

**Final Minutes - Official Meeting #7**  
**North American Free Trade Agreement**  
**Manzanillo, Colima, Mexico**

November 18, 2001

*Sector:* Licensed Land Surveyors

Participating Parties:           The United Mexican States (UMS)  
                                          The United States of America (USA)  
                                          Canada (Ca)

**1. Recognition of the Chair and Opening Remarks.**

Ing. Ignacio Marcial Figueroa, Presidente, Federacion de Colegios de Ingenieros Topografos de Los Estados Unidos Mexicanos, (FECITEUM A.C.) called the meeting to order at 4:20 p.m. CST at the Hotel Sierra, in Manzanillo, Colima, Mexico. Mr. Figueroa welcomed all present for the seventh official meeting for the Licensed Land Surveyor Sector under the NAFTA treaty. It was explained that the meeting was being recorded and that each of the three delegations would be provided with a copy of the tape.

**2. Roll Call – Establish that a Quorum is present.**

It was declared that a quorum was present. Those participating in the discussions were:

United Mexican States:

Ing. Ignacio Marcial Figueroa, Presidente, Federacion de Colegios de Ingenieros Topografos de Los Estados Unidos Mexicanos, (FECITEUM A.C.)

Ing. Braulio Mercado Gutierrez, FECITEUM A.C.

Ing. Juan Ignacio Ortiz Altamirano, FECITEUM A.C.

Canada:

Wayne Brubacher, Chair of Canadian Council of Land Surveyors (CCLS) NAFTA Committee.

Richard Wright, Past President, CCLS

United States of America:

Robert Prescott, NAFTA Chair, National Society of Professional Surveyors (NSPS)

Luis “Al” Flores, NSPS NAFTA Committee

Translators:

Amalia Ochoa and Heloe Alejandra Morales from Colima University, Colima, Mexico

**3. Discussion and acceptance of the Rules Governing Meeting No. 7**

The Rules presented were the same as those accepted for Meeting #6. Because the rules have not changed since the last meeting, the Chair dispensed with the reading of the rules in Spanish and English (a copy of the rules will be found in Appendix A at the end of these minutes)

**Motion No 7 – 1:** To accept the Rules Governing the Formal Meeting in Spanish and English as presented

Moved: Luis A. Flores  
for: the USA

Seconded: Juan Ignacio Ortiz Altamirano  
for: Mexico

***Approved unanimously***

**4. Translators: Translation shall be provided in the following languages (if necessary) Spanish, English, and French**

**Motion No 7 –2:** That the requirement for French translation during Meeting No. 7 is hereby waived and that the translator be excused.

Moved: Wayne Brubacher  
for: Canada

Seconded: Robert R. Prescott  
for: USA

***Approved unanimously***

**5. Appointment of person to record and take minutes for the present meeting.**

Robert Prescott was appointed to take minutes for the meeting. The Spanish and French versions of the official minutes will be translated from the English version.

**6. Approval of Agenda and addition of items.**

The proposed agenda for the meeting was presented.

**Motion No 7– 3:** that the agenda be approved as presented

Moved: Richard Wright

Seconded: Braulio Mercado Gutierrez

for: Canada

for: Mexico

*Approved unanimously*

**7. Recognition of Observers and Guests.**

There were no observers or guests present at the meeting.

**8. Receiving of Official Minutes.**

**Motion No 7– 4:** That the English and Spanish language version of the minutes of Meeting No.6 held in Las Vegas, Nevada, USA, and that the Spanish version of the minutes from Meeting No 5 held at Oaxaca, Mexico, be approved.

Moved: Robert R. Prescott

Seconded: Wayne Brubacher

for: USA

for: Canada

*Approved unanimously*

**9. Business arising from the minutes of the meeting in Las Vegas, USA**

There was no business arising from the minutes that was not otherwise on the agenda.

**Old Business**

**10. Letter of authorization from each nation's government.**

Mr. Prescott had previously reported that the United States has received their letter from their trade representative.

