



Mutual Recognition Agreements (MRA) of Qualifications

A Glance at the East African Community Experience

The Challenge

Most professions are governed by national regulatory bodies, which ensure that those who exercise them are adequately qualified to do so. Professional and academic qualifications attained in two or more states might vary significantly. The differences in education systems, examination standards or experience requirements often hinder the recognition of qualifications on a regional or a multilateral level.

The Mutual Recognition (MR) of qualifications, however, is imperative to secure the free movement of professionals and to promote trade in services. The General Agreement on Trade in Services (GATS) of the World Trade Organisation (WTO) allows members to set up bilateral or plurilateral Mutual Recognition Agreements (MRAs) of professional qualifications, when certain preconditions are met.

Outcome of Mutual Recognition Agreements:

The qualifications granted in the home country are recognized in the host country and vice versa, opening opportunities for professionals services suppliers.

Benefits of MRAs

MRAs hold great potential for facilitating the movement of professional services suppliers. An increase in the movement of professional service suppliers leads to an increase in the level of competition and therefore enhances the quality of services. Additionally, MRAs still allow a country to regulate the supply of professional services and to ensure that public safety and health standards are met, by registering as well as licensing only appropriately qualified and competent professionals.

Moreover, MRAs are powerful tools for economic integration as they augment cooperation among professional asso-

ciations and regulatory bodies within the region and hence lead to an exchange of information and best-practices.

In addition, MRAs spawn a diversity of services: in case one country is lacking certain professions or skills, another country will be able to fill the supply gap.

How are MRAs developed?

According to the WTO, the principle of MR of professional qualifications requires certain preconditions. Negotiating countries must in the first place determine the educational level that is required to exercise a certain profession and to ensure that corresponding professions are in place in the respective countries. Another prerequisite is the adoption of a mechanism that allows a professional to make up any deficiencies in the content and scope of the professional education and training received in the home country. This implies that harmonization of curricula as well as trainings can be key factors in the MR process. Furthermore, there must be a high-level commitment of the host country and its executing bodies to consider and develop a MRA.

If these preconditions are met, the MRA pre-formulation process may follow, in which the professional bodies of the negotiating countries will carry out an assessment and alignment of training programmes, carry out a gap analysis of legislations, procedures and standards in relation to training programmes, plan undertakings to close these gaps and establish a legal framework for the MRA.

The next step in the development of a MRA is the drafting of the actual document. Content-wise a few tenets are essential for a successful and viable agreement such as the mode of supply: can the service be delivered in any mode of trade in services?; the scope of practice: what is a foreign professional authorized to do?; eligibility: what are the re-

quirements for individuals?; automaticity: is a professional, who is licensed in her home country, entitled to a license in a host country?; dispute settlement: Is there a legal framework for handling disputes?

Once the agreement has been signed by all parties, certain post-processes have to be considered. The implementation of review cycles to assess the impact of the MRA, collating empirical results with agreed objectives, is a very important tool to evaluate the signed MRA. The post-process also includes the development of procedures to oversee the governance, operation and maintenance of a MRA.

MRA in the East African Community (EAC)

What is the EAC?

The EAC is the regional intergovernmental organisation of the Republics of Burundi, Kenya, Rwanda, Uganda and the United Republic of Tanzania. Milestones of the EAC include: A Customs Union Protocol, signed in 2005, the EAC Common Market Protocol that became effective in 2010 and the East African Monetary Union that was signed in 2013. The ultimate goal is the establishment of a Political Federation.

MRAs in the EAC

The East African Common Market Protocol (Protocol) of 2010 establishes the free movement of labour, services and service suppliers. It obligates the Partner States to allow the free movement of service suppliers, such as professional services, from other Partner States.

So far, three professions in the EAC have signed a MRA: accountants, architects and engineers. The accountants played a pioneering role in signing the first MRA under the EAC Protocol in September 2011.



Until the end of 2013, 216 accountants have pursued practice opportunities in other Partner States. The architects

followed suit with their MRA of 2011. Presently, there have been 15 requests for recognition and 8 licenses have been granted through the MRA. Finally, the engineers of Kenya, Tanzania and Uganda signed a MRA in 2012. Within the first year of implementation, 9 engineers requested recognition and 5 licenses were granted through the MRA. Although these numbers seem to be rather low at first glance, one should bear in mind that the ratio of MRA applicants to the number of professionals in the EAC does not significantly deviate from European experiences.

On a more general level, the EAC Secretariat – with support of GIZ – is now able to assist national regulatory bodies. A template for negotiations and a MRA has been drafted which provides a framework and reference points. Furthermore, the EAC Secretariat and GIZ developed benchmarks which enable the recognition of external qualifications. If France and Tanzania, for instance, signed an agreement to recognize qualifications, then said French qualifications should also be accepted by other EAC Partner States. The development of a Draft Training Manual on MRAs is another crucial achievement which can guide future negotiations and sensitizations. Currently, the EAC Secretariat and GIZ are supporting other professions in their pursuit of a MRA, e.g. veterinaries, pharmacists and lawyers.

Role of GIZ:

- Support of EAC Secretariat
- Expediting implementation of signed MRAs
- Development of Training material on MRAs
- Facilitation of the EAC engineers' MRA negotiations
- Backing of other professions in their pursuit of a MRA: with support of GIZ, six professions have developed negotiation roadmaps and are working on its realization

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