

ISU CPD WORKSHOP 18th NOVEMBER, 2017 AT TIMISHA HOTEL SOROTI
THEME: SURVEYING IN THE MODRN WORLD

MRA for Land Surveyors in the EAC Opportunities and Challenges

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OUTLINE

- The East African Community
- Comparison of key factors for the partner states
- Mutual Recognition (MRA) –FIG Perspective
- Final Draft MRA

Future of Surveying after MRA

Summary of expected impacts per partner state

Conclusion and recommendations

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The East African Community

Partner States

- Burundi, Kenya, Rwanda, Uganda, Tanzania and South Sudan
- Headquarters - Arusha, Tanzania.
- Size
 - Surface area : 2.47 million square kilometres
 - Population: more than 173 million people
 - GDP - US\$ 163.4 billion
- Treaty
 - Entered into force on 7th July 2000
 - Burundi and Rwanda - 1st July 2007
 - South Sudan – 5th September 2016



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Comparison of key factors for the partner states

	Burundi	Kenya	Rwanda	Tanzania	Uganda	South Sudan
Population (millions)	10.5	45.6	12.1	47.4	38.8	12.3
GDP (USD – Billion)	3.1	60.9	7.89	49.2	26.3	2.6
Official Language	Kirundi, French	Kiswahili, English	Kinyarwanda, English, French	Kiswahili, English	Kiswahili, English	English, Arabic
Exchange Rate	1 \$ = 1569.59 BIF	1 \$ = 101.119 Ksh	1 \$ = 780.851 RWF	1 \$ = 2190.57 Tsh	1 \$ = 3700 Ush	1 \$ = 130.26 pound
Area (sq. km)	7834	582,646	26,338	945,090	236,000	619,754
Pop. Density (per sq. km)	374	74	434	53.5	173	13.33
Roads (km)	12,300 (10% paved)	61,950 (14 % paved)	14,000 (19% paved)	90,810 (15% paved)	70,750 (23% paved)	300 (less than 1% paved)

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Mutual Recognition Agreement in the EAC

- EAC Common Market Protocol – 2010
- To accelerate economic growth and development, the EAC Partner States maintain a liberal stance towards the four Freedoms of movement for all the factors of production and two Rights between themselves.
 - Free Movement of Goods
 - Free Movement of Persons
 - **Free Movement of Labour / Workers**
 - Right of Establishment
 - Right of Residence
 - **Free Movement of Services**
 - Free Movement of Capital
- Underlying the EAC Common Market are operational principles of the Community, namely:
 - Non-discrimination of nationals of other Partner States on grounds of nationality;
 - Equal treatment to nationals of other Partner States;
 - Ensure transparency in matters concerning the other Partner States; and
 - Share information for the smooth implementation of the Protocol.

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❖ *Article 11 of the CMP for purpose of ensuring free movement of labor Partner States undertake to **harmonize and mutually recognize academic and professional Qualifications granted, experience obtained; requirements; licenses or certificates granted in other Partner States.***

❖ Harmonize their curriculum, examination, standards, certification and accreditation of educational and training institutions.

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Mutual Recognition Agreement in the EAC

Forwarded the draft MRA annex to Sectoral Council on Legal and Judicial Affairs legal Input by

Forum of Competent Authorities to develop common benchmarks for recognition of foreign (academic and professional) qualifications

Facilitation of Competent Authorities to develop MRAS

PS to enact legislature to regulate professionals that are not regulated

All unfinished business on MRAs to the SCESTCS

The secretariat to **develop procedures on how MRAs shall be negotiated and be deposited with the EAC Secretariat to be formally adopted as instruments of the Community**

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Mutual Recognition Agreement in the EAC

- Mutual recognition is a process which allows the qualifications gained in one country (the home country) to be recognized in another country (the host country)
- ***Mutual Recognition 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***

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Mutual Recognition Agreement in the EAC

- 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.
- In principle, it does not matter how individuals become qualified in their own country; the important fact is that they are qualified

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Mutual Recognition – How it works

- 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 practiced in the “home” country comprise the profession as practiced 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

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Major articles of Draft MRA for Land Surveyors in EAC

Scope of the Agreement

The Agreement shall apply to land surveying professionals and land surveying service suppliers in accordance with commitments made by the Partner States in the Protocol.

Objectives

- To facilitate mobility of land surveyors and professional land surveying services to enable the realization of commitments made by Partner States for liberalization of trade in professional land surveying services across the East African Community in accordance with the Protocol;
- To encourage, facilitate and establish mutual recognition of land surveyors qualifications and set up standards of education and practice and commitment to professional development in the land surveying profession in the EAC Partner States;
- To encourage and support the improvement of standards of education and training, and provide advice on professional development in the land surveying profession in the EAC Partner States; and
- To facilitate the exchange of information in order to promote adoption of best practices on Standards of land surveying education, professional qualifications and professional practice and ethics.

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Major articles of Draft MRA for Land Surveyors in EAC
Qualifications

A Land Surveyor who possesses the following qualifications:

- has obtained a Bachelor's Degree in Land Surveying or its equivalent ;
- possesses a current and valid professional registration or licensing certificate to practice Land Surveying in the Home Partner State issued by the Competent Authority in that Partner State; and
- obtained certification from the Competent Authority of the Home Partner state with no record of serious violation of technical, professional or ethical standards, local, regional and international for the practice of Land Surveying;

is eligible to apply to the Competent Authority of a Host Country to be registered as a Land Surveyor.

