

APPENDIX 3

Union Internationale des Architectes – International Union of Architects

Recommended Guideline for the Accord Policy on the Role of Professional Bodies

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ACCORD POLICY ON THE ROLE OF PROFESSIONAL BODIES

In countries where professional bodies do not exist, the UIA should encourage members of the architectural profession to form such bodies in the public interest.

Professional bodies should seek to ensure that their members adhere to the UIA international standards, the minimum requirements of the UNESCO-UIA Charter for Architectural Education, and the UIA International Code of Ethics and Conduct; keep up to date their knowledge and skills as required by the list of “Fundamental Requirements” (both current, and as they evolve in the future); and generally contribute to the development of architectural culture and knowledge as well as the society they serve.

1. PREAMBLE

Architects, whether self employed or employees, are generally controlled by a regulating body in charge of ensuring that laws, decrees, and professional standards are applied and observed by all members of the profession. In many countries professional bodies have also been established for the advancement of architecture, for the promotion of knowledge, and to protect the public interest by ensuring that their members perform to a known standard.

In a number of countries both the regulatory function and the advancement of architecture are undertaken by the one organization.

Before defining what an architect’s professional body should be it is necessary to recall the context of globalization and the guiding principals of the General Agreement on Trade in Services (GATS).

The fundamental objectives of GATS are the same as that of the World Trade Organization’s (WTO) objectives for goods - to ensure the balance of world trade through the liberalization of markets and to build the process of liberalization on solid foundations.

To achieve this, the guiding principles are the following:

Trade must take place without discrimination: This implies that all member countries carry out their exchanges on an equal basis and share the benefits achieved from any measure aimed at removing barriers to trade.

Protective measures must be transparent: The services agreement requires that barriers to market access or discriminatory restrictions to operations on overseas markets be clearly identified and listed.

A solid foundation for liberalizing trade: This is ensured as countries make schedules of commitments - service by service - by which they undertake to respect the negotiated reduced levels of protection.

The global free trade logic is to favor free circulation of people, goods and services in a general environment of deregulation.

The WTO rules which apply to member countries have a direct influence on the professional practice of architecture.

Article VI 4 of the GATS agreement reads that:

“The rules which aim at establishing free circulation shall ensure that national protective steps:

Are transparent and based on objective criteria such as professional competence and skills;

Are not more burdensome than necessary to ensure the quality of service; and

Licensing procedures, if any, do not restrict service provision.”

The interests of three groups are served by the establishment of professional bodies:

A. Consumer

It is necessary to guarantee not only the quality of service to the consumer, respecting competition and performance rules, but also the free circulation of professionals without any improper discrimination. Therefore, it is also necessary to define the structure of bodies which represent the profession of architecture, guaranteeing their capacity to protect the consumer and the society.

The notion of consumer service refers to a concept which is internationally shared, implying both market competition and the guarantee of objective or certified quality standards.

This consumer oriented logic prevails over notions of public interest, and presents a case for doing away with laws and regulations which are seen as providing corporate protection and monopoly of privileged practice in favor of systems of professional self-regulation and common law consumer protection.

B. The Public

Increasing numbers of countries are adopting public architecture policies. They are becoming increasingly aware that architecture is in the public interest. It contributes to the welfare of individuals and of society, whether in the social or cultural fields, respect for the environment and heritage. More recently the taking into account of the concept of sustainable development has a real impact on the living environment.

This characteristic of architecture, of environment, of landscape and living environment, as an expression of culture, implies a special relationship between the professionals who practice it - the architects - and society. Society includes the State and public authorities, who have expectations with regard to the built environment, as well as the citizens, as users of consumers of architecture.

As in many countries, it is thus useful and necessary for the profession to be organized in such a way as to meet the expectations of society and of the citizens.

This requires the setting up, or reinforcement where they exist, of professional bodies focused on architecture but are entrusted with the protection of the public.

C. The Profession

It is important for architects to be able to recognize each other and belong to a body which has established the same membership rules, whatever their form of professional practice. It is of course in the interest of architects to meet colleagues with the same training, the same or equivalent diploma, who respect the same ethics and who have identical or comparable forms of practice.

