



Statement by Education International To the 7th Ministerial Conference of the World Trade Organisation

**30 November - 2 December 2009, Geneva,
Switzerland**

1. As the global union federation representing nearly 30 million teachers and education workers worldwide, Education International calls upon Ministers meeting in Geneva for the 7th WTO Ministerial Conference to affirm that education and other public services are basic human rights. Education must not be treated as a commodity or subject to commercial trade rules.
2. Education International believes that the overriding principles and objectives of the GATS are in conflict with educational values. The GATS is a commercial agreement with the aim of expanding business opportunities for investors. By contrast, the goal of education is to serve the public interest: education advances human understanding, preserves and promotes cultures, and strengthens civil society and democratic institutions.
3. There are many unanswered questions about the potential impact of GATS disciplines on education. Once a country has agreed to commitments, GATS rules may enforce open education markets and enable offshore institutions and companies to engage freely in education activities. Local authorities, including accreditation and quality control agencies, may have little control.
4. Questions have also been raised about the impact of GATS disciplines on educational access and quality, on public subsidies and funding, and on domestic authority to regulate education providers. While many of these questions remain unsettled, there appear to be significant risks associated with including education services in the GATS.
5. Developing countries require more flexibility in meeting their educational objectives, including the attainment of Education for All. The rules of the GATS will have the effect of imposing one model of education – a private, commercial and import-oriented one -- on developing countries, thereby weakening their own national systems of education.

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6. The exception for public services in the GATS is ambiguous and open to conflicting interpretation. Article 1:3 of the GATS prides a very narrow interpretation of “services supplied in the exercise of governmental authority” that, in a strict reading, would not fully exclude education, health care and other mixed public-commercial services from the GATS. Substantive changes are needed to Article 1:3 to ensure that its meaning is clarified and, most importantly, that it is made fully effective as a protection for publicly provided education services. Article 1:3 should be amended so that mixed public-commercial services are explicitly excluded from the GATS.
7. Members should resist making commitments regarding private education services. Given the mixed public and private nature of many education systems, particularly at the tertiary level, it is extremely difficult to define which education services are supplied strictly on a non-commercial basis. Commitments taken on private education services may expose the public education system to GATS disciplines.
8. The development of new restrictions on non-discriminatory domestic regulations will also adversely affect education. Current proposals would require that technical standards, licensing and qualifications requirements and procedures are pre-determined, objective and not disguised barriers to trade. If applied to education services, domestic regulation rules could affect quality assurance standards, accreditation requirements, and educational qualifications.
9. Other discussions on GATS rules include government procurement and subsidies. The GATS already applies to subsidies (such as through its National Treatment provisions). Introduction of rules on government procurement into the GATS, or changes in the rules on subsidies could further constrain the ability of governments to fund public education and related services without accepting increasing commercialization and private competition.
10. Members need also take account of how other WTO negotiations can affect education. Discussions on Non-Agricultural Market Access (NAMA), for instance, could result in a lowering of tariffs. For many developing countries, tariffs account for a substantial portion of overall government revenues. Less revenue from tariffs would mean less public funding available for education.



11. Commitments made in other service sectors can also have a significant impact on education. An example is computer related services or commitments in telecommunications that involve cross border transfer of educational content. Also, commitments taken in research and development services can affect tertiary education.
12. There is a need for capacity building initiatives to expand education opportunities in developing countries. This may be achieved through financial assistance to the governments of developing countries to create more student places, or agreements between those governments and education institutions from other countries. Capacity building should be possible at the request and initiative of the government of a developing country without that country reducing its policy options by making binding commitments on education services under GATS.
13. Education International strongly encourages Member States to adopt a precautionary approach in the GATS negotiations by not making or seeking any further commitments in education services, or other service sectors that may affect education. Given that it is extremely difficult to clearly define which education services are provided on a strictly non-commercial basis, Member States should also not make or seek any commitments in private education or other related services.
14. The mandated review of the GATS has not been carried out. Education International calls upon Ministers to ensure that this review occur, and include a review of coverage of education within the GATS with a view to removing it. The review should also focus on ways to improve transparency in negotiations. As part of this review, Member States who have made GATS commitments in education and education-related services should be permitted to withdraw those commitments without compensation.
15. Education International strongly supports increased international cooperation, mobility and exchanges of students and staff. However, international education cooperation and educational values should prevail over commercial ones. Education is not simply a commercial product. Its most important characteristics are cultural, social and developmental, and its benefits accrue for society as a whole. For it to be governed by commercial agreements like GATS is simply inappropriate.