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Major articles of Draft MRA for Land Surveyors in EAC

Scope of practice

- Land surveyors from a Partner State, who have been recognized under this Agreement shall practice in accordance with the domestic laws and regulations of the host country.
- Land surveyors from a Partner State, who have been recognized under this Agreement shall enjoy the same rights, duties and obligations as land surveyors in the host country

Membership in Professional Associations

- An applicant with membership in an association of Land Surveyors recognized by the Competent Authority in his or her home partner state shall be eligible for membership in an association of Land Surveyors in the host partner state.
- An applicant shall fulfill similar requirements for membership, provided these do not discriminate on the basis of nationality, and enjoy the same rights duties and obligations as Land Surveyors in the host partner state.
- The professional association of the host partner state shall advise an applicant for membership of the requirements associated with becoming a member of that association.

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Code of Conduct and Disciplinary processes

- In the event of alleged misconduct arising out of a land surveyor's practice in a host jurisdiction the host regulators shall assume responsibility for the conduct of disciplinary proceedings against the land surveyor.
- Where a competent authority investigates the conduct of, or takes disciplinary proceedings against, a land surveyor, that land surveyor's home competent authority, and each other competent authority in whose jurisdiction the land surveyor's has practiced will cooperate with the investigation or disciplinary proceedings, or both, by providing all relevant information and documentation respecting the land surveyor's as is reasonable in the circumstances,
- Where a host competent authority takes disciplinary proceedings against a land surveyor, it shall have authority to impose such disciplinary sanctions as it sees fit.
- In any proceeding under this Article, the filing of a duly certified copy of the disciplinary decision rendered by a host competent authority against a member found guilty of misconduct is proof of that member's guilt;
- The host competent authority that takes disciplinary against a land surveyor shall, within seven (7) working days of the taking of action, notify the competent authorities of other Partner States of the action taken;
- Competent authorities notified of the action taken shall within seven (7) working days from receipt of the notification take steps to enforce the disciplinary sanction, where applicable.

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Opportunities

- A larger market!!!!
 - Surface area – from 241,000 sq km to 2.47 million sq km
 - Population from 40 million to more than 173 million million people
 - Market from US \$26bn to US\$ 163.4 billion
- Some countries are still emerging
 - Opportunity to work in such countries
 - South Sudan & Burundi – very degree level surveyors
 - Possibility to expand to DRC
- Services of surveyors increasingly appreciated in the region
 - Need to secure land rights in all countries (**only about 20% is titled land in the region**)
 - Land as a key source of government revenue in all the countries
 - Land as a trusted collateral for credit in all the countries

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Opportunities

- Non discrimination economic policies
 - Uniform rates for mobile telecommunications charges
 - Same fees for students from EAC at public Universities
- Joint projects
 - Standard Gauge Railway
 - East African Crude Oil Pipeline
 - ✓ USD 3.55 billion
 - ✓ 216,000 barrels of oil @day
 - ✓ 6,000 – 10,000 jobs



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Challenges

- Inequalities in participation (some countries more advanced than others)
 - Education and skills
 - Financial capacity
 - Business skills
 - Exposure
- Competition
 - Financial capacity
 - Business skills
 - Exposure
- Fear or lack of interest to go beyond borders
- Political strife in many of the partner states/lack of political will
- Language/culture

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Summary of possible impacts per country

- Kenya: Expected to:
 - Gain due to:
 - Large number of professionals
 - Mature Surveying profession
 - Better economy
 - Culture of aggressiveness
 - Be affected by:
 - Skepticism among other EAC partners
 - Kenya surveyors will practice in all the countries of EAC



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Summary of possible impacts per country

- Uganda: Expected to:
 - Gain due to:
 - Considerable Influence at political level
 - Be affected by:
 - Less developed profession – Very few licensed surveyors
 - Reluctance to move beyond borders
 - Small companies , less capital and less business skills
- Ugandan surveyors will practice in
 - mainly Uganda and Rwanda /
 - Burundi trailing Kenya



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Summary of possible impacts per country

- Tanzania: Expected to:
 - Gain due to:
 - Mature Surveying profession
 - Trust as ethical
 - Be affected by:
 - Less business skills
 - Skepticism about forming joint ventures
 - Reluctance by political leadership to move faster
- Tanzania will practice in mainly Tanzania, Rwanda / Burundi at the same level as Uganda but trailing Kenya



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Summary of possible impacts per country

- Rwanda: Expected to:
 - Gain due to:
 - Fast decision making at political level
 - Be affected by:
 - Less business skills
 - Under-developed profession
 - Small economy
 - Language barrier
- Rwanda will practice in mainly Rwanda, Burundi and Uganda at a very low level.



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Summary of possible impacts per country

- Burundi & South Sudan:
Expected to:
 - Gain as recipients
 - Be affected by:
 - Less business skills
 - Lack of profession
 - Small economy
 - Language barrier
 - No training institutions
- Burundi & South Sudan will initially serve as recipients.



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Conclusion

- **EAC integration is mandatory – from the political perspective**
- The Surveying Profession is expected to become more vibrant after integration.
- Open competition is expected to lead to hard work, innovation and hence advancement of the profession.
- Gains by individual countries will be influenced by – **the size of economy, level of development of the profession in each country, business skills and language**

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