“EDUCATION IS NOT FOR SALE”: TEACHERS’ UNIONS PLURI-SCALAR STRUGGLES AGAINST LIBERALISING THE EDUCATION SECTOR

Antoni Verger (a.verger@uva.nl) and Mario Novelli (m.novelli@uva.nl).
Universiteit van Amsterdam, The Netherlands

Abstract

The General Agreement on Trade in Services (GATS) of the World Trade Organisation (WTO), which pushes for a progressive liberalization of education all over the world, is being widely contested. Teachers unions and other education stakeholders have opposed and campaigned against the GATS in different countries and at a range of geographical scales from the local to the global. Despite the structural power of the WTO, non-state actors from the education field have affected the outcomes of the GATS negotiations and, consequently, the form and content of the new global trade in education regime that the Agreement promotes.

This paper explores how non-state actors, their ideas and strategies, are key elements to understanding the constitution of the global liberalisation process entailed by the GATS. Specifically, it shows how the scalar interaction and the organization of the struggle at different scales is a key impact factor. The paper also contains findings that can contribute to a better understanding of the role of civil society organisations in global governance processes and their contribution towards a new complex multilateralism.

The arguments of the article are based on an in-depth case study over the role of Education International, the biggest international federation of teacher unions, on the local and global struggles against the GATS. As we will see, Education International has managed to introduce the subject of the GATS into the global public domain - by means of an intense effort of construction and dissemination of knowledge – and has made local stakeholders aware that through political action they can alter the course of these negotiations.

Introduction

The World Trade Organization is a multilateral institution with 152 member countries that promotes free trade at a planetary scale. The WTO deals with a broad range of sensitive policy issues such as agriculture, intellectual property, public services and environment. In the framework of this international organization, these and other issues are treated from a very particular perspective that seeks to give new global trade rights to capital, while neglecting labour, environmental, cultural and social aspects related to trade. This is the main reason why, since its creation in 1995, the WTO has become a prime target of a broad range of social movements. In fact, the mobilizations against the WTO – such as the “Battle of Seattle”, organized during the third WTO Ministerial Conference — are considered key episodes in the constitution of a ‘movement of movements’ or, said in another way, in the convergence of different movements in common battle fields (Waterman 2001; Santos 2004; Smith 2001).
One of the most sensitive issues that is being negotiated in the WTO is the liberalization of education. The link of this international organization to education is established in one of its principal agreements, the General Agreement on Trade in Services (GATS). The GATS pushes for the liberalization – and the blockage of liberalization commitments - of all kind of services, education among them. The GATS seeks guarantees for transnational education providers to facilitate their ability to operate at a global scale with a minimum of barriers and obstacles. The barriers to trade in (education) services are normally fixed in state regulation. As a result, the liberalisation commitments adopted within the GATS mean that states will have to modify the regulation of their education systems to apply more business-friendly rules. GATS has been strongly criticized by the education community because it threatens to lead to the commodification of education, to an unequal exchange between southern and northern countries, accentuates the problem of brain drain, promotes cultural and linguistic homogenization and makes it more difficult for countries to build their own public higher education systems (Robertson, Bonal, and Dale 2002; Scherrer 2007).

Education International has been the most active organisation in opposing these developments within the education field. Education International (EI) is the world’s biggest international federation of teacher unions and defines itself as the “the global voice of education workers” (see: www.ei-ie.org). It is composed of 394 teacher unions from 171 different countries, representing nearly 30 million education workers. Headquartered in Brussels, it also has regional offices in most continents.

Education International was the first educational actor to both become aware of the possible implications of the GATS for public education and to react. In fact, the first critical and widely distributed analysis on the relationship between GATS and education was published by EI and Public Services International (PSI) in 1999, just prior to the Ministerial conference in Seattle, which was called “The WTO and the Millennium Round: What Is at Stake for Public Education? Their swift reaction to the seriousness of the issue is further illustrated by the fact that EI was the only civil society actor representing the world of education that attended the second WTO Ministerial Conference in Singapore in 1997.¹ EI also participated in the Seattle conference and, together with PSI, contributed to introducing the issue of education into the protests against the WTO. The appearances of EI in Singapore and, after, in Seattle were the first steps of a long and sustained campaign against the entrance of GATS into the education sector. One of the pillars of this campaign, which as we will

¹ See “List of NGO’s who attended in Singapore” in: http://www.wto.org/english/forums_e/ngo_e/ngosin_e.htm [last retrieved: 12/05/08]
see has obtained some substantive political gains, has consisted of an intensive dissemination of knowledge and information over the relationship between GATS and education. I will argue that at least a part of this success can be explained by processes of strategic learning (see chapter three in this volume) within the federation itself that contributed to the launch and implementation of a pluri-scalar strategy against the WTO.

This chapter reviews the evolution of the EI campaign against GATS with a particular focus on the effects of the campaign in the outcomes of the agreement negotiations. Our case study is part of an increasingly relevant research area relating to the global governance of education and the role of social movements and non-state actors in this new scenario. Specifically, the study reflects on the contribution of EI to what O’Brien et al (2000) call “complex multilateralism”, i.e., an emerging type of multilateralism that represents a movement away from an international system based primarily and almost exclusively on the activity of states. Our research also deals with literature about globalization and international trade unionism and, particularly, seeks to build on recent work in the pioneering field of ‘labour geographies’ which analyses how ‘space’ and ‘scale’ matter in the struggle for trade union and broader social rights campaigns (Herod, 1998; 2001; Waterman & Wills, 2001).

