Transnational Civil Society Networks and the Global Governance of Education: Teachers Unions Facing World Education Liberalization

Antoni Verger (a.verger@uva.nl)
Universiteit van Amsterdam, The Netherlands

Abstract
The General Agreement on Trade in Services (GATS) of the World Trade Organization (WTO) pushes for the continuous liberalization of education all over the world. This agreement is directly affecting the education regulatory framework of the WTO member states as well as the geographies of decision-making in education affairs. However, the GATS is being widely contested by the education community. 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.

This paper explores how non-state actors, their ideas and strategic action, are key elements to understanding the outcomes of the global liberalization process entailed by the GATS. Specifically, it shows how the scalar interaction between civil society networks and the organization of the struggle at different scales is a key impact factor for non-state actors in global politics. At the same time, civil society organizations’ reflexivity on the re-scaling of politics and on the new challenges re-scaling means in terms of strategy and political opportunities are also relevant factors of political success.

The arguments of the article are based on an in-depth case study over Education International, the biggest international federation of teacher unions, and its campaign against the GATS.

Introduction
The World Trade Organization (WTO), a multilateral institution with 152 member countries, promotes free trade at a planetary scale and, to achieve this ambitious political aim, 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 extols the virtues of free-trade, while neglects - or does not strongly consider - 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 Ministerial Conference of
the organization — are considered key episodes in the convergence of different thematic movements and claims in common battle fields (Smith 2001).

One of the most sensitive issues that are 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 (EI), the biggest international federation of teacher unions, has been the most active organisation in opposing these developments within the education field. They were the first actor of the international education community to become aware of the relevance of the GATS, and to react in consequence through a long and sustained campaign. Precisely, this paper reviews the evolution of the EI campaign against GATS. It analyzes the political outcomes of the campaign, specifically its impact on the results of the trade agreement negotiations, but the focus of the analysis is on the reasons and mechanisms that have allowed EI to achieve certain political outcomes. Through this case study, we aim to engage with broader discussions on the nature of the multi-scalar governance of education and the role of civil-society actors in global politics.

The paper is divided in four sections. The first introduces the theoretical debates on global governance and social movements, with a particular focus on the literature on global unionism and new complex multilateralism. The second explores the “terrain of struggle” and the structural selectivities for civil society action in our particular case study, i.e. the main rules and norms of the WTO, and the procedures and spaces available for participation by civil society movements seeking to influence the GATS negotiations. Thirdly, the paper explores in-deep the EI campaign against the GATS. To do so, it goes into the evolution and the multiple dimensions of the
campaign: meaning frames, repertoires of action, strategies, alliances, multi-scalar interventions, etc. Finally, the political outcomes and the broader contribution of this campaign are analyzed.

The evidence for this research is drawn from a comparative case study of GATS and education negotiations in various WTO member countries, see (Verger 2010), as well as on the data retrieved through direct participation in several EI events\(^1\), as well as in GATS negotiations episodes where EI has been particularly active.\(^2\)

**Civil society in the global governance scenario**

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.\(^3\) 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 international organizations (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

\(^1\) We refer to the 4\(^{th}\) 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).

\(^2\) Civil society lobby meeting in Geneva (June 2005), sixth WTO Ministerial Conference (Hong Kong 2005)

\(^3\) 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 (Routledge 2003).
principles of conduct, such as the primacy of free markets, which are predominant within the traditional protagonists of multilateral organizations.

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 recognizing 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).

On its part, Sidney Tarrow (2001) focuses on another strategic dimension of re-scaling. 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. Furthermore, 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).

Despite the different propositions contemplated, the common point in this literature is that globalization has altered the strategic context for collective action. This literature also points towards the importance of thinking about and utilizing scale as a strategic mechanism for civil society networks action.

*The power of non-state actors and their ideas*

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 international organizations. 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). However, this does not mean either 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 international organizations, take decisions at the political level (normally, member state representatives) or at the operative level (normally the staff). They can also alter and introduce new topics in the organization agenda and, in doing so, frame the options and the priorities of the decisions makers, or to create international norms through persuasion. An increasing body of research is informing about the influence of non-state actors in international politics through the activation of these ‘other faces of power’ (Arts 2005; Evans 2006; Fehl 2004; Keck and Sikkink 1998; Haas 2002, 2004).

Social movement literature is also giving more and more emphasis to the ideational and cognitive aspects of collective action to understand its political and social impact. In this sense, we should stress frame analysis, that specifies the interactive processes by which frames are constructed, sustained, contested and altered by the movements and with what consequences (Benford and Snow 2000) and approaches that, despite departing from the importance given to structural factors, acknowledge that the strategic reflexivity of movements on political opportunities (and the broader environment where they act) is a key factor to understand the collective action form and its outcomes (Hay 2002, Meyer 2004).

