

CONFIDENTIAL; briefing for ACE/RIBA

1) The US is still not really able to act in unison, due to the residue of states rights, hence the refusal of some states to participate in some MRAs. There are very few domains - such as national security and international treaties - in which states' rights can be over-run.

2) NCARB Blue Cover is the best we are ever going to get until the US reforms itself internally... Before NCARB there was no basis for achieving any coordinated arrangements within the US or with third party entities like us.

3) We cannot expect any MRA to deliver greater favors on us than are already there for US graduates and citizens... they each have to document their history (a central record is normally held at NCARB as part of the Blue Cover process) in order to be eligible for a license in another US state, where they are as much aliens as we are. Its not as smooth as in the EU – and this begs the question is the EU genuinely smooth?

4) Even states that sign onto NCARB agreements to accept incoming architects with Blue Cover may add on extra tests and evaluations, like Nevada, Colorado or California for example. We should also not forget that even without the MRA, the states of Colorado, New Mexico and New York will grant experienced architects a license subject to individual review.

5) If the MRA does not have the status of a treaty, or if NCARB is not underwritten (undersigned) by an authority, like the State Dept, with status as a treaty partner, then the MRA cannot be a treaty and would therefore not be enforceable except by individual states voting it into their laws. This point, which the RIBA team has also made from time to time, deserves to be more strongly pressed. Maybe an underwriting agency with the legal mandate to sign a treaty should be asked to formally endorse whatever NCARB does?

6) If we (the ACE) cannot make a deal with all 55 states and territories, this would not place us at a disadvantage. Even 20 would be a large step forward and allow subsequent negotiations and clarifications to occur later. The states that do not sign can either be specifically excluded from the arrangement or (in the case of a treaty) subject to pre-agreed penalties.

7) Don't let's underestimate the extent to which NCARB uses its discussions with ACE to assert its internal power and to try and reform its members.... the longer these discussions go on, however, the more chance there will be for the mess that the US/ NCARB is really in to upset the whole process of dialogue. I hope that point has not yet been reached. (see point 6)

From our point of view, the EU position is already as advanced, perhaps more so, than any internal state within the US. The tragedy would be for the ACE team not to appreciate it, hence these words of support.

If the ACE would rather reject what it believes to be a poor deal, it will have a large number of experienced people in the US asserting that it threw away a golden opportunity and it'll not get a better one until the States themselves become really united.

In a situation like this, its especially important that we continue to transmit to the ACE our wish that the open wounds of unresolved and unconcluded discussions be closed as soon as possible, with an outcome that delivers more than nothing.