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Contributions to Economic,
Environmental and Social Development*

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Mutual Recognition of Surveying Qualifications within the ASEAN Framework Agreement on Services

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Land Surveyors Board Peninsular Malaysia
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This presentation does not necessarily represent the position of the Ministry of International Trade and Industry Malaysia, the Land Surveyors Board Peninsular Malaysia, the Institution of Surveyors Malaysia nor the Association of Authorised Land Surveyors Malaysia

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SALAM SEJAHTERA
&
THANK YOU



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Preamble
The Surveyors of Malaysia



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The Surveying Profession in Malaysia encompasses the profession of –

- Land Surveying and Geomatics (including photogrammetry and remote sensing, hydrographic surveying, land administration, geo-information)
- Property Consultancy and Valuation Surveying (including Property Management and Estate Agency)
- Quantity Surveying (including cost engineering)
- Building Surveying (including building control)

The Surveyors of Malaysia

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Preamble

The Association of South East Asian Nations

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The Association of Southeast Asian Nations or ASEAN was established on 8 August 1967 in Bangkok by the five original Member Countries, namely, Indonesia, Malaysia, Philippines, Singapore, and Thailand.

Brunei Darussalam joined on 8 January 1984, Vietnam on 28 July 1995, Laos and Myanmar on 23 July 1997, and Cambodia on 30 April 1999.

The ASEAN region has a population of about 500 million, a total area of 4.5 million square kilometers, a combined gross domestic product of US\$737 billion, and a total trade of US\$ 720 billion.

ASEAN - A brief Introduction

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At the 5th ASEAN Summit in Dec 95 in Bangkok, **ASEAN Framework Agreement on Services (AFAS)** was signed by ASEAN Economic Ministers

The Objectives of AFAS include -

- To enhance cooperation in services amongst member countries in order to improve the efficiency and competitiveness, diversity production capacity and supply and distribution of services of their service providers within and outside ASEAN

Services Liberalisation
within ASEAN

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- To eliminate substantially restrictions to trade in services amongst member countries
- To liberalise trade in services by expanding the depth and scope of liberalisation beyond those undertaken by member countries under GATS (GATS-Plus)
- Commitment to fully implement the ASEAN Free Trade Area
- Accelerate liberalisation of Trade in Services

Services Liberalisation
within ASEAN

ASEAN Vision 2020 was signed by the heads of Government of ASEAN countries in December 1997 in Kuala Lumpur.

ASEAN Vision 2020 target is to achieve free flow of services within ASEAN by 2020 and embarked on a process of progressive liberalisation

ASEAN Concord II (Bali Concord II) was adopted at the 9th ASEAN Summit by the ten Heads of States to reaffirm ASEAN as a concert of Southeast Asian nations, bonded together in partnership, in dynamic development and in a community of caring societies.

ASEAN Community

The ten leaders agreed to establish an ASEAN Community that would be supported by the three pillars of –

- political and security cooperation;
- economic cooperation; and
- socio-cultural cooperation.

These three pillars are closely intertwined and mutually reinforcing in the effort to achieve peace, stability and prosperity.

ASEAN Economic Community (AEC) will enhance ASEAN competitiveness, improve ASEAN's investment environment and narrow the development gap amongst ASEAN members and -

- emphasized that the ASEAN Economic Community would be the realization of the end-goal of the economic integration stipulated in ASEAN Vision 2020.

- envisioned a single market and production base, with free flow of goods, services, investment and labor, and freer flow of capital.
- recognized that the realization of a fully integrated economic community requires implementation of both liberalization and cooperation measures including the need for the recognition of educational qualifications.

ASEAN Co-ordinating Committee on Services (ASEAN CCS) is a negotiating forum mandated to progressively liberalise services within ASEAN and currently negotiates, primarily along the "offer-and-request" negotiating regime, the following –

- Business Services (including Professional Services);
- Construction Services;
- Healthcare Services;
- Maritime Transport Services;

- Telecommunications and Information Technology Services;
- Tourism Services; and
- Education Services.

ASEAN CCS has also established the Expert Group on Mutual Recognition Arrangements with the sole objective of realising framework agreements on mutual recognition for priority professional services.

The ASEAN Co-ordinating Committee at its 24th Meeting in Bangkok (27th – 29th June 2000) was briefed by Malaysia (*The Institution of Surveyors Malaysia/Association of Authorised Land Surveyors Malaysia*) on the definition and scope of Professional Surveying Services, as it is practised in Malaysia.

The definition and scope as briefed primarily based on the FIG's Definition of Surveying.

