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Assessing the Progress of ASEAN MRAs on Professional Services*

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Abstract: *ASEAN has established mutual recognition arrangements (MRAs) on eight professional services. This paper assesses the progress of these arrangements' paying special attention to the (i) regional and national implementation, (ii) national regulatory changes, and (iii) utilization of these frameworks and actual movement of these professionals in the region. MRAs on Architectural and Engineering Services have made steady progress, including the setting up of regional registration systems. This, however, has not resulted in a large-scale movement of these professionals for many reasons, such as existence of alternative legal schemes and small additional benefits of ASEAN MRAs. The ASEAN MRA on Nursing Services, without a regional registration system, has facilitated movement of nurses in only a few countries. Meanwhile, further efforts in advancing initiatives closely related to the movement of people are being made: ASEAN Agreement on the Movement of Natural Persons, ASEAN MRA on Accountancy Services, ASEAN MRA on Tourism Professionals, and the ASEAN Qualifications Reference Framework.*

Keywords: ASEAN Economic Community, mutual recognition arrangement, movement of natural persons

JEL Classification: F13, F15, F16

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1. Introduction

This paper is written as a background paper for ERIA's ASEAN Economic Community (AEC) Scorecard Phase IV project. The primary objective is to assess the implementation of mutual recognition arrangements (MRAs) on professional services of the Association of Southeast Asian Nations (ASEAN). Other recent trends related to movement of skilled labour are also briefly reviewed.

The first pillar of the AEC Blueprint, namely, a single market and production base, envisions a variety of free-flow policy issues: free flow of goods, free flow of services, free flow of investment, freer flow of capital, and free flow of skilled labour. A facilitated movement of people will contribute to all these free-flow agendas and contribute to the achievement of the first pillar of the AEC Blueprint.

The actual movement of skilled labour (including, but not limited to, professionals) will bridge the surplus and shortage of professionals between countries. The employment of foreign workers, whether associated with foreign investments or not, often brings new technology, new management skills, and new ideas and can thus help ASEAN countries upgrade their industrial structure to upper middle- or high-income levels. In addition, the actual movement (or even a potential one) will engender greater contestability in the host country, which leads to a better provision of skilled services because of skills upgrading and a competitive price that is a basis for competitive manufacturing sectors. All these are true not only in terms of narrowly defined 'professionals' but also in variations of occupations. As this paper later presents, movement of regulated professions (e.g., nurses) is actually not easy due to the differences in underlying legal schemes, education systems, and quality standards, as well as the hesitation of established domestic constituents (i.e., professional associations). ASEAN is taking a very interesting movement in this. While exerting continuing efforts to fully implement the existing MRAs (as shown in the increasing number of regionally qualified and registered professionals) and crafting new MRAs such as on accountants, ASEAN is also starting to address the issue of movement of 'unregulated professions' (e.g., tourism professionals) for which the differences in legal and education systems matter much less than in regulated professions. In this paper, the ASEAN MRA is meant to set regional

standards and elevate the quality of local professions by implementing collaborative training and education programs. It does facilitate, but indirectly, the potential employment of foreign (but ASEAN) workers. The more direct outcome, however, is a higher quality of local services providers. In other words, quality upgrading is more emphasized than the movement of people in ASEAN's new initiatives.

On the other hand, many professionals (e.g., architects) are actually working as corporate employees rather than independent practitioners of professional services and often do not need local licenses so long as they have foreign licenses or proper education. Thus, while the original meaning of MRAs (i.e., local license of regulated profession) is still valid and remains an important instrument to facilitate movement of skilled labour, there are other potential ways to utilize MRAs for the same purpose. An MRA can function as an instrument to bridge the information gap between potential employers and potential foreign employees. To give an example, in many countries, an architect does not need to hold a local license to work in a construction company as a corporate employee so long as he/she does not sign a legal document certifying that the construction design complies with the local regulations. The employers, however, still need workers (either local or foreign) who have good knowledge about architecture. The problem in hiring foreign licensed professionals as corporate employees is not the lack of local licensed architects but that employers (especially small ones) do not have good information on the quality of foreign licensed professionals and on skilled labour. While an ASEAN MRA does not automatically mean a local license for independent practice, it can still provide quality signals supplemented by a list of regionally qualified individuals.

All these potentially large benefits of movement of skilled labour should be balanced with the accountability that regulators (governments) should ensure.

An assessment of ASEAN MRAs was done previously in ERIA's AEC Scorecard Phase II project in 2011 (Intal, Narjoko, and Simorangkir, [unpublished]); several ERIA publications have also discussed the issue (e.g., ERIA, 2012; Chia, 2011, 2014)). Thus, the first and primary element of this paper is the assessment of MRAs paying special attention to recent developments since 2011. Out of eight ASEAN MRAs, this study will focus on three: engineering services, architectural services, and nursing services. Engineering and architectural services were selected because

regional registration systems are in place and actual progress is expected. Nursing services was chosen as an example of three healthcare-related MRAs, including the ones on medical practitioners and dentists. This paper does not cover surveyors as the ASEAN agreement remains a framework and has not yet been implemented. On the other hand, the ASEAN MRA Framework on Accountancy Services will soon be upgraded to an actual MRA. Thus, it is briefly discussed as a recent progress. Another major progress is the one on tourism professionals; this is the only newly established ASEAN MRA in the last three years. As it is still being prepared for full operations, this topic is only briefly covered as a recent progress.

Table 1: ASEAN MRAs on Eight Professions

<ul style="list-style-type: none"> • ASEAN Mutual Recognition Arrangement on Engineering Services, Kuala Lumpur, 9 December 2005 • ASEAN Mutual Recognition Arrangement on Nursing Services, Cebu, Philippines, 8 December 2006 • ASEAN Mutual Recognition Arrangement on Architectural Services, Singapore, 19 November 2007 • ASEAN Framework Arrangement for the Mutual Recognition of Surveying Qualifications, Singapore, 19 November 2007 • ASEAN Mutual Recognition Arrangement Framework on Accountancy Services, Cha-am, Thailand, 26 February 2009 • ASEAN Mutual Recognition Arrangement on Medical Practitioners, Cha-am, Thailand, 26 February 2009 • ASEAN Mutual Recognition Arrangement on Dental Practitioners, Cha-am, Thailand, 26 February 2009 • ASEAN Mutual Recognition Arrangement on Tourism Professionals, Bangkok, Thailand, 9 November 2012

One important distinction should be made between the ASEAN MRA on Tourism Professionals and all other MRAs. ASEAN MRAs (e.g., nursing services) typically deal with regulated professions. Practicing services without proper license or registration could constitute an offence of the law in such a case, and the MRA

could be useful in this case.¹ On the other hand, the MRA on tourism deals with unregulated jobs and emphasizes competency standards which function as a signal for quality.

ASEAN MRAs are quite different from those of the European Union (EU) and Australia–New Zealand (or Trans-Tasmanian). In EU and Australia–New Zealand Closer Economic Relations, there is free movement of people. MRAs on professional qualifications further facilitate such movement. On the contrary, ASEAN does not allow general movement of people; thus, the MRAs are also constrained by immigration regulations.

Several ASEAN initiatives are closely related to the MRAs. The first and most important is the ASEAN Agreement on the Movement of Natural Persons (MNP) signed in 2012. As explained, MRAs do not ensure the actual movement of professionals due to a lack of clear link with immigration regulations. If implemented incorrectly, MRAs can hinder the actual movement of professionals (e.g., by requiring many conditions). While still waiting for ratification from some member states, the MNP Agreement, which covers not only regulated professional services but all the services sectors, has a large potential to address such a problem and facilitate the movement of skilled labour in the services sectors.

Another initiative called ASEAN Qualification Reference Framework (AQRF), which aims at facilitating the implementation of ASEAN MRAs, is discussed as a recent progress.

