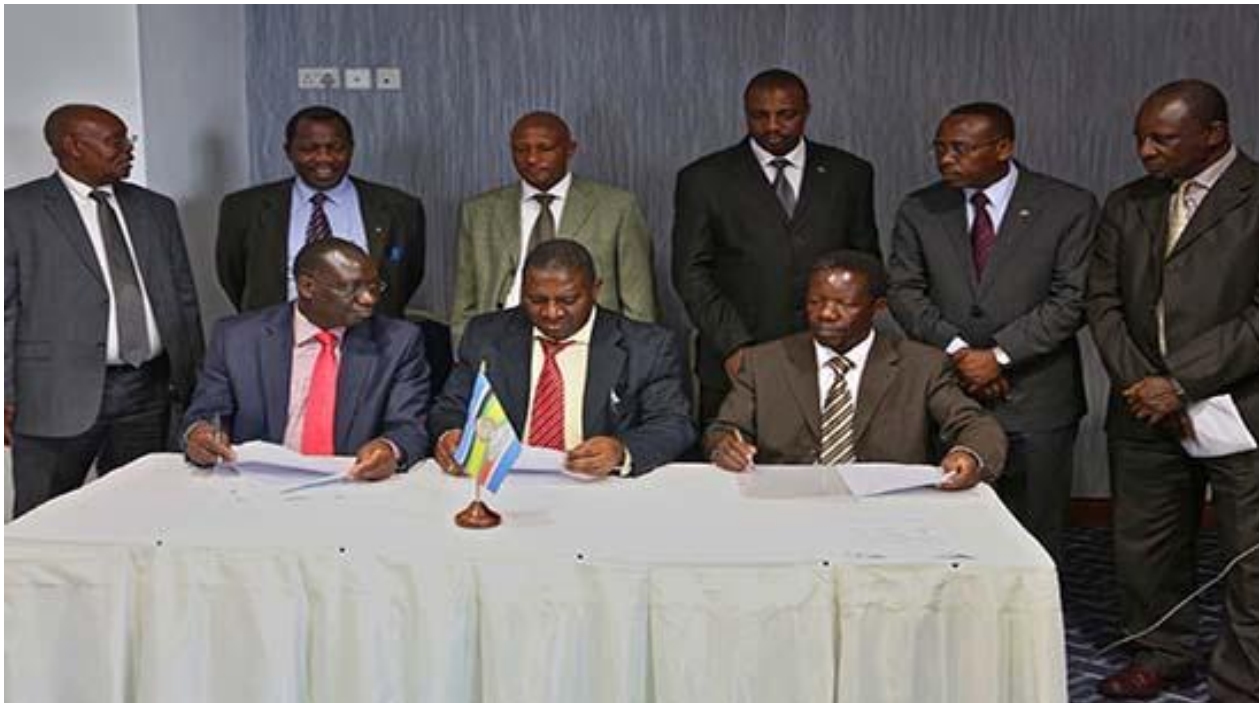


Engineers Annual Event 2014

# Mutual Recognition Agreement for Engineers in EAC

*Opportunities for Engineers in the EAC Region*



Eng James Okiror

# CONTENTS

- 1. Provisions**
- 2. MRA for EAC Engineers**
- 3. MRA Implementation**
- 4. EAC Integration – Harnessing Opportunities**
- 5. Conclusion**

# **1. Provisions**

## 1. Provisions

# **The EAC Treaty**

*Treaty for the Establishment of the East African Community*

Article 104 : Partner States agree to conclude a protocol on

- Free movement of persons
- Free movement of labor
- Free movement of services
- Right of establishment and residence

## 1. Provisions

# Common Market Protocol (CMP)

*The Protocol on the Establishment of the East African Community (EAC) Common Market; to significantly boost trade and investments and make the region more productive and prosperous*