Perceived Challenges and Issues

It must be recognised that Professional services are very wide ranging and heterogeneous, but form an important component of services. Equally important is surveying services in national development, nation building as well as ensuring security and sustainability.

The following can be observed of the surveying industry within the ASEAN context –

- Demand for surveying services has not experienced significant growth over the past five years particularly in the aftermath of the Asian financial crises

- The rapid advancement and adoption of ICT has significantly altered the surveying processes. The increasing and widespread development of ICT is opening up new prospects for the profession and is expected to lead to strong growth in cross-border trade (mode 1).
- The profession has yet to become internationalised unlike the legal profession (*the legal profession in the past decade has become internationalised and more and more frequently, lawyers are having to conduct transactions extending across national borders and involving several jurisdictions*)

- The surveying market is not dominated by any large regional or multinational firms except for offshore hydrographic surveying for the hydrocarbon industry. The surveying firms tend traditionally to be local/provincial and very often owned and operated by a sole professional.
- The industry do not engaged in research and development. As a consequence, it relies on methodologies and technologies developed by the more advanced countries thus constantly requiring capital and training.

The task before the ASEAN Surveying Fraternity is to develop capacity and confidence within the industry, especially among the younger generation of surveying professionals able to –

- embrace the rapid pace of technological advancement and innovations and employ these advancement and innovations judiciously and ethically in support of the respective national goals;
- effectively practise the science that is surveying within a liberalised marketplace; and
- establishing world-class practices that can efficiently serve the needs of and contribute towards the betterment of society, the environment and nation building.

Surveying the Situation

The process of liberalisation would involve adjustments which can give rise to concerns or even risks to the social and environmental fabric of a society and there should be learned analyses and studies on the impacts of such liberalisation on the domestic surveying industry.

Moving Forward

At the national level, there should be a consensus-building process involving government, industry and the public at large, primarily aimed at –

- enhancing the role, relevance and recognition for surveying professionals;
- domestic capacity building; and
- reviewing and revising domestic regulations to ensure an appropriate level of domestic competence and capacity.

Moving Forward

Moving Forward, there must be concerted effort from within the Surveying Fraternity, not just national nor regional, but the Global Surveying Fraternity to –

- gain recognition for the role and relevance of Surveyors;
- ensure the relevance and enhance the pivotal role of surveying in Nation Building, National Development and Global Sustainability;

Surveying the Future

- to emerged from its self-imposed "shell" (*Katak di bawah tempurung, as the Bahasa Melayu saying goes*) and work at raising the profile of the profession; and
- to work towards the creation of a separate classification for Surveying Services as the current CPC coding is grossly inadequate. (*The current CPC coding do not recognise the key role role of surveying in national development and nation building*).

Surveying the Future

Progress of Mutual Recognition
Arrangement

Basic Understanding

Article VII of GATS - Recognition and among the provisions, categorically states that -

- For the purposes of the fulfillment of its standard or criteria for the authorization, licensing or certification of services provider, a member country may recognize the education or experience obtained, requirements met, or licenses or certifications granted in a particular member country. Such agreement may be based upon an agreement or arrangement with the country concerned or may be accorded autonomously.

- A member country shall not accord recognition in a manner which would constitute a means of discrimination between countries in the application of its standards or criteria for the authorization, licensing or certification of services providers or a disguised restriction on trade in services

- Wherever appropriate, recognition should be based on multilaterally agreed criteria.

- Member countries shall work in cooperation with relevant intergovernmental and non-governmental organizations towards the establishment and adoption of common international standards and criteria for recognition and common international standards for the practice of relevant services, trades and professions.

AFAS Article V - Mutual Recognition states that -

- Member State may recognise the education or experience obtained, requirements met, or licenses or certifications granted in another Member State, for the purpose of licensing or certification of service providers.

Mutual Recognition Arrangements, amongst other, -

- Can be binding treaties between the Governments;
- Can establish a framework which enables certain procedures required in the host country to be undertaken in the home country;
- Can be limited, confined to specific scope; and
- Can be between non-governmental institutions, regulatory authorities.

Mutual Recognition of Qualification is a process that allows the qualifications gained in one country (the home country) to be recognised in another country (the host country).

It allows each country to retain its own kind of professional education and training including the registration and licensing requirement.

Mutual recognition of qualification is not about how practising professionals are recognised to practise in the host country.

Progress of Mutual Recognition Arrangement

ASEAN's Journey to date

The 30th ASEAN Co-ordinating Committee on Services Meeting held on 10th – 12th July 2002 in Surabaya, Indonesia agreed to

- adopt a sectoral approach to develop Mutual Recognition Arrangements (MRAs) for each professional services.
- continue to draw up the broad guidelines to assist the sectoral working groups in developing the MRAs for their respective professional services, including the timeframe and the identification of prioritised professional services.

