

International Committee Report to CCLS Annual Meeting Quebec City, October 2 to 4, 2007

1. Meetings and Activities since the last CCLS Annual Meeting

The following meetings were attended by International Committee representatives in the past year.

- A meeting with the NAFTA Commissioner in Ottawa, represented by Hugh O'Donnell and the Chair,
- The Futures Task Force Meeting following the AOLS Annual Meeting held in Ottawa in February, represented by Hugh O'Donnell and the Chair,
- The ACSM/NSPS spring meeting in St. Louis, represented by the Chair,
- The NAFTA meetings in Mexico with its counterpart from Federación de Colegios de Ingenieros Topógrafos de los Estados Unidos Mexicanos (FECITEUM A.C.), represented by Dick Wright and the Chair.

Much work was accomplished by emails and conference calls with respect to NAFTA and WTO.

The committee is grateful to the Department of Foreign Affairs and International Trade (DFAIT) for translating the Spanish version MRA into English so it could be studied by the committee and then from English to Spanish with our notes and proposed changes. They also translated DRAFT Annex - Generic MRA Guidelines (Spanish version) and the DRAFT Annex - Generic Domestic Regulation Disciplines (Spanish version) known as Annexes X-A and X-B into Spanish at my request so that the Mexicans could compare their version of the draft MRA with the Annexes, which are recommended by the World Trade Organization (WTO) for Mutual Recognition Agreement (MRA) content.

2. NAFTA Activities

2.1 Mexico Meeting

Process:

In the winter and early spring, the CCLS International Committee studied the Mexican version of the NAFTA MRA as translated by DFAIT and responded with suggested minor changes before the meeting in Mexico. These changes were almost all accepted by the Mexicans and we were thanked for improving the document. The Mexican version of the MRA was created after the time that Mexico entered into a trade agreement with the European Union. Accordingly it reflects more of the WTO guidelines than did the CCLS version which was originally drafted 1996. Notwithstanding, the CCLS version was not in conflict with the WTO guidelines.

Due to understandable language difficulties we worked with the Mexican MRA, making sure that it covered CCLS concerns, while maintaining consistency with the NAFTA. The Mexican version appears somewhat repetitive and therefore not as streamlined as we would like it, but that, in itself, should not stand in the way of the MRA. Because there are differences in definitions between Mexico and Canada we did not attempt to

harmonize the Canadian and Mexican practices. This was not found to be workable in Europe and is beyond our jurisdiction. As per the WTO Guidelines respecting mutual recognition of qualifications, we framed the agreement around the professional and not the practice itself, allowing those differences to exist and making the provision that local laws will govern both definitions and scope of practice in each country.

I think that will be a good footing for us if the National Society of Professional Surveyors (NSPS) rejoins NAFTA discussions and when MRA's are negotiated with national geomatics associations of other countries.

Informal meetings were held for three days during which every clause was examined and explained as necessary. On the fourth day, we spent the morning providing copies of the MRA and copies of motions that would likely be made, not a small feat in a Mexican Hotel. The Formal meeting began shortly after lunch and concluded in less than an hour and a half with agreement as to the MRA and the nature and venue of the next meeting. The meeting room and refreshments were provided by the Government of the State of Colima.

The draft MRA and unofficial minutes are attached.

A year ago I recommended to my Mexican counterparts that they should contact their NAFTA commissioner Licenciado Angel Villalobos in order to identify themselves and then inform him of their NAFTA activities but that has not happened.

Next steps:

The revised MRA being the first bilateral NAFTA Agreement is being presented to the CCLS Board of Directors at this AGM for its disposition. The Committee recommends that it be seriously studied and considered for acceptance following input from CCLS members and, if necessary, amendment. FECITEUM A.C. will be doing likewise.

2.2 The Proposed Congress suggested by Mexico:

FECITEUM is proposing to mark the historic action of the signing of the bilateral NAFTA Agreement with a Congress that would highlight the event.

The Mexicans have access to Government officials and are always active within the Universities. Therefore, their meetings are of interest to the 'press'.

If CCLS approves the investigation of the feasibility of the Congress, DFAIT will be asked support it by having Embassy personnel attend and probably address the meeting. Maybe a trade mission could be set up involving the profession, academia, government and industry.

The Presidents of the two National Associations, Presidents of any Provincial Association or State Colegio that wish to sign at the same time, other officers, educators and business men within the geomatics profession would be invited to attend the Congress. It would be a truly historic event. The Congress would provide an opportunity for Canadian and Mexican professionals in the Geomatics field to network, to promote their expertise or expert processes and tools and to investigate joint-venture possibilities. Our respective

federal and state/provincial governmental trade departments and ministries would likely be happy to assist.