The chapter is divided in four sections. The first introduces the theoretical framework of the research, with a particular focus on the literature on global unionism and complex multilateralism. Second, we reflect on the spaces and terrains available for participation by civil society movements seeking to influence the GATS/WTO negotiations. In doing so we explore both the relation between the WTO and civil society organizations and how the architecture and the negotiations procedures of the GATS are elements that need to be considered by those civil society organizations seeking to influence GATS outcomes. Thirdly, we describe the multiple dimensions of the EI campaign against the GATS: their meaning repertoires, repertoires of action, strategies, alliances, multi-scalar interventions, etc. Finally, we analyze the contribution of this campaign to global political outcomes. These results can hopefully contribute to providing a deeper understanding of global governance processes within the education sector, and in understanding the crucial role of Global Union Federations (GUFs) in challenging supranational agreements.

The evidence for this research is drawn from a comparative case study of GATS and education negotiations in three WTO member countries (Argentina, Chile and Spain), see (Verger 2007a), as well as on the data retrieved through direct
participation in several EI events, as well as in GATS negotiations episodes where EI has been particularly active.

“Complex multilateralism” and the new geographies of social movements

Following a recent UN classification, non-state actors are able to become active political players within international organizations in a variety of forms (UN 2007): a) dialogue; b) advocacy; c) mobilization of private funds; d) information and learning; e) operational delivery and establishment of partnerships. To a great extent, this classification supports the thesis of “complex multilateralism”, which considers that multilateralism is moving away from an exclusively state based structure, and that private actors can currently play an increasingly relevant role in multilateral structures (O’Brien et al 2000). In fact, the UN classification shows that IOs (at least UN agencies) have become more open to civil society organizations, and that they interact directly with them, without the mediation of the states.

One of the potential implications of the new complex multilateralism would be that the international system should contemplate, and encourage, the entry of a new set of interests that are not necessarily linked to particular national-based interests, as happened in the framework of the old multilateralism. In the new context, organisations such as humanitarian NGOs and trade unions could introduce certain topics into the international agenda from the perspective of alternative global justice values. In fact, this is already happening; what is not so clear is how successful is civil society in achieving this objective. In fact, a sector of global civil society is going further and is trying to challenge hegemonic understandings and generalized principles of conduct, such as the primacy of free markets, which are predominant within the traditional protagonists of multilateral organizations.

However, other scholars are not so globalist as O’Brien et al (2000) and consider that the local and the state are still fundamental scales to understand international politics. For instance, some authors consider that global politics is not an end in itself, but a medium to influence action at the state level. So, that scalar interaction is seen as a factor of political success by a number of scholars. Sidney

---

2 We refer to the 4th EI World Conference (Porto Alegre, 2004), the International Seminar on GATS and education (Paris, 2005), the IE-Latin America workshop on GATS and education (Buenos Aires, 2004), the Higher Education EI annual conference (Melbourne, 2005) and the EI task force on GATS and vocational education (2006).
3 Civil society lobby meeting in Geneva (June 2005), sixth WTO Ministerial Conference (Hong Kong 2005)
4 Nevertheless, this classification misses that, in occasions, civil society - as can be observed in the big demonstrations against the ministerial conferences of the WTO – is also able to participate in the margins of the IO system and in a more disruptive and less collaborative way. This is the case of an important sector of the civil society in relation to economic IOs, such as the WB, the IMF and the WTO (Gómez 2001; Routledge 2003).
Tarrow (2001) is one such author. He argues that the re-scaling strategies activated
by local social movements through participation in international networks may be
useful to project and amplify their local demands. Social movements can also take
advantage of certain international agreements signed by their target state, such as
human rights agreements, to legitimate their demands and to discipline state
behaviour (Tsutsui and Wotipka 2004). This tactic is commonly known as the
‘boomerang effect’ because it permits to local groups to achieve political impact at
the state level through projecting their activity and demands at the global scale (Keck
and Sikkink 1998).

However, a number of scholars have also noted that the impact of civil society
in international politics is actually mediated through the interactions produced within
domestic structures (Halliday 2002; Keck and Sikkink 1998). For instance, Andrew
Herod, when analyzing trade union movements’ strategies, while recognising the
importance of organizing struggles at the international level seeks to go beyond the
reification of the global or local as the primary terrain for political action. Instead he
argues that the scales of resistance strategies should be rooted in an analysis of the
particular geographies of a struggle, and the capacity of the resisting trade union
organisation to utilise its own power resources at particular scales at particular
moments, for particular effects (Herod 2001a; 2001b).

What this literature points towards is the importance of thinking about and
utilizing scale as a strategic mechanism for social movement and trade union action.
However, as noted in earlier chapter (see Chapter 2 and 3) we believe it important to
avoid falling in the trap of excessively simplistic localism or globalism.

*The power of non-state actors*

The fact that some windows of opportunity have been opened up for non-state actors
to influence complex multilateralism does not imply that these actors have now
acquired the same status as the traditional leaders of the international field, such as
state representatives and the staff of IOs (Cox and Jacobson 1972). In fact, most of
the modes of participation of civil society contemplated in the above mentioned UN
classification are not related to decision making aspects. In international
organizations, states continue to be the principal decision makers (albeit with some
exceptions, such as the ILO where unions, states and employers have voting
capacity). Nevertheless, this does not mean that non-state actors are necessarily
powerless. Decision-making capabilities relate to just one ‘face’ of power, which is
not necessarily the most relevant one (Lukes 2005). In the international field, civil
society actors can activate their power and influence the preferences of those actors
that, in the framework of IOs, take decisions at the political level (normally, member state representatives) or at the operative level (normally the staff of the IOs). They can also alter and introduce new topics in the IO agenda and, in doing so, frame the options and the behaviour of the decisions makers.

Various constructivist scholars have emphasized the influence of non-state actors in international politics through the activation of these ‘other faces of power’. They have observed the capacity of transnational NGOs and transnational advocacy networks to create international norms through persuasion (Fehl 2004; Keck and Sikkink 1998; Arts 2005) and to transform the perceptions over their countries’ identities, the international agenda and the forms through which national interests must be addressed (Haas 2002). They have also demonstrated the capacity of epistemic communities to produce and disseminate scientific knowledge that is relevant for policy-making, above all in relation to policy issues that generate uncertainty (Haas 2004; Evans 2006).