The 31st ASEAN Co-ordinating Committee on Services at its meeting in Siemreap, Cambodia on 25th - 26th February 2003, requested Member Countries to consult their respective professional bodies in their capitals to come up with the appropriate approach for concluding MRA in their respective areas.

A workshop on Mutual Recognition Arrangement was hosted by Malaysia at the 32nd ASEAN CCS Meeting in Kuala Lumpur on 30th June – 2nd July 2003.

The 33rd ASEAN Co-ordinating Committee on Services at its meeting in Bali, Indonesia on 5th – 7th November 2003 called for the completion of MRAs for qualifications in major (priority) professional services by 2008 to facilitate the free movement of professional within ASEAN.

The major professional services are Architecture, Engineering, Surveying and Accountancy.

This decision was re-visited and re-affirmed at its 34th Meeting in Vientiane, Lao PDR on 10th – 12th March 2004. The same meeting called for the completion of the Engineering MRA for signing by ASEAN Economic Minister in late 2004.

The 38th ASEAN Co-ordinating Committee on Services at its meeting in Bali, Indonesia on 14th – 17th September 2004, completed the final draft MRA for Engineering.

During the meeting, some member countries has proposed to relegate Surveying Services from the priority list as there are -

- No common ASEAN-wide understanding (definition) of Surveying Services; and
- There is no specific CPC coding except for Surface and Sub-surface Surveying and Map Making.

The Roadmap for Integration of ASEAN (for Trade in Professional Services)

Goals

Free flow of professional services in the region by 2020

Critical Success Factors

ASEAN professional services providers to move freely in the region to provide their services

Steps

Conclusion of MRAs for each professional services

Proposed ASEAN Framework Agreement on Mutual Recognition of Surveying Qualifications

Possible Model for A Framework Agreement for Mutual Recognition of Surveying Qualification in ASEAN

The recognition of an individual surveying qualification will follow an agreed pre-determined and published methodology.

The creation of the recognition methodology is essential to -

- ensure the standardisation of requirements and expectations;
- transparency; and
- provide guidance in the according recognition

The development of a Framework for ASEAN wide recognition process will -

- Provide guidelines for the recognition/accreditation process;
- Ensure completeness of information provided;
- Standardise the format of the information/documentation required; and
- Expedite the process of assessment for recognition

A Framework Agreement on Mutual Recognition of Surveying Qualifications can comprise five primary components or requirements, basically -

Definition

e.g. - A Surveyor is a professional person with the academic qualifications and technical expertise (post-graduate training)

Recognition Provisions

Recognition Mechanism

Dispute Settlement Provisions

Capacity building (and technical assistance) Provisions

The recognition component can comprise five primary requirements for information and thus documentation -

- General Information of the Programme;
- Management Structure;
- Management System and Examination Procedures;
- Lecturing capacity; and
- Facilities

Working towards an ASEAN Framework Agreement on Mutual Recognition of Surveying Qualification allows for the -

- understanding of practices for assuring professional competence
- understanding the governing requirement for the registration/licensing of surveyors
- understanding the governing requirement to qualify as a practising professional

Concluding Remarks

ASEAN Surveyor's Immediate Need is -

Recognition

- from Governmental Planners and Leaders of its significant and substantial role and contribution;
- and be engaged in consensus-building process involving government, industry and the public at large to enhance the role, relevance and recognition for surveying professionals; and
- in the context of Trade in Services, it is the recognition conferred with a specific Central Product Classification Coding. (e.g. in some communications, one WTO member state refers Surveying as non-professional services!)

Conclusion

Possible Contribution -

may in some way restore the glamour and prestige of the surveying profession. It may not prevent the dismal enrolment and closure of surveying school around the world but may arrest the decline or prevent further decline.

Surveying should be a profession of choice.

Conclusion

In Closing -

There must be concerted effort from within the Global Surveying Fraternity to gain recognition.

Surveying Services is a Professional Services and its role, significant and substantial, in ensuring security and sustainability, to warrant its own three-digit CPC Code.

Conclusion

In Closing, within ASEAN -

Such a separate CPC coding is essential if substantial progress in the negotiation for the liberalisation of surveying services are to be achieved at various negotiation forums and sessions.

Conclusion

"If globalization is indeed inevitable, it is critically important to ensure that it is immensely productive We must make sure that it does that greatest good for the greatest number of the children of Adam"

Dr. Mahathir Mohamed
on globalization,
South Review, Vol. 1 No. 1, April 2000