This paper is structured as follows. Sections 2 to 4 discuss and analyse the implementation of ASEAN MRAs on engineering, architectural, and nursing services, respectively.² In addition, these sections will look into the potential challenges faced by MRAs. Section 5 briefly reviews the recent development in four areas, namely, ASEAN MNP Agreement, ASEAN MRA on Accountancy Services, ASEAN MRA on Tourism Professionals, and the AQRF. As conclusion, Section 6 discusses policy proposals.

¹ Legally exclusive conduct should be carefully examined as regulated professionals are also engaged in the business that do not necessarily require license (e.g., designing buildings).

² The analyses and discussions in Sections 2 to 4 are written with inputs from the nine country reports: Chap, S. *et al.* (2014); Damuri, Y.R., *et al.* (2014); Lim, H., B. Aw, H.Y., Loke (2014); Llanto, G., *et al.* (2014); MIER. (2014); TDRI (2014); Vo, T.T, *et al.* (2014); Yong, C.T. (2014); and YUE (2014). The description on Lao PDR is based on the questionnaire results prepared by the National Economic Research Institute.

2. ASEAN MRA on Architectural Services

2.1. Introduction and Regional Implementation

The ASEAN MRA on Architectural Services was signed on 19 November 2007. Its structure is quite close to the one on engineering services. When meeting certain qualifications set in Article 3.1, a professional architect registered and certified in his home country shall be eligible for regional registration as an ASEAN architect. An ASEAN architect shall be eligible to apply in the host country as a Registered Foreign Architect (RFA). A major difference from the engineering MRA is that an RFA may be allowed to work either in independent practice or in collaboration with a local licensed architect (Art. 3.3.2). A regional body, the ASEAN Architect Council (AAC) and its secretariat, facilitates the process.

The regional preparation was already close to completion in 2011 (Intal, Narjoko, and Simorangkir, [unpublished]). More concretely, the following actions were already implemented: (1) the establishment of the AAC; (2) setting up of the AAC Secretariat; (3) establishment of registration procedures for ASEAN architects; (4) establishment of the AAC website; (5) developing, monitoring, maintaining, and promoting mutually acceptable standards and criteria; and (6) developing strategies and encouraging member states to streamline procedures for granting the ASEAN Architect registration to a professional who is already in his/her home country. The one remaining aspect is the identification of, and encouragement to implement best practices in assessing architects.

Probably an important progress in the last three years is the full participation of all the members. While the MRA became effective on 19 November 2007, Article 8.3 requires member states to notify the ASEAN Secretariat of their intention to participate. With the notification by Brunei Darussalam (January 2013) and Cambodia (April 2012), all ASEAN countries are now members of the MRA.

2.2. National Implementation of MRA

The MRA assessment at the national level is divided into two parts: (1) the stages of MRA implementation in each country, and (2) preparation of the regulatory environment in member states. The first element examines the progress in the

following items: (1) submission of notification of participation, (2) establishment of a monitoring committee, (3) preparation and submission of an assessment statement, (4) screening of domestic applicants, (5) approval for domestic applicants by the AAC, and (6) establishment of a system to authorize RFAs.

For the first part, most ASEAN member states (AMSs) have undergone the preparation process. Country studies reported that five AMSs (Brunei Darussalam, Malaysia, Philippines, Singapore, and Thailand) have completed all the preparatory works. Three more (Indonesia, Myanmar, and Viet Nam) are near completion with only one remaining homework, that is, the establishment of a system to authorize RFAs.

Cambodia and Lao PDR have displayed relatively lower scores of implementation. Cambodia has submitted an official notification of participation, set up the monitoring committee, submitted its assessment statement to the AAC, and started a screening process of ASEAN architects. Yet, the country is still waiting for the approval by the AAC of its assessment statement. Lao PDR has not started screening its domestic applicants for ASEAN architects (open for application until December 2014). Moreover, both countries have not yet established the system to authorize foreign ASEAN architects as RFAs by a professional regulatory authority (PRA).

Compared to their status in 2011, some AMSs (Brunei Darussalam, Lao PDR, Myanmar, Philippines, Thailand, and Viet Nam) have shown a significant improvement in MRA implementation. The most extreme case is Myanmar which set up the monitoring committee in 2011 but has already fully undertaken all the MRA implementation processes in AMS although the system to authorize foreign ASEAN architects as RFAs is still being formulated.

2.3. Regulatory Revisions

To make ASEAN MRAs fully functional, domestic regulatory environments should be reviewed and revised accordingly so that they become consistent with regional rules. Thus, regulatory revisions are a critical element of national implementation assessment. Some regulations, for example, the Architect Act, are directly related to ASEAN MRAs. Others could be indirectly related to MRA

implementation, such as immigration regulations. As a number of regulations are potentially involved, it is hard to provide objective and quantitative assessment of the level of regulatory reform. Thus, the assessment has to be qualitative in nature.

According to country reports by members of ERIA's Research Institutes Network, some regulations are under review, undergoing revisions, or waiting for enactment in most AMSs. Brunei Darussalam is the only country that reported completion of regulatory changes, followed by Malaysia and Viet Nam. Interestingly, Malaysia, the Philippines, Singapore, and Thailand, which had fully completed all the required phases up to the establishment of an RFA system, are still working on regulatory revisions to accommodate RFAs. Myanmar is facing the biggest challenge in the regulatory revisions as most of the relevant regulations are still under revision or waiting for enactment. Lao PDR also has a relatively larger number of regulations to be amended or enacted for full compliance with the regional framework. On the other hand, both Myanmar and Lao PDR as well as Brunei Darussalam, Cambodia, and Malaysia reported significant improvement.³

ASEAN MRAs have triggered changes in regulation by modifying relevant regulations in many countries. Such changes are made not only for the purpose of accommodating ASEAN MRAs. Some countries have introduced new regulations and/or modified regulations to level up the standards required for professionals. Such movement can potentially work negatively against the facilitation of movement of people (i.e., no regulation could be more facilitative than new regulation). Yet, unless implemented with the intention to block foreign professions, such changes could be seen as important developments towards better regulations. The Viet Nam report quotes an officials' view that the ASEAN MRA has a good impact on regulations as it triggers the regulatory reform to accommodate foreigners in specific professions. The Indonesian report points out, on the other hand, that the MRA does not trigger the move toward regulation harmonization. As mentioned in the previous section, ASEAN has not identified the best practice regulation on architectural services, thus the regulatory revisions have focused on mutual recognition. Several country reports also conveyed that the MRA is difficult to be implemented considering the different stages of development of ASEAN countries as well as different needs in the sector

³ Country reports from Indonesia and the Philippines did not provide information on regulatory preparedness and are, thus, out of the scope of analysis in this section.

for each AMS. The possible bottlenecks for ASEAN MRAs to adopt best practices are language barrier (poor English knowledge of local architects), concern about the competition between local and foreign architects as to protect local employment (Cambodia and Malaysia), different codes of practice among AMSs, issue of accreditation of educational institutions (Philippines), lack of collaboration and awareness among stakeholders, and low enthusiasm and interest to apply as ASEAN architects when there are so many ongoing development projects at home (Cambodia and Indonesia).

Availability of information is another important issue. Unless translated to English, language can practically impede MRAs. Among ASEAN countries whose official language is not English, Brunei Darussalam, Cambodia, and Thailand report that their regulations are all available in English while Viet Nam, Lao PDR, and Myanmar are still working simultaneously on the translation and regulatory revisions.⁴ In terms of dissemination of relevant information, all AMSs have established national websites.