Although there is an increasing consensus over the relevance of non-state actors in global governance, it remains unclear as to how, when and through what actions do they matter. Neither is it clear if non-state actors can affect global politics directly or if they have to do it via the mediation of states. Finally, it remains questionable how open the current multilateralism is to demands and challenges that clash with more established principles, rules and understandings within international organizations and regimes. We hope that our case study permits us to answer tentatively some of these questions or, at least, to retrieve empirical evidence that can contribute to building more solid answers to these questions in the future.

The WTO/GATS architecture and the role of civil society

Initially, the WTO preferred to operate as anonymously as possible so as to be more effective and to avoid expending resources in public information and public relations policies (Jiménez 2004). Nevertheless, the intensification of protests has forced it to reinforce its relations with NGOs, as well as to become more transparent (Scholte 2000). Various authors argue that the ‘Battle of Seattle’ forced the WTO to adopt a strategy to improve its general profile (Marceau and Pedersen 1999; Wilkinson 2002). However, improving the relationship between the WTO and civil society was already proposed in various articles of the Marrakech agreement prior to Seattle. These articles were developed in the ‘Guidelines for arrangements on relations with Non-Governmental Organizations’ in 1996. In Table 1 we apply the UN classification on civil society participation to the 1996 Guidelines (as well as to future developments of the WTO’s relation with NGOs). As we can see, most of the
functions and forms of participation for NGOs are recognized within the participatory subsystem of the WTO.

Table 1. WTO’s relation with civil society

<table>
<thead>
<tr>
<th>Participation form</th>
<th>Devices and instruments permitted and entitled by the WTO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dialogue</td>
<td>• NGOs can attend the Ministerial Conferences and the annual public symposium organized in the WTO headquarters.</td>
</tr>
<tr>
<td></td>
<td>• Other spaces for NGOs are also opened: lunch dialogues, electronic forums, chats with WTO representatives, etc.</td>
</tr>
<tr>
<td>Advocacy</td>
<td>• The WTO permits NGOs to meet with country representatives to advise them, to pressure for the achievement of certain aims or to retrieve information on the evolution of the negotiations</td>
</tr>
<tr>
<td></td>
<td>• NGOs can distribute position papers over trade issues among the delegations and through the WTO website</td>
</tr>
<tr>
<td>Private funds mobilization</td>
<td>• Ministerial Conferences are funded by private donors, normally big transnational corporations⁵</td>
</tr>
<tr>
<td></td>
<td>• [Some NGOs mobilize private funds to help Southern countries delegations to face the negotiations or certain disputes]</td>
</tr>
<tr>
<td>Information and learning</td>
<td>• NGOs can distribute papers that contain researches on trade issues between the delegations and through the WTO website</td>
</tr>
<tr>
<td></td>
<td>• The WTO organizes seminars, workshops and publishes an informative newsletter for civil society.</td>
</tr>
<tr>
<td>Operational Delivery</td>
<td></td>
</tr>
</tbody>
</table>

The participation possibilities opened up to the NGO sector by the WTO led Koenig-Archibugi (2002) to declare that the *publicness* level of the organization was high. Nevertheless, as mentioned in the WTO Guidelines themselves, there are some limitations to NGO participation. For instance, NGOs cannot be directly involved in negotiation meetings and, obviously, do not have decision-making powers in any of the aspects of the functioning of the organization (WTO 1996). Furthermore, an important part of the information related to the negotiations is not accessible by NGOs because negotiators need to preserve it for strategic reasons (WTO 2004). This is the case, for instance, of the documents of ‘demands’ and, in certain cases, ‘offers’ that countries make during the GATS negotiations.

Other authors note that the set up of the WTO makes Southern NGOs participation difficult, as most of the participation devices proposed by the WTO are directed through through sophisticated ICT (Wilkinson 2002). However, it must be said that it would be even more costly for Southern NGOs to participate in in-person activities in Geneva. Finally, not all NGOs’ participation is welcomed by the WTO. On various occasions, the general directors of the WTO and other important representatives of this organization have publicly manifested their rejection of those

---

⁵ For instance, the Seattle Ministerial Conference was 100% funded by corporations such as Microsoft or Boeing (Barlow and Clarke 2003).
NGOs that do not share the core principles of the WTO (Jawara and Kwa 2004). For instance, Mike Moore (WTO General-Director from 1999 to 2002), once openly said:

"The people that stand outside [protest social movements] and say they work in the interests of the poorest people ... they make me want to vomit. Because the poorest people on our planet, they are the ones that need us the most"\(^6\)

Similarly, Peter Sutherland, GATT/WTO Director-General between 1993 and 1995, expressed in a report coordinated on the occasion of the tenth anniversary of the WTO that:

"While many NGOs are well informed and a good number have the expertise and the interest to be constructive commentators or advisors on WTO issues, others do not (...) Certainly, the Secretariat should be under no obligation to engage seriously with groups whose express objective is to undermine or destroy the WTO in its present form" (WTO 2004, 41-48).

Both quotations reflect the structural and discursive selectivity of the WTO, with only some sections of civil society being perceived as suitable for engagement. This demonstrates that the WTO is open to discuss with civil society about procedural issues or about how the current international trade regime addresses certain issues related to trade, but does not accept that civil society has the right to challenge the constitutive rules and core principles of the organization.

The GATS negotiations procedure at the state level

The liberalisation commitments to be adopted within the GATS are negotiated by WTO’ members in consecutive negotiation rounds. The first commitments on education liberalisation were undertaken in the Uruguay Round (1986-1994). Currently, new services negotiations are being undertaken in the framework of the Doha Round, which was launched in 2001 (although the specific services negotiations started in the year 2000).