- entered into force on 1 July 2010, following ratification by all the five Partner States:
- provides for “Four Freedoms”: the free movement of goods; labour; services; and capital, which will significantly boost trade and investments and make the region more productive and prosperous
- *Article 11 of the CMP for purpose of ensuring free movement of labor Partner States undertake to mutually recognize academic & professional Qualifications and experience granted in other Partner States*

## 1. Provisions

# **CMP - Annex VI**

*for the Implementation of CMP Article. 11*

- Annex VI of the CMP has regulations that guide mutual Recognition of Academic and Professional Qualifications;
- adopted by the 22<sup>nd</sup> Council of Ministers to implement the provisions of Article 11.1(a)

## **2. MRA for EAC Engineers**

## 2. MRA for EAC Engineers

# What is an MRA

*“An agreement enabling a regulatory authority in an importing country accepting ...in whole or in part, the regulatory authorizations obtained in the territory of the other Party or Parties to the agreement in granting their own authorization”.*

*Adapted from : Professor Kalypso Nicolaidis, “The New Approach to the Liberalization of Professional Services” (1997)*

- An MRA for engineering professionals in the EAC is an **agreement for mutual recognition** of professionals.
- It enables a professional in one state in the region to be recognized as a professional in all the states.
- Similarly, a registration certificate or practicing licence issued in one state becomes honoured in the other states,
- leads to a free flow of engineering services across the region,
- facilitates free movement of professionals across the EAC.



## 2. MRA for EAC Engineers

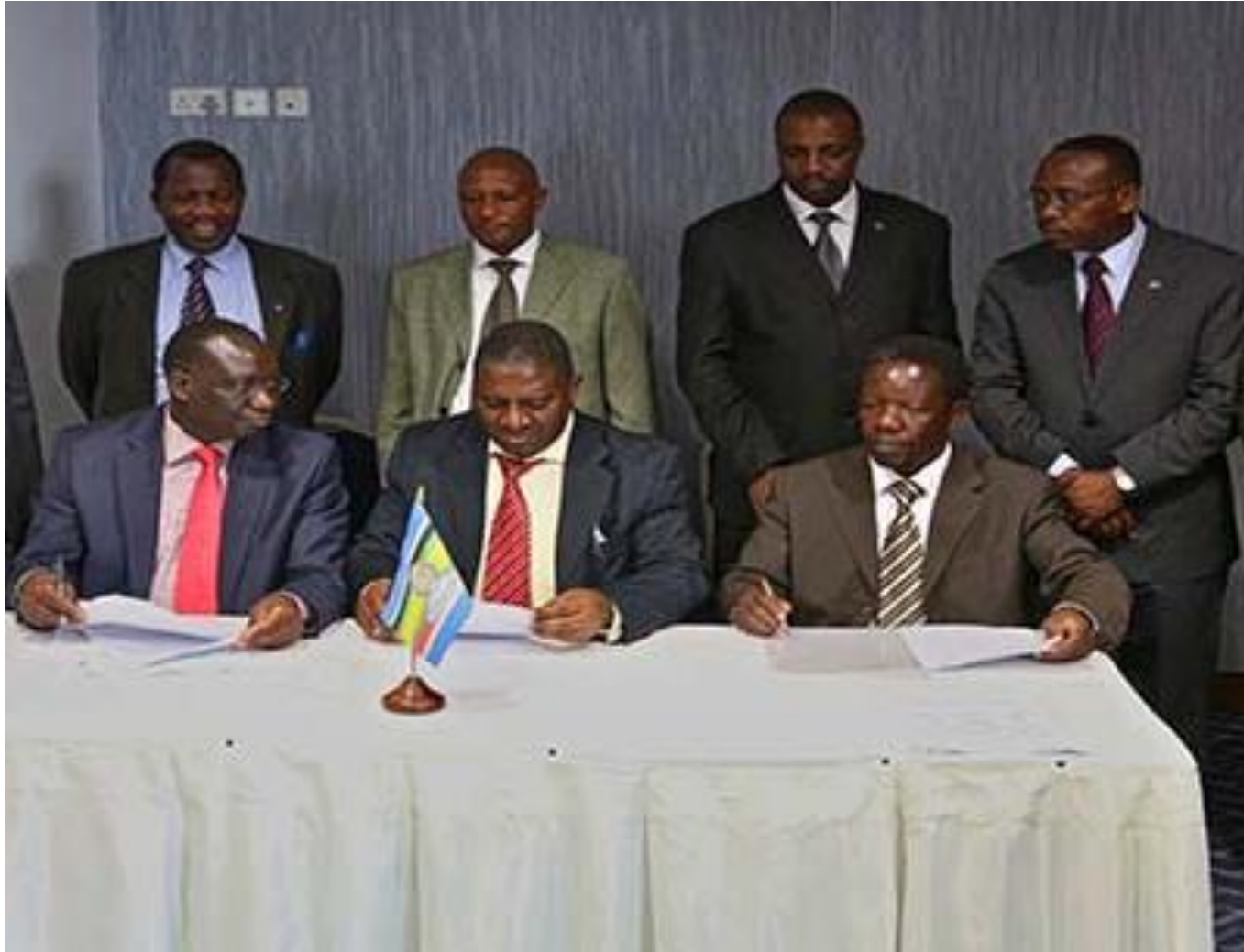
### **Genesis : the Kampala Meeting – July 2012**