Mr. Brubacher reported that the Canadian delegation had a letter drafted from the minister of that branch of the government responsible for international trade. The letter has not been delivered to Canadian delegation at this time. The government has asked for comments from the Canadian Institute of Geomatics (CIG) and the Geomatics Industry Association of Canada (GIAC). The delegation has been assured that the letter will be forthcoming shortly.

Ing. Mercado stated that a FECITEUM delegation expects to receive their letter from the Mexican Government in early 2002.

Both Canada and Mexico will report on their progress at the next meeting.

**11. Reports of activities within each of the NAFTA Countries**

**United States**

Mr. Prescott reported that he had a telephone call from the US Trade Representative Bernie Ascher asking him where the negotiations with Canada and Mexico were in regard to cross border practice. He told the Trade Representative that we had had several meetings and we were making progress on the Mutual Recognition Document (MRD). Mr. Ascher informed Mr. Prescott that there were efforts within the World Trade Organization (WTO) to develop a draft model MRD.

Mr. Prescott also noted that he had attended the North American Teachers Conference Biannual Meeting which was held in Wilkes Barre, Pennsylvania. Also attending that meeting was the President of the Fédération Internationales des Géomètres – International Federation of Surveyors (FIG), Robert W. Foster of the United States, and the Chair of the FIG Task Force on Mutual Recognition of Qualifications, Stig Enemark of Denmark. It should be noted that this FIG Task Force is preparing a report

on Mutual Recognition for Cross Border Practice which will incorporate recommendations of the WTO.

### **Canada**

Mr Brubacher reported that CCLS representatives met with two departments within the Canadian Government. The first was the Department of Foreign Affairs and the other was Industry Canada. Mr. Brubacher provided background information using the minutes of the first six meetings along with a copy of the draft MRD. He also presented copies of letters of support from each of the provincial associations that support CCLS activities in this area. The Department of Foreign Affairs has promised a letter of authorization to CCLS to negotiate a MRD with Mexico and the United States. The Canadian Government also informed the delegation of the attempt to develop a draft MRD within the WTO. Their government is encouraging their delegation to push for completion of this phase so that they will be able to take part in the work of the WTO.

Two provincial associations had contacted the Canadian NAFTA Committee with concerns about some language within current draft MRD. Mr. Brubacher planned on discussing these concerns in the next item of business.

### **Mexico**

Ing. Braulio Mercado reported that they had much the same concerns about the activities within FIG and the WTO. He believed that we had an advantage in that we were developing an MRD under actual conditions whereas the MRD being developed by FIG was not due to actual negotiations for an MRD for cross border practice. The delegation reported that they were planning on meeting with their government in the spring of 2002 in regard to their letter of authorization.

## **12. Discussion of MRD 6**

Mr. Brubacher stated that he had presented a notice of motion meeting No 6 in Las Vegas to amend the MRD definition on licensure so that it would be broad enough to accept both licensed and registered surveyors. At this time, Ontario has both licensed and/or registered surveyors. The members of the Association of Ontario Surveyors (AOLS) were concerned that the definition be broad enough to accept all branches of surveying. In Ontario, the Licensed Land Surveyor is the only one that can do boundary or property line surveying. The Registered Surveyor is by his or her registration deemed competent by law to practice surveying in the designated branch. Both licensed and registered surveyors can do everything else as referenced in Part 3 of the draft MRD. In both cases a baccalaureate degree is required. Both professionals have to go through a period of "Articling" where they are reporting their progress in gaining experience to a surveyor who has already achieved professional status. When candidates have completed their term of articling to the satisfaction of the person who is responsible for overseeing the person being articulated, the person is allowed sit for a set professional exams. Upon the successful completion of their professional exams and recognition from their Provincial Association, the person then can offer their services to the public. Those persons practicing land surveying (boundary determination) receive a License. Those persons that will be working in the other areas of surveying (cartography, photogrammetry, geodesy, GIS, etc), receive a Certificate of Registration.

