Informal summary of the discussions at the workshop

1. **Policies for services trade can improve mobility of people by addressing barriers to the mode 4 trade in services**. This mode of supplying services through movement of natural persons remains more restricted than other modes, including by the non-recognition of skills and qualifications. Countries can address this by providing autonomous recognition, by engaging in mutual recognition agreements (MRAs), or by using broader tools to facilitate this recognition such as trade and labour agreements, the potential of which has been recognised by the Global Compact for Safe, Orderly and Regular Migration (GCM).

2. **The development dimension of MRAs is important.** In addition to facilitating trade in services and mobility of people, MRAs can promote job creation, reduction of poverty and of inequality, as well as support the decent work target mentioned in Goal 8 of the 2030 Sustainable Development Agenda. MRAs support labour mobility, which can be a facilitator of regional integration, as in the case of the European Union. In the Association of Southeast Asian Nations (ASEAN), MRAs ultimately envisage the development of an ASEAN Economic Community (AEC). Brain drain is feared but brain circulation, when migrants returned home, brings experience, knowledge, qualifications, resources and information. Recognition of qualifications is also important to allow these people to return to origin labour markets.

3. **Linkages between trade and migration requires close examination.** Commercially meaningful facilitation of mode 4 can be mutually beneficial as changes in demographics and patterns of investment in human capital created an increased scope for international trade in professional services. Skills shortages and skills mismatches can benefit from better mobility of people. Still, bringing together mode 4 of services trade with migration tends to make host countries more sensitive. Moreover, mode 4 commitments do not reflect skill gaps and it is thus difficult to link mode 4 to immigration needs. A comprehensive approach is required to connect mutual recognition to trade and labour market needs that match interest between countries. MRAs should rely on international standards as appropriate and be based on labour market assessments and ensuing identification of skills and education demand, mapping current and future needs. MRAs should also be connected to key export sectors and modes of supply. This would benefit from the involvement of the private sector and training institutions, an information portal on jobs and project opportunities and requirements and capacity-building. An example was the workshop

series in ASEAN, where labour mobility helped filling certain labour shortages and countries with excess supply to export under mode 4.

4. **Policy design is a critical step.** Negotiation of recognitions needs to be pragmatic and can occur at any level, whether through trade and labour agreements, migration partnerships such as Swiss Migration Partnership with Nigeria, MRAs or whatever is the most effective instrument. Both sides at the negotiating table need to show willingness to negotiate and transparency to discuss barriers such as lack of confidence in education or training and concerns about brain drain. This would facilitate effective solutions as recognition often built on the synchronization of qualification standards, certification and training requirements. MRAs in the Southern African Development Community (SADC) used two protocols. The Protocol on Education and Training facilitates the transfer of education credits from one training institutions to another and the comparability of academic qualifications. The Protocol on Trade in Services built on the World Trade Organization (WTO) rules provides a mechanism for the authorization, licensing, operation and certification of service suppliers. In ASEAN, the MRAs were bolstered by the ASEAN Agreement on the Movement of Natural Persons (AAMNP) and by the ASEAN Qualifications Reference Framework (AQRF). The AAMNP is an agreement covering all services sectors, providing for the movement of intra-corporate transferees, contractual services suppliers and business visitors and for procedural improvement as increased visa transparency. The AQRF is a voluntary reference framework to facilitate comparison of qualifications in all education and training sectors across ASEAN.

MRAs can be complemented by institution-to-institution memorandum of understanding (MOUs) on education and training, as in the case of the Philippines. MRAs can also be complemented by encouraging relevant professional organizations to engage in negotiations to formulate recommendations on sectoral mutual recognition, as in the case of signatories of the economic partnership agreement (EPA) between the Forum of the Caribbean Group of ACP States (CARIFORUM) and the European Union. Even when countries are not ready to negotiate an MRA, partnerships can be developed to lower mobility costs by conducting licensing, examinations, inspections, accreditation of training facilities and job interviews in home countries, as in the Philippines. Better data are needed, and taxonomy consensus would be important.

