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HIGHER EDUCATION AND SCIENTIFIC RESEARCH
GENERAL DIRECTION OF PROFESSIONS**

**INTERNATIONAL NEGOTIATIONS OF PROFESSIONAL
SERVICES IN MEXICO**

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International Negotiations of Professional Services in Mexico

Professional services are one of the most dynamic aspects of world trade today. Globalization, with the opening and competition that it entails, promotes a strong demand for professional services and as a result, also free mobility among countries.

This trend can be seen in the regional and multilateral negotiations and agreements adopted by countries from various world regions, as well as by several international organizations. Equally, the processes of economic development and trade have reinforced the need for professional service providers to become more competitive. This is having a direct impact on the manner in which educational and professional practice is being handled worldwide, which also affects, in an important manner, higher education and the systems that regulate professional service.

Mexico has been promoting a series of actions that aim to enable the country to be better prepared as in the international arena, which is nowadays characterized by an increasing demand in quality, competitiveness and transparency in various aspects, in which higher education and professional service are included.

The results of analysis on the development of the process of professional certification in Mexico would not be complete if we do not make reference to some of the most significant changes that have been taking place in higher education in the professional service around the world, and which are

directing to the adoption or reinforcement of quality in all regions of the world.

One of these changes is the accelerated evolution of scientific and technological knowledge that has been going on since the second half of the 20th Century. This is reflected in the growing diversification and processes of exchange and economic competitiveness that in turn resulted in regional and international agreements to find equivalences, on one hand, for credits and co validation of certificates, diplomas and degrees, and on another hand, for commercial exchange among borders and that of professional service providers.

These changes and transformations are taking place in a context of deep changes in regards to the position that education has in the development of nations, and in the context that is being named “a knowledge-based society”.

In our country, an answer to these changes became evident in the late sixties, with the commitment that the educational sector made in respect to the cultural of evaluation, understood as the most suitable instrument to obtain the ideal standards in higher education. This education had to positively impact on the levels of efficiency, and the well being of society.

As a result of these actions, there has been a growth and diversification of the educational services both in educational levels as in professional programs. There has also been a growing use of the principles of quality, pertinence and equality. In respect to this, the Council for the Accreditation of Higher Education (COPAES), which is a nongovernmental organization, was conformed. Its mission is to aid in quality assurance of the higher education academic programs of both public and private universities in Mexico. This is done through recognizing organizations that can accredit the higher

education programs that can ensure and prove the appropriateness, quality, and dependability of both the processes and the results, and that can develop actions based on standards and parameters previously established by the Council.

This is the basis in which the actions that have taken place in order to improve the professional development of the country take place. In this manner, self-evaluation, diagnostic evaluation, institutional and specialized accreditation, certification and recertification became common practice in higher education and also a source of relevant debates.

Since the early nineties up to this day, the activities that had been taking place to perfect the practice of our professional service providers were reinforced by a series of actions adopted as a result of negotiations that began with the Free Trade Agreements in order to promote an exchange between borders of professional services, and for the participation our country in various international organizations.

Mexico currently participates in different International Organizations such as:

- World Trade Organization (WTO) and the General Agreement on Tariffs and Trade (GATT).
- Organization for Economic Co-operation and Development (OECD).
- Asia-Pacific Economic Cooperation (APEC).

Mexico has signed 10 Free Trade Agreements with 41 countries. These agreements include a section on negotiation of professional services.

The Free Trade Agreements (FTA) signed by Mexico are:

- ✓ NAFTA with the USA and Canada, January 1, 1994.
- ✓ FTA (G 3) with Colombia y Venezuela, January 1, 1995.
- ✓ FTA with Bolivia, January 1, 1995.
- ✓ FTA with Costa Rica, January 1, 1995.
- ✓ FTA with Nicaragua, July 1, 1998.
- ✓ FTA with Chile, August 1, 1999.
- ✓ FTA of the North Triangle with El Salvador, Guatemala and Honduras, March 15, 2001.
- ✓ FTA with the European Union, with 25 countries, July 1, 2000.
- ✓ FTA with Switzerland, Norway, Liechtenstein, and Iceland, members of the Free Trade European Association, July 1, 2001.
- ✓ FTA with Uruguay, July 15, 2004.

And two weeks ago another free trade agreement was signed with Japan.

The above-mentioned agreements, establish that the negotiation of professional services is subject to three fundamental principles:

- **Most-Favored-Nation Treatment (MFN):** Each Party shall accord to service providers of another Party treatment no less favorable than that it accords, in like circumstances, to service providers of another Party or of a non- Party.
- **National Treatment:** Each Party shall accord to service providers of another Party treatment no less favorable than that it accords, in like circumstances, to its own service providers.
- **Local Presence:** A Party shall not require a service provider of another Party to establish or maintain a representative office, branch or any form of enterprise, or to be resident, in its territory as a condition for the cross-border provision of a service.

It is important to pinpoint that these legal international instruments determine a series of “**RESERVATIONS**”, for each country, and they are a number of limitations to some of the mentioned principles in order to preserve the national sovereignty, and to protect the productive sectors and employment of the natives of each country. This is done by abiding the laws of each country.

