



Union Internationale des Architectes · International Union of Architects

Recommended Guidelines for the UIA Accord On Recommended International Standards of Professionalism in Architectural Practice

Policy on Practice in a Host Nation

As approved by Council during the 95th Session held in Barcelona, Spain, February 26-28, 2002 and amended during the 100th Session held in Villahermosa, Tabasco, Mexico, May 26, 2004.

Amended by the UIA Council held in Sydney, Australia, January 2010

Drafting Panel:

James A. Scheeler, FAIA, Chairman
Luis M. Rossi
Carlos Maximiliano B. Fayet
Andreas Gottlieb Hempel
Tillman Prinz
Dato' Hahi Esa Bin Mohamed
Artur Jasinski
Edward D'Silva
Susan M. Allen

UIA Professional Practice Program Joint Secretariat

The American Institute of Architects
Co-Director Rick A. Lincicome, AIA
1735 New York Avenue, NW
Washington, DC 20006
Email : ricklincicome@aia.org

The Architectural Society of China
Co-Director Zhuang Weimin, ASC
No.9, Sanlihe Road
Beijing, China 100835
Email: zhuangwm@tsinghua.edu.cn



RECOMMENDED GUIDELINES FOR THE ACCORD POLICY ON PRACTICE IN A HOST NATION

Accord Policy on Practice in a Host Nation

Architects providing architectural services on a project in a country in which they are not registered shall collaborate with a local architect to ensure that proper and effective understanding is given to legal, environmental, social, cultural, and heritage factors. The conditions of the association should be determined by the parties alone in accordance with UIA ethical standards and local statutes and laws.

Recommended Guidelines for the Accord Policy on Practice in a Host Nation

PREAMBLE

The UIA is committed to the encouragement of bilateral and multilateral recognition agreements within the context of the General Agreement on Tariffs and Trade (GATT), The General Agreement on Trade in Services (GATS) and the World Trade Organization (WTO). Experience in the development of mutual recognition and/or free trade agreements for the architectural profession suggests that the process requires identification of gaps between the elements of the foreign professional qualifications standards and those of the local qualification standards, and the negotiation of means to bridge these gaps through establishment of equivalencies. It is a process that must recognize the sovereign right of each jurisdiction to establish its professional standards at whatever level it deems appropriate for the environmental, social, cultural, public health, safety, and welfare interests of its citizens.

The Accord acknowledges that there are differences in the standards, practices and conditions reflecting the diversity of cultures of the countries of UIA member sections and that the Accord represents a first step in an effort by representatives of the international community of architects to reach consensus on standards and practices that will best serve community interests. The UIA recognizes that bilateral and multilateral mutual recognition and/or free trade agreements may take time to negotiate and bring into operation, and therefore there is a need to provide sector specific guidelines and protocols for conditions where mutual recognition and/or free trade agreements do not yet exist.

The Accord Policy on Practice in a Host Nation is intended to include equal standing between the associated architects and provide a bridge to the time when mutual recognition and/or free trade agreements are prevalent rather than a rarity, as is now the case. The following guideline suggests provisions for a protocol recommended for adoption by UIA member sections seeking to provide an appropriate mechanism for recognizing practice in a host nation by a foreign architect.



RECOMMENDED GUIDELINES FOR THE ACCORD POLICY ON PRACTICE IN A HOST NATION

Introduction

In most jurisdictions architects must be registered, licensed, or certified in order to practice architecture. Practice in a Host Nation covers the situation when individual architects or corporate entities of architects have been commissioned to design projects in a country in which they are not registered, licensed, or certified.

The UIA recognizes the need for the responsible mobility of architects and their ability to provide services in foreign jurisdictions. It is the goal of the UIA that an architect recognized by the relevant authority of the nation/state in any UIA member section should be recognized as being able to be registered, licensed, or certified through bilateral or multilateral agreements and be able to establish in those nation/states as an architect by the relevant authorities in the nations/states of all UIA member sections.

The UIA also recognizes a need to promote the awareness of local environmental, social, and cultural factors and ethical and legal standards. To this end, the UIA Assembly has approved the Second Edition of the UIA Accord on Recommended International Standards of Professionalism in Architectural Practice. While the Accord and related Policy Guidelines are intended to define best practice for the architectural profession and the standards to which the profession aspires, they are also intended to make it easier for interested parties to negotiate mutual recognition and/or free trade agreements allowing portability of architectural credentials and/or services.