2.4. Discussion

The primary objective of the ASEAN MRA on Architectural Services is to ‘facilitate mobility of Architects’ (Art. 1.1). ASEAN has successfully set up a regional registration system for ASEAN architects. Indeed, there are more than 170 ASEAN architect registrations from at least five countries (Brunei Darussalam, Indonesia, Malaysia, the Philippines, and Singapore).⁵ One important note is that the current framework requires ASEAN architects to be locally registered as RFAs in host countries in order to practice. Thus, the real test of mobility is whether there are actual RFA registrations. Five countries (Brunei Darussalam, Malaysia, the Philippines, Singapore, and Thailand) have established rules and procedures to accommodate RFAs; as a result, the actual movement of professionals using ASEAN MRAs is starting to take place (i.e., Brunei Darussalam has accepted 10 RFAs).

While encouraged by such a progress, the actual movement of professionals still remains low at the moment. Slow implementation in some countries is certainly one

⁴ Indonesia is not covered in the study as the country report did not provide relevant information.

⁵ The Vietnam Report contends that 10 percent of applicants approved in the country was refused by the AAC but did not provide the number of registered ASEAN architects.

reason. Five countries have not established an RFA registration system, thus, there can be no actual movement of professions. There are many more possible reasons for the slow movement of professionals. First, other alternative legal schemes allow foreign professionals to practice in host countries. For example, Malaysia has a legal scheme called ‘temporary registration’ for a professional architect of any citizenship (i.e., for both ASEAN and non-ASEAN) who is a consultant to a project, wholly financed by a foreign government, or implemented under a bilateral arrangement between governments.⁶ Similarly, the Philippines provides a special temporary permit for foreign professionals who meet the qualifications. Indeed, Brunei Darussalam is the only country that does not have any legal schemes other than the ASEAN MRA which allows foreigners to work as architects.⁷ Second, the key question is whether, and to what degree, the ASEAN MRA provides benefits to these alternative schemes. Notably, the benefits of registering as RFAs are not clear in many countries. While the MRA on Architectural Services, unlike the one on Engineering Services, allows a possibility of independent practice, AMSs who have the RFA registration process in place require collaboration with local professionals.⁸ However, in a case where the PRA specifically permits, Indonesia, the Philippines, Singapore, Thailand, and Viet Nam allow room for independent practice. It is not known, however, whether independent practice will be actually authorized.⁹ As a result, the benefits of being an RFA are perceived to be small or non-existent in many countries. So far, ASEAN architect qualifications function more as an indicator of professional quality (i.e., reputation) rather than facilitation measures of movement of professionals. On the other hand, some country reports clearly explain the value added of ASEAN MRA vis-à-vis other schemes. For example, RFAs can work with local partners on a long-term basis rather than on an ad hoc per project basis as allowed in the temporary registration system. Broader areas of business practice are allowed for RFAs in Cambodia and Thailand. There is less document requirement (curriculum vitae for the Bureau of Immigration) in the case of the Philippines.

⁶ Malaysia’s country report also mentions the Architect scheme of the Asia-Pacific Economic Cooperation.

⁷ Cambodia, Lao PDR, and Viet Nam allow foreign architects to work as corporate employees.

⁸ With specific permission by the PRA, Singapore also allows the possibility of independent practice.

⁹ The Vietnam Report explained that no RFA is engaged in independent practice.

What is more, even if a professional is registered as an RFA in a host country, it does not ensure access to the labour market. Other regulations, especially immigration control and work permit requirement, hinder an RFA from working in a host country. In this aspect, ASEAN MRAs are quite different from the Trans-Tasmanian and EU MRAs. An important factor associated with the benefits of an ASEAN MRA is the cost aspect. The financial costs required for registration are not very high (maximum of US\$158 in the Philippines). The potential cost may come from fulfilling qualification requirements to be registered as an RFA, in addition to the standard qualifications for ASEAN architects. Brunei Darussalam, for instance, requires a one-year residency for RFAs. Malaysia and Singapore may add supplemental assessment on top of ASEAN architect qualifications.¹⁰ As construction safety can be sensitive to the local natural environment, such supplemental assessment could be a rational requirement. Thus, the supplemental assessment should be kept at a minimum and only to those positions that are critical to the local practice.

Another important fact is that an architect license means the authority to sign and certify legal documents.¹¹ In other words, non-professionals can do all other works except signing documents. Thanks to the services liberalization via the ASEAN Framework Agreement on Services (AFAS), there are foreign construction companies operating in the region that have employed foreign workers, some of whom have foreign certifications but not local ones. They can legally design buildings if the final outcomes are authorized by local professionals (but maybe paid less due to a lack of local license). ASEAN architect registration could be facilitating movement of such ‘professionals’ (ASEAN architects but not RFAs working as corporate employees rather than independent professionals) with appropriate qualifications. Unfortunately, we do not have data for such movement of people. On the other hand, if the focus is on independent professionals who actually authorize documents, ASEAN MRAs seem to have a limited impact so far.

¹⁰ The supplemental assessment of the two countries examine the same three components: (1) understanding on the general principles behind applicable codes of practice and laws in Singapore/Malaysia; (2) capacity to apply such principles safely and efficiently; and (3) familiarity with other special requirements operating within Singapore/Malaysia.

¹¹ In addition to this situation, which is totally legal, is a possibility of weak enforcement of regulations. The Cambodian report highlights this story. In Cambodia, many buildings are constructed without legal approval for compliance with construction regulations.

In general, most AMSs are still cautious about opening architect markets to foreign professionals via ASEAN MRAs. This is evident in the host countries' hesitation to allow RFAs to practice independently. Furthermore, professional examinations at home countries are available only in their local languages.

3. ASEAN MRA on Engineering Services

3.1. Introduction and Regional Implementation

The ASEAN MRA on Engineering Services, which was signed and came into effect on 9 December 2005, is the first ASEAN MRA. It requires member states' individual notification of participation (Art. 8.3). The number of participating members was nine in 2011. With the participation of Brunei Darussalam in January 2013, all member states have joined this initiative.

Just like the MRA on Architectural Services, the MRA on Engineering Services is a three-step registration system: home country registration, ASEAN registration, and host country registration. A professional engineer can apply to become an ASEAN Chartered Professional Engineer (ACPE) if he meets the qualifications provided in Article 3.1, namely, an engineering degree, a national registration or certification, seven-year experience after graduation, two-year experience of significant engineering work, compliance with Continuing Professional Development, and no record of a serious violation of technical, professional, or ethical standards. An ACPE shall then be eligible to apply and become a Registered Foreign Professional Engineer (RFPE) in the host country. An RFPE, if approved, can practice the profession but only in collaboration with local professionals (Art. 3.3.2). In terms of institutional set-ups, regional and national institutions are involved. At the regional level, the ACPE Coordinating Committee (ACPECC) and its Secretariat are in charge of administering the MRA. In each country, a monitoring committee and a PRA are involved. The former takes the main responsibility in the national administration of the MRA in the home country (e.g., setting criteria and procedures to be an ACPE). The latter's main role is the administration of RFPEs in the host country (e.g., approving ACPEs as RFPEs).

The regional implementation level was already high in the previous assessment in 2011. At that time, the ACPECC was established, the Secretariat was formed, the registration procedures for ACPEs were established, and the ACPECC website was built. Also, ASEAN has started taking the following actions: developing, monitoring, maintaining, and promoting mutually acceptable standards and criteria, developing strategies, and encouraging member states to streamline procedures for granting ACPEs. The only missing element at the regional level is the identification of, and encouragement in implementing best practices for assessing engineers. The second objective of the MRA is to ‘exchange information in order to promote adoption of best practices on standards and qualifications’ (Art. 1.2). Information exchanges are certainly taking place in the regional committee but there is no movement towards the identification of best practices of engineering regulations as of writing.

3.2. National Implementation of MRA

The MRA assessment at the national level is divided into two parts: (1) the stages of MRA implementation in each country, and (2) regulatory environment preparation in member states. The first element examines the progress in the following items: submission of notification of participation, establishment of a monitoring committee, preparation and submission of assessment statement, screening of domestic applicants, approval of domestic applicants by ACPE, and establishment of a system to authorize RFPEs. The second element looks at the regulatory environments. This section focuses on the first aspect of national implementation.

