a register for professional land surveyors who are qualified to perform surveys for the purpose of preparing a diagram or general plan for registration in a Deeds Registry, or any other survey affecting the delimitation of boundaries or the location of beacons of any land. A separate register is kept and maintained for all other categories of professional and technical Surveyors.

The Land Survey Act and the Sectional Titles Act regulate the survey of land and ownership of apartments and offices in South Africa respectively. Both Acts provide that a person performing such work must be registered as a professional land surveyor with the South African Council for Professional and Technical Surveyors and his or her name must be entered in the register for professional land surveyors referred to above.

Since the State accepts no responsibility for the security of title it is essential that the survey component of the cadastre must provide the mechanisms to ensure absolute security of title. This is achieved inter alia by the statutory provision that the survey must be carried out by a professional land surveyor or under his or her supervision and that no transfer of land may be registered in the Deeds Registry unless it is based on a diagram, signed by the professional land surveyor and approved by the Surveyor-General.

Such a measure of responsibility requires an excellent educational background and a period of articles as well as an in depth knowledge of the laws affecting surveying and the registration of land. The Survey Act and regulations do not comprise a complete set of rules that govern cadastral surveying and the professional land surveyor is obliged to refer to judicial decisions especially with regard to sea and river boundaries where there has been a large number of decided cases of the Supreme Court dealing with these matters.

An Educational Advisory Committee (EAC) is mandated in terms of the Act to investigate and make recommendations to the Council as to whether the syllabuses of instruction prescribed and the standard of training by any university for the examinations for a degree in surveying comply with the requirements for registration as a professional land surveyor. The EAC is empowered to investigate examinations conducted by universities outside South Africa and recommend to Council that where appropriate such examinations be deemed to be equivalent.

A candidate for registration as a professional land surveyor is required to undergo training in practical work under the supervision of a registered professional land surveyor for a period of 270 days, the nature of which is approved and controlled by the council. At the conclusion of the training the candidate must pass an examination in the laws concerning surveying and related matters and carry out an acceptable trial survey as may be prescribed.

To protect the public the South African Council for Professional and Technical Surveyors has wide powers with regard to acts and omissions which are regarded as constituting improper conduct by a professional land surveyor. The Council may inquire into such cases and may impose penalties which include a fine, a caution and reprimand, or both, suspension from practicing in South Africa for a period of time, cancellation of registration and disqualification from registration for a specified period.

In view of the foregoing the council has not acceded to requests for mutual recognition and candidates from other countries have been required to:

- (i) have their qualifications evaluated by the EAC to determine whether the examination for their degree can be deemed to be equivalent to that required for registration as a professional land surveyor;
- (ii) have a thorough knowledge of the survey procedures and laws governing surveying and registration of titles in South Africa;
- (iii) pass an examination regarding laws concerning surveying and related matters; and
- (iv) have a registered address within South Africa from which he or she will normally practise.

However the greatest problem with mutual recognition is not the educational qualifications or the knowledge of the laws and procedures but rather the responsibility of the professional land surveyor in relation to security of title. With the State accepting no responsibility for security of title the protection of the public is of prime concern to the council and it is questionable whether the council would be able to properly exercise its code of conduct and disciplinary powers over professional land surveyors who do not permanently reside in the country.

Teo Chee Hai, Malaysia

Introduction

The Institution of Surveyors Malaysia is a national professional body incorporating four surveying disciplines, namely Land Surveying (including geomatics and hydrographic surveying), Quantity Surveying, Property Consultancy and Valuation Surveying (including estate agency) and Building Surveying. The Institution subscribes to the universal definition of “A Surveyor” as developed by the International Federation of Surveyors, which reads -

A Surveyor is a professional person with the academic qualification and technical expertise (post-graduate training) to practice the science of measurement; to assemble and assess land and geographic related information; to use that information for the purpose of planning and implementing the efficient administration of land, the sea and structures thereon; and to instigate the advancement and development of such practices.

Recognition of qualifications

The underlying principle in the recognition qualification is that a person must have passed a recognised examination (this is translated to mean a recognised or accredited basic degree) as carrying exemption from the Institution’s examination and has passed any additional examination and has completed such period of supervised postgraduate experience as may be prescribed.

Within the Institution, the Education and Accreditation Board of the Institution is tasked with the responsibility for assessing each qualification, local or foreign, before granting the desired recognition. The Institution maintains a listing of recognised qualification for each of the four surveying discipline. Qualification is assessed based on a recognised standard. This standard is based on a few criteria, including minimum content requirement (as compared against the syllabus of the professional examination of the Institution), entrance qualification (in the case of university degrees, pre-university programme and basic education), duration of the programme, equivalent local degrees, educational requirements of the registration boards and the Public Services Department.

This principle is similar to the provisions for the recognition of qualification in the legislation for the registration of surveyors. In this instance, the registration board would assess each qualification, local or foreign, against a recognised (and usually legislated) standard before granting the desired recognition. The registration board will also prescribed further examination and period of supervised postgraduate experience. The Boards maintains a listing of recognised qualifications – basic degrees in surveying.

Presently, the Institution together with two of the surveyors registration boards have joint education and accreditation committees so that qualifications are mutually evaluated and accepted for membership of the Institution and the registration of surveyors. Generally, qualifications from all over the English speaking world are recognised and in the evaluation of these qualifications (undergraduate programme. Postgraduate qualification without an undergraduate base is not acceptable) there is no bias against any country other

than that the medium of instruction is either English or the National Language (Bahasa Malaysia).

Reciprocal provisions

There do exist reciprocal provisions for the recognition of qualification for the registration of surveyors as provided in the legislation for the registration of surveyors. As an example, under the Licensed Land Surveyors Act 1958, the Land Surveyors Board may enter into arrangements with the Surveyors Board or other competent authority of a reciprocating territory for the recognition of the status of any person authorised by such Board or other authority to practise as a licensed land surveyor in such reciprocating territory and may prescribe what additional evidence of character or competency must be produced before such person may be licensed under the Act. The Board may enter into arrangements with the Surveyors Board or other competent authority in a reciprocating territory for the setting and acceptance of joint papers in professional subjects under the examination rules prescribed by the Board.

Comment

The Institution of Surveyors Malaysia maintains a listing of recognised qualification (basic degree in surveying) and this list includes many qualifications attained from foreign institutions of higher learning. The surveyors' registration boards also recognised many foreign qualifications. A minimum of two year supervised postgraduate experience and the Test of Professional Competence are a must even though the person might have accepted educational qualification.

The assessment of qualification for accreditation and recognition, whether local or foreign, is an ongoing exercise within the Institution and the surveyor's registration boards.