5. **A multilateral approach to mutual recognition is useful.** It is critical that WTO members ensure that their competent authorities take account of qualifications and licenses acquired in the territory of another member on the basis of equivalence of

education, experience and/or examination requirements. This would address a part of the least developed countries (LDCs) collective request under the process of operationalizing the WTO LDC services waiver. Article VI:6 of the General Agreement on Trade in Services (GATS) expects WTO members to provide adequate procedures to simply verify the competence of foreign professionals in sectors with specific commitments. The mandate on domestic regulation negotiations provided for in Article VI:4 of the GTAS aims to discipline measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures, with a view to ensuring that these measures do not constitute disguised restrictions to trade in services. The provisions of Article VI:4 call for regulatory disciplines to be based on objective and transparent criteria, not more burdensome than necessary and, in the case of licensing procedures, not in themselves a restriction on supply. Regarding the recognition of foreign education, experience and requirements to be met, Article VII of the GATS allows for a departure from the most favoured nation (MFN) obligation, on the condition of non-discrimination among countries in the application of standards and criteria for authorization, licensing and certification. It is necessary to afford an adequate opportunity for other interested WTO members to join or negotiate comparable agreements. Transparency requirements also apply to the members concerned, namely the need to notify the WTO of the opening of negotiations, adoption of new recognition measures or when current measures were significantly modified.

The accountancy disciplines negotiated under the GATS can be seen as a relevant example of the multilateral approach, although they are yet to be put into effect. The guidelines for MRAs in the accountancy sector aim to make it easier for the parties to negotiate recognition agreements and for third parties to join, provided voluntary and non-binding recommendations for greater transparency in the negotiation, content and conclusion of MRAs. It is necessary to specify the conditions to be met for recognition; the level of equivalence to be eligible for recognition; compensatory measures; mechanisms for implementation, monitoring, enforcing, cooperation between the parties and focal points; provisions on length of procedures for processing applications, documentation required, fees, commitments on examinations, information on assistance; licensing requirements; and other conditions such as language requirements. Members shall ensure that competent authorities take into account qualifications acquired in the territory of another Member, on the basis of equivalency of education, experience and/or examination requirements. Verification of an applicant's qualifications shall take place within a reasonable timeframe, in principle within six months, the period of membership of a professional organization should be kept to a minimum, the scope of examinations

shall be limited to subjects relevant, and residency requirements shall not be required for sitting examinations.

6. **A regional approach to mutual recognition is increasingly used.** There are 60 MRA-related notifications communicated under Article VII of the GATS. The majority of these MRAs only recognize academic qualifications and not "on-the-job" qualifications. Developing countries are underrepresented in this area. The horizontal and broadest regional approach focus on all-inclusive MRAs covering virtually all occupations. Examples include the European Union Professional Qualifications Directive (EU-PQD) and the Trans-Tasman Mutual Recognition Arrangement (TTMRA). The vertical approach envisages MRAs which are limited to certain occupations or sectors. They make up the majority of MRAs notified to the WTO, which include the Mutual Recognition Arrangement on Architecture between the United States and Canada and the Caribbean Community (CARICOM) Skills Certificate Scheme. The "umbrella" agreement approach offers detailed guidelines for future MRAs. Examples comprise the French-Québec Accord, a bilateral arrangement that sets out common framework and procedures for the conclusion of occupation-specific MRAs, and the Asia-Pacific Economic Cooperation (APEC) Architect Project Framework where participating signatories enter into bilateral or multilateral MRAs between each other as per the eligibility requirements identified in the framework. Umbrella agreements offer a promising, alternate approach to MRA negotiations, if there is political will at the highest levels and financial and technical support to regulatory bodies and professional associations when negotiating the actual MRAs.