I think that the signing should be done mid-afternoon Thursday, followed by cocktails and networking with the profession. Friday afternoon, we will try to get invited to the Canadian Embassy for the Friday afternoon cocktail hour(s) where Canadian businessmen meet to network. How many of these Canadian based business have a spatial component that has not been developed to their and our mutual benefit?

Naturally, except for the CCLS President, the congress must be self-funded, unless the Canadian and provincial trade Commissions can kick in something.

There are considerable photo-op possibilities with this, too. Our MRA may not be the most important but it might be the least controversial and the politicians may even pay attention. I know they will in Mexico!

2.3 Action items from the Minutes of Official Bilateral Meeting No. 1.

- i. Recommend that the MRA be presented to CCLS for consideration at this time.
- ii. Ask DFAIT to verify that the meaning and intention of the English and Spanish versions are the same and would produce the same result when put into practice.
- iii. A plan of action will need to be developed once the initial contacts with the Universities have occurred and the Mexican and Canadian NAFTA Committees have received feedback. In the short term, each National Association should coordinate the contacting of the Universities to introduce the concept and identify contact persons within each university so that international communication can occur at the university level. This communication may, in the end, be the best plan, limiting the committee work at the National Survey Association level.
- iv. Revisions to draft MRA-UEMC1 may result as the Mexican States and Canadian Provinces add their specific requirements. Exchanging proposed revisions between Mexico and Canada, if any, will be done by email resulting in an MRA that will satisfy at least some of the jurisdictions. This should give sufficient reason for the National Associations to sign Appendix A.
- v. Periodically, the NAFTA committee members change contact information. In order to keep communication as effortless as possible the existing spreadsheet will be updated from business cards exchanged at the meeting or by providing information by email.
- vi. The Congress will be investigated by both FECITEUM A.C. and CCLS for its feasibility and acceptance.

2.4 NSPS sent MRD to Mexico

I received a copy of a letter from the National Society of Professional Surveyors (NSPS) in the US that was addressed to FECITEUM A.C. and dated August 2, 2007. The US version of a MRD was attached.

I sent an email to President Lino cautioning him no to confuse the US MRD with the original CCLS version or the Mexican Version that the committees approved in Mexico.

I received a reply in Spanish which I translated with several web sites but was unable to totally comprehend at the time of writing.

The letter was copied to CCLS so the Board obviously expects to hear my opinion.

The MRD is fundamentally different from the CCLS MRD and also from the MRA that we signed in Manzanillo in April 2007.

- i. It proposes to make no changes to the systems in any country except to allow a licensed surveyor from another jurisdiction to write the final examinations without having to have worked in the jurisdiction or obtained a diploma from a University that was accredited by the Accrediting Board for Engineering Technology (ABET).
- ii. It only will consider Mutual Recognition of Qualifications when there are Global standards in place for all activities practiced by surveyors. This goal is universally considered to be impossible by the World Trade Organization (WTO) member countries and by The Federacion International Geometre (FIG).

Therefore, the NSPS does not appear to be seriously expecting either Mexico or Canada to accept the MRD but rather, NSPS hopes that NAFTA can finally be “put under the bus” (quote from a NAFTA discussion during a recent NSPS meeting).

In my report to NSPS for the Fall Meeting, I thanked them for their efforts, but doubted that the MRD as proposed by the US will be useful for Canadian surveyors. I reported that negotiations with Mexico are proceeding well and that we will keep NSPS informed of our progress. I expressed appreciation for the long and friendly relationship between the two national associations and hope that it continues.

3. WTO Activities

DFAIT has been very helpful with translations from English into both French and Spanish. In return, it asked for participation regarding WTO draft Agreements and cooperation respecting CCLS's response to questions from the Department which were intended to clarify its position. CCLS failed regarding the last part.

At the February meeting of the Futures Committee in Ottawa I posed these questions;

1. *Does CCLS support having the Land Surveying profession "listed" in future Trade Agreements, specifically the Canada-Korea and Canada-China agreements as was done for the GATS and NAFTA?*

This removes the requirement for a "labour opinion" - meaning you don't have to prove that there is a labour shortage before you can work in a country that is listed.

2. *Will CCLS agree to be included in the Annex so that it has the non-binding opportunity to negotiate an MRA with Korea that would imply a consideration for temporary licenses?*

Korea is requesting that Canada consider introducing "limited licenses" to speed up access to Canadian markets in exchange for the same treatment in Korea.

This is what Danielle Bieber, our DFAIT, says about temporary licensing in an email to me dated 02/03/2007.

"temporary recognition can be an effective first step to recognition in professions and/or contexts where professional reputation plays an important role or where individuals are identified with specific niches. Since temporary service provision usually involves collaboration with local professionals, this also increases the quality guarantees associated with the right. In addition, clauses can often be included that facilitate graduation to permanent recognition.

