

# MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS IN THE SURVEYING PROFESSION

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**Key words:** Mutual Recognition, Surveying Profession, FIG

## SUMMARY

The paper seeks to develop a general understanding of the concept of Mutual Recognition based on the agenda identified by the WTO. Benefits and barriers will be discussed. Furthermore, the paper will discuss some key issues related to implementation of the concept in the surveying profession. The paper looks into different models for assessment of the educational base as well as models for assessment of professional competence. The role of the national institutions will be highlighted in this regard. In short, the paper attempts to develop a common language for discussing the whole issue of mutual recognition of professional qualifications.

## INTRODUCTION

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 respond to globalisation of surveying services. 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 introduction of standards of global professional competence in this area.

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 paper will present the approach taken by the task force for dealing with these ambitious goals. Models are currently being developed at the European level in co-operation with the CLGE (The Council of European Geodetic Surveyors). These models will be presented and discussed at a comprehensive seminar to be held in Delft, The Netherlands in November 2000. The outcome of these discussions should then form the basis the development of a world wide model.

## MUTUAL RECOGNITION – THE ROLE OF WTO

The GATS (Article VI:4) 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:

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

(Honeck, 1999 pp. 1-2)

To this end, the WTO have established “disciplines” (specifically for the accountancy sector) 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.

Mutual recognition agreements are identified (WTO, 1997) 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.”

Guidelines for mutual recognition agreements have been published for the accountancy sector (WTO 1997). However, it is anticipated that these guidelines (see below) will be applicable to other service sectors, because they address issues such as the necessity test and transparency which are common to nearly all sectors. It is anticipated therefore that “bilateral negotiations will enable those involved to focus on the key issues related to their two environments” and thereby provide a platform for the extension of multilateral recognition

The papers published by the WTO (e.g. Honeck, 1999 and WTO, 1997) demonstrate that 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.

New negotiations in services are scheduled for 2000 and, in the light of the applicability of the disciplines already identified for the accountancy sector, there is an assumption that there is a possibility of rather quickly creating horizontal disciplines under Article VI:4.

## **THE PRINCIPLES OF MUTUAL RECOGNITION**

The principle of mutual recognition of professional qualifications requires certain pre-conditions, including:

1. degree-level entry to the profession in both countries;
2. appropriate regulation of the profession in the “host” country;
3. 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;
4. an adaptation mechanism to make up for any deficiencies in the content and scope of the professional education and training of migrants; and
5. 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.

(WTO, 1997)

## **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.

Advantages of creating horizontal rather than sectoral disciplines include the greater simplicity and transparency of application for all parties concerned. The advantage of sectoral-level negotiations is the ability to address any specific characteristics of particular sectors which may be inappropriate for horizontal-level negotiations; consequently, such negotiations should be held after horizontal negotiations.

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.

## **BARRIERS TO REGULATORY DISCIPLINES**

Barriers to the development of disciplines of services regulation include lack of knowledge/natural fear of change, expressed as protectionism. National barriers also

include 'infant industries' and 'strategic industry' policies at the national level as well as licensing regulations and cultural interpretation of the concept of professional competence. There may also be national or cultural sensitivities to allowing foreigners to perform certain services. Concern has been expressed about making internationally-binding technical standards which are being created by private sector associations, although this could be overcome by increasing the role of government in the process of creating international standards.

## **FUTURE WTO NEGOTIATIONS**

The WTO has now set up another working party to develop generally applicable disciplines and may develop disciplines as appropriate for individual sectors or groups of sectors, including professional services. One of the first steps of the new working party is the examination of the general applicability of the principles embodied in the accountancy disciplines across all GATS sectors.

New negotiations in services are mandated to begin in 2000. For professional services, it might be assumed that there is a possibility of rather quickly creating horizontal disciplines under Article VI:4, considering that the accountancy measures are very general and potentially easily applicable to most other professional services sectors. Greater attention is likely to be paid to the movement of natural persons and regulatory issues in the forthcoming negotiations. Future negotiations, however, may well proceed more rapidly, now that some experience has been acquired.

Additional work is also needed in the area of recognition procedures. It seems that the most common way to achieve recognition has been through bi-lateral agreements and yet there are relatively few existing arrangements for professional services. One of the priorities for the development of horizontal disciplines should be to discuss the "adequate procedures" requirement of Article VI:6 and to define what they should include. Members should consider plurilateral mutual recognition agreements in specific professional services sectors, without forgetting that the GATS Article VII is about recognition procedures as a whole.

As only governments can submit proposals to the WTO for formal consideration, the first hurdle a profession faces is to persuade members to incorporate the proposals from professional organisations into WPPS submissions. It seems that delegates sometimes reacted unfavourable to the strong role played by the profession. Nevertheless, the private sector can exert influence only to the extent that it is able to convince governments to act on its behalf, in the interests of the perceived benefits for society as a whole and not simply for an individual services sector.

It can be assumed that if professional associations world-wide advocate the same proposals to their member governments, the WTO would act on a consensus basis. It is surely more acceptable to negotiate threshold standards of professional competence for surveyors than to have them externally (legislatively imposed).

Despite its limited resources, the value of the WTO's role includes the fact that it can give legal enforcement to measures which regulate international trade in professional services, which no other government-led international organisation has yet been able to

do. However, there is a need for international professional associations to provide the technical expertise and practical experience necessary to complement the role of the WTO. They may also provide the motivation and the 'testing ground' for the development and implementation of new disciplines and other measures to promote services trade.

## **THE FIG TASK FORCE**

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.

