

# Take education out of GATS

## International sign-on statement

Over the last few years, the global education community has been forced to confront and assess the potential impact on the education systems of the world of the World Trade Organization's GATS (General Agreement on Trade in Services.)

As stakeholders in education, we have reached the conclusion that it is inappropriate for education systems to be regulated within the GATS framework. Education is of such critical importance to the social, cultural and economic development of society that it should not be subjected to the binding rules of an international treaty that prioritizes trade liberalization over other goals.

Governments must allow themselves enough policy-making freedom to ensure that the educational needs of their citizens can be met now and in the future. The core disciplines of GATS do not permit this flexibility because liberalization commitments made under GATS are binding and extremely difficult to reverse. In this respect it is crucial that WTO member governments appreciate that GATS does not open up any policy avenues that are not already available outside the GATS framework.

The WTO's dispute settlement mechanism, with its deference to the strictures of international trade law, places too much authority in the hands of WTO dispute panelists, and threatens to severely undermine not just domestic dialogues between education stakeholders and their governments, but also the historic dialogue of international co-operation between the world's education stakeholders. Indeed, given the tradition of international co-operation in the sector, we can state with confidence that our rejection of attempts to regulate education through GATS is not equivalent to a rejection of the "internationalization" of education per se. A truly internationalist approach to global education requires that educational goals, and the voices and concerns of education stakeholders, take precedence over the drive for trade liberalization.

We do not accept the argument that GATS is necessary to address the chronic shortage of education provision in many developing countries. International co-operation between education sectors is likely to become an increasingly valuable tool in addressing this education shortage. However, young and/or expanding education sectors (in particular) require a careful, flexible and responsive approach to regulation if crucial social and developmental goals are to be achieved; it is vital that governments do not sign-away the right to effective market intervention. The erosion of policy space by GATS thus poses particularly acute risks to education sectors in developing countries.

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We also observe that, in addition to the fundamental objections listed above, other reasons to be critical of the regulation of education within GATS include: -

- GATS mandates ever-deeper levels of liberalization, so areas of education shielded from liberalization in the current “round” of GATS negotiations will be vulnerable to liberalization in future rounds.
- Even amongst trade lawyers, the full meaning - particularly the scope - of the existing GATS text is not understood. The full implications of the GATS text are only likely to become clear as a result of the legal precedents set by future WTO dispute settlement rulings. Hence, attempting to regulate education within the GATS framework could have highly unpredictable consequences.
- New GATS rules, with potentially profound implications for all services (such as in the area of domestic regulation) are still being developed.

Finally, our focus on education must not be interpreted as an acceptance that other service sectors can or should be regulated within the GATS framework. WTO members must pay heed to the growing range of concerns that stakeholders from other crucial sectors (such as health and water) are raising regarding the regulation of their sectors within GATS.

**As a result of all the above, and in particular the commitment built into GATS to pursue ever deeper levels of liberalization, we ask that ministers in WTO member countries immediately implement the following:-**

- 1. Publicly resolve that no education commitments be undertaken in the current GATS round.**
- 2. Reverse any education commitments that have already been made.**
- 3. Modify the GATS text to permanently and completely exclude education from GATS coverage.**

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If your organization would like to sign this statement, please send your organization's details (including a correspondence email address and, where applicable, nationality and a web address) to [education@gatswatch.org](mailto:education@gatswatch.org). For an up-to-date list of organizations that have signed-up to the statement, see <http://www.gatswatch.org/educationoutofgats>