AEA Policy on Registration/Licensing/Certification of the Practice of Architecture

Proposed by: *the Executive committee of AEA*

Approved by: the general assembly at the 15th Annual Conference

The Association notes:

1. The existing directives set out by MoUDC for the registration of Architects does not reflect the international practice for the registration of Architects and has limitations in promoting the development of the profession.

The Association believes:

1. It is the top agenda for the Association to advise on policies relating to the registration and licensing of Architects
2. The existence of an AEA policy for the registration of architects will have positive impacts on the quality of the built environment as well as enforcement of ethical architectural practice
3. The alignment of our Registration policy with international practice will pave the way for engagement of Ethiopian architects in international practice.

The Association therefore resolves:

1. To adopt the attached AEA Policy for the Registration of Architects which is based on UIA Accord on recommended international standards for professionalism in architectural practice, consideration of current local context, consultation with the advisory team of the Association.
2. To advocate and implement the recommended policy in collaboration with the relevant public bodies.

Introduction

AEA promotes the registration/licensing/certification of the function of architects practicing the profession in Ethiopia. In the public interest, provision for such registration/licensing/certification should be by statute/law.

Registration/Licensing

Certification/ Registration/licensing/certification is the official legal recognition of an individual's qualification allowing her or him to practice as an independent architect, associated with regulations preventing unqualified persons from performing certain functions. Given the public interest in a high-quality, sustainable built environment and the dangers and consequences associated with the construction industry, it is important that architectural services are provided by properly qualified professionals in order to provide adequate protection for the public. Registration/licensing/certification is based on minimum standards of competency relative to education, experience, and examination to ensure that the public interest is served. Occupational licensure is an exercise of the state's inherent police power to protect the health, safety, and welfare of its citizens. Five generally accepted criteria indicate when licensure is appropriate:

1) unregulated practice of the occupation poses a serious risk to a consumer's life, health, safety, or economic well-being and the potential for harm is recognizable and likely to occur;

2) the practice of the occupation requires a high degree of skill, knowledge, and training;

3) the functions and responsibilities of the practitioner require independent judgment and the members of the occupational group practice independently;

4) the scope-of-practice of the occupation is distinguishable from other licensed and unlicensed occupations;

5) the economic and cultural impact on the public of regulating this occupational group is justified.

The practice of architecture meets these classic criteria.

Practice Regulation vs. Title Registration

In this policy distinction is made between *Practice Regulation* and *Title Registration***.**

"Practice regulation" is referred to as regulation of the practice of a profession, meaning that only those individuals who meet specific legislated criteria (of education, training, and testing) may perform the services of a profession. Practice regulation or licensure, because of its cost to the state and consumers and because it limits entry into a profession-is traditionally reserved for professions and occupations that if unregulated pose a serious threat to public health, safety, and welfare. In evaluating whether a profession should be regulated by practice regulation, most states apply a set of objective criteria, which include: Is the public being harmed by lack of regulation and can such harm be documented? Are there alternatives to state regulation? Is the public protected by existing laws, codes, or standards, and would strengthening such laws solve the problem? What is the cost to the state and the public of regulating the profession and will the public benefit from such regulation?

"Title registration", also known as certification, in some countries, means individuals must still meet specific qualifications criteria, but only the use of the title is controlled. Individuals who do not have the title may continue to perform the services. Title registration should confer only a protected title. A title bill should not affect the scope of that group's practice or permit those individuals to do anything they were not already legally entitled to do. (NOTE: Title registration is called "certification" in most states. The word "licensing," though often used as an umbrella term for state regulation, is used by most states to mean practice regulation.) Title registration is intended to provide a means that the public can use for distinguishing trained/qualified practitioners or providers of a service from untrained or unqualified individuals. Title registration does not prevent other less qualified individuals from providing the services; it simply establishes a measuring stick against which their qualifications can be judged. Title registration is considered appropriate when no serious threat to the public is involved, but consumers may be confused and misled about providers' qualifications. Title registration achieves the goal of enabling the public and consumers of services to differentiate, with minimal cost to the state and consumers, trained, qualified individuals from those who are untrained. With title registration, those individuals who do not meet the registration requirements are not deprived of their livelihoods. These individuals can continue to provide services; they are simply constrained from using a protected title.