Indeed, the WTO is seeking co-operation and involvement with the international professional bodies in professional services (such as FIG) for the establishment of mutual recognition agreements or bilateral agreements in order to achieve free trade in professional services

The Task Force on the Mutual Recognition of Professional Qualifications will develop a methodology to assess "professional competence" and develop threshold standards of "professional competence" for the different areas of surveying.

This paper discusses what "professional competence" means, specifically for surveyors. It distinguishes "competence to perform a task" which can be demonstrated only once the task has in fact been performed to an appropriate standard, from "professional competence" which is a more complex range of skills and which includes potential to deal appropriately with new problems in a professional manner. Thus, it is considered that "professional competence" should be demonstrated before an appropriately-qualified individual is authorised to practice as a professional either in the "home" or "host" country.

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-qualificational 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.

## **PROFESSIONAL QUALIFICATION**

“Competence” is defined in The Shorter Oxford English Dictionary as “sufficiency of qualification”. “Qualification” at the level of permission (e.g. license) to practice is normally a stage in one’s professional career, which follows a process of professional education and training, and at which “professional competence” can be demonstrated.

The process of professional education and training which culminates in the grant of authority to practice the profession varies enormously throughout the world for surveyors.

The Nordic model involves the process of tertiary academic education which leads directly to recognition by an independent professional organisation. The British model involves a combination of a cognitive academic award, and a period of professional practice and the award of a certificate by an independent professional authority. In other countries, such as Australia, recognition is given by the award of a license to practice following a period of academic learning and professional practice; elsewhere, it is a tier of government which authorises the individual to practice as a professional.

It not necessary that a single model for achieving professional status should be introduced world-wide, nor that any existing process for achieving professional status should be altered, unless the home profession perceives a need to do so. Thus, the Task Force begins with the premise that all surveyors who are recognised as “qualified” or “professionally competent” within their home countries, should have the opportunity to have their existing professional qualifications and expertise recognised by other countries, and, thereby be recognised as appropriately qualified to undertake the professional activities for which they are qualified in their home countries.

What the Task Force will investigate is how this process of recognition of “qualification” or “professional competence” should operate and how “professional competence” should be demonstrated.

There are a number of difficulties involved in this process. These include:

1. there are many different kinds of surveyors world-wide and the process should operate equally;
2. there are surveying activities which are grouped as one profession in one country but which include professional activities which are practised by other professionals in another country or which do not exist as professional activities in another country; and

3. a lack of understanding and agreement about the nature of the surveying activities as practised in other countries.

FIG has an agreed definition of “surveyor” which is used as the basis for the work of the Task Force, although minor amendments to the definition may be proposed to reflect the constantly evolving nature of the role of the “surveyor” world-wide.

## **PROFESSIONAL COMPETENCE**

The nature of “professional competence” achieved at the level of the award of a professional qualification which may be made as the culmination of a process of professional education and training is defined by Kennie, *et al.* (2000).

Kennie, *et al.* (2000) have sought to define “professional competence” by breaking the concept into four component parts which can be applied to all surveyors:

1. knowledge competence; defined as “the possession of appropriate technical and/or business knowledge and the ability to apply this in practice”;
2. cognitive competence; defined as “the abilities to solve using high level thinking skills technical and/or business related problems effectively to produce specific outcomes”;
3. business competence; defined as “the abilities to understand the wider business context within the candidate is practising and to manage client expectations in a proactive manner”;
4. ethical and/or personal behavioural competence, which is 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 a 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 defined as the defining characteristic of a true “professional” with all that entails.

## **THE WAY FORWARD**

The approach taken by the task force is twofold. First there is a need to cooperate closely with the WTO headquarters to make sure, that we are up to date and hopefully ahead of what is going on internationally regarding globalisation of service sector. This is described in more details above. Secondly there is a need to investigate more closely what could be considered the threshold standard for mutual recognition of professional competence. This includes a least two issues: the educational standards and the profession standards.

The Task force has decided to take a research approach to these issues. Two research projects are agreed in co-operation with the CLGE (Council of European geodetic Surveyors):

- One is concerned with investigating the different curricula models used in Europe for curricula content and curricula delivery. The research will synthesise these models into operational groups. This should provide information to assist the determination of equivalence of qualifications to facilitate the mobility of surveyors between the European States. And, furthermore, provide information to help initiate change of surveying curricula to assist the improvement of standards within the states with less developed curricula;
- Another is concerned with developing a methodology to assess professional competence for the different areas of surveying and to develop threshold standards of professional competence for these different areas of surveying. This should provide information to assist the determination of equivalence of professional standards to facilitate the mobility of surveyors between the European States. And it should provide information to help enhancement of professional standards within the states with less developed standards.

The outcome of the research will be presented and discussed at a comprehensive joint FIG/CLGE seminar to be held in Delft, the Netherlands in November 2000. The outcome of these discussions should then form the basis the development of a world wide model. This will be reported on to the FIG working week in Korea May 2001.

## **FINAL REMARKS**

Globalisation of services is not a threat. It should be seen as an opportunity and as a demand for FIG to develop new means and tools to meet the challenges of the future. Mutual recognition is a device which the WTO has approved to secure globalisation.

There are various models currently in use by surveying organisations to achieve this – including bi-lateral reciprocity agreements and, as in the EU, a legislative framework.

The principle has been established and we have the chance to develop a framework which suits us. We should take it.

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The profile and current material of the FIG Task Force on Mutual Recognition can be found on the FIG web site: [www.FIG.net](http://www.FIG.net)

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