The nature and architecture of the GATS is something that social movements that aim to influence the negotiation outcomes of the agreement must take into account. The negotiations within the WTO have important ramifications and are pluri-scalar, not exclusively global. So, very important events for the resolution of the negotiations happen beyond the decision-making centre in Geneva. The WTO systems of rules promotes and encourages member countries to establish liberalization commitments in education (and other services sectors), nevertheless the States, which are the main decision makers within the WTO, have the last word on deciding whether or not to adopt liberalization commitments. In fact, the definition

\(^6\) "Seattle protesters make me sick, says trade chief", *The Independent*, Tuesday, February 6, 2001.
of preferences and the position over certain topics affected by the negotiations are settled, to a great extent, at the national level. Among other implications, this means that trade negotiators based in Geneva are not autonomous actors. They are ‘country representatives’ and have to respect a mandate that has been defined at the country level. Depending on the country, this mandate can be more or less flexible, or contain more flexibility in relation to some topics of the negotiation than in relation to others.

The mandate is theoretically defined through consultations at the state level. The consultations are normally conducted by the Ministry of Trade (or by the Ministry of Foreign Affairs) and the consulted parties are the state representatives and regulators of the sectors affected by the liberalization negotiations. These consultations can be more or less inclusive and also contemplate the participation of private actors. In some countries, the negotiation procedure is not so transparent and open for political reasons, but in most of the cases this is due to efficiency reasons or lack of resources. This means that the influence of the Ministry of Education and other education actors, such as teachers unions, can vary significantly depending on the country we are talking about. Nevertheless, in most of the countries, the consultation process privileges the participation of certain actors over others. In other words, some actors are ‘more consulted’ than others. In fact, in relation to our particular interest, we observed a cross-national pattern that consists in the fact that trade negotiators normally avoid consulting trade union representatives (or they do it with reluctance) and have a far more fluid relationship with employers associations and national industry representatives.

The level of openness (or closeness) of the consultation process is, in the terms used by (Tarrow 1994), a political opportunity that will affect the capacity that teachers unions have to affect the GATS negotiations. However, teachers unions can also open windows of opportunity in this terrain, act strategically, and force the ministry of trade to promote, albeit unwillingly, a consultation procedure that is more open and transparent.

Our empirical evidence also shows that, if the education actors are not aware of these negotiations and do not react on time, the education sector of that country is far more likely to be liberalized under the GATS. To some extent, this is due to the fact that trade negotiators tend to perceive the goodness of the GATS for education over its potential perils. However, this is above all related to the mercantilist nature of these kind of negotiations (Krugman 1997). Consequently, trade negotiators are often willing to use education as a bargaining chip that permits it to open sectors in other countries where its national industry has offensive interests.
To sum up, in line with Herod’s (2001a) insights, trade unions re-scaling strategy should be contingent on the internationalization strategy of the opponent and rooted in an analysis of the possible points of action. In our case, despite the participation possibilities open by the WTO, trade unions must also try to exercise their influence at the state level because it is there where the positions and preferences of the countries are mainly settled.

**Education International and the multi-scalar campaign against the GATS**

The issue of GATS first became relevant to the EI agenda because of the coming together of two internal processes. Firstly, the staff of the federation were working, from the beginning of the nineties on issues of labour standards in the WTO system. They carried out this work in the framework of broader union coalitions with organisations such as PSI, Union Network International and the International Confederation of Free Trade Unions. This was the first contact that EI staff had with trade issues, which theoretically are quite far removed from the everyday education issues that they normally dealt with. This initial contact alerted them to the fact that education was also directly affected by the WTO.

In parallel, various affiliated Canadian teachers unions also started to work on trade and education issues. In Canada, the workers movement and other civil society sectors strongly campaigned against the free trade agreements that their country was negotiating with the US (the CUSFTA, 1989, and the NAFTA, 1994, which also involved Mexico). So, when GATS was created in 1995, the Canadian teachers unions had already gained a lot of expertise over trade issues. In 1999, with the first round of the GATS negotiations on the horizon, the Canadian Association of University Teachers (CAUT) initiated discussions with the Ministry of Trade. To reinforce their position and to give the necessary rigor to their arguments, the CAUT, together with other Canadian unions, commissioned a legal opinion on the likely impacts of GATS for education to an independent trade consultancy. This research contributed to increasing their expert knowledge and, effectively strengthening their position of opposition to the GATS.\(^7\)

That same year, just before the WTO meeting in Seattle, the annual Conference of Education International Higher Education division occurred in Budapest. The Canadian unions, CAUT and FQPPU, proposed a highly critical conference resolution on the GATS. The importance of the topic was supported by

---

\(^7\) The report is available in: [http://www.caut.ca/en/issues/trade/gats-opinion.asp](http://www.caut.ca/en/issues/trade/gats-opinion.asp) [last retrieved: 06/06/07]. The unions also framed their analysis over GATS and education in a civil society forum called Trade and Investment Research Project that was coordinated by the Canadian Centre for Policy Alternatives.
the staff of the Higher Education division and the resolution was approved by the participants. This resolution became the first political tool, and foundation, for the emerging campaign against the GATS and was the means by which the topic acquired official status within the political agenda of the Federation.

**Meaning frames**

The way social actors frame and understand certain problems is increasingly recognized as an important dimension of the political strategy and practice of social movements. The efficacy of these meaning frames is often seen to be directly related to the probabilities of success of protest movements, and have at least three dimensions: explanatory, motivation and prognostic.

Education International’s explanatory frames referred to the implications of the GATS for public education, and was articulated through different impact dimensions. The main worries identified in the numerous documents published by the teachers’ federation on GATS were: public expenditure cuts and privatization of education; loss of education quality; loss of cultural diversity; decreases in academic freedom and the accentuation of brain drain (Fouilhoux 2005; IE 2003). Due to its membership constituency EI frequently highlighted and emphasised the potentially detrimental effects of the GATS for labour issues:

“Phoenix University in the USA is a private profit-making enterprise offering courses in virtual mode. One hour of cyber-education costs the student US$237 whereas one hour of conventional education at the Arizona State University, in the same State, costs US$486, i.e. more than double the amount. Why this difference? It is due primarily to salary costs which are US$247 an hour at Arizona State University compared with US$46 at Phoenix University. No doubt this provides food for thought for all those higher-education managers engaged in the cost-containment rat race (…) The development of employment in the education sector - particularly in higher education – may also be significantly affected by the (inevitable?) spread of cross-border education services. With the multiplication of individual employment contracts which this trend entails, job insecurity is undoubtedly a risk we must guard against (EI and PSI 1999, 12, 22-23).