EAC Registrars agreed, among others, to put in place an agreement for mutual recognition of professionals in the region in line with the framework provisions of the East African Community;

## 2. MRA for EAC Engineers



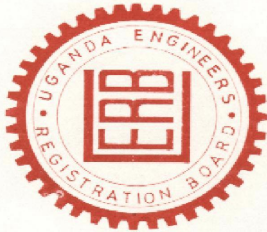
# Engineers MRA : signed by the EAC Registrars



The MRA for EAC Engineers was signed on 7<sup>th</sup> December 2012 at Arusha, in fulfillment of CMP Art. 11 : Annex VI

## 2. MRA for EAC Engineers

# The Parties to the MRA

	<p><b>The Engineers Board of Kenya (EBK)</b> <i>established under The Engineer's Act 2011</i></p>
	<p><b>The Engineers Registration Board (ERB) Tanzania</b> <i>established under the Engineers Reg. Act, No. 15 of 1997</i></p>
	<p><b>The Engineers Registration Board (ERB) - Uganda</b> <i>established under the Engineers Reg. Act, Cap 271.</i></p>

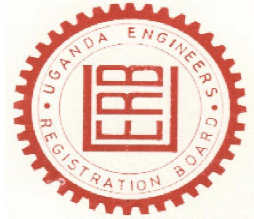
*By the time of signing the MRA, The Republic of Burundi and the Republic of Rwanda were still in the process of establishing the necessary legal and institutional framework for the engineering profession, and will append the MRA at a later date.*

## 2. MRA for EAC Engineers

# MRA Deposited at the EAC Secretariat (MRA Art 11.4)

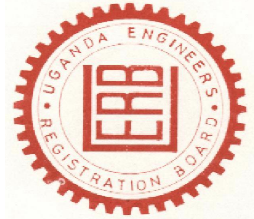


Annex VI to the CMP provides the role of the EAC Secretariat as publicity, communication, coordination, facilitation of CAs, monitoring MRA implementation, and dissemination to states.