Proposed Legislative Guidelines

The Association of Ethiopian Architects recommends that legislation or statutes regulating the profession of architecture should be based on ***regulation of the practice of architecture*.**

1. Definition

1.1 Practice of Architecture

For the purpose of a registration statute, the definition of the practice of architecture should be the definition adopted by the UIA in the Accord on Recommended International Standards of Professionalism in Architectural Practice: *The practice of architecture consists of the provision of professional services in connection with town planning and the design, construction, enlargement, conservation, restoration, or alteration of a building or group of buildings. These professional services include, but are not limited to planning; strategic and land-use planning; urban design; provision of preliminary studies, designs, models, drawings, specifications, and technical documentation; coordination of technical documentation prepared by others as appropriate and without limitation (consulting engineers, landscape architects, and other specialist consultants); construction economics; contract administration; monitoring of construction (referred to as supervision in some countries); and project management.*

This definition of the practice of architecture covers the wide variety of services that architects normally furnish and for which they are specifically trained and in which they are required to demonstrate professional competency. No person should be permitted to engage in the practice of architecture unless registered or otherwise permitted to practice under the registration statute. No person should be permitted to use the title "architect" or otherwise represent to the public that he or she is an architect unless he or she is registered to practice architecture. AEA advocates that statutes regulating the profession of architecture should not unduly narrow the scope of practice and should recognize that architects, through their practices, express the roots of a society's cultural and aesthetic values through the architecture they design.

2. Regulation of Conduct of Registrants

2.1 Authorization

The authorization of an architectural registration agency to adopt rules or regulations governing the conduct of architects should be covered by statute. Rule-making power coupled with a power of revocation or suspension of registration based on misconduct implicitly requires further description by the rule-making process of what will constitute misconduct.

2.2 Rules of Conduct

The statute should authorize the architectural registration agency to promulgate, as part of its regulatory function, rules of conduct governing the practice of registered architects. The statute should contain standards for the scope and content of such rules. The statute should also provide that violation of the rules of conduct promulgated by the architectural registration agency is one of the enumerated grounds for revocation or suspension of registration or for the imposition of a civil fine.

3. Qualification for Registration

Qualification criteria for registration should be objective and transparent. For the purpose of a registration statute, care should be taken to assure that the statute appropriately reflects the AEA's Recommended Standards of Professionalism which follows UIA Accord on Recommended International Standards of Professionalism in Architectural Practice.

3.1 Degree

An applicant for registration should be required to hold an accredited professional degree in architecture.

3.2 Practical Training

AEA recommends that an applicant for registration have a minimum of 2 years practical training. Graduates of architecture will be required to have completed at least two years of acceptable experience/training/internship prior to registration/licensing/certification to practice as an architect while allowing flexibility for equivalency.

The experience set out below should be demonstrated prior to applying for registration/licensing/certification and should be gained over the practical training period. At least half of that period should occur following graduation in architecture.

The objectives of the period of practical experience/training/internship (here after referred to as internship) are:

- To provide interns with the opportunity to acquire basic knowledge and skill in the practice of architecture;
- To ensure the practices, activities, and experience of interns is recorded by a standard method;
- To enable interns to attain a broad range of experience in the practice of architecture.

An intern should receive practical experience and training under the direction of an architect in at least half of the areas of experience nominated under each of the following four categories:

- **Project and Office Management:** Meeting with clients, Discussions with clients of the brief and the preliminary drawings, Formulation of client requirements, Pre-contract project management, Determination of contract conditions, Drafting of correspondence, Coordination of the work of consultants Office and project accounting systems, Personnel issues

- **Design and Design Documentation:** Site investigation and evaluation, Meetings with relevant authorities, Assessment of the implications of relevant regulations, Preparation of schematic and design development drawings, Checking design proposals against statutory requirements, Preparation of budgets, estimates, cost plans, and feasibility

- **Construction Documents:** Preparation of working drawings and specifications, Monitoring the documentation process against time and cost plans, Checking of documents for compliance with statutory requirements, Coordination of subcontractors documentation, Coordination of contract drawings and specifications

- **Contract Administration:** Site meetings, Inspection of works, Issuing instructions, notices, and certificates to the contractor, Client reports, Administration of variations and monetary allowances

Record of practical experience/training/internship

Interns should maintain a written record, in a standard form or a logbook, of all periods of training, experience, and supplementary education received during the internship period. This record should be set out under the areas of training nominated in Part 2 above. It should describe the nature and duration of activities undertaken, and each of these should be signed by the supervisor architect as a true record of the experience gained by the intern. The standard form or logbook is to be presented to the registering/licensing authority on request, as evidence that the required practical experience/ training/ internship is being undertaken or has been completed.

