

Final

**OIC AGREEMENT ON MUTUAL RECOGNITION
ARRANGEMENT OF SKILLED WORKFORCE**

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PREAMBLE

The Governments of the Member States of the Organisation of Islamic Cooperation (OIC),

Recognizing the objectives of the OIC Charter on strengthening efforts and cooperation to achieve sustainable and comprehensive human development and economic well-being in Member States,

Noting the General Agreement for Economic, Technical and Commercial Cooperation among the OIC Member States adopted in 1977, which provides for giving priority to manpower from the Member States,

Recognizing the need to harness the full potential of the human capital in OIC Member States,

Noting that the OIC Framework for Cooperation on Labour, Employment and Social Protection adopted in 2013, recognizes the need for facilitating movement of workforce within OIC Member States,

Desirous of formulating a framework agreement on promoting intra-OIC mobility among skilled workforce and improving access for them to the OIC Labour Market,

Have adopted this Agreement:

GENERAL PROVISIONS

Article 1

Definitions

1. For the purposes of this Agreement, the following definitions apply:

- (a) ‘profession’: a professional activity, access to which, the pursuit of which, or one of the modes of pursuit of which is subject, directly or indirectly, by virtue of legislative, regulatory or administrative provisions to the possession of specific professional qualifications;
- (b) ‘professional qualifications’: qualifications attested by evidence of formal qualifications, an attestation of competence and/or professional experience;
- (c) ‘certificate of formal qualifications’: diplomas, certificates and other evidence issued by an authority in a Member State, which is designated pursuant to legislative, regulatory or administrative provisions of that Member State to certify successful completion of professional training;

- (d) ‘competent authority’: any authority or body empowered by a Member State specifically to issue or receive training diplomas and other documents or information and to receive the applications, and take the decisions, referred to in this Agreement;
- (e) ‘professional experience’: the aggregate of the knowledge acquired by a person in the course of his work;
- (f) ‘home Member State’: the OIC Member State, from where a beneficiary comes ;
- (g) ‘host Member State’: the OIC Member State, where a beneficiary applies for a job;
- (h) ‘a single contact point’: a designated government body for dealing with issues or problems attendant to the present agreement and its implementation.

Article 2

Purpose

This Agreement establishes rules according to which one Member State, which makes access to profession in its territory upon possession of specific professional qualifications, shall recognize professional qualifications obtained in another Member State and allow the holder of the said qualifications to pursue the same profession there, in freedom, equality, security and human dignity, unless otherwise provided for in its national legislation.

Article 3

Scope

1. This Agreement shall apply to all nationals of a Member State wishing to pursue a profession in another Member State.
2. Each Member State may permit other Member State nationals in possession of certificate of professional qualifications not obtained in that Member State to pursue a profession on its territory in accordance with its rules and regulations.
3. For the purpose of this Agreement nationals of one Member State can be allowed to pursue their profession in another Member State, in accordance with the national legislation of that host Member State, in such occupations as accounting; tourism; engineering; health; architectural and construction services; among others.
4. Allowing nationals of one Member State to work in closed professions in another Member State shall be in accordance with the conditions and procedures in place in that host Member State.
5. The present Agreement does not apply to professions, which have health or safety implications for workers.

Article 4

Effects of recognition

1. The recognition of professional qualifications by the host Member State allows the beneficiary to gain access in that Member State to the same profession as that for which he is qualified in the home Member State and to pursue it in the host Member State under the same conditions as its nationals, unless national legislation provides otherwise.
2. For the purposes of this Agreement, the profession which the applicant wishes to pursue in the host Member State must be the same as that for which he is qualified in his home Member State if the activities covered are comparable.

GENERAL CONDITIONS FOR THE RECOGNITION OF QUALIFICATIONS AND EXPERIENCE

Article 5

Conditions for recognition

1. If access to or pursuit of a profession in a host Member State is contingent upon possession of specific professional qualifications, the competent authority of that Member State shall permit access to and pursuit of that profession, under the same conditions as apply to its nationals, to applicants possessing the attestation of competence or evidence of formal qualifications given by another Member State in order to gain access to and pursue that profession on its territory, unless national legislation provides otherwise.
2. Certificates of competence or evidence of formal qualifications shall satisfy the following conditions:
 - (a) they shall have been issued by a competent authority in a Member State, designated in accordance with the legislative, regulatory or administrative provisions of that Member State;
 - (b) they shall attest a level of professional qualification at least equivalent to the level which is required in the host Member State;
 - (c) they shall attest that the applicant has been prepared for the pursuit of the profession in question;
 - (d) they shall be in line with the national qualifications regulations, through direct bilateral agreements co-signed by the OIC Member States, the aim being to verify both the workforce qualifications and the Member States' issuing authority, under the same provisions as applicable in that Member State, and to ensure effective verification of foreign qualifications and their issuing authorities, thus facilitating the mobility of job seekers and individuals seeking employment or training opportunities within the OIC Member States.