**Motion No 7– 5:** that the Mutual Recognition Document No. 6 (MRD 6) be amended as follows:

*Following the existing section under Part 2 II. LICENSE, add "Without limiting the generality of the following, a license under Part 2 shall mean any license, permit, certificate, registration, certificate of registration and any other document or instrument which authorizes the person named thereon to practice surveying or land surveying as defined under Part 1. The acceptance of any such license for the purpose of Part 2, shall be under neither more nor less favorable terms and conditions than those of the host jurisdiction."*

*Following the existing section under Part 3 II. LICENSE, add "Subject to the restrictions contained in Part II and without limiting the generality of the following, a license under Part 3 shall mean any license, permit, certificate, registration, certificate of registration and any other document or instrument which authorizes the person named thereon to practice surveying or land surveying as defined under Part 1. Each jurisdiction is obliged to examine the process of granting such a license before signing Schedule B to the MRD.*

Any licensee who is permitted to practice under this section and who holds a license from a NAFTA jurisdiction that is a signatory to Schedule B becomes qualified upon the execution of Schedule B by the host jurisdiction except as follows:

- a) A licensee who is the subject of a complaint and is under investigation.
- b) A licensee who is charged with any professional offense that would reasonably be considered to be a threat to the safety and well-being of the public.
- c) A licensee who has been found guilty of any professional offense referred to above.
- d) A licensee whose character is such that he or she would not be granted a license to practice surveying or land surveying in the host jurisdiction.
- e) A licensee who does not satisfy the immigration requirements of the host country.

Moved by: Wayne Brubacher  
for: Canada

Seconded by: Richard Wright  
for: Canada

**Motion No 7 – 5A:** that Motion No 7 – 5 be tabled until Meeting No 8.

Moved by: Robert Prescott  
For: USA

Seconded by: Braulio Mercado Gutierrez  
for: Mexico

***Approved unanimously.***

Mr. Brubacher asked all parties to review the motion and their own enabling statutes and check whether the surveyors are licensed or registered under their statutes. He would like to see the word “license” used in a generic way for the word in the previous section.

Mr. Brubacher noted that members of the Manitoba Land Surveyors Association were concerned with the definition or “Land Surveyor” the definition of boundary line determination as in appeared in the current draft MRD. He proposed the following changes to the MRD:

**Motion No 7 – 6:** that Part I, Section III, DEFINITIONS, be amended as follows:

“Practice of Land Surveying”

1. clause “h” be deleted and replaced with:  
“h. The preparation of maps, plans, and documents in any form; and”
2. a new clause “i” be added to read as follows:  
“i. The giving of advice with respect to land surveying evidence.”

The definition of “Boundary Line Determination” be deleted and replaced with:

“that part of the practice of land surveying that deals with:

- a. Determining, locating, defining, describing, establishing, or re-establishing boundaries delineating the physical extent of land, an interest in land, and things attached to land so as to become part of it;
- b. Determining and certifying the location on land relative to the boundaries thereof, of any natural or man-made feature, for the purpose of ascertaining from the location of such features, any legal right or legal obligation on the land or its owners;

and includes:

- a. The advising on, reporting on, conducting of, or supervising the conducting of, and recording of land surveys for boundaries of areas of land and the consolidating, dividing, or subdividing of land, including any road right of way, easement, or alignment and advising on the rules and regulations incidental thereto; and
- b. The giving of advice with respect to land surveying through the examination of historical, cultural, physical, and jurisdictional evidence.”

Moved by: Wayne Brubacher  
For: Canada

Seconded by: Richard Wright  
For: Canada

**Motion No 7 – 6A:** that Motion No 7 – 6 be tabled until Meeting No 8.

Moved by: Luis A. Flores  
For: USA

Seconded by: Braulio Mercado Gutierrez  
For: Mexico

***Approved unanimously.***

In speaking to Motion 7-6, Mr. Brubacher noted that there are 33 Mexican States, 50 US States (55 jurisdictions), and 11 Canadian Provinces. Obviously the individual definitions of each of these jurisdictions can not have their definition used solely as part of the MRD. The intent of the motion is to clarify and improve on the present definition in the MRD. Mr. Wright noted that Canadian Delegation would prepare a discussion paper that would help to clarify the intent of the previous motion.

Both Mr. Prescott and Mr. Flores thanked the Canadian Colleagues for their attempts to improve the definitions in the MRD.

**Motion No 7 – 7:** That Part I Section VI, DISCIPLINE & ETHICS, be amended as follows: To delete the word “professional” and replace it with the word “land”.