To conclude the theoretical section of this paper, some broad research questions and key discussion issues will be raised. First, it should be acknowledged that albeit there is an increasing consensus over the relevance of non-state actors and its cognitive activity in global governance, it remains unclear as to how, when and through what actions do these actors matter and, specifically, to what extent movement ideas can be considered autonomous sources of power. In relation to the scalar discussion, there is still an open debate on whether non-state actors have more chances to affect global politics directly or if they need to do it, still predominantly, 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 the following case study enlightens some of these areas of inquiry and contributes to building more solid answers to the raised questions in the near future.
The field of struggle: the WTO/GATS as a selective context

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 Marraqueix 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>
</table>
| Dialogue             | • NGOs can attend the Ministerial Conferences and the annual public symposium organized in the WTO headquarters.  
• Other spaces for NGOs are also opened: lunch dialogues, electronic forums, chats with WTO representatives, etc. |
| Advocacy             | • 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  
• NGOs can distribute position papers over trade issues among the delegations and through the WTO website |
| Private funds mobilization | • Ministerial Conferences are funded by private donors, normally big transnational corporations  
• [Some NGOs mobilize private funds to help Southern countries delegations to face the negotiations or certain disputes] |
| Information and learning | • NGOs can distribute papers that contain researches on trade issues between the delegations and through the WTO website  
• The WTO organizes seminars, workshops and publishes an informative newsletter for civil society. |
| Operational Delivery | ---------------------------------------------------------- |

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

---

4 For instance, the Seattle Ministerial Conference was 100% funded by corporations such as Microsoft or Boeing (Barlow and Clarke 2003).
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 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 the organization headquarters in Geneva. Finally, not all NGOs’ participation is welcomed by the WTO (Jawara and Kwa 2004). On various occasions, the general directors of the WTO and other important representatives of this organization have publicly manifested their rejection of those NGOs that do not share the core principles and beliefs of the WTO, such as trade liberalization (main principle) and the benefits of free-trade for all kind of stakeholders: consumers, employers, workers, etc. (which is the main causal belief). 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" \(^5\)

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. At the same time, it seems clear that the WTO is open to discuss with civil society about procedural issues, secondary issues or particular exceptions on certain issues. However, it does not accept that civil society has the right to challenge the constitutive rules and core principles of the organization.

---

\(^5\) "Seattle protesters make me sick, says trade chief", *The Independent*, Tuesday, February 6, 2001.
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 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.6

This mandate is supposed to be 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 usually, above all in developing countries, 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

---

6 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.
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) and McAdam (1996), a political opportunity that will affect the capacity that teachers unions have to effect 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 this kind of international negotiations (Krugman 1997) which predisposes trade negotiators to use education as a bargaining chip that permits it to open markets in foreign countries where their national industry has offensive interests (Verger 2009).

Education International and the multi-scalar campaign against the GATS

Education International (EI) is the world’s biggest international federation of teacher unions and, actually, defines itself as the “the global voice of education workers”. 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, EI, together with Public Services International (PSI), published the first critical and widely distributed document on the relationship between GATS and education. This document was titled “The WTO and the Millennium Round: What Is at Stake for Public Education?” and was published in 1999, just prior to the Ministerial conference in Seattle. Moreover, EI was the only civil society actor representing the education community in the second WTO Ministerial Conference in Singapore in 1997. EI also participated in the Seattle conference in 1999. 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.

---

7 See: [www.ei-ie.org](http://www.ei-ie.org) [last retrieved: 12/11/09]  
8 See “List of NGO's who attended in Singapore” in: [http://www.wto.org/english/forums_e/ngo_e/ngosin_e.htm](http://www.wto.org/english/forums_e/ngo_e/ngosin_e.htm) [last retrieved: 12/05/08]
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 was 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.\(^9\)

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 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.

**Frame analysis of EI campaign**

The way social actors understand and frame reality is increasingly recognized as an important dimension of the political strategy and practice of social movements.

\(^9\) 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.
Actually, the “quality” of meaning frames and framing processes are seen to be a necessary condition to the probabilities of political success of social movements. Collective action framing counts with at least three dimensions: explanatory (problem identification and attributions), prognostic (identification of solutions) and “motivational framing” (to show that action is viable and has changes to be effective). Some consider that if one of these dimensions fails or is weak, collective action is more willing to fail (Benford and Snow 2000).