Brunei Darussalam, Malaysia, the Philippines, Singapore, and Viet Nam have completed all the preparations. The other countries have a few more steps to complete. The improvements in the MRA implementation process compared to the status of the MRA in 2011 are summarized as follows. All AMSs have submitted their respective official notifications of participation. All AMSs have set up their monitoring committees (including Lao PDR and Myanmar recently). All AMSs have their respective assessment statements approved by the ACPECC (Lao PDR, Myanmar, and Philippines have gotten the approvals). The monitoring committees in all AMSs, except Cambodia, Lao PDR, and Thailand, have screened the domestic

applicants for submission to ACPECC (Myanmar, the Philippines, and Viet Nam have just recently implemented screening process). As a result, nearly 800 ACPEs are registered from seven AMSs excluding those from Cambodia, Lao PDR, and Thailand. The large number of more than 100 ACPEs come from Singapore, Malaysia, Indonesia, and Viet Nam. The assessment of ACPEs by the national monitoring committees work efficiently as only a few are denied at the regional level by the ACPECC. PRAs in Brunei Darussalam, Malaysia, the Philippines, Singapore, and Viet Nam have established systems to authorize foreign ACPEs as RFPEs while the same are still being formulated by Cambodia, Lao PDR, Myanmar, and Thailand. Indonesia is the only country that has not established such a system as there is no incentive for the Indonesia Monitoring Committee or for the PRA to do so; also, it seems that Indonesian engineers have no interest to apply as RFPEs. However, the system will be established and implemented in 2015 upon the commencement of the AEC.

3.3. Regulatory Revisions

According to country reports, Malaysia and Thailand have completed their regulatory revisions to bring them in full conformity with the regional framework while closely following are Brunei Darussalam, Viet Nam, and Cambodia at high levels. The Philippines and Singapore, which have established the RFPE registration systems and thus completed all the steps required for implementation by the MRA, are expected to be near completion.¹² The remaining countries—Indonesia, Lao PDR, and Myanmar—are probably the ones which face big challenges in regulatory preparedness, that is, many more regulations need to be revised or enacted. Relatively speaking, the regulations directly associated with engineering services are making better progress than those indirectly related with the profession, such as spatial plan regulation, immigration regulations, and workforce regulations. Compared to a previous assessment in 2011, Brunei Darussalam, Cambodia, Malaysia, and Thailand have made significant progress.¹³ Lao PDR and Myanmar have made moderate progress. Just like the architectural services, the ASEAN MRA

¹² Country reports, however, could not provide more details on this.

¹³ For reasons mentioned above, the Philippines and Singapore may have reached a significant progress but a definitive statement cannot be made.

on Engineering Services has prompted regulatory changes but these changes have not led to regulatory harmonization yet, according to the Indonesian report.

Brunei Darussalam, Cambodia, Malaysia, the Philippines, Singapore, and Thailand have translated the relevant domestic regulations into English. Lao PDR has been making progress but still has to translate other regulations. Viet Nam has newly enacted regulations which have not been translated. Indonesia and Myanmar have not translated any regulations.

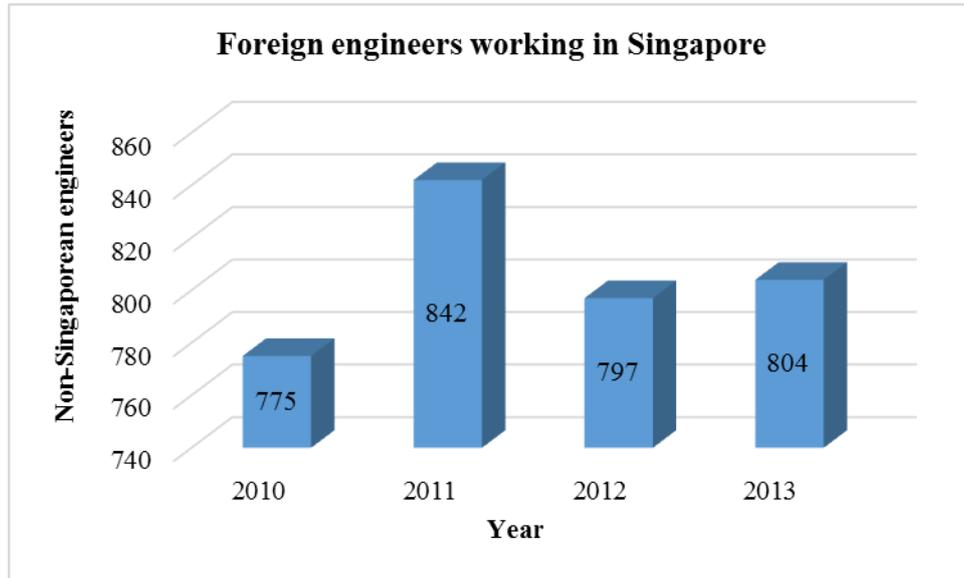
All AMSs have undertaken roadshows and/or other forms of public outreach activities, except for Myanmar. All AMSs have developed national websites to disseminate MRA-related information, except for Brunei Darussalam, Lao PDR, and Myanmar. The Philippines and Viet Nam have made the progress by developing such website in the last three years since our previous evaluation.

3.4. Discussion

The ASEAN MRA on Engineering Services aims to facilitate the mobility of engineering service professionals as well as the exchange of information to promote the adoption of best practices on standards and qualifications (Art.1). However, since the signing of this agreement in 2005, only a small number of engineers applied and registered as RFPEs to utilize the ASEAN MRA in order to actually move across ASEAN countries. For example, only 50 engineers in Brunei Darussalam registered as RFPEs, and three applicants are still in the registration process in Malaysia. There are no RFPE registration in other AMSs.

Although a lag in implementation is a contributing factor, it should not be understood as the sole factor for this low usage of RFPE registration. The larger problem is the fact that the MRA is perceived to provide only limited benefits for engineers who wish to work overseas. First of all, there are other ways for engineers to work overseas than registering as ACPEs and then as RFPEs. Hundreds of foreign engineers work in Singapore and are registered as professional engineers as shown in Figure 1 but none of them is registered as an RFPE.

Figure 1: Data of Foreign Engineers Working in Singapore (2010–2013)



Source: Adapted from the Singapore MRA Questionnaire on Engineering Services.

To name some, these alternatives include:

- Brunei Darussalam: Foreigners can be registered as Specialist Professional Engineers with approved qualifications.
- Cambodia: The Law on Investment allows foreigners to work by obtaining a work permit from the Ministry of Labour and vocational training based on investment license.
- Malaysia: Temporary Engineer Registration allows foreign engineers to work on a per project basis.
- Philippines: Foreigners can work as professionals by obtaining a Special Temporary Permit.
- Singapore: Hundreds of professional engineers are registered in Singapore (as stated above).
- Thailand: Registration as Adjunct Engineers.

Moreover, in most AMSs, there is no regulation that prevents foreign engineers to work simply as consultants or corporate employees without violating domestic regulation by, for example, not signing legal documents.¹⁴

¹⁴ Malaysia does not allow consultant status but allows engineers to work as corporate employees.