EI analysis also highlighted the potential impact of domestic regulation negotiations within the GATS. Most critical analysis of the education community focuses on the liberalization negotiations and ignores (or is ignorant of) these ‘other negotiations’. EI has been very active in trying to increase the profile of the negotiations on domestic regulation because it considers that their output can be especially intrusive and negatively affect the nation state’s capacity to regulate education:

- Proposed domestic regulation disciplines would unduly interfere with the right of governments to enact regulations governing the provision of education. It is simply not acceptable that judgments about the quality of education be subject to second-guessing by WTO dispute panels.
- In general, applying a necessity test to domestic regulations ignores the reality of how educational regulations and regulations in all sectors are developed. Rules and
standards are developed through compromises that impose neither the greatest burden nor the least burden on service providers. Requiring all regulations to be the least burdensome would limit both the content and the process for democratic decision-making.

- Requirements that regulations be based on objective criteria also raise important concerns. That’s because many legitimate regulations are often based on “subjective” judgments about the quality of a service (EI 2006, 4).

The interpretation of the implications of GATS done by EI is not only based in causal beliefs. As normally happens in the field of social movements’, principles beliefs and values are also devices that become as relevant as theories to frame and interpret the problems they are struggling for (Keck and Sikkink 1998). The interpretation of a problem through the lens of principled beliefs aims to trigger the indignation of the message receiver. It also tries to frame the opinion of the receiver in relation to certain problems and dilemmas. Going beyond aseptic and exclusively scientific interpretations of problems, as well as showing indignation in the presence of a perceived problem or injustice, it is also a powerful device to mobilize members into action. The principled interpretation of the topic by EI can be clearly perceived in this quotation:

The very fact that the education sector is now included in the discussions on trade liberalisation is in itself alarming. In this context, the fast approaching next round of talks – the Millennium Round - represents a formidable challenge for all those concerned about the future of public education (IE and PSI, 1999, 13).

At the prognostic level, and in relation to the strong criticism against GATS, EI proposed that education should be removed from the scope of the agreement. In the resolution on GATS approved in the 2004 World Conference of EI it is said that the Conference “Mandates the Executive Board to continue and broaden EI’s work on GATS by campaigning for appropriate exclusions for education and research from GATS, and from regional and bilateral free trade agreements”.

The EI’ proposals in this terrain are, in general, more contestational than the proposals made by UNESCO and associations of public universities from Canada, US or Europe. The latter, for instance, proposes that the GATS should respect the regulatory space of countries and the capacity of Southern countries to develop their own education systems (AUCC et al. 2001), but never directly raises the removal of education from the scope of the GATS.

On the other hand, the EI response to the GATS is not exclusively reactive. The prognosis of the union federation also has a proactive dimension and, consequently, some alternatives to GATS are articulated. The most specific proposal consists in the creation of an international juridical instrument to regulate cross-border education. The instrument proposed should not be based on the rationale of trade and competition, as the GATS is, but on cooperation and horizontal cultural
exchange. Specifically, the instrument proposed should address the following objectives:

a) recognise that higher education is a human right and a public good;
b) respect cultural and linguistic diversity;
c) balance the goal of protecting indigenous and national higher education systems with the need to encourage international cooperation and exchange;
d) advance and defend the employment and academic rights of higher education teaching personnel, staff and students;
e) defend and promote freedom of speech and thought, and in particular academic freedom and professional rights;
f) ensure the integrity and quality of higher education;
g) promote equality within and between countries; provide full equality for equality seeking groups; and, protect the rights of indigenous peoples;
h) establish global institutions that are open and transparent, and that recognise the priority of human, labour, and environmental rights over commercial rights; and
i) preserve the ability of national governments to regulate higher education in the public interest, and to maintain and expand publicly-provided higher education independent of market pressures and free trade disciplines (EI 2004, 3).

Action repertoires within a multi-scalar strategy

In the framework of its campaign against the GATS, the main repertoire of action promoted by EI at the global level was advocacy and lobbying. Education International has participated in most of the spaces opened up by the WTO that provided the possibility for advocacy and dialogue. EI has attended all the Ministerial Conferences since Singapore, several WTO public symposiums8 and has interviewed a large number of services negotiators and trade representatives in the WTO headquarters – normally during the services clusters.9 In fact, most services trade negotiators that were interviewed in Geneva (about 15) have had some kind of contact with EI personnel. The activities undertaken had the primary objective of advocating about the perils of liberalisation commitments under the GATS and to generate a general opposition to the inclusion of education (or, at least, new education liberalisation commitments) in this agreement. However, participating in this kind of activities has also permitted EI to improve its understanding and knowledge on the GATS. It has also contributed to producing first-hand data to monitor the negotiations for liberalisation and domestic regulation within the GATS and to make them more accountable through the dissemination of information. Probably, the most important tool used by the Federation to disseminate information over the negotiation process is the newsletter called TradEducation News. This

9 Services clusters are short periods when the services negotiators are intensified. Normally, political representatives of the countries travel to the WTO headquarters in Geneva to participate more directly in the negotiations.
publication, which has produced 12 issues to date, is sent to member unions, and is also accessible for a broader public through the EI website.\(^{10}\)

Initially, Education International located the core of the struggle against the GATS at the international level. This is illustrated by the fact that the WTO Ministerial Conferences were the privileged space for the struggle. Nevertheless, with the passing of time, EI has strategically learnt about the importance of also locating their advocacy and lobby work at the national level. Thus, the better understanding of the decision-making process within the GATS negotiations actually produced a strategic shift. EI then adopted a two-track strategy and has also spread the campaign against the GATS at the national level. Within this national scale, EI decided to put more emphasis on activities “to inform member organisations about GATS and to support member organisations in their work with issues related to trade in education, development of educational markets and privatisation – lobbying governments not to open up education services to GATS” (Fredriksson 2004, 434).