## The Engineers' MRA : Key Provisions

- Article 1.0 - Parties
- Article 2.0 – Purpose
- Article 3.0 – Scope of agreement
- Article 4.0 -- Interpretation
- Article 5.0 – Objectives
- Article 6.0 – Institutions
- Article 7.0 – Eligibility, qualifications and recognition
- Article 8.0 – Scope of Practice
- Article 9.0 – Amendments
- Article 10. -- Dispute Settlement
- Article 11 -- Final Provisions



The Engineers' MRA : Key Provisions

# Article 1.0 - Parties

- **The Engineers Board of Kenya (EBK)**

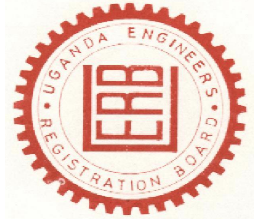
*established under The Engineer's Act 2011*

- **The Engineers Registration Board (ERB) Tanzania**

*established under the Engineers Reg. Act, No. 15 of 1997*

- **The Engineers Registration Board (ERB)-Uganda**

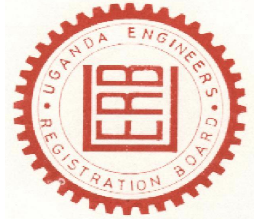
*established under the Engineers Reg. Act, Cap 271.*



The Engineers' MRA : Key Provisions

## Article 2.0 - Purpose

“The purpose of this MRA is to establish the conditions under which an Engineer in a jurisdiction of any Partner State may have his/her qualifications recognized and may be eligible to practice in another jurisdiction that is party to this Agreement pursuant to the provisions of the Protocol and its Annexes”.

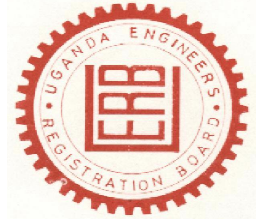


The Engineers' MRA : Key Provisions

## Article 3.0 - Scope

“This Agreement shall apply to professional engineering qualifications and service suppliers in accordance with commitments made by partner states in the Protocol”.

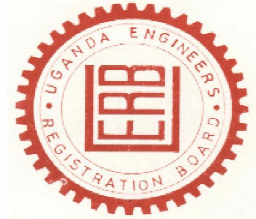




The Engineers' MRA : Key Provisions

# Article 4.0 - Interpretation

“..... Various .....”.



## The Engineers' MRA : Key Provisions

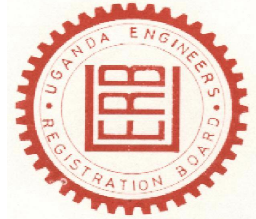
# Article 5.0 - Objectives

..... *Summarised* .....

5.1 To facilitate **mobility** of engineers and professional engineering services to enable the realization of commitments made by Partner States for liberalization of trade in professional engineering services across the EAC

5.2. To encourage, facilitate and establish **mutual recognition** of engineers' qualifications and set up standards of education and practice and commitment to professional development in the engineering profession in the EAC Partner States.

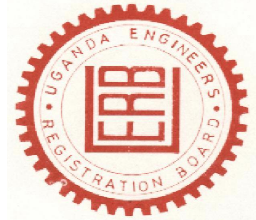
5.3. To facilitate the **exchange** of information in order to promote adoption of best practices on standards of engineering education, professional qualifications and professional practice and ethics.



## The Engineers' MRA : Key Provisions

# Article 6.0 - Institutions

- 6.1 **Competent Authorities (CA):** *for regulation, etc.*
- 6.2 **Undertakings by CAs :** *no restrictions; 30 days action, exchange info*
- 6.3 **Discipline :** *violation ; 7d notification & enforcement*
- 6.4 **Appeal :** *CA to provide for appeal of disciplinary action*
- 6.5 **Review :** *CA to provide for review of crossborder disciplinary action;*
- 6.6 **Coordination Committee (CC) :** *to oversee MRA implementation;*
- 6.7 **Professional Associations :** *cross eligibility in origin/host countries;*
- 6.8 **Training Institutions :** *accreditation of structured training institutions;*



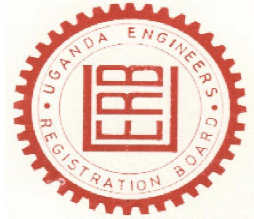
The Engineers' MRA : Key Provisions

## Article 7.0 - Qualifications, Eligibility & Recognition

**7.1 Qualifications):** *valid professional cert; no serious violations.*

**7.2 Eligibility to practice in Host Country :** *registered engineer; submit prescribed application form (registrations, violations)*