Supervisors

Interns should gain their experience under supervision. Supervisors are to be registered or licensed architects in the jurisdiction in which the internship is undertaken, and will either be the employer or the architect to whom the intern reports during each recorded period of experience.

Core knowledge and ability requirements

At the completion of the period of practical experience/training/internship, the intern should have demonstrated or be able to demonstrate knowledge and/or ability in the following:

- ***The Practice of Architecture***

• An overview of the architectural profession in the national and international community
• A knowledge and appreciation of ethical standards
• Knowledge of the local architectural association
• An overview of the local construction industry and construction law
• Direction and coordination of consultants
• Office management and systems
• Legal aspects of practice
• Liability, risk management, and insurance

- **Project Management**

• Establishing and managing client agreements
• Scheduling of project activities and tasks
• Assessing codes, regulations, and legislation
• Project financing and cost control
• Project procurement and contractual systems
• Dispute resolution
• Management of subcontractors
• Project administration and monitoring systems

- **Pre-design and Site Analysis**

• Establishing, analyzing, and recording environmental issues relevant to the project
• Establishing and clearly defining a design brief
• Establishing, analyzing, and recording site conditions

- **Project Services and Systems**

• Coordinating the design and documentation of project services and systems into the project design and documentation process

- **Schematic Design**

• Analyzing the client brief and producing potential project design solutions through a process of hypothesis, evaluation, and reappraisal
• Graphically representing alternative project designs
• Presenting and agreeing preliminary design proposals with clients and other interested Parties

- **Design Development and Design Documentation**

- Investigating and establishing the specific spatial, organization and circulation requirements within and around a project
- Considering and deciding upon the disposition of construction and project services systems, materials, and components
- Developing drawings and documents to fully describe the developed design proposal fort he approval of the client and other interested parties
- Analyzing possible effects on the context, users, etc.

- **Construction Documentation**

- Researching, analyzing, and selecting appropriate materials and systems for a project
- Preparing accurate consistent and complete construction drawings, specifications, and schedules that describe the extent and location of construction elements, components, finishes, fittings, and systems

- **Contract Administration**

- Preparing documents to invite bids or tenders
- Evaluating and making recommendations in respect of bids or tenders received
- Finalizing project contracts
- Administering project contracts
- Monitoring compliance with contract conditions and the requirements of relevant authorities
- Inspecting and evaluating construction works to ensure that they comply with the requirements of the contract documents

3.3 Examination

To be registered, the applicant should be required to pass examinations covering such subjects and graded on such basis as the registration agency shall, by regulations, decide.

AEA recommends the assessment of knowledge and ability in the form of a centrally administered written paper examination, specific design exercises and an interview with professional practice examiners.

The Ministry of Urban Development and Construction is the mandated agency to register architects. However, in light of the infrastructure and faculty requirements for examinations AEA recommends that Examinations be facilitated by Ethiopian Institute for Architecture, Building Construction and City Development in collaboration with AEA.

3.4 Moral Character

If the state wishes to invest its registration agency with discretion to reject an applicant who is not of "good moral character," the statute should specify only the aspects of the applicant's background germane to the inquiry, such as:

- Conviction for commission of a felony;

- Misstatement or misrepresentation of fact by the applicant in connection with his or her application;

- Violation of any of the rules of conduct required of registrants and set forth in the statutes or regulations;

- Practicing architecture without being registered in violation of registration laws of the jurisdiction in which the practice took place.

If the applicant's background includes any of the foregoing, the registration agency should be allowed, notwithstanding, to register the applicant on the basis of suitable evidence of reform.

4. Reciprocity Procedure

The statute should make provision for registering nonresident applicants in addition to the provisions outlined in the section 3, Qualifications for Registration, and to any provisions in the statute providing other forms of reciprocity.

4.1 Nonresident Applicant Seeking to Practice

Every nonresident applicant seeking to practice architecture in a Ethiopia should be registered, if the applicant:

- Holds a current and valid registration issued by a registration authority recognized by mutual Recognition agreement between his/her country of origin and the Ethiopian Government;

- Files an application in Ethiopia, on a form prescribed by the relevant authority of the Ethiopian government, containing such information satisfactory to this relevant authority concerning the applicant as the authority considers pertinent.