Moved by: Richard Wright  
for Canada

Seconded by: Wayne Brubacher  
for Canada

Mr. Prescott was concerned because there are several different titles that are used by surveyors in the United States. He felt the definition needed further study. Mr. Wright felt that by making the change the definitions were more consistent throughout the MRD. Ing. Mercado felt that the motion should be tabled so that there could be further study prior to the next meeting.

**Motion No 7 – 7A:** That Motion 7 – 7 be tabled until Meeting No 8

Moved by: Braulio Mercado Gutierrez  
For: Mexico

Seconded by: Robert R. Prescott  
for: USA

***Approved unanimously.***

## **New Business**

### **13. Objectives to completed for future Meetings;**

The Table as shown below, **Milestones for NATFA Committees** was reviewed and updated.

**Motion No 7 – 8:** To adopt the following table:

#### **Milestones for NAFTA Committees**

<b>By Canada:</b>	
Provide background paper and discussion to support tabled motions	Feb 2002
Obtain Letter of Support from Federal Government.	March 2002
Acceptance of MRD by Canadian Provincial Associations	March 2003
Ratification of MRD by CCLS	March 2003
<b>By the United States of America:</b>	

Acceptance by NSPS Board of Directors of the committee report for distribution to and acceptance by Affiliates	2002
Review by NCEES	2002 - 2003
Review of MRD by State Affiliates	2002 – 2003
Acceptance and ratification by the NSPS Board Of Directors of the MRD	2003
<b>By the United States of Mexico:</b>	
Provide information on incorporation of FECITEUM A. C.	March 2002
Obtain curricula of Mexican universities and contact persons at the universities (Ing. Ignacio Marcial Figueroa)	March 2002
Provide Spanish version of minutes for Ottawa and Oaxaca meetings.	March 2002
Study glossary of terms and provide comments	Nov. 2001
Review of MRD by Colegios	Mid 2002 – 2003
Obtain Letter of Support from Federal Government.	March 2002
Acceptance and ratification of MRD by FECITEUM A. C. Board of Directors	March 2003
<b>All Countries:</b>	
Study background papers and be prepared to support, table, or amend the tabled motions from the 7 <sup>th</sup> meeting	By Meeting No. 8
Collect complete set of documents with signatures where necessary for each country	Feb 15 <sup>th</sup> , 2001
Submit to Government Agents (CCLS to DFAIT, NSPS to USTR, FECITEUM A. C to Federal Government.); Government Agencies consider MRD	Mid-2003
After formal approval Jurisdictions sign on	5 to 20 years
Meetings every three years.	As decided

Moved: Juan Ignacio Ortiz Altamirano  
for: Mexico

Seconded: Luis A. Flores  
for: the USA

***Approved unanimously.***

#### **14. Discussion of issues from the World Trade Organization (WTO):**

Mr. Brubacher provided some background information on the activities of the WTO in regard to activities in regard to dealing with professions. The organization is looking for ways to ease the movement of professionals across international borders. They have been working on determining what steps are needed to become a licensed professional. They have also discussed the use of a common model that would harmonize requirements worldwide. The WTO will be asking all members to remove requirements for licensing that are unnecessary. The surveyors in Canada and United States have been asked by their respective governments to review a model for use in developing cross-border agreements. The model being used is the accounting profession. Generally accounting is consistent from one country to another and has few if any barriers in regard to cross border practice. Those barriers that we cannot remove must be identified in a schedule that the WTO has. If you do not list the barriers, then a foreign national can avoid the barriers and can demand a license on the basis of what the WTO has listed in the schedule. Wayne's purpose for discussing this was to alert all NAFTA Countries about what is happening within WTO in regard to cross border practice for the

professions. This should be discussion item at a future meeting.

## 15. Miscellaneous

Mr. Prescott noted that a list of the NAFTA Representatives had been created with their address, phone, and E-mail address.

### Appointment of Schedule Coordinator

**Motion No 7 – 9:** That the appointment of a Schedule Coordinator for the period of time until the next meeting be made. The Schedule Coordinator will be Wayne D. Brubacher.