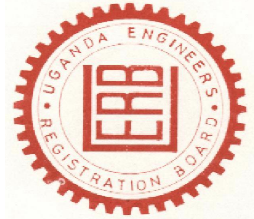
**7.3 Graduate Engineer :** *completed accredited course, practical training, approved internship training.*



The Engineers' MRA : Key Provisions

## Article 8.0 - Scope of Practice

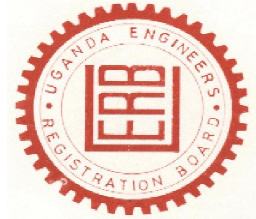
Engineers from a Country of Origin shall practice in accordance with the domestic laws and regulations of the Host Country



## The Engineers' MRA : Key Provisions

# Article 9.0 - Amendments

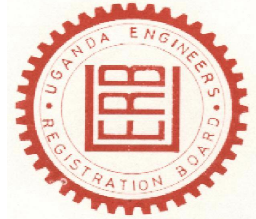
- 9.1 Any CA of a Partner State may request in writing any amendment to this agreement
  
- 9.2 The provisions of the Protocol shall apply to a request for amendment under this agreement.



The Engineers' MRA : Key Provisions

# Article 10 - Dispute Settlement

The provisions of the protocol on Dispute Settlement shall apply to disputes concerning the interpretation, implementation, and or application of any of the provisions under this Agreement.



## The Engineers' MRA : Key Provisions

# Article 11 - Final Provisions

- 11.1 Protocol and GATS apply for matters arising
- 11.2 effectiveness on date of signature by all parties
- 11.3 accession by notice to EAC-SG; SG to notify all states;
- 11.4 The provisions of the protocol on Dispute Settlement shall apply to disputes concerning the interpretation, implementation, and or application of any of the provisions under this Agreement.