Article 6

Equal treatment of qualifications

Any evidence of formal qualifications or set of evidence of formal qualifications issued by a competent authority in a Member State, certifying successful completion of training in that Member State, could be treated as evidence of formal qualifications obtained in another Member State.

Article 7

Recognition of professional experience

If, in a Member State, access to or pursuit of activity is contingent upon possession of general or professional knowledge and skills, that Member State shall recognize previous pursuit of the activity in another Member State as sufficient proof of such knowledge and skills, provided that the activities in question are comparable.

RESPONSIBILITIES FOR IMPLEMENTATION

Article 8

Competent authorities

1. The competent authorities of the host Member State and of the home Member State shall work in close collaboration and shall provide mutual assistance in order to facilitate implementation of this Agreement.
2. Each Member State shall designate the competent authority, which will be the coordinating agency for the implementation of the Agreement, and shall inform the other Member States thereof.
3. A competent authority is an institution, which will:
 - i. determine the accuracy, validity and equivalency of the proof presented by the people who want to work;
 - ii. make a decision on the sufficiency of proof for people to work; and
 - iii. determine the path people should follow in case the qualifications owned are not equivalent to those in the host Member State.
4. Each Member State shall designate a single contact point for dealing with issues or problems attendant to the present agreement and its implementation. The task of the single contact point will include:

- i. providing the citizens and contact points of other Member States with information on the national legislation regulating recognition of professional qualifications and pursuit of professions;
- ii. providing help to the citizens in cooperation with the competent authorities of the host Member State and other contact points, when necessary, so that they can exercise the rights given to them under this Agreement.

Article 9

Reports

Each Member State shall send a report to the OIC General Secretariat every three years on the implementation of the present Agreement. In addition to general observations, this report shall contain a statistical summary of decisions taken and a description of the main problems arising from the implementation of this Agreement.

Article 10

OIC Coordinating Committee

1. An OIC Coordinating Committee shall be established comprising representatives of the Member States and chaired by a representative of the OIC Secretary General to meet regularly to facilitate the implementation of this Agreement, to seek greater understanding of existing policies, procedures and practices, and to develop and promote strategies to manage the implementation of this Agreement.
2. The Committee shall adopt its bylaws.

FINAL PROVISIONS

Article 11

Amendments

This Agreement shall be amended with the consent of all signatories in case of the following:

- i) Request by one or more of the states parties;
- ii) A recommendation thereon as a result of the periodic review.

Article 12

Settlement of Disputes

In the event of a disagreement between two or more states parties with respect to the interpretation or application of any clause of this Agreement, the consultation should be initiated among all states parties with a view to resolving the matter.

Article 13

Entry into force

1. This Agreement shall be open for signature of OIC member states following its adoption by the CFM. It shall be applied provisionally upon signing by at least ten (10) OIC member states, whose legislations so allow, through their accredited representatives, and definitively enter into force upon the 30th day from the date of submission of the 10th instrument of ratification or acceptance.

2. For any OIC member state, which signs, ratifies or accepts this Statute after its entry into force, this Agreement shall enter into force on the 30th day after the date when an instrument of ratification, acceptance or accession is submitted. The instruments of ratification, acceptance or accession to this Agreement shall be deposited with the OIC Secretary General.

Article 14

Withdrawal

1. Any OIC member state party to the present Agreement shall have the right to withdraw from this Agreement through a written notification to the OIC Secretary General one year before its withdrawal, and the OIC Secretary General shall, thereafter, notify other OIC Member States of the same.

Article 15

The Original of the Agreement

1. The original of this Agreement, of which the Arabic, English and French texts are equally authentic, shall be deposited with the OIC Secretary General, who shall promptly furnish a certified copy thereof to each OIC Member State.

Article 16

Agreements with third countries

1. The OIC Member States, which are parties to this Agreement, hereby agree that mutual recognition agreements concluded by either OIC Member State with another OIC Member State that is not party to this Agreement shall in no circumstances entail an obligation upon the other party in terms of the acceptance of this Agreement in that OIC Member State, unless there is an explicit agreement between the parties.