If those bodies are to function, they must also be of interest to architects.

The professional body shall also be a place of identity and gathering for professionals practicing architecture

This guideline aims at defining the *raison d'être*, the function and role of those professional bodies.

2. PROPOSALS

The idea is to provide key words for the organization and scope of competence of professional bodies.

Although they play a major social and cultural role, and their action and contribution are indispensable, this guideline does not address independent trade associations or unions whose vocation and role is to defend the material interests of voluntary members.

The professional bodies should therefore cover three main functions:

- Consumer interest,
- Public interest, and
- Professional interest - interests of architects.

2.1. Functions

Consumer Interest

- To protect the public - consumer society - the users - by monitoring the skills, code of conduct and ethics.
- To enable and respect free circulation of architects in all countries in order to promote exchanges between architects and improve the living environment.
- To guarantee free and healthy competition, based on principles of transparency and fairness.
- To contribute to, guide and guarantee the content of initial training in architecture and to monitor its continuous updating.
- To define the content of initial and professional training and of qualifications procedures and criteria.
- To contribute to improving the knowledge and skills of architects by organizing continuing professional development.
- To draw up a code of ethics and of conduct and to monitor their implementation.
- To establish a set of disciplinary sanctions in the event of professionals not respecting the rules established in the interest of the consumer.
- To publish guide documents on topics such as fee-scales (where legally authorized) appointment of the architect, documents for professional practice, and environmental matters.

Public Interest

- To influence the quality of the built environment by defining quality standards and references, to participate in the implementation of public policies in the field of architecture.
- To promote and facilitate the acquisition of architectural knowledge by competent authorities, as well as by the public and other professionals, to enhance their ability to assess architecture.
- To set up a high authority in architecture at cultural and legal levels.
- To guarantee the durability of the function of the architect in its cultural and social dimensions.
- To promote research and development of architecture with regard to sustainable development and the necessary improvement of living standards.

- To promote the awareness of architecture
- To promote architectural and urban quality by any means and actions.

Professional Interest - Interests of Architects

- While respecting their different forms of practice, to gather together architects, and to organize their representation at local, national and international levels.
- To develop the architects' fields of intervention on the basis of their specific profile and skills.
- To provide the service and assistance expected by architects in social, professional, legal and cultural areas, in order to improve and guarantee the quality of services supplied by architects.
- To promote collaboration and networking with other partners of the living environment such as clients, town-planners, contractors, engineers, etc. with a view to improving the quality of the built environment.
- To guarantee architects' intellectual property and respect of their copyrights.

2.2. ROLES

Some Models of Architectural Professional Bodies

While there are differing models of professional bodies, there is an existing common form for the two main types, the professional body and the registration body. Their primary roles are illustrated as follows:

	<u>PROFESSIONAL BODY</u>	<u>REGISTRATION/LICENSING BODY</u>
status	<i>self-regulating or established by Charter</i>	<i>established by statute (law/decreed etc.)</i>
mission	<i>e.g. advancing architecture, promoting/ facilitating the acquisition of knowledge</i>	<i>protecting the public</i>
main responsibilities	COMMUNICATIONS/PROMOTION <i>(public, government clients, members, international and cultural programs, e.g. awards, exhibitions)</i>	MAINTAINING REGISTRATION OF QUALIFIED ARCHITECTS

EDUCATION*

(influencing standards through the architectural curriculum)

DISCIPLINE

PRACTICE

(influencing standards by helping practitioners, e.g. providing model appointment documents, contracts, etc.)

CODE OF CONDUCT

Justification *better architects = better architecture*

consumer protection

** in the Anglo-Saxon countries this is often carried out by the professional institute and the registration body, or independently by an organization made up of the two; in the 'codified' countries, this task is the responsibility of one or other of the government departments*

From the scope of competence and responsibilities, one can establish the minimum role of those professional bodies:

As to the training and the competence of architects with a view to guaranteeing consumer protection:

- Participation in the elaboration of the content of the initial training.
- Regulation of the title of architect and maintaining a register of qualified architects.
- Determination of the content of professional training.
- Granting and monitoring licenses to practice where appropriate.
- Involvement in the accreditation of architectural courses, qualifications and professional certificates.
- Development of a Code of Conduct, monitoring its implementation and exercising the disciplinary function associated with it.
- Managing relations between professional and academic circles including the organization of practical training periods.