Education International’s explanatory frames refer, first and foremost, to the implications of the GATS for public education, and have been 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 since in the cross-border education scenario strengthen by GATS “job insecurity is undoubtedly a risk we must guard against” (EI and PSI 1999, 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 key devices 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 influence the opinion of the receiver in relation to certain problems and dilemmas and to raise a certain sense of urgency to act. In other words, 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 helpful 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).

Benford and Snow (2000) observe that there is normally a correlation between diagnosis and prognostic in social movements frames. Actually, this ideas is clearly reflected in EI’s campaign. At the prognostic level, the campaign is coherent to its strong criticism against GATS and claims that education should be removed from the scope of the agreement. The resolution on GATS approved in the 2004 EI World 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 radical and contestational than the proposals made by UNESCO and associations of public universities from Canada, US or Europe, which are also critical of the WTO agreement. 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 (EI 2004, 3).

However, in the first stage of the campaign, the motivational frames were not developed enough and it was not clear who was called to action by EI and with what purpose.
**Action repertoires and strategic learning 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 organization Ministerial Conferences since Singapore, several WTO public symposiums\(^{10}\) and has interviewed a large number of services negotiators and trade representatives in the WTO headquarters – normally during the services clusters.\(^ {11}\) In fact, most services trade negotiators that were interviewed in Geneva (about 15) have had some kind of contact with EI personnel. In all this spaces, EI advocated about the perils of liberalisation commitments under the GATS and to generate a general opposition to the inclusion of education in this agreement.

These activities had a certain repercussion at the WTO level. For instance, the WTO secretariat had to respond to the criticisms done by EI and other social movements and unions on the effects of the GATS for public services through a public relations campaign. In its context, they published opuscles such as “GATS, facts and fiction” that aimed to disseminate information about the potential benefits of free trade for services such as education - see (WTO 2001).

The response of the WTO member countries to EI’s advocacy work was a bit more uneven. They had a good response from some countries, above all developing countries, and some of them even took seriously their considerations on education. But their main claim – education out of GATS – found an important obstacle in powerful countries, such as the US, Australia or New Zealand, which have openly declared their interest in the achievement of a world liberalized market through the GATS. Moreover, another barrier for education advocates to influence at the WTO level is that education arguments are not central in the deliberations produced in the context of this organization (Verger 2009). Actually, other pieces of research show that consequentialism, and not deliberation is the dominant logic of communication in the WTO forum (Risse 2000), and that mercantilism is the main rationale that guides trade negotiators action (Krugman 1997). In one word, there exist clear barriers for the influence of social movements strategies that depart from the assumption that ‘education matters’ within the WTO forum.

---


\(^{11}\) 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.
Despite the barriers identified, participating in this kind of activities permitted EI to improve its knowledge on the GATS, to produce first-hand data to monitor the negotiations (both on liberalisation and domestic regulation) within the agreement, and to make them more accountable through the public dissemination of information. Most of this information was systematically disseminated through the newsletter TradEducation News, which has produced 12 issues to date.\(^\text{12}\)

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 realized 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 tried to spread the campaign against the GATS at the national level. Within the 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 new priority within the strategy of the federation, which was reflected in a framing shift in the prognostic and, above all, motivational frames of the union. At the prognostic level they gave more importance to stop WTO countries of making education liberalization commitments. This way, the ambitious claim “education out of GATS” went together with the more feasible objective – although still difficult - of avoiding education liberalization to advance at high speed. At the motivation framing level, the new strategy meant that the national member unions became the main target to mobilize through the GATS campaign. 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.

\(^{12}\) See: http://www.ei-ie.org/gats/en/documentation.php [Last retrieved: 25/01/10].
To implement this strategy, EI has organized different training materials and debate initiatives directed towards the participation of their members. The most significant of them have been: a) capacity building and political debate over GATS in the context of EI World Conferences, as was reflected in the 2004 and 2007 editions; b) the GATS has even been more debated in the framework of the annual conferences organized by the EI Higher Education division; c) Taskforces integrated by the member unions to research on the implications of GATS for certain education sectors, as well as to elaborate position papers on the topic; d) International Seminar (Paris, 2005) on GATS and Education for EI members in the UNESCO headquarters; e) elaboration of the GATS Information Kit which contains key information and ideas about the architecture of the GATS, its implications for education and the state of art of the negotiations; f) model letters and statements that can be used – directly or with some adaptations - by their member unions to lobby 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 from Brazil. Both unions introduced the GATS into their agendas after the 2004 EI World Conference, where the issue was very much discussed. Since then, they began a political campaign against the GATS at the national level. 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 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 opportunities. 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 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 here is that the framing activity articulated by EI has been a necessary, and important – although not sufficient – condition to explain the red line to GATS in the education sector drawn by countries such as Brazil and Argentina. Moreover, despite we have explored more in-depth that Latin American region, 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 – together with other global campaign against the WTO organized by other social movements - have 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 civil society and education stakeholders at the national level were much less frequent during the Uruguay Round (1986-1994) than in the Doha Round (2001-?). 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) (Verger, 2010; Vlk, 2006; Iga 2002; Ziguras, Reinke, and Mc Burnie 2003). But currently, the GATS topic has been politicized and publicly challenged thanks to persistent international campaigns as the one analyzed. Consequently, for countries, the political costs of liberalizing education without taking into account the voice and demands of education stakeholders would be greater than before.
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 ITUC\textsuperscript{14}), 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/OECD 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.