Moved: Braulio Mercado Gutierrez  
for: Mexico

Seconded: Richard Wright  
for: Canada

*Approved unanimously.*

### Discussion on issues within the current draft of the MRD

Mr. Wright noted that the current draft of the MRD does not address or establish a process or method on how a person or jurisdiction can work in another country. He had five questions that he felt that we needed to discuss and answer at the next meeting:

- i. How does a jurisdiction sign on to the MRD?
- ii. When it does, how does a surveying company go about working in another country?
- iii. How ?
- iv. Will a company contact its host jurisdiction for direction?
- v. Should each jurisdiction have an outline that represents a same or similar process as all of the jurisdictions?

Mr. Wright thought it to be important that each country's committee come to the next meeting prepared to discuss "life after the MRD."

## 16. Location of Next Meeting

After detailed discussion, it was decided to hold the 8<sup>th</sup> official meeting in Canada at sometime between the dates of May 1<sup>st</sup>, 2002 and October 31<sup>st</sup>, 2002 at a place in Canada to be determined by the Canadian Delegation.

**Motion No 7 – 10:** That the next meeting shall be hosted in Canada in 2002 and that a representative from Canada will chair the meeting.

Moved: Luis A. Flores  
for: the USA

Seconded: Wayne Brubacher  
for: Canada

*Approved unanimously.*

With no more business to discuss,

**Motion No. 7 – 11:** that the meeting be adjourned (at 7:22 p.m. CST)

Moved: Richard Wright  
for: Canada

Seconded: Luis A. Flores  
for: the USA

*Approved unanimously*

**Accepted and confirmed as correct:**

**The United Mexican States**

\_\_\_\_\_  
By: Ignacio Marcial Figueroa  
Federacion de Colegios de Ingenieros Topografos  
de Los Estados Unidos Mexicanos, A.C.

\_\_\_\_\_  
Date

**United States of America**

\_\_\_\_\_  
By: Robert R. Prescott  
The National Society of Professional Surveyors

\_\_\_\_\_  
Date

**Canada**

\_\_\_\_\_  
By: Wayne D. Brubacher  
The Canadian Council of Land Surveyors

\_\_\_\_\_  
Date

## APPENDIX "A"

### Rules governing the formal meeting.

1. The Chair will be a representative of the organization representing the host country.
2. Proceedings will be tape-recorded. A copy of the tape will be distributed to each party.
3. Participants will pause while speaking to allow translation.
4. The formal meeting may be temporarily adjourned to permit discussion off the record.
5. Each participating country (party) will be allowed one vote but unanimous consent must be reached on each issue.
6. Each party will select one person to be its principal speaker. Other representatives may make additional comments but the chair may limit discussion.
7. Observers may be allowed to speak at the discretion of the chair.
8. Minutes will be taken and provided to each party in English, Spanish, and French. Minutes will not be taken of off-the-record discussions. If unanimity is reached, the formal meeting will be reconvened and the results may be read into the minutes for information or presented as a motion for action.
9. The parties reserve the right to waive the need for a translator in any of the three languages to be present but minutes will be provided in all three languages. The right to waive may be exercised prior to the meeting by mail-in or e-mail consent.
10. The representatives of the parties intend to comply with the requirements of the NAFTA. If any actions of the representatives are not compliant, the remaining actions will be accepted.
11. Minutes will become official when each party has endorsed them. If any section of the minutes is disputed at the meeting at which they are to be approved and cannot be resolved by mail within three months of that meeting, the section will be brought to the next meeting for resolution.
12. If a translation from an approved and signed set of minutes is incorrect and causes a disagreement, it must be presented as a motion of correction at a formal meeting to be discussed, corrected and approved by consensus. Henceforth this section will become official, replacing the previous item once it has been signed.
13. Motions passed shall be numbered by the number of the meeting (Fort Worth = 1, Portland = 2, etc) and starting at 1 for the first motion for each meeting. It shall be the responsibility of the chair to assign the proper number to the motion. (Example: the first motion passed at the Tijuana meeting would be shown as 3-1), the motions of future reunions should be treated the same, for example 4-1, 5-1, etc., following the same order of the reunions.