The key question, therefore, is how facilitative the MRA scheme is compared to the alternative frameworks. The current MRA does not ensure mobility as an RFPE should go through the immigration and work permit application processes separately. Brunei Darussalam even demands an ACPE to have resided and practised in the country for at least one year before RFPE registration. Thus, the ASEAN MRA is fundamentally different from EU or Trans-Tasmanian MRAs. The ASEAN MRA in principle does not give a right for independent practice. Actually, Viet Nam is the only ASEAN country that allows independent practice.¹⁵ However, there are some benefits for using MRAs. In Malaysia, the ASEAN MRA provides more flexibility than its alternative scheme (Temporary Engineer) as the RFPE can engage engineering works on a long-term, rather than on a per project, basis. Also, the ASEAN MRA requires only a 7-year experience while the Temporary Engineer scheme requires 10-year experience and physical presence in Malaysia. Indonesia, Malaysia, and Thailand specify the benefits of exemption from professional examinations by being RFPEs through the ASEAN MRA scheme.¹⁶ The Philippines requires less documentary requirement for evaluation. In Brunei Darussalam, non-RFPEs who carry out consultant work cannot submit drawings to the government. In Cambodia, higher salary with recognition is perceived as an advantage of the ASEAN MRA. Fortunately, the cost is not large, at the largest S\$300, for an RFPE registration in Singapore.¹⁷ Unlike the MRA on Architectural Services wherein some host countries may demand additional requirements for an ASEAN registration, most AMSs that have already established the RFPE registration systems do not require any additional requirement¹⁸ except for Brunei Darussalam as previously explained. In general, there are benefits in using the ASEAN MRA but they are perceived to be small.

Myanmar does not allow either consultants or corporate employees.

¹⁵ Viet Nam reports that independent practice in engineering services is very difficult although there will be no difference between RFPEs and non-RFPEs.

¹⁶ Note, however, that Indonesia and Thailand are still working on the establishment of RFPE registration; thus, the benefits are merely potential.

¹⁷ In addition to a registration fee of BND50, Brunei requires an engineer to have a professional indemnity insurance coverage before approval is given.

¹⁸ In Malaysia, a candidate should present a copy of his/her passport, certified copy of professional engineer license from the country of origin, certified ACPE, verification from ACPECC, and relevant processing and registration fees.

Another fundamental challenge is the lack of incentives to work overseas. Indonesian engineers, for example, are satisfied with the large and expanding local market and remain disinterested in working overseas. This has slowed down the establishment of an RFPE registration system. Similarly, the Cambodian report raises the problem of lack of interest in working overseas. Moreover, there is also a language barrier among AMSs. Although foreign engineers can register as Adjunct Engineers in Thailand, for example, they still have to take a written professional examinations in Thai and get interviewed in English. For Indonesia, the examinations can be taken in English. For these reasons, most AMSs have delayed the adoption of best practices in ASEAN MRAs.

To summarize, although registration as ACPEs or RFPEs is not costly, the willingness of ASEAN engineers to use the ASEAN MRA is incomparable with the effort towards establishing the free flow of skilled labour. It should be noted that the success of MRA implementation in the region does not depend only on the development of MRA-related institutions or regulatory environment preparation within the country. It also depends on the supply and demand of skilled labour in each AMS (demand-driven). Moreover, mutual recognition of specific professionals, engineers in this case, and a standard harmonization of the educational system in the region should be encouraged further to level up the labour skills in each AMS.

4. ASEAN MRA on Nursing Services¹⁹

4.1. Introduction and Regional Implementation

The ASEAN MRA on Nursing Services is selected in this study as an example of the three ASEAN MRAs on healthcare services.²⁰ It was signed and came into force on 8 December 2006.²¹ Unlike the case of architectural and engineering services, this MRA does not aim at establishing a regional registration system of nurses (i.e., there is no ‘ASEAN Nurse’ registration to be established). A nurse registered in one

¹⁹ Lao PDR is not covered in this section due to non-submission of filled-in questionnaires as of this writing.

²⁰ The other two are the ASEAN MRAs on Medical Practitioners and Dental Practitioners.

²¹ While Article 9.1 allows a possibility of opt-out, there is no information that any AMS actually notified to do so.

ASEAN country may apply in other AMSs to be registered as a ‘Foreign Nurse’²² in the host country if he/she meets several conditions as stipulated in Article 3.1 (e.g., a valid professional registration in the country of origin and a minimum three years of experience). As such, the MRA on Nursing Services only takes a two-step approach, unlike the three-step registration for architects and engineers.

While the MRA may facilitate the movement of professionals across the region, other regulations aside from professional regulation (e.g., immigration or employment regulations) may practically block such movement, especially immigration and labour regulations.

Due to the lack of regional registration, the regional actions designated in the MRA on Nursing Services is different from those stipulated in the MRAs on Architectural and Engineering Services. During the 2011 assessment, ASEAN had already established the ASEAN Joint Coordinating Committee on Nursing (AJCCN), set up the AJCCN Secretariat, collected information and nursing database, and established the AJCCN website. However, they have not conducted dissemination activities related to MRA-related information on nursing services.

4.2. National Implementation and Regulatory Environment

As the MRA does not aim to establish regional registration, the national actions expected to be taken by each AMS differ from those for architects and engineers. For instance, no monitoring committee will be established. Thus, the major national implementation consists of regulatory reforms including the establishment of procedures to recognize Foreign Nurses and the dissemination of such information to the public.

Considering a large number of regulations that could affect professional services, it is difficult to quantitatively assess the level of regulatory conformity within a regional framework. Despite this challenge, six country papers²³ reported their respective levels of readiness, which stated that Brunei Darussalam and Thailand are

²² ‘Foreign Nurse’ has a special meaning as stipulated in Article 2.3 of the MRA. On the other hand, foreign nurse is often used to refer to foreigners who have licenses or certifications on nursing services in the country of origin, whether they are registered through the ASEAN MRA or not. This section distinguishes the two by using capital wordings (Foreign Nurses) for those who are admitted via the ASEAN MRA.

²³ Those are Brunei Darussalam, Cambodia, Indonesia, Myanmar, Thailand, and Viet Nam.

in full conformity; Indonesia, Cambodia, and Myanmar are largely consistent; and Viet Nam is half complete.²⁴ Six AMSs have already undertaken roadshows and/or other forms of public outreach activities, except for Malaysia and Viet Nam.²⁵ All AMSs have translated or at least have started the translation process of domestic regulations into English, except for Lao PDR, Myanmar, and Viet Nam. Out of the countries which have already translated regulations, Indonesia is showing slower progress. All AMSs have developed national websites for dissemination of MRA-related information, excluding Cambodia, Lao PDR, and Viet Nam.

Many AMSs actually allow foreigners to provide nursing services in their territories. As a result, a number of foreigners work as nurses in these AMSs.

- Brunei Darussalam: Fifteen percent of nurses in the country are from overseas (including 50 Foreign Nurses registered through the ASEAN MRA).²⁶
- Cambodia: According to the Law on Investment, foreigners can work in approved investment projects such as hospitals or polyclinics provided that they obtain approval from the Ministry of Labour.
- Indonesia: Foreign nurses are permitted to work by obtaining a certificate of competency and a working permit (SIK)²⁷ but practically only as specialists (i.e., nurses with skills greater than those commonly possessed by Indonesian nurses) or consultants.
- Malaysia: Foreign nurses can practice by obtaining temporary practicing certificates (TPCs).
- Myanmar: Temporary registration for voluntary services are allowed (26 in 2013 and 32 in 2014).
- Philippines: Foreigners can work as professionals based on reciprocity or by obtaining special temporary permits (STPs);²⁸ as of 2012, 35 foreign nurses

²⁴ Compared with our 2011 assessment, large improvements are observed in Brunei Darussalam, Cambodia, Indonesia, Myanmar, and Thailand.

²⁵ Lao PDR and Singapore are not covered here as their reports were silent on this question.

²⁶ As of 2014, there were 292 foreign nurses which was 14.8 percent of the whole nurse population (1,968), according to the Brunei Report.

²⁷ Indonesian nurses receive the practicing permit (SIP) instead of the SIK.