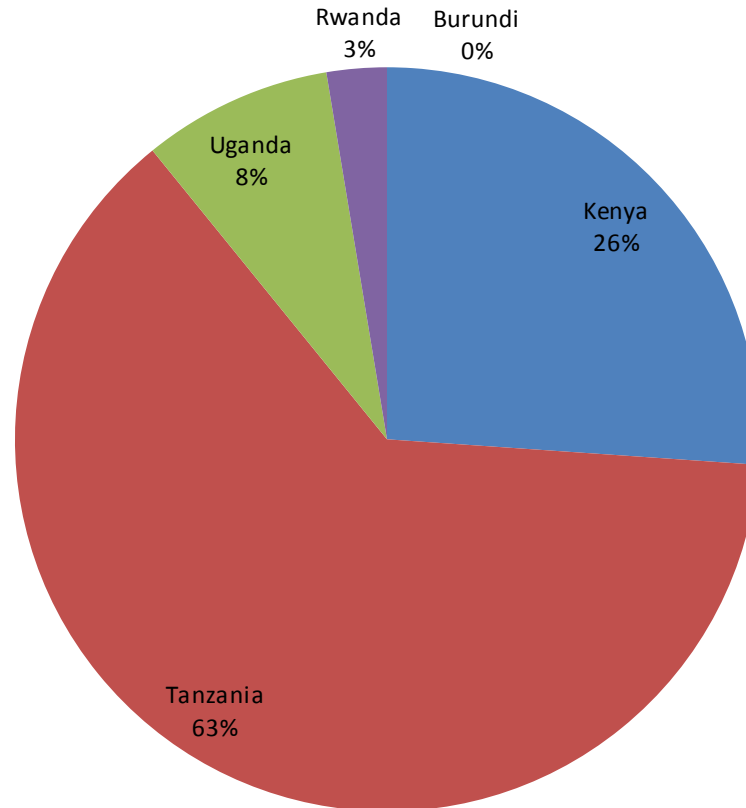


# **3. MRA Implementation**

### 3. MRA Implementation

## 3.1 Number of licensed professionals (local)

#### Registered Engineers - EAC



### 3. MRA Implementation

## 3.2 Cross border Application Requests

*(eabc study – Nov 2013)*

**Total, (9) application requests received from professionals in the EAC partner states, as follows:**

		<b>Kenya</b>	<b>Tanzania</b>	<b>Uganda</b>	<b>Rwanda</b>	<b>Burundi</b>
1	Applications received	<b>None</b>	<b>7</b>	<b>None</b>	<b>2</b>	<b>NA</b>
	And from where?		Kenya-2 Uganda-2 Burundi-1 Rwanda-2		Burundi-2	

## **4. EAC INTEGRATION**

**- Harnessing Opportunities -**

## **4.1 Accession – Rwanda, Burundi**

- **MRA Coordination Committee meeting – June 2014 – Kigali, Rwanda:**
  - Review Progress of MRA implementation;
  - Assess progress towards accession by Rwanda and Burundi;
  - Rwanda ready to accede

## 4. Harnessing Opportunities

# 4.2 Sensitisation

*(eabc/itc – Sept 2014)*

- Continuously sensitise Engineers on the MRAs to ensure knowledge:-
  - Integrate sensitisation on MRAs in CPDs
- Utilise Social media forums for more effective information sharing

## 4.3 Opportunity to work in another EAC state

*(eabc study – Nov 2013)*

- Most practitioners learnt about the opportunity to work in another EAC member state through:
  - *a transfer to work in another state;*
  - *A company posting;*
  - *a friend;*
  - *print media.*

## 4.4 Motivation to seek mutual recognition

*(eabc study – Nov 2013)*

- The practitioners who sought mutual recognition in other countries in the region mainly did so out of **self-motivated** search for work; a few others were sent by their employers;



## 4. Harnessing Opportunities

### **4.5 kind of work in Host Country**

*(eabc study – Nov 2013)*

- work undertaken by most practitioners in the host countries was mainly engineering consultancy services; and
- a number of them continued to work both in host country as well as in their home countries;
- \*\*\*\*\**(are professionals “services” or ‘labour’?)*

## 4.5 Collaboration amongst Professionals

*(eabc study – Nov 2013)*

- Although some practitioners worked on their own, the majority worked as part of multi-disciplinary teams undertaking engineering consultancy.
- In either case they collaborated with professionals in the host state in the course of their work;
- MRA caused increased collaboration amongst professionals in the EAC states through interaction and professional engagement;

## **5. CONCLUSION**

# Benefits of the MRA

*(eabc study – Nov 2013)*

- **General Benefits**
  - Increased mobility of professionals
  - Enhanced quality of service delivery
  - Increased communication and information sharing
  - Speedy implementation of the CMP
- **Benefits to professionals from Partner States**
  - Enhanced assessment processes
  - Transferability of assessment outcomes
  - Increased transparency concerning assessment
- **Benefits Regulatory Bodies and Professional Associations**
  - save time and resources by working together
  - Enhanced mutual learning and transmission of regulatory experience
  - MRA negotiation processes constitute a stimulus for internal regulatory reform
- **Benefits to Consumers**
  - Improved service delivery both in quality and quantity
  - Reduction in cost of accessing services
  - a wide choice of services

## 5.2 Impact of professional Integration

- **Empowerment** : the majority of those seeking mutual recognition were in self-motivated search for work. The coming into force of the MRA has had a liberating influence on professionals to explore opportunities in the region;
- **Increased opportunities** : the MRA has led to the expansion of the regulated profession into all the member states in the region; and enhanced accessibility by professionals, thus creating more opportunities in the wider region;
- **Professional mobility & accessibility** : the MRA has created 'professional identity' that has caused reason for mobility of professionals, as well as opening access into extended areas of the EAC region

END

**THANK YOU**