7. **A national qualification framework is necessary to promote mutual recognition.** It contributes to regional qualification frameworks by providing comparable measures of qualifications, thus facilitating the implementation of MRAs. The SADC is developing a regional qualifications framework based on individual national qualification frameworks. In the East African Community (EAC) the regional qualification framework concerns common education to enable mobility for students and academic staff. Skill development and improving access to training and life-long learning provides a central basis of a national qualification strategy. The Philippines implements an online assessment for overseas Filipinos to support training, upskilling and acquisition of certifications and facilitated examinations outside of the country for professionals to continue to upgrade and update their licenses while deployed overseas. Skill development and certification initiatives would facilitate devising competency standards and recognition of prior learning towards a national skill recognition framework.

Recognition of qualifications is different from recognition of skills, but academic qualifications, regulated professional and vocational qualifications could come together in national qualification frameworks. In fact, qualification standards can go beyond education and encompass training, capacity building, work experience, apprenticeship and mentoring. Engaging education and training institutes, social partners, and the private sector which has an economic interest in the mobility of people, enables receiving their important contributions to the design and implementation of education, training and recognition frameworks. Sector level frameworks, with the participation of sectoral representatives, can be more effective for mobility of people and to serve the domestic labour market.

8. **Implementation is key to render effectiveness to a MRA.** MRAs require constant monitoring, evaluation, revision, improvement and even periodic renegotiation to avoid becoming irrelevant and costly to maintain. Conversely, implementing and enforcing MRAs proved to be a particularly complex and resource intensive exercise. A centralized bureaucracy dedicated to MRA administration and enforcement, while making oversight easier, can entail prohibitive resource requirements. Under a decentralized approach, where parties to a MRA utilize local administrative structures, the operational cost may be low but ensuring compliance can be difficult, particularly where buy-in from regulatory authorities is low. In any case, the operationalization of MRAs requires clear guidelines to reduce subjectivity and the dissemination of information to stakeholders - particularly to private sector.

In ASEAN, the implementation of the MRAs has been hampered by lack of resources to disseminate information and by the complexity of regulations. Potential barriers linked to labour market tests exist in all ASEAN member States ranging from foreign worker utilization plan, plans to reduce reliance on foreign workers and train national workers, proof of attempt to find local candidates, legal provisions to prioritize nationals, and quotas for foreign workers. A valid offer of employment is also required by nine ASEAN member States before admission of foreign workers. Certain sectors or occupations have a cap of 6 per cent on foreign specialist employees. Heterogeneous education systems, language barriers and cultural differences also constitute a hurdle. The harmonization of training standards is hard to achieve and even harder to maintain since once training standards are harmonized, updating existing systems to reflect the changes requires additional negotiations and even more resources. Measuring the quality of the education is difficult. Variations in standardization of professions, relocation costs, different sets of remuneration systems and lack of uniformity in working permit requirements further limit mobility of people. A single window for foreign workers would be a simple and effective measure to improve

processes related to recognition and to overall mobility. Workers need to be empowered with information, social protection and decent work.

9. **Costs of recognition need to be considered.** Recruitment costs, which include costs of training and of recognition, could represent years of salary for some low and semi-skilled workers and hence need to be considered. Non-recognition leads to costly and time-consuming evaluation of prior qualifications, including costly examinations. Often, foreign applicants have to repeat partly or fully the education curricula, have to take courses that duplicate prior training or to acquire more experience than their local counterparts. These requirements could only be met in many host jurisdictions after obtaining visa, which itself is an added burden.

10. **Action is called for at several levels.** At the domestic level, MRAs call for resources, capacity-building and information. More coordination is needed among implementing agencies, such as labour or internal affairs and qualified regulators. In fact, mutual recognition of qualifications and skills is a cross-cutting issue which requires a whole of government approach for institutional and policy coherence, as in the case of Switzerland. This approach needs political will, a responsible leading unit or secretariat, a horizontal inter-ministerial coordination and a vertical coordination linking the national level - dealing for example with negotiating recognition agreements - to the subnational and local levels, where implementing institutions such as universities or professional schools intervene. At the international level, there is a need for more transparency of recognition schemes, more MRAs and exchange of experience and best practices.