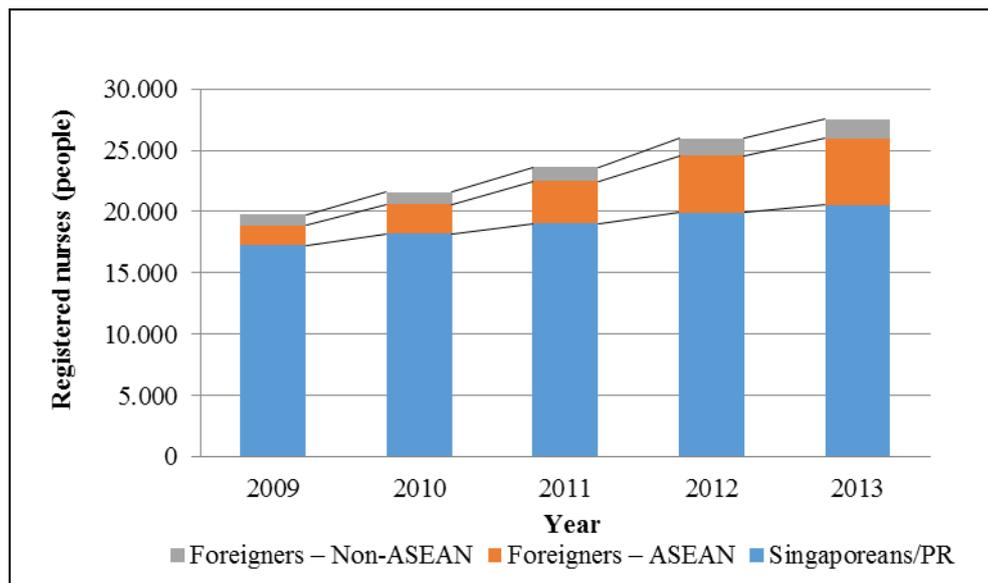
²⁸ Special/temporary permits may be issued to specialists, nurses in a medical mission, or exchange professors in schools/colleges (Section 21, Republic Act No. 9173).

were working in the humanitarian missions (none were from ASEAN countries).

- Singapore: As of 2013, almost 7,000 foreigners are registered (5,400 from ASEAN) and 3,000 foreigners are enrolled (2,200 from ASEAN) as nurses at the Singapore Nursing Board.
- Viet Nam: Twenty-three foreign nurses (five Filipinos are registered through the ASEAN MRA).

Singapore seems to be the largest recipient of foreign nurses and the most intensive user of nurses from other ASEAN countries (Figure 2). ASEAN dominates 19.7 percent of registered nurses and 26.6 percent of enrolled nurses.²⁹

Figure 2: Registered Nurses in Singapore



Source: Adapted from the Singapore MRA Questionnaire on Nursing Services.

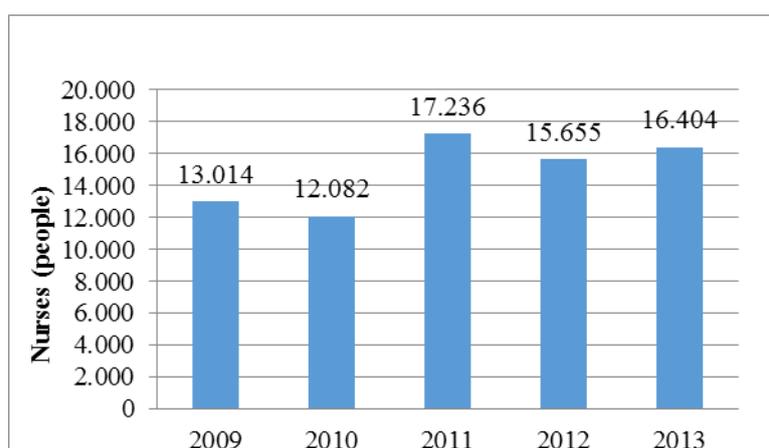
On the other hand, no foreign nurses are working in Thailand. Technically, Thailand allows foreigners to provide nursing services when (1) they have nursing education and are registered as professional nurses in their home countries and (2) they pass the national licensing examinations in Thailand. However, the national

²⁹ These ASEAN figures do not include ASEAN citizens other than from Singapore if they hold permanent resident status of Singapore. Thus, the actual number of ASEAN citizens working in Singapore as nurses is larger than the percentages shown in the main text.

licensing examinations is in Thai language; as a result, no foreigners work as nurses in the country.

Only some country reports could provide information on their nurses working in overseas markets. Among them, the Philippines seems to be the largest beneficiary of international mobility of nurses with more than 16,000 Filipino nurses working overseas (Figure 3). Indonesia and Myanmar are also large senders of nursing professionals to other countries. Myanmar sends 1,500–1,800 nurses to Singapore, 150–200 to Malaysia, and 40–50 to Brunei Darussalam. In 2013, 1,161 Indonesian nurses were working overseas.

Figure 3: Number of Filipino Nurses Working Overseas (2009–2013)



Source: Adapted from the Philippines MRA Questionnaire on Nursing Services.

The key question in this report is whether, and to what extent, the ASEAN MRA is facilitating such movement. Interestingly, most countries do not distinguish ASEAN and non-ASEAN in their respective regulatory frameworks. For example, Section 18 of the Malaysian Nurses Act (revised in 1985) uses the word ‘any person...trained in any place outside Malaysia’. Thus, the current framework does not give special attention to ASEAN (at least on the legal text). On the other hand, as Brunei Darussalam and Viet Nam report that Foreign Nurses are registered through the ASEAN MRA, there should be some special treatment for ASEAN nurses in these countries.

One possibility is that qualifications in other ASEAN countries are considered favourably in the actual approval process of individual professionals.³⁰ In most countries, a fundamental condition for foreign nurses to be registered in the host country is that their training in the country of origin is equivalent to the one in the host country. ASEAN MRA may facilitate such equivalent recognition or even convergence of such training requirement. In reality, however, there remain large differences among AMSs which may hinder an actual mutual recognition. The Malaysian country report highlights this problem. Under the Malaysian education system, nurses can go directly to a three-year diploma program after completing the 11th year of education (i.e., no need to complete the 12-year middle education, which is different from typical training for nurses in other countries). As a result, Malaysian nurses face a challenge in obtaining licenses in other countries because their education and training are deemed ‘inferior’ to the requirements of the host country even if they have 30 years of practical experience. Thus, a common regional understanding on the nursing program and certification should be formed at the ASEAN level.

Regulatory revisions are taking place in ASEAN to bring national regulatory schemes into conformity with the regional framework. Some of these also aim to raise the standards required for professionals. These sometimes include changes that potentially reduce the movement of nurses across the region. The Indonesian country report pointed out such a risk. In Indonesia, all relevant regulations have been revised since the adoption of the ASEAN MRA. However, the current regulations effectively limit the foreign nurses in providing nursing services (only limited to specialists). It is a result of the concern of the Ministry of Health: Indonesian nurses will not be able to compete with an influx of foreign counterparts due to relatively lower standards of nursing education in Indonesia.³¹ With the adoption of the Nursing Act in September

³⁰ Another possibility is reciprocity establishment. In the Philippines, one possible path for recognition of foreign nurses is reciprocity. An ASEAN MRA may help facilitate the establishment of reciprocity.

³¹ Relatively weak regulatory framework on nursing, compared to those for doctors and dentists, can be another source of lack of competitiveness. For example, Indonesia did not have the Nursing Act until September 2014.

2014, together with other programs, Indonesia is aiming to raise the quality of Indonesian nurses.³²

5. Other Recent Developments

This section summarizes recent developments, especially the developments after the 2011 AEC Scorecard Phase II Report of ERIA, in the area of movement of skilled labour. For this purpose, the ASEAN MNP Agreement, the ASEAN MRA on Accounting Services, the ASEAN MRA on Tourism Professionals, and the AQRF are briefly discussed.