Therefore, the active participation and empowerment of the national unions became a key success factor within the strategy of the federation. This strategic shift also altered the prognostic and motivational frames of the union. The motivational frames are those deployed by social movements to motivate people and organizations to participate in their campaigns and struggles. At the motivation level, the new strategy meant that the national member unions became the main target of the communication action about GATS issues of the Federation. The 2004 World Conference itself mandated “EI to raise the awareness of EI members of the relevance, impact and importance of international trade agreements to the work of national organisations representing education workers.” Furthermore, the national unions also began to be integrated more centrally into the proposal frames of the campaign. At the proposal level, EI advised their member unions to stop their governments from establishing liberalisation commitments, as well as to raise public awareness over the risks of GATS for public education.

To implement this strategy, EI has organized different training and debate initiatives, which were totally independent of the participation initiatives offered by the WTO. These initiatives were directed towards the participation of their members. The following are the most significant of them:

— **EI World Conferences:** These tri-annual conferences are the principal decision-making and political spaces of the Federation. In the 2004 and 2007 conferences, the GATS was very central to the programme. Workshops over the

---

\(^{10}\) See: http://www.ei-ie.org/en/publication/ [Last retrieved: 25/06/08].
topic have been organized and critical resolutions against the GATS were approved. Something similar also happened in the framework of the annual conferences of the Higher Education division of the federation. For instance, in the HE Conference before the Hong Kong Ministerial Conference (Melbourne, December 2005) the GATS issue was the subject of workshops, discussions and of one important resolution that would be used by EI members during the Ministerial Conference.

- **Taskforces on GATS:** EI has organized taskforces integrated by the member unions to do research over the implications of GATS for certain education sectors, as well as to elaborate position papers on the topic. Until now, two taskforces have been organized; one focused on Higher Education and the other one on Vocational Education.

- **International Seminar (Paris, 2005).** EI organized an international seminar over GATS and Education for its members in the UNESCO headquarters. The objective of the seminar was to inform member unions over the dangers of GATS for public education as well as to design a common action plan.

Finally, to facilitate the training and advocacy work at the national level, the EI staff have developed the **GATS Information Kit** ([http://www.ei-ie.org/gats/en/documentation.php](http://www.ei-ie.org/gats/en/documentation.php)), which contains key information and ideas about the architecture of the GATS, its implications for education and the state of art of the negotiations and liberalization commitments of the countries. They have also produced letters and statements than can be used – directly or with some adaptations - by their member unions to organize lobbying activities and, specifically, to target their trade and/or education ministries.

**“Going local”: Successful country cases**

There are, at least, two national unions that, after being encouraged by EI, have undertaken a successful campaign against the GATS at the national level. We refer to CTERA, from Argentina, and to CNTE (Educational Workers National Confederation), from Brazil. Both unions became aware of the risks of GATS and about the importance of acting against the agreement during the 2004 EI World Conference. Since then, they began a political campaign against the GATS. One of the key steps of the campaign occurred when they lobbied their Ministries of Education asking for a clear commitment for education not to be included in the GATS. As a consequence, La **Declaración de Brasilia** was signed. In this Declaration, a ‘red line’ is clearly fixed to the education sector within GATS. In this document, the ministers for education guarantees that the education sector will not
be liberalized under GATS and, even more importantly, they also committed themselves to "actively prevent education from being negotiated as part of the GATS framework" (IE-AL 2004). The teacher unions from Brazil and Argentina also proposed one year later that a similar Declaration to the Brasilia one should be signed by all of the ministries of education of the Mercosur countries (see: Declaración de Montevideo). As a result, highly politically relevant public statements against GATS were disseminated across the region.

However, to avoid doing intentionalist analysis of the success of the campaign against GATS in these countries, it should be mentioned that this success was contingent on certain domestic political conditions. First, both Brazil and Argentina have social-democratic governments that agree with the general slogan that education should not be treated as a simple commodity. Second, the governments of both countries initiated a period of dialogue and trade-offs with trade unions and, specifically, with teachers unions (Gindin 2008). In the Argentinean case, it should be added that the political impact of the Brazilian Declaration seeks, on the one hand, to legitimate the support that the union is giving to the current government and, on the other, to strengthen the current direction of the union against more leftist internal factions that were becoming more and more powerful. However, what we want to highlight is that the motivation frames articulated by the EI at the global level have been a necessary, and important – although not sufficient – condition to explain the red line to GATS in the education sector of countries such as Brazil and Argentina.

Other authors show that teachers unions from Canada, UK, Australia, Germany, USA, Norway, the Netherlands and Sweden have also actively lobbied their governments (Fredriksson 2004; Vlk 2006). The teachers unions of these countries are members of EI and most of them have framed their discourse about GATS in the framework of the federation. Although it should be pointed out that some of them, specifically the Canadian and Australian unions have actively contributed to the campaign against the GATS at the EI level and, consequently, have not only been ‘passive takers’.

Finally, it is plausible to suggest that the Education International campaign against the GATS has opened up new political opportunities at the country level for the unions’ demands to be addressed at the national level. In fact, the consultations that member countries held with the civil society and education regulators at the national level were much less frequent during the Uruguay Round (1986-1994) than in the Doha Round (2001-?) (Verger, 2007; Vlk, 2006; Iga 2002; Ziguras, Reinke, and Mc Burnie 2003). During the Uruguay Round, in countries such as Holland, Japan, Spain or the Czech Republic liberalisation commitments were approved without
consultation (or with highly restricted consultations). But currently, the GATS topic has been politicized and publicly challenged thanks to persistent international and oppositional campaigns like the Education International one. Consequently, the political costs of liberalizing education without taking into account the voice and demands of education stakeholders would be greater than before.

