

REPORT TO CCLS  
7<sup>TH</sup> FORMAL NAFTA MEETING  
MANZANILLO, MEXICO  
NOV. 16 THROUGH 19, 2001

by Wayne Brubacher Nov. 24<sup>th</sup>, 2001

The date and place of the meeting was not made until October and this put constraints on travel due to reduction of flights caused by the terrorist attacks in the United States on September 11<sup>th</sup>. The result was that no reasonable seat prices were available on regularly scheduled commercial flights. Richard Wright discovered that tour flights were available at a reasonable rate but the tour required the traveler to be away for a full week and included an all-inclusive stay in a tour hotel for the week. His tour ran from Vancouver, Tuesday to Tuesday while my tour ran from Toronto, Friday to Friday. Malcolm Shaw had planned to attend but could not make a connection. He would have left Tuesday morning from JFK, the morning of the crash of flight 537 into Queens, the suburb of New York City where he lives.

The first day for the informal meeting was Friday, the day of my arrival. Dick took my place until we arrived about 4:00 p.m. Not surprisingly, he told me that I had missed nothing.

On Saturday the informal meeting continued. It was obvious that the Mexicans were unprepared with the exception that the meeting minutes for Las Vegas and for Oaxaca had been translated in time. The Canadian Department of Foreign Affairs & International Trade (DFAIT) had also translated the two sets of minutes on the presumption that the minutes from the Mexicans would not be available.

The double set of minutes was not a waste of time because it allowed for a check on whether the Mexicans were totally understanding what was going on. DFAIT also translated the Mutual Recognition Document (MRD). This was passed on to the Mexicans, too. On Saturday the proposed agenda was reviewed and expanded, then translated. All normal motions were written, discussed and agreed upon. These were also translated.

On Sunday the translations continued and there was some discussion about three motions from Canada. An item concerning the future activities of the three committees was added to the agenda.

Each morning the informal meeting started at about 8:30 a.m. and lasted to about 8:00 p.m. with one break for lunch of about one hour. Some members worked into the night on translations.

The formal meeting started at 4:40 p.m. on Sunday and lasted about three hours. Attending for Mexico were Ing. Ignacio Marcial Figueroa, Presidente de Colegios de Ingenieros Topografos de Los Estados Unidos Mexicanos A. C. (FECITEUM A.C.), Ing. Braulio Mercado Gutierrez, member, and Ing. Juan Ignacio Ortiz Altamirano, member. Attending for the United States was Robert Prescott, Chair of the US NAFTA Committee and Al Luis Flores, member and translator. Attending for Canada were Wayne Brubacher, Chair of the CCLS International Committee and Richard Wright, member.

Mexico hosted and chaired the meeting. Two students from the University of Colima provided the official translation.

The highlights were:

**1. Motion by Canada**

Moved by: Wayne Brubacher  
for: Canada

Seconded by: Richard Wright  
for: Canada

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 favourable 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.

**2. Motion by Canada**

Moved by: Wayne Brubacher  
for Canada

Seconded by: Richard Wright  
for Canada

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

- c. 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
- d. the giving of advice with respect to land surveying through the examination of historical, cultural, physical, and jurisdictional evidence."

### **3. Motion by Canada**

Moved by: Richard Wright  
for Canada  
that Part I Section VI, DISCIPLINE & ETHICS, be amended as follows:

Seconded by: Wayne Brubacher  
for Canada

To delete the word "professional" and replace it with the word "land".

Although the first motion was introduced as a Notice of Motion, neither the U.S. nor Mexico had looked at it. The U.S. admitted, "dropping the ball" but agreed that the motions were important and must be studied. All three motions were tabled for study. Wayne Brubacher and Robert Prescott offered to write background information and distribute the information by February 2002. This will unavoidably set back the time for completing the MRD at least one year. CCLS members will have more opportunity for input to the committee respecting the agreement as a result. (See new timetable attached.)

### **4. Letters of comfort from federal Governments.**

Mexico: A change in Government resulted in a change of their contact persons.

Apparently, SECOFI is no longer their contact; however, they expect to get the letter very soon by using the benefit of visible meetings such as those in the state capital on Monday described below.

USA: They have had their letter for about two years.

Canada: The letter is drafted and is expected within weeks.

## 5. World Trade Organization (WTO)

Canada and the US have been contacted by their federal governments respecting each member country's responsibility to communicate with national professional organizations. The Mexican delegation has not been contacted. Bob Prescott and the writer will provide information to Mexico so that the delegation can be prepared for more discussion at our next meeting as well as contact their WTO representative.

## 6. Activities of the committee (life after the MRD)

Develop "how to" for jurisdictions.

What is the process after the three national associations "sign on"? Does the document go to the to the government next or to the jurisdictions?

Dick Wright raised these questions:

1. How does a jurisdiction sign on?
2. When it does how does a geomatics company go about doing business in another country ?
3. Do we need to create a "how to do it " manual ?
4. Will a company contact its professional association for direction ?
5. There must be some assurance that each association/jurisdiction outlines the same or similar marching orders to its respective geomatics companies.

The next formal meeting, being meeting No. 8, will be held in Canada in the latter half of the year. The writer will try to dovetail the meeting with one of the member Annual General Meetings.

On Monday, the three committees moved the meeting venue to Colima, the state capital. Interviews were set up with the Governor of the state, represented by the Secretario General de Gobierno (Secretary of State) and Governor *pro temp* Sr. Humberto Silva Ochoa Lic. and the Rector (Dean) of the University of Colima. Unfortunately the Rector was not available. A tour of the Geomatics facilities proceeded as planned. The University is well supplied with state of the art equipment and the breadth of the Geomatics profession was well demonstrated. All aspects of geomatics are being taught, from traditional field surveying, to GPS and airborne and remote data capture and manipulation.

After a late lunch we met with the Mayor of Colima, Lic. Victorico Rodriguez Reyes who spoke about the giant strides that Colima has made in improving the standard of living for its citizens statewide. In a recent study of all 33 states, Colima has led in all positive indicators. Cadastral land based digital mapping is the base for its new GIS management system. He congratulated the surveying industry for its contribution to making GIS a possibility and a reality. He particularly mentioned a Canadian surveyor who has been Colima's mentor in the design of its Information System, Dr. John McLaughlin.

New Timetable (Draft)

<b>By Canada:</b>	
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 FICITEUM A.G. <u>A.C.??</u>	March 2002
Obtain curricula of Mexican universities and contact persons at the universities (Ing. Braulio Mercado)	March 2002
Provide Spanish version of minutes for Ottawa meeting.	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>	
Correspond with other NAFTA Committees regarding the 3 Motions by Canada	30 days before Meeting No. 7 <u>Meeting No. 8</u> ?
Collect complete set of documents with signatures where necessary for each country	Feb 15 <sup>th</sup> , 2002
Submit to Government Agents (CCLS to DFAIT, NSPS to USTR, FECITUEM to SE); Government Agencies consider MRD	Mid-2003
After formal approval Jurisdictions sign on	5 to 20 years
Meetings every three years.	As decided