5.1. ASEAN MNP Agreement³³

The ASEAN Economic Ministers (AEM) signed the ASEAN MNP Agreement in 2012. It is a comprehensive mode-4 services agreement and does not establish ‘free movement of labour’. It specifies four types of movement of natural persons which can be potentially committed: (1) business visitors, (2) intra-corporate transferees, (3) contractual service suppliers, and (4) other categories as may be specified in the commitment schedules. The MNP Agreement covers all the services sectors but does not cover non-services sectors despite the broader scope of objective as stipulated in the agreement (i.e., to facilitate the movement of natural persons ‘engaged in the conduct of trade: in goods, trade in services, and investment’). It also provides several provisions of procedural improvements in addition to liberalization commitments (e.g., processing of applications and transparency). With the effectivity of the MNP Agreement, mode 4 of services trade will be handled solely by said agreement.

Most of the commitments focus on business visitors and intra-corporate transferees. All the countries made commitments for intra-corporate transferees and seven of them committed for business visitors, except for Brunei Darussalam,

³² The Indonesian report also highlights the weak coordination among the ministries involved in policy initiatives (e.g., Ministry of Trade, Ministry of Health, and Ministry of Immigration) which results in longer time for reform.

³³ Excerpted and summarized from Fukunaga and Ishido (2015).

Myanmar, and Singapore. Only a few countries (Cambodia, the Philippines, and Viet Nam) made commitments in contractual services suppliers. None of them are committed to the others. The number of committed sectors varies across the countries. Out of 154 services sectors, Brunei Darussalam and Cambodia made commitments in as many as 153 sectors while Myanmar committed only in 59 sectors. On average, ASEAN countries made liberalization commitments in 111 out of 154 sectors (i.e., 72.1 percent sectoral coverage), that is much broader than the sectoral coverages in AFAS 8 (80.8 sectors on average, 52.5 percent). The depth of commitments (e.g., initial length of stay) differs among AMSs. In terms of the Hoekman Index analysis, most AMSs made commitments in all 11 categories. Out of the 11, 'Construction and Related Engineering Services' has the highest level of commitment at 0.55 while 'Recreational, Cultural and Sporting Services' has the lowest score (0.26).

A lot of improvements are observed when compared with the AFAS Eighth Package finalized in 2012. Many countries expanded their coverage to business visitors (Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, and Thailand) and contractual services providers (Cambodia, the Philippines, and Viet Nam). Nine out of ten AMSs expanded sectoral coverage for intra-corporate transferees and business visitors. There is no clear improvement in terms of depth of commitments, however.

The MNP Agreement does not cover any non-services sector. Thus, large areas of manufacturing which sits at the core of ASEAN single market and production base are not covered at all in this new instrument.

5.2. ASEAN MRA on Accountancy Services

One recent development regarding movement of skilled labour is the ASEAN MRA on Accountancy Services. There exists a 2009 ASEAN Mutual Recognition Arrangement Framework on Accountancy Services³⁴ where Article 1 (Objectives and Principles) clearly states that the framework aims to facilitate the negotiations of MRAs on Accountancy Services between or among AMSs. The new MRA, once finalized, is to replace the framework.

³⁴ The ASEAN MRA Framework on Accountancy Services was signed in Cha-am, Thailand, on 26 February 2009.

According to the final draft of the MRA,³⁵ the accountancy MRA system resembles the ASEAN MRA on Engineering Services. An accountant in an AMS should first register at the regional level as an ASEAN Chartered Professional Accountant via the national monitoring committee of the home country. The regional qualification standards—such as accreditation, professional certificate, and a three-year practical experience—are set in the arrangement (Art. 4.1). An ASEAN Chartered Professional Accountant can then apply to a host country authority to be registered as a Registered Foreign Professional Accountant (RFPA) (Art. 4.3). The procedure or requirement for RFPA registration is not provided in the arrangement. An RFPA can practice only in collaboration with local accountants (Art. 4.3.2). A regional coordinating committee and a regional secretariat will be established (Art. 7).

Although the legal text is already finalized,³⁶ the AEM have not signed the MRA as of this writing.³⁷

5.3. ASEAN MRA on Tourism Professionals

The ASEAN MRA on Tourism Professionals signed on 9 November 2012 is the eighth and newest MRA in ASEAN. The MRA has not been implemented as of this writing.³⁸ Six countries (Indonesia, Malaysia, Myanmar, the Philippines, Singapore, and Thailand) have completed required national actions³⁹ in accordance with Article 9.2.

‘Tourism professions’ cover as many as 32 job titles. These job titles include both hotel services (front office, housekeeping, food production, and food and

³⁵ The final draft as of 27 May 2014 is uploaded on the website of the Federation of Accounting Professions of Thailand: [http://www.fap.or.th/images/column_1401267099/03%20Accountancy%2014%20MRA%20\(Final%20Draft%2027May2014\)%20clean.pdf](http://www.fap.or.th/images/column_1401267099/03%20Accountancy%2014%20MRA%20(Final%20Draft%2027May2014)%20clean.pdf) (accessed 9 December 2014).

³⁶ Key Outcomes of the 12th AEC Council Meeting, 46th ASEAN Economic Ministers’ (AEM) Meeting and Related Meetings, 25–28 August 2014, Nay Pyi Taw, Myanmar. Available at: <http://www.asean.org/images/Community/AEC/AEM/Key%20Outcomes%20of%2046th%20AEM%20and%20Related%20Meetings%201%20Sept%202014.pdf>.

³⁷ Chairman’s Statement in the 25th ASEAN Summit: ‘Moving Forward in Unity to a Peaceful and Prosperous Community’, Nay Pyi Taw, 12 November 2014, para. 29. http://www.asean.org/images/pdf/2014_upload/Chairman%20Statement%20of%20the%2025th%20ASEAN%20Summit.pdf.

³⁸ ASEAN Secretariat’s website (<http://agreement.asean.org/>) (visited 13 December 2014).

³⁹ We mean the notification of the establishment of Tourism Professional Certification Board and National Tourism Professional Board.

beverage service) and travel services (travel agencies, and tour operations). For each type of service, there are four to seven different levels of services (e.g., for the front office, from bell boy to front office manager) which sum up to 32 in all. It is important to note that tour guide was intentionally dropped from the scope. Tour guide is a regulated profession in some countries to ensure the tour guide's knowledge and understanding of his/her country's/region's history and culture. And so, the MRA covers only non-regulated professions. For instance, there is no regulation to become a bell boy or waiter. Thus, the meaning of MRA is quite different from all the other ASEAN MRAs that cover regulated professions.

The MRA on Tourism Professionals emphasizes common competency standards and a common curriculum. Based on the ASEAN Common Competency Standards for Tourism Professionals (an appendix in the arrangement), ASEAN establishes a Common ASEAN Tourism Curriculum. Using the toolboxes for each job title, master trainers and master assessors are trained at the regional level, followed by national training for trainers and assessors. These regionally recognized trainers and assessors will train tourism professional candidates. After completion of training, a professional is assessed and certified by a Tourism Professional Certification Board (national governmental body). Only then can the professional be recognized as a 'Foreign Tourism Professional' in the ASEAN terminology. ASEAN establishes the ASEAN Tourism Professional Registration System which is a web-based facility to register foreign tourism professionals. The system also provides a matching function between jobseekers (Foreign Tourism Professionals) and potential employers. The regional registration is expected to start in 2015.

The handbook (ASEAN, 2013) lists the following benefits for tourism professionals and the industry. The first benefit is facilitation of mobility of tourism professionals based on tourism competency qualification/certificate. However, the regional registration does not ensure job opportunity as the host country government has the discretion whether to recognize the eligibility to work in the country.⁴⁰ On the other hand, regional recognition can help potential employers (e.g., hotels) find professionals from other AMSs who meet certain standards by dramatically reducing information costs.

⁴⁰ A Foreign Tourism Professional may be recognized by other AMSs, and may be eligible to work in a host country (Art. III).

There are other benefits aside from mobility of professionals (ASEAN, 2013): (1) enhance conformity of competency-based training/education, (2) recognize skills of tourism professionals, (3) improve the quality of tourism human resources, and (4) enhance the quality of tourism services. The ASEAN MRA is functioning as a regional initiative to set and enhance the quality standards in this unregulated profession.