*The campaign keeps being global*

Despite prioritizing the national level as the key strategic terrain for the political struggle against GATS, EI has continued undertaking international actions. The federation has kept up its advocacy activities and has reinforced and widened its international alliances against the GATS. EI has continued working on the GATS issue within broader union confederations, such as PSI or ICFTU (now ITUC11), and has networked with other international education actors such as UNESCO and international students unions, such as ESIB. This strategy was also designed in the 2004 World Conference, where EI decided that it would network with other campaigns of non-government organisations concerned with challenging the GATS (Fredriksson 2004).

In the terrain of this international networking, EI has also recently participated in a UNESCO initiative that consists in the creation of Guidelines for “Quality provision in cross-border higher education”. The Guidelines, as the name itself indicates, are not a strong juridical instrument. They are rather orientational, consisting of benchmarks, suggestions and recommendations based on good practices that aim to contribute to protecting students and education workers in a context of increasing internationalization of education. The guidelines document does not explicitly mention the GATS, but its promoters raised these issues as a way of challenging and warning of the potentially negative effects of a cross-border higher education scenario mainly regulated by the GATS. The Guidelines are far from achieving the demands and ambitions of the international instruments proposed by EI (see previous section), but they could be perceived as a first step to achieve it.

**Analysis: EI and the global governance of the GATS**

Our case study has allowed us to analyze both the participation of EI in the struggle against the GATS, as well as the effects of that participation. Analyzing the effects of social movements in (global) politics is not an easy task (Giugni, McAdam, and Tilly

---

11 On the 1st November 2006, the ICFTU and the WCL were officially merged to form the International Trade Union Confederation (ITUC) which represents 168 million workers in 155 countries and territories and has 311 national affiliates.
1999), and it remains difficult to isolate one particular actor, in a scenario where many organisations were involved. In this case it should be borne in mind that the analysis of the effectiveness of the EI’ campaign must be located within the context of a broader protests against the WTO and against the way this organisation treats many other subjects (not only education). Nevertheless, this research does provides us with a series of clues and evidence regarding the question of the cultural and political effects of the campaign, as well as the inter-play between them.

Firstly, Education international became an active promoter (and precursor) of the international debate on GATS and Education, even more effectively and persistently than many international intergovernmental organizations, such as UNESCO, and acted earlier than the academic community. We can also affirm that EI has managed to introduce the subject of the GATS in the global public domain by means of an intense effort of construction and dissemination of knowledge. To do so, EI has created its own forums and spaces for the generation and dissemination of knowledge, but has also strategically used established international forums and alliances with key international actors such as UNESCO. The ideas generated and disseminated by EI regarding the GATS and education combine causal theories and principled beliefs in an effective way. This differentiates its cognitive action from the cognitive action of the scientific communities, which base their arguments exclusively on causal theories, and thus generate knowledge less likely to trigger political action.

Secondly, EI has contributed to making the subject of GATS more understandable. We should bear in mind that the complexity of the GATS is in itself a filter to the direct participation of many stakeholders within the negotiation process. Many civil society actors do not feel capable of discussing this subject, and far less directly pressuring the trade negotiators – who have a very high technical grasp of the subject. Nonetheless, the union has been very effective in disseminating arguments against the GATS, and has provoked common and trans-border patterns of discourse between member unions with regard to the subject.

Third, EI has empowered national unions, has made them aware that they can alter the course of the negotiations, and has encouraged them to do so. This reflects the strategic learning curve of the federation in their process of struggle against the GATS. Initially, EI brought direct pressure / advocacy work to bear on the WTO negotiators, but once it came to learn about the geography of the decision-making process, it redefined its strategy. From then on it adopted a tactic that we can describe as a ‘reverse boomerang effect’. Education International had its access to the decision-making spaces blocked at the global level, and in order to make the pressure more effective, it cast its boomerang downwards: it informed and activated
the state-based affiliated unions so that they could pressure the states into not committing education in the GATS and thereby stopping the progressive liberalisation of education stipulated by the WTO. Thus the boomerang would return to the global scale. This re-scaling strategy is represented in the Graph 1.
Finally, we can reaffirm that the EI campaign has raised public awareness over GATS issues, which has had political and procedural implications at both national and international levels. When, in its first years of operation, the WTO was an organisation that was less well-known to the general public, the bureaucrats and trade negotiators had a much greater margin of autonomy in decision-making about the GATS and education liberalisation. The negotiation of this agreement has such a high level of technical complexity that the politicians themselves delegated a great part of this question to the bureaucrats in their ministries of trade, who gave a high degree of guidance to the final decisions. In the Uruguay Round, education in the GATS was probably negotiated with regard to path dependencies of the GATT and with much less consideration being given to education as a topic. At that time, dozens of WTO member countries committed themselves to education in the GATS without causing even a ripple of dissent, since the interested parties in the education community were not aware of it. Yet by the end of the nineties, in the context of strong international protests against the WTO, criticism towards the GATS and its interference in education emerged in force. And, as our data suggests, Education International was the most relevant education actor raising the awareness over the topic at the international level. One of the consequences of this was the establishment of the need by countries (and by the WTO itself) to legitimise the decision to liberalise education. For this reason, some countries formalised consultation processes with key stakeholders and attempted to make the negotiation process more transparent. At the international level, the WTO responded to the
criticisms through a public relations campaign to disseminate information about the positive benefits of free trade for services which sought to explain the benign effect of GATS on public services such as education - see (WTO 2001).