- Involvement in the organization and monitoring of continuing professional development.
- Monitoring the forms of professional practice.
- Provision of different forms of dispute resolution.
- Organizing architecture competitions and monitoring their implementation.
- Participating in drafting improved architectural standards.
- Establishing a learned society - concerned with cultural, economic and legal issues - that allows for the acquisition and improvement of knowledge in the field of architecture.
- Representing the professional before public authorities and international organizations.
- Organizing, or participating in, relations with professional partners such as clients, engineers, town-planners, contractors, etc.
- Promoting UIA International Standards and Accords.
- Contributing to the promotion of the art and science of architecture.
- Contributing to the promotion of a sustainable environment, (e.g. exhibitions, seminars, conferences and taking part in the publication of architectural works.)
- To participate in and promote development programs/projects in the field of architecture.
- To promote, follow, and monitor the development of legislation and regulations that impact on the professional exercise and the built environment.
- To promote and advertise the architectural profession and its representative organizations in the media.
- To collect member's dues and maintain supplementary income through publications, fees, provision of services, counseling, etc.

As to the professional interest:

- At local, regional and national levels organize meetings and exchange views between architects through symposia, conventions, conferences and seminars.
- To promote communication between architects by utilizing web sites, E-mail directories, information bulletins, magazines, libraries, etc.

- To analyze and disseminate the development of the conditions of architects and of their working conditions.
- To bring legal and advisory assistance to architects.

To represent the profession via-a-vis public authorities and consumer associations.

3. GOVERNANCE OF ARCHITECTURAL PROFESSION

The previous sections show that governance of the profession should be based on several principles.

Relationship with the Public Authorities

On behalf of the public interest and consumer protection, the professional body must be granted their authority by the competent public authority. This may be a government or parliament and such authority confers the capacity to exercise legal authority over members of the profession. This pre-supposes the existence, or establishment, of a legal system governing and regulating the title of architect, the license to practice, professional practice, and the code of professional conduct.

Democratic Representation

The professional body usually drafts articles, rules, and bylaws which ensure good representation of the architect's profession by region, by forms of practice or professional status. It may include in its governing board representatives of public authorities, consumers and professional partners. The articles, rules, and bylaws could be confirmed by an act, decrees or by a charter drawn up jointly with the authorities.

A Hierarchical Organization According to Roles Carried Out

National or federal professional body bringing together and coordinating regional bodies that defines professional policies, manages the resource center, the accreditation of qualifications and certificates, etc.

Local or regional colleges keeping as close to their geographic area as possible that keep the register of qualified architects, supervise the conformity with the code of conduct, perform initial conciliation and mediation, maintain relations with regional authorities and professional organizations, etc.

Specific committees allowing for the management of particular issues such as international affairs, training, promotion of architecture, standardization, consumer relations, etc.

Disciplinary Body

To avoid the public thinking that disciplinary bodies are partisan in preserving the interests of architects, disciplinary sanctions should be managed by a separate commission made up of architects and judges or possibly by civil courts.

4. CONCLUSIONS

On the basis of these different principles, it is possible to consider several types of bodies:

- Self-regulating professional bodies with voluntary membership, which choose their mission and role. They are organized by a Charter drawn up with the authorities who confer the necessary power to carry out its responsibilities. In this case it is often necessary to establish other bodies with compulsory registration with complementary but limited responsibilities.
- Registration bodies, such as “chambers”, “orders”, or “colleges” of architects with compulsory registration, invested by the public authorities with the necessary authority to organize the role and functions of architects defined by law. In this case, it shall be necessary to set up other independent bodies to defend the material interests of their voluntary members (unions).
- Public administrative bodies (statutory bodies) in charge of controlling, regulating and checking the implementation of the law.