As a result of a series of international meetings, the exchange of specialized information and knowing about the benefits, similarities, differences and contradictions of professionals of the different models of certification in various countries, Mexico focused upon that analysis, to the conceptualization of a model that on the one hand, was similar to the certification of other countries, but on the other hand that it did not fall into

an imitation that would not make sense to our own characteristics and needs of our times.

In the quest and construction of this solution in the processes of certification of our professionals the following was considered **fundamental**:

- The necessary coordination and participation of the participants, and the processes of the **Higher Education System in Mexico**, from where all the professionals come from through COPAES.
- The active participation of the **Productive Sector** (employers) through organisms of high representation nationwide.
- The direct participation of all the state governments in order for this certification process to have **National Coverage**.
- The participation of Federal entities, like the Secretariat of Economy which is responsible for the administration of the Free Trade Agreement, Secretary of Labor which norms and regulates the labor, and the Secretariat of Health which norms and regulates the right for the protection of health.

The Secretariat of Education through its Head Dr. Reyes Tamez Guerra established an Advisory Board for Professional Certification. The mission of this board as an external plural entity that can provide counsel and opinion to the Secretariat of Education is to aid in quality assurance of the processes of professional certification so that these processes are **transparent, voluntary, reliable, external, and plural; and**

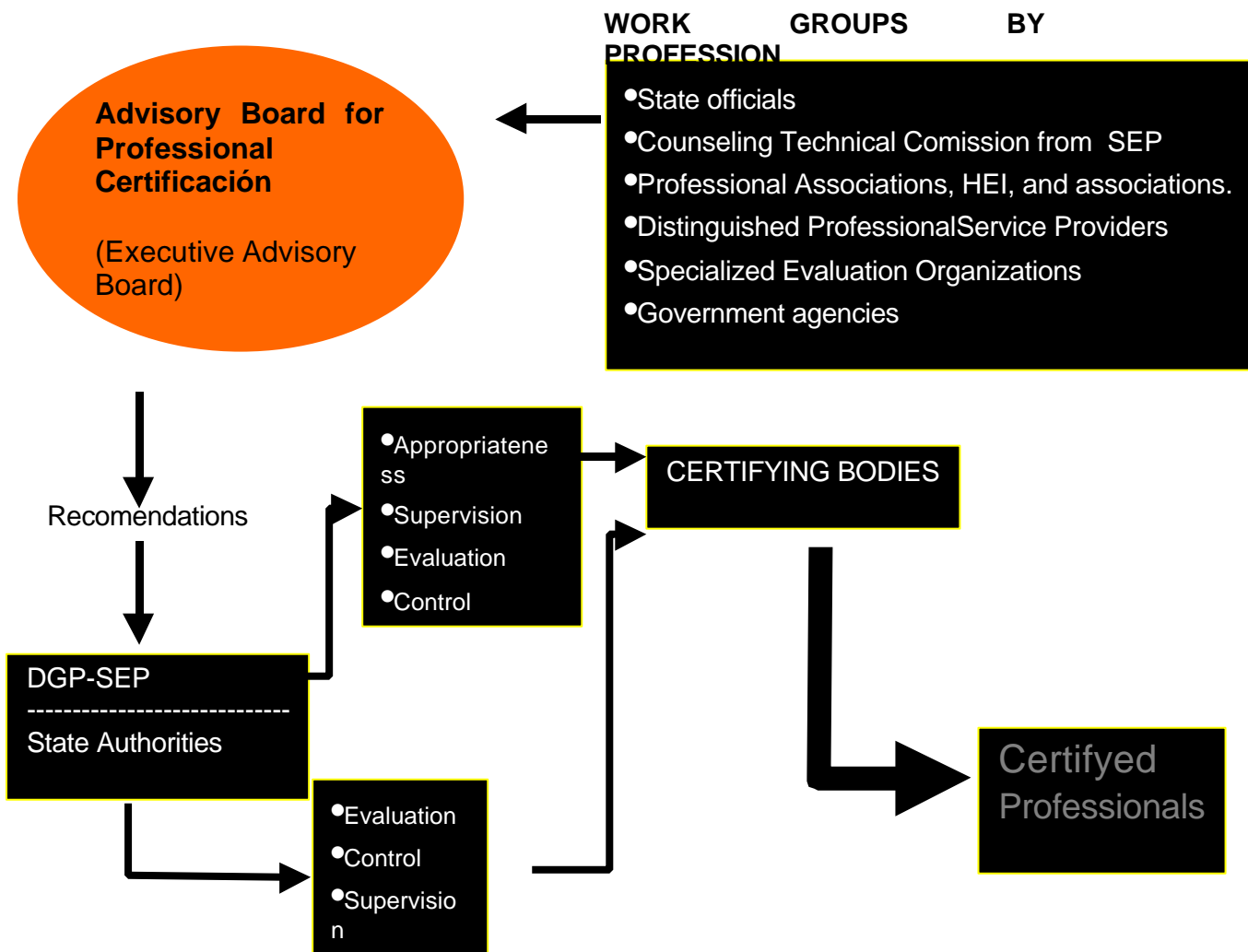
that they guarantee quality professional services to society.