The capacity of EI and other civil society actors to promote the debate about the GATS and education is not only a demonstration of the strength of non-state actors in the global governance scenario; but also highlights some of the weaknesses of the opponents, despite being state actors. During the Uruguay Round, the WTO and the trade ministries had more relative power than they currently do, precisely because other agents from the educational community – and other civil society actors - had not activated their power. When an actor does not have all the necessary power, as Walsh (2000) points out, the best way they can achieve their objectives is by taking decisions in secret. Moreover, from the power analysis perspective, the fact that the WTO staff were being forced to refute the criticisms concerning GATS, can be interpreted as a sign of the weakness of the free trade proposal. In this case, Lukes (2005) would tell us that acting (or having to act) is more a sign of weakness than of strength. When actors can achieve their objectives without having to act, and without having to justify themselves, their power is without doubt greater.

Conclusions
GATS is a key piece in the global governance of education puzzle. This trade agreement, which actively pushes for the advance of services liberalization and for the constitutionalization of a global neoliberal economy (Gill 2003), has altered the cartography of the struggle against the privatization of education. EI has explicitly and critically reflected over this new scenario and has designed and implemented a political campaign to stop the GATS attack on public education. To do that, the Federation has also reflected on the geography of decision-making within the GATS, and has defined its political strategy depending on the scalar challenges introduced by the agreement. Consequently, EI has acted in and on a multiplicity of scales and has adopted a strategy that recognises the multi-scalar nature and scope of the GATS. As Herod observes, within the globalization age, the strategies of trade unions are shaped by the political and geographical realities within which workers find themselves. However, this relationship is dialectical and the choices workers make concerning which types of strategy to pursue can have significant implications for the ways in which the geography of global capitalism is made (Herod, 1998; 2001). In fact, the political impact of the campaign against the GATS launched by EI
shows that workers can also affect how the geography of the global economy is made. Consequently, the demands of capital are not the only force able to remake and transform the geography of the global economy.

In relation to the latter point, our case study also demonstrates the role and power of non-state actors in the global governance scenario. As we have observed, EI's campaign against the GATS, despite being focused on a very particular aspect, has effectively contributed to the contemporary turn toward a multi-layered governance where non-state actors can activate their power to influence global politics. The global governance paradigm differs from the ‘government’ one in the sense that the latter understands power as ‘hierarchical steering’ and identifies influence with decision-making powers. EI and its member unions have demonstrated that they are able to influence the final decisions and the final results of the GATS negotiations, despite not having decision making powers in that particular institution. To some extent, their influence has been exercised through the alteration of the perceptions, interests and preferences of decision makers and potential veto players. They have also been able to obtain these results through raising political awareness and generating public concerns over the effects of the agreement in the education field.

However, the ideational and cognitive work developed by EI does not mean that the federation has influenced the results of the GATS through the promotion of the debate and deliberation within the WTO system itself. Other pieces of research show that there is a lack of educational debate and education rationale within the WTO negotiations (Verger 2007b). Consequentialism, and not deliberation, is the dominant logic of communication in the WTO forum (Risse 2000). Furthermore, mercantilism is the main rationale that guides trade negotiators action (Krugman 1997). All this evidences suggests that there continue to exist clear barriers for the influence of those actors that assume that ‘education matters’ within the WTO forum. In this strategically selective context, the source of political impact is not the ‘dialogue’ with the trade negotiators, as the WTO offers to civil society. In fact, the EI anti-GATS campaign achieved the most significant success through the strategic shift to the use of tactics of force at the national level. Specifically, as the Brazilian and Argentinean cases show, these tangible political impacts came from the teachers unions pressuring ministries of education to make them act as ‘veto players’ within the negotiation process.

Our case study also contributes to the debate about the validity of the complex multilateralism thesis. The results obtained show that this thesis needs to be applied with some caution. On the one hand, we have observed that international
civil society is formally recognized within the participatory system of the WTO; for instance, EI has actively participated in activities of advocacy and dialogue favoured by the WTO. Another indicator of the rise of a complex multilateralism is that the WTO itself has reacted directly to the criticism raised by EI - and other international civil society actors - over the implications of the GATS for public services. Thirdly, the participation of EI within the process design of the UNESCO / OECD ‘Guidelines for quality assurance in cross-border education’, which can be understood as a response to GATS hegemony, is another initiative that validates the idea of an emerging complex multilateralism that jumps over the necessary mediation of states within international politics.

However, it seems that there are more continuities than changes in the evolution of multilateralism for us to be able to talk about a paradigm shift in this terrain. First, the participatory mechanisms settled by the WTO are not conductive to the principal demands of the EI, partly because they are too challenging and do not resound positively within the current WTO system of rules. Second, and more interestingly, the more direct and fruitful political impacts of the GATS campaign have been mediated through the state scale. EI appears to have had most effect on the result of the GATS negotiations, as well as the course of the constitution of a new international regime of trade in education services, when it put more energy in the activation of anti-GATS campaigns at the national level. In one word, the state is still a key field for struggle in influencing global politics. Nevertheless, to be fair to the importance of the global scale as a space of political action, we should reiterate that the national campaigns against the GATS would not have had the same probabilities of becoming successful if, previously, other international actors would not have introduced the topic into the global public domain.

Our results show that the debates over global governance and new and old multilateralism cannot be framed using ‘the local’ and ‘the global’ as rigid categories. Instead of Manichean or dualistic discussions about the importance of each of the scales in absolute terms, it is better to acknowledge that, despite each scale having its particularities, the global and the local conform an analytical duality (not a dualism), that are ontologically interlinked. So, most of the times, what really ‘matters’ is not ordering the political relevance of the scales of action, but capturing and understanding the scalar inter-play and its political implications.

References:


---. 2006. Nota sobre las disciplinas de reglamentación nacional y los servicios educativos en el marco del AGCS. June 22.


Vlk, Alex. 2006. Higher Education and GATS. Regulatory Consequences and Stakeholders' Responses. University of Twente: CHEPS.