5. APPENDIX

ANALYSIS OF DIFFERENT TYPES OF PROFESSIONAL BODIES

These following descriptions are theoretical. In most cases, according to the national cultural environment, architects fulfill various functions which may feature in more than one of these classifications.

There is actually no one reference model. Various functions can be grouped together in the creation of new professional bodies or in order to help existing organizations improve their services to architects and to the public.

Different types of organizations or professional bodies may be identified and classified according to their functions, objectives, and their independence or control in the following non-exhaustive manner:

A. Self-regulatory Professional Bodies

These are architect's organizations most commonly found in Anglo-Saxon countries and in countries strongly influenced by this culture.

The architects who set up these professional bodies often did so to meet the need to organize their profession in countries where the State allows professions a significant degree of self determination.

These professional bodies are often very old and have acquired considerable authority because of their extensive social scope, the quality of their organization, and the criteria use for the selection of members. In many cases there is only one body per country. The State may delegate to it the control of the regulatory framework of professional practice, in particular as to the protection of the title of architect.

Their statutes impose a strict code of conduct on members in order to guarantee to the public a level of qualification, competence and probity that is necessary for this function.

They are often centers of architectural knowledge or learned societies, i.e. reference institutions. They serve as guardians of the culture of architecture, maintain a quality library, monitor education and practical training, organize training and continuing professional development, and facilitate cultural development through conferences, seminars, publication of reference documents and initiate architectural research.

Their main characteristic is that they freely determine their Statutes and are independent of the regulatory authorities. Their membership is subjected to strict rules both from the point of view of qualifications, license to practice, professional references, and even sponsorship.

B. Associations, Colleges or Chambers

Associations of architects - sometimes known as colleges or chambers - are often private bodies set up by the State through an act or a regulation. Such acts or regulations define their object, role, statutes, organization, membership criteria, relationship with the State and their financial regime. They are commonly found in Latin or Germanic countries.

Their main objective is the protection of the title of architect. Their role is to protect the public by having architects abide by the rules defined by the State. Generally, they guarantee the architect's qualification, are responsible for conduct and discipline, frequently set down by public law, and are the official partners of the State.

Most often they also protect professional practice and sometimes contribute to continuing professional development of architects and take part in the promotion of architecture. They are generally democratically constituted.

Their main characteristic is that they originate from the public interest and are subjected to strict legal rules. Membership is compulsory for those wishing to use the title and, depending on the national legislation, to practice.

C. Independent Associations

In all countries architects gather together to organize and promote their common interest. The vocation of these bodies may be related to the cultural, professional and even humanitarian aspects of the practice of architecture. In most case their resources are raised from contributions.

Their main characteristic is that membership is obviously not compulsory and they are only regulated by rule they have freely decided upon in conformity with national laws governing associations.

D. Unions or Trade Associations

Originally, according to the country, the role of architects unions or trade associations is to defend the interests of their members. Membership is voluntary and often entails dedication and militancy. They are the obvious negotiators with the public authorities for everything related to professional practice. Frequently they have extended their area of competence to cover the training of architects, the promotion of architecture, the development of techniques and services for their members.

Their main characteristic is that membership is voluntary and they defend the professional interests of architects.

E. Other Organizations

There are also other organizations of architects which may bring members together for wider cultural, humanitarian prospects, particularly at the international level. Examples at the international level are the International Union of Architects (UIA) and the Commonwealth Association of Architects (CAA). Examples at the regional level would include the Architects' Council of Europe (ACE), the Architects' Council of Asia (ARCASIA), Architect's Council of Central and Eastern Europe (ACCEE), the Pan-American Federation of Architects Associations (FPAA), the Union of African Architects (UAA), and Union of Mediterranean Architects (UMAR).

F. Mixed Structures

In certain fields such as education, mixed structures have been established which bring together architects associations, professional bodies and public authorities in order to monitor or accredit schools of architecture. Examples would include the Joint Validation Panel (Royal Institute of British Architects and Architectural Registration Board) in the United Kingdom and the National Architectural Accrediting Board (American Institute of Architects, Association of Collegiate Schools of Architecture and the National Council of

Architectural Registration Boards) in the United States of America.