The long established UIA International Code of Ethics on Consulting Services requires that “every consultant from a foreign country...shall associate and work harmoniously with consultants or professionals of the country where the project is located.”

Guidelines for Practice in a Host Nation

It is recommended that the member sections or nation/states of the International Union of Architects adopting this guideline agree that the UIA Accord on Recommended International Standards of Professionalism in Architectural Practice (referred hereafter as the Accord) establishes a policy framework for the negotiation of agreements under which local and foreign architects collaborate.

While the UIA Accord and related guidelines attempt to establish standards for the international practice of architecture, it is recognized that there are differences in the traditions and practices of the UIA member section countries.

Architects entering into 'Practice in a Host Nation' agreements should agree 1) that arrangements affecting professional liability, insurance, the jurisdiction of the courts, and similar issues are covered by local statutes or considered business arrangements and most appropriately negotiated by the local architect, the foreign architect, and the client and should be formalized in the agreements between and among the parties; 2) that public liability, statutes, and laws affecting the conduct of the architect and the practice of



RECOMMENDED GUIDELINES FOR THE ACCORD POLICY ON PRACTICE IN A HOST NATION architecture are matters to be appraised by and the responsibility of both architects; and 3) that the following conditions shall apply for the practice of architecture by foreign architects in local jurisdictions:

1. In this guideline an architect is a professional recognized and registered/licensed/certified by a relevant authority in a nation/state. A local architect is the entity registered/licensed/certified and practicing in the nation where the project is located. A foreign architect is the entity registered/licensed/certified and practicing in a jurisdiction/country but is not registered/licensed/certified in the jurisdiction where the project is located.
2. Where there is no mutual recognition or free trade agreement between the relevant authorities of the host country and that of the foreign architects' country:
 - Foreign architects registered/licensed/certified by a relevant authority in their own countries but not in the host country should be admitted individually and permitted to practice in association with registered/licensed/certified local architects, in accordance with local laws and practices.
 - Foreign architects coming from nation/states that do not have relevant authorities dealing with issues of registration/licensing/certification should be required to be subjected to the registration/licensing/certification standards in force in the nation/states where the projects are located.
 - A foreign architect should not be permitted to enter into an arrangement to provide services in another jurisdiction without the meaningful and substantial participation and contribution of a local architect in the provision of the design, documentation and contract administrative services of the project. Foreign architects entering an international competition in a country where they do not hold a license should be required to enter into such an arrangement only when they win the competition and are commissioned to proceed with the project.
 - When practicing in a host nation, the foreign architect should either be registered in that country or should enter into a contractual relationship with an architect duly registered in the host country.

2.1 Foreign architects should:

- a. Be prepared to demonstrate to the national or international relevant authority that they hold a current registration/license/certification from a relevant authority of a jurisdiction, which allows them to use the title "architect" and to engage in the unlimited practice of architecture in that jurisdiction.
- b. Provide proof of their qualifications.
- c. Certify that they are not subject to any criminal/ethical conviction.

2.2 Promptly after being selected as architect for a project in which a foreign architect is to be involved, the local architect should be required to provide a document to the relevant authority establishing the local architect's relationship with the foreign



RECOMMENDED GUIDELINES FOR THE ACCORD POLICY ON PRACTICE IN A HOST NATION architects to include their qualifications, and a description of the specific project for which this arrangement has been made.

- 2.3 Foreign and local architects should make sure that in their collaboration they both have the necessary expertise and experience to meet the needs of the project.
- 2.4 Professional services rendered by the associated architects should jointly and severally be rendered by the foreign and qualified local architects involved in the project.
- 2.5 In any documents and when claiming credit for the project, the local architect and the foreign architect shall accurately represent their respective responsibilities on the project.
- 2.6 Upon request from a local relevant authority, it is expected that the foreign relevant authority of the UIA member section will agree to confirm the status of the foreign architect as suggested in paragraph 2.1.
- 2.7 A foreign architect should be required to agree to follow the laws, codes of ethics and conduct, building codes, etc. of the local jurisdiction.
- 2.8 Foreign and local architects forming collaborations should be required to enter into formal, fair and equitable agreements that uphold the ethical standards of the UIA. Numerous model documents and books have been developed that cover the principles involved and issues to be considered when developing an agreement between collaborating architects.
3. Where a mutual recognition agreement exists between the relevant authorities of two countries, this guideline is not relevant.