Discussion: 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 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 provide 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.

\textsuperscript{14} On the 1\textsuperscript{st} 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.
Firstly, Education international became an active promoter (and precursor) of the international debate on GATS and Education, even 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 and 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’. This means that EI 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 shall reaffirm that the EI campaign has contributed to raise public awareness over GATS issues, which has had political and procedural implications at both national and international levels. As a consequence of EI's and other social movements campaigns, the WTO secretariat and trade negotiators have a much smaller margin of autonomy in decision-making about the GATS than when in the first years of operation of the WTO. They have also open windows of opportunity for national movements trying to have a say in the definition of trade preferences in their countries.

Conclusions
The GATS is an international trade agreement that has altered drastically the geography of the struggle against the privatization of education. EI has promoted a long term and sustained political campaign to stop this trade agreement interference on public education. During the campaigning process, EI has critically reflected on the cartography of decision-making under the GATS, and has defined a political strategy according to the scalar challenges introduced by the agreement. One of the main and more tangible outcomes of the camping has been the amplification of the motivational and prognostic frames with the purpose of activating national teacher union members to stop their countries from introducing education liberalization commitments within the GATS. The analyzed case shows that civil society collective action is more effective when becomes contingent on the internationalization strategy.
of the opponent and is rooted in an analysis of the possible points of action that the political opportunities structures offer.

Our case study gives us elements to discuss the relevance of different scales of action for social movements intervention in global politics. On the one hand, the research shows that is feasible to think that, as O’Brien et al (2000) sustain, the direct interaction between non-state actors and international organizations has been intensified and is less dependent on the state mediation. First, we have observed that international civil society is formally recognized within the participatory system of the WTO and, thanks to the openness of these windows of opportunity, EI has been able to actively participate in activities of advocacy and dialogue in the WTO context. A second indicator of the rise of a new 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 direct participation of EI in the 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, other evidences show that globalist theses on the evolution of multilateralism should be taken with caution. As observed, the more direct political impacts of EI’s campaign do not come from its developments at the global level. In particular, the advocacy work and the attempts of EI to promote debate and deliberation over the GATS and education relationship within the WTO have not been the campaign’s main source of influence. The participatory mechanisms settled by the WTO have not been conductive to the principal demands of EI’s campaign. This is partly because EI’s claims are too challenging and do not resound within the system of norms and principles of the WTO, and partly because these claims go against the interests of some of the most powerful member countries of this international organization. Moreover, there are important barriers to engage in education debates at the WTO level and it is not easy to influence this trade forum by only “having the truth” on the perils of the GATS and education relationship. Actually, the campaign has rather achieved the most tangible success through the use of tactics of force at the national level, and thanks to the existing political opportunities opened in several countries. Specifically, as the Brazilian and Argentinean cases show, these political impacts came from the teachers unions asking ministries of education of their country to act as ‘veto players’ within the negotiation process. The success of the campaign was facilitated by the political loyalties and alliances among
the union and the education authorities in the particular political conjuncture of each country analyzed. Thus, in the analyzed case, the state level - and the institutional and political variables associated to this level - has shown to be a key mediator field 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 chances of success if, previously, international initiators such as EI would not have introduced the topic into the global public domain and into the national political agendas of civil society organizations.

To conclude, our results show that the debates over global governance, social movements and the evolution of multilateralism cannot be framed using ‘the local’ and ‘the global’ as rigid categories. Instead of dualistic discussions about the importance of the different scales of action, research should rather try to capture and to understand the complexities of the scalar inter-play, and its political and strategic 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.


WTO. 1996. Guidelines for arrangements on relations with Non-Governmental Organizations.