4.2 Nonresident Applicant Seeking a Commission

A nonresident applicant seeking an architectural commission in Ethiopia should be admitted to Ethiopia for the purpose of offering to render architectural services and for that purpose

only without having first been registered by relevant registration authority, if the applicant:

- Holds a current and valid registration issued by the relevant registration authority recognized by mutual recognition agreement by the jurisdiction;

- Notifies the board of the jurisdiction in writing that (a) he or she holds a current valid registration issued by a registration authority recognized by mutual recognition agreement by the jurisdiction but is not currently registered in the jurisdiction and will be present in the jurisdiction for the purpose of offering to render architectural services, (b) he or she will deliver a copy of the notice referred to in (a) to every potential client to whom the applicant offers to render architectural services, and (c) he or she shall apply immediately to the board for registration if selected as the architect for a project in the jurisdiction. The applicant should be prohibited from actually rendering architectural services until he or she has been registered.

4.3 Design Competition

A person seeking an architectural commission by participating in an architectural design competition for a project in Ethiopia should be permitted to participate in the competition, if the person:

- Holds a current and valid registration issued by a registration authority recognized by mutual Recognition agreement by the jurisdiction;

- Notifies the jurisdiction in writing that he or she is participating in the competition and holds a current and valid registration issued by a registration authority recognized by mutual recognition agreement by the jurisdiction;

- Undertakes to apply to the jurisdiction for registration immediately on being chosen as an Architect for the project.

5. Form of Practice

If architectural services are provided by corporate entities, they should be required to be under the effective control of architects and required to conform to and maintain the same professional standards of service, work, and conduct as individual architects.

5.1 Practice Structure

AEA recommends that statutes provide that a partnership (including a registered limited liability partnership), a limited liability company, or a corporation should be admitted to practice architecture if:

- At least two-thirds of the general partners, if a partnership; or two-thirds of the directors, if a limited liability company or a corporation, are registered to practice architecture;

- The person having the practice of architecture in her or his charge is herself or himself a general partner, if a partnership; a director, if a limited liability company; or a director, if a corporation, and registered to practice. The statute should empower the registration agency to require, by regulations, any partnership, limited liability or unlimited company, or corporation practicing architecture to file information concerning its officers, directors, managers, beneficial owners, and other aspects of its business organization on such forms as the agency prescribes.

6. Engagement of an Architect During Construction of a Project

Construction administration services, including periodic site visits, shop drawing review, and reporting violations of codes or substantial deviations from the contract documents constitute an important responsibility of the architect and assure the public health, safety, and welfare.

The following guidelines are intended to ensure that at least the minimum of construction services are provided by the design architect:

6.1 An owner who proceeds to have constructed a project having as its principal purpose human occupancy or habitation shall be deemed to be engaged herself or himself in the practice of architecture unless she or he has employed an architect to perform at least minimum construction administration services, including periodic site visits, shop drawing review, and reporting to the owner and building official any violations of codes or substantial deviations from the contract documents that the architect observed.

6.2 It shall be the project design architect's obligation to report to the registration agency and to the building permit and inspection official if he or she is not engaged to provide construction administration services described in Paragraph 1, above.

6.3 A registration agency may waive these requirements with respect to a particular project or class of projects if it determines that the public is adequately protected without the necessity of an architect performing the services described in Paragraph 6.1.

7. Regulation of Unregistered Persons Practicing Architecture

The unregistered practice of architecture can endanger the public health, safety and welfare. The following guidelines provide a basis and means for enforcing the statute:

7.1 Although violation of the architectural registration statute by unregistered persons should be a crime, the registration agency should also be authorized, after a hearing, to impose civil fines of up to a stated amount and to issue orders to cease against unregistered persons and persons aiding and abetting unregistered persons. The registration agency as well as the government's attorney general and other law enforcement authorities, should be authorized to seek injunctions against practice by unregistered persons and the aiding or abetting of such practice, and judicial enforcement of civil fines imposed by the registration agency.

7.2 All plans, specifications, and other technical submissions prepared in the course of practicing architecture required to be filed with the state of building or public safety officials should be sealed by an architect.