5.4. ASEAN Qualifications Reference Framework

The ASEAN Qualifications Reference Framework (AQRF) is another important ongoing initiative undertaken with support from Australia. The ASEAN-level body to handle the AQRF is the Task Force on AQRF which comprises officials from ASEAN ministries of trade, labour, education and qualification agencies. It was already finalized but still awaits endorsement of the ASEAN Economic and Education Ministers.⁴¹ Unfortunately, the AQRF document has not been published as of this writing. Thus, this section only briefly explains the situation based on limited information.⁴²

One of the challenges in facilitating the movement of natural persons, either professionals or skilled labour, is the differences in national qualifications across countries. Such qualifications cover not only the licensing and certification aspects but also broader qualifications such as basic education, technical and vocational training, and higher education. The AQRF provides a possible solution to this situation. First, it is a common reference framework for the region which provides a standard that enables comparison of qualifications among different national qualifications. With the AQRF, for example, one can easily compare the equivalence of a program in country A with a diploma in country B. Second, by enabling the comparison, the AQRF is intended to be a tool to support and enhance each country's national qualifications framework. It is considered voluntary in nature and have neutral influence on national qualification frameworks. After the adoption of the

⁴¹ Chairman's Statement in the 25th ASEAN Summit: 'Moving Forward in Unity to a Peaceful and Prosperous Community', Nay Pyi Taw, 12 November 2014, para. 29. http://www.asean.org/images/pdf/2014_upload/Chairman%20Statement%20of%20the%2025th%20ASEAN%20Summit.pdf.

⁴² The discussion is mainly based on a presentation by the Chair of Task Force on AQRF, Ms. Manzala (2013).

AQRF, a phased implementation including referencing, further capacity building, and communications to public and private stakeholders are expected.

6. Policy Discussion and Conclusion

a) Expand the MRA to Cover ‘Unregulated Professions’

An MRA is typically meant to give foreign professionals a local license (or authorize the local practice of profession) to. It has more potential advantages as well. It motivates member countries to review their qualification requirements, education, and training programs. As a regional program, it encourages member states to share their respective national regulatory (educational or other) practices. If a regional registration system is established (as are in the cases of engineers, architects, and tourism professionals), it bridges the information gaps between potential employers and potential employees and thus enhance the mobility of skilled labour. These benefits, except for the local license, can be pursued in ‘unregulated professions’ as well. The ASEAN MRA on Tourism Professionals is a good example. It covers all tourism professionals except for tour guides which are often regulated by law in host countries. It is not a typical MRA as it has started building regional education and training programs for the professions to be implemented at the national level. The electronic regional registration system to be launched in 2015 is expected to facilitate the job-matching process as well. Thus, one possible way forward for ASEAN is to expand the MRA coverage to ‘unregulated professions’ based on the experience of tourism professionals. In selecting such professionals, the new areas of ‘enhanced sectoral integration and cooperation’ as in the 2014 Nay Pyi Taw Declaration on the ASEAN Community’s Post-2015 Vision should be considered.⁴³

⁴³ ILO/ADB (2014) proposes to include medium-skilled occupations on the basis that actual movement of people take place intra-regionally more in the low- or medium-skilled occupations than high-skilled ones. The examples that ILO/ADB give for medium-skilled occupations are those in the construction, garment, fishing and plantation sectors.

b) Consider a special arrangement for visa facilitation for ASEAN MRAs
(e.g., NAFTA Professional Visa)

One of the main problems hindering the actual usage of MRAs is the perception of small benefits of ASEAN MRAs. Thus, a natural policy option, when taking the movement of professions as a serious policy objective of AEC, is to increase the benefits of ASEAN MRAs. In particular, alternative legal schemes should be taken as reference points in considering the additional and real benefits. One possibility is to allow independent practice. Some countries are open to the possibility of independent practice in the case of architectural services. Another way to improve the quality is to link ASEAN MRAs with visa or work permit process. The North American Free Trade Agreement (NAFTA) provides an interesting model. Unlike the EU and Trans-Tasmanian frameworks, NAFTA still requires a visa in general (in this aspect, NAFTA is closer to ASEAN). Yet, it provides a special facilitation measure for those who are recognized in NAFTA MRAs, that is, the non-immigrant NAFTA visa. A condition is that the applicant will work in a prearranged full-time or part-time job for an employer, and self-employment is not permitted.⁴⁴

c) Link the MNP commitments with ASEAN MRAs

Another possible measure to increase the benefits of ASEAN MRAs is to link the ASEAN MRAs with MNP commitments. While these two measures are complementary to each other, there is no clear relationship between the two. For example, the MNP commitments in these sectors do not mention ASEAN MRAs and the commitment level is actually lower than the overall average liberalization level. The two instruments should be consistent and ‘synergized’ with each other.

d) Keep additional requirements for RFAs/RFPEs to a minimum

Although the financial cost of registration is not very high, the additional requirement for the RFA/RFPE registration could be potentially quite cumbersome. Fortunately, there have been no problems in this regard but the actual implementation of supplemental assessments, among others, might pose some issues in the future.

⁴⁴ For details of US visa for NAFTA professions, refer to the website of the US State Department: (<http://travel.state.gov/content/visas/english/employment/nafta.html>) (accessed 12 December 2014).

Thus, member countries should keep the additional requirement for RFAs/RFPEs, if necessary, at the minimum level.

e) Identify best practice regulations

A most serious source of challenge in the movement of professionals is the variance in national regulations. Thus, in the long run, regulatory convergence should be considered at the ASEAN level. While all ASEAN MRAs aim to exchange information to adopt best practices (or sometimes more straightforwardly adopt best practices), such activities have not taken place. Best practice, which by nature is not binding, can provide a reference point to be used in comparing each country's regulation and, over time, can help converge national regulations across the region. Such a tool is established in the competition policy (i.e., ASEAN Regional Guidelines on Competition Policy adopted by the AEM in 2010. ASEAN should consider identifying best practice regulations on regulated professions. In doing so, forming ASEAN-level professional associations (such as the Southeast Asia Association for Dental Education and ASEAN International Association for Dental Research) can be a powerful tool.

f) Improve the quality of professionals

Lower quality of professionals can create a protectionist mindset and thus hinder their actual movement. A solution to this problem is to raise the level of professionals by providing capacity building. ASEAN should provide capacity-building cooperation for countries with lower quality professionals in addition to the ASEAN MRAs.

g) Involve all stakeholders in a policy discussion

Professional associations play critical roles in policy discussions on ASEAN MRAs. However, such discussions are dominated by professional associations and regulatory bodies (which often consist of members of the same professions) and can be easily captured by the protectionist mindset due to fear of competition from foreigners. Service industries are understood as critical inputs to manufacturing in the regional production networks. A high quality and competitive price construction is a key

factor for any factory. The users of professional services (e.g., manufacturing industries in case of architects and engineers) should be duly involved in policy discussions.

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Appendix 1. List of Acronyms/Abbreviations

AAC	ASEAN Architect Council
ACPE	ASEAN Chartered Professional Engineer
ACPECC	ACPE Coordinating Committee
AEC	ASEAN Economic Community
AFAS 8	AFAS Eighth Package
AFAS	ASEAN Framework Agreement on Services
AMS	ASEAN Member State
AQRF	ASEAN Qualifications Reference Framework
ASEAN	Association of Southeast Asian Nations
EU	European Union
FTA	foreign trade agreements
MNP	Movement of Natural Persons
MRA	mutual recognition arrangement
NAFTA	North American Free Trade Agreement
PRA	Professional Regulatory Authority
RFA	Registered Foreign Architect
RFPE	Registered Foreign Professional Engineer
STP	Special Temporary Permits
TPC	Temporary Practicing Certificate

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