The Advisory Board for Professional Certification is conformed by:

- I. A General Coordinator, which is also de Deputy Secretary of Education for Higher Education and Scientific Research.
- II. A representation of 8 of the 32 states in the country. Each of these 8 states will send a representative appointed by the corresponding State Secretary of Education. The representatives will serve for one year to give opportunities of participation; the rooster in each state will be in alphabetical order.
- III. A representative of from each of the following Secretariats Economy, Health, Labor, and Education.
- IV. A representative of National Chamber of Commerce and Industry.
- V. A representative from Council for the Accreditation of Higher Education (COPAES).
- VI. A Chairman, who will be the General Director of Professions of the Secretariat of Education, position that I presently hold.

Advisory Board for Professional Certification.

WORKING STRUCTURE



Characteristics:

Work Groups are being organized by professional fields, where the participants represent professional associations, higher education institutions, the associations of higher education institutions, evaluation organizations, distinguished

professional service providers and representatives of the different status. They will be in charge of creating and presenting a proposal to the ADVISORY BOARD, of the criteria and requirements for organizations that will certify professional service providers in each field.

Thus, the groups of each profession, in a collegiate and plural manner, will determine the processes to evaluate the knowledge, skills, and abilities, required to exercise the profession in a highly moral and legal environment.

The characteristics of our model are based in the following:

- No Federal or State government will be able to work as certifying institutions.
- The period of time granted to the Certifying bodies to act as such is limited, and their work evaluated and supervised both by the Federal Government and the Governments in each State.
- The certification granted to the professionals will be limited in time and each work group will determine this.
- All of the professional certification processes must have an external body, expert in evaluation, which will be in charge of designing, applying and grading the corresponding evaluations.
- All of the professional certification processes must comply with specific minimum requirement of quality that guarantee: transparency and reliability, that must be extremely ethical.

- **Professional Certification will be recognized Nationally.**

I would like to emphasize that for professional practice to take place in high moral and legal manner, in accordance with the regulations prescribed in each country and taking into consideration the economic globalization process, it is of outmost importance to observe the following two fundamental principles:

Firstly, to acknowledge that the actions that we implement should be based in the participation and co responsibility of all the parties involved in the area of professional practice.

Secondly, that these tasks are conducted with awareness and above all fully convinced that we would have to continuously pursue a better world for future generations.

It is stimulating to observe that the creations of the **National System of Certification** of professional practice in Mexico and its close international link provides, to the parties committed to quality of professional development, with a great opportunity to restate our commitment with society.

I would like to finish my presentation with some ideas that I consider of outmost importance:

- ✓ Our societies are becoming more complex, informed, participative, therefore will continue to demand in growing numbers guarantees that the professional services they are receiving are of quality and they will also demand to have the legal guarantee that will protect them against any damage caused by deficient, incompetent and overall poor professional practice.

- ✓ Our professional service providers are interested in raising the quality of their services, not only to compete among their national counterparts and users, but also to maintain competitiveness with foreign professionals and markets. Additionally, our professional service providers want to be able to become better prepared to face, in better conditions, the international commerce and international professional services.
- ✓ Adequate regulations can only be created with the responsible participation of all the sectors related with the development of professions and professional service providers.
- ✓ The main goal of having a System for Professional Certification should only be that of having quality professional services, as a result of an excellent professional education and professional practice performed with updated knowledge, and above all with a social and ethical commitment.
- ✓ Making reference to the above-mentioned commitment, I believe that it is necessary to reflect, starting from the fact that the professional practice of a profession goes beyond a mere service. Professional practice has a direct impact on a person's life, health, security, and common property of the people that conform our society. Additionally, there also the ethical guidelines, that differently to

legal guidelines, do not the right to the state to enforce them. Observing these guidelines depends exclusively on the will of individuals who have willingly accepted to comply with the ethical code. Willingness, an exclusive characteristic of human beings, is autonomous and there is no determinant external force that can impose its compliance. The strength of ethical conduct of a professional service provider is the individual awareness of its will and this is conformed by the values brought upon by tradition and assimilated throughout life, and which in turn are inspired in attitudes of behavior in accordance with human dignity and with what is virtuous, important and honorable to the individual, his/her family and the society to whom s/he belongs.

Finally, I would like to share with you that Mexican Society has continuously requested the social actors involved in the certification of professional service providers, that the goal is for it to take place with updated knowledge, skills and abilities, but that these are not the only elements required, but that these must be closely linked with an ethics code that is the group of moral values, that distances us from the inherent imperfection of man.

It is therefore of extreme importance to participate in these processes, that without doubt, are not only necessary for the present generations, but also for generation to come, and I am sure they will demand an adequate response to the problems they will encounter when confronting professional practice. Consequently, it is undeniable that the answers we

will provide to these demands will be equally framed in the valued code of ethics and the profession itself.

THANK YOU VERY MUCH.