As you may be aware, both the NAFTA and the Canada-Chile FTA specifically encourage, where possible, the development of temporary licensing regimes. Several professions in Canada have developed regimes for the temporary licensing of foreign professionals, including foreign legal consultants, engineers and architects, as mentioned above, however, these do not always apply to all provincial/territorial jurisdictions."

"This approach will allow us to make the process more transparent for foreign professionals to be able to temporarily provide certain types of professional services in the provincial/territorial jurisdictions, in particular where residency or citizenship requirements remain in practice."

During the CCLS Directors' teleconferences that followed, the questions were not considered as high a priority as other issues, so the deadline was missed. It will come up again and CCLS should have an answer ready.

This summer, Danielle Bieber, Trade Policy Officer, Services Trade Policy Division with the Department of Foreign Affairs and International Trade (DFAIT) sent the following email. At the time of writing, I have only begun to follow up on this but will be prepared to discuss it in Quebec City.

"Dear Wayne,

You may be aware that the Minister of International Trade, The Honourable David Emerson, recently announced the launch of negotiations toward a free trade agreement (FTA) between Canada and the Andean Community countries of Colombia and Peru, as well as the Dominican Republic.

During exploratory talks and in our initial analysis in preparation for the first negotiating session, Canada has identified oil and gas, mining services, engineering services, architectural services and environmental services as some of its key services interests in Colombia, Peru and the Dominican Republic. While not specifically mentioning land surveying services, I note the relevance and linkages of

your profession with these services industries. In addition, I recall our discussions a couple of months ago in the context of your preparations for MRA discussions with Mexico, in which you noted CCLS's interests in the Latin America & Caribbean region in general.

Some background information on discussions with Colombia and Peru in preparation for free trade agreement negotiations can be found on our web site at : <http://www.dfait-maeci.gc.ca/tna-nac/and-en.asp>. Background information on discussions with the Dominican Republic can be found at: <http://www.dfait-maeci.gc.ca/tna-nac/dr-en.asp>.

On behalf of the Canadian Council of Land Surveyors, we would be grateful for your views on the market interests of the land surveying services industry with respect to these countries, including any existing projects that you may be aware of, or any future project opportunities that have been identified in these markets.

Thank you in advance and regards,

Danielle Bieber

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Wayne Brubacher, Chair
International Committee

Explanation of Acronyms

ACSM The American Congress on Surveying and Mapping is incorporated as a non-profit educational organization whose goal is to advance the sciences of surveying and mapping and related fields, in furtherance of the welfare of those who use and make maps. ACSM also encourages the development of educational programs and supports publications that represent the professional and technical interests of surveying and mapping. The society is comprised of four independently incorporated Member Organizations which include more than 5000 surveyors, cartographers, geodesist, and other spatial data information related professionals from private industry, government, and academia throughout the world. Each member Organization serves the specific interests of their respective members, while working collectively to achieve the overall goals of ACSM. The member organizations include:

- American Association for Geodetic Surveying www.aagsmo.org
 - Cartography and Geographic Information Society www.cartogis.org
 - Geographic and Land Information Society www.glismo.org
 - National Society of Professional Surveyors, Inc. www.nspsmo.org
(from www.acsm.net)
- DFAIT Department of Foreign Affairs and International Trade, Canadian Federal Government
- EUM Estados Unidos Mexicanos (United Mexican States)
- FECITEUM A.C. Federación de Colegios de Ingenieros Topógrafos de los Estados Unidos Mexicanos (Federation of Colleges of Surveying Engineers of the United Mexican States)
- MRA Mutual Recognition Agreement, the term now used to describe the recent versions of the NAFTA sub-agreements being negotiated by the CCLS International Committee. Previously the acronym MRD (see below) was used but this was interpreted by NSPS as referring to a general document rather than a document that included a specific agreement. The term MRA is now used to specifically refer to an agreement.
- MRD Mutual Recognition Document (see MRA above)
- NAFTA North American Free Trade Agreement
- NCEES The National Council of Examiners for Engineering and Surveying. NCEES is a national non-profit organization composed of engineering and surveying licensing boards representing all states and U.S. territories. (from www.ncees.org)
- NSPS National Society of Professional Surveyors, Inc. www.nspsmo.org A member organization of ACSM (see above) This is the counterpart to CCLS in the United States although NSPS membership is by individuals. The State surveyor associations are listed as NSPS State Affiliates. The State surveyor associations are in turn based on individual memberships and are not self governing associations. Membership is voluntary and licensure is regulated by State governments. The examination process for licensure is delegated by state governments to NCEES (see above).
- WTO World Trade Organization. The World Trade Organization (WTO) is the only global international organization dealing with the rules of trade between nations. At its heart are the WTO agreements, negotiated and signed by the bulk of the world's trading nations and ratified in their parliaments. The goal is to help producers of goods and services, exporters, and importers conduct their business. (from www.wto.org)