

**Mount Resistance Campaign Against WTO-GATS!  
Demand Immediate Withdrawal of ‘Offer’  
of Higher Education for Trade Regulation  
*Before it is too late!***

The Government of India (GOI) has expressed its readiness to allow educational traders from all over the world i.e. 160 member-nations of World Trade Organisation (WTO) to establish colleges, universities and other technical or professional institutions in India as commercial ventures. This is done in form of submitting ‘offers’ to WTO. Once India’s education sector comes under this regime, the people’s right to education, for which the GOI must be democratically accountable, will be completely dismantled. The unbridled privatization and commercialization demanded by the WTO-GATS regime would not only deny access to the poor but also to those who may afford to purchase it in the market since even they would not get it worth the name. This is because thorough commercialisation will result in degradation of the very purpose of education, course content and pedagogical practices. Again, the academic autonomy, independent research and democratic spaces in our educational institutions will be eroded. The WTO regime considers education as a tradable service and a commodity and student a customer in clear legal terms. Once, the global commitment for market access in education comes into force, essentially speaking, the **GOI would be bound to protect the interests of foreign and domestic corporate houses who pursue trade in education** against the interests of the students and teachers of the country. If the people of India, particularly students and teachers, fail to bring pressure on the GOI to withdraw the ‘offers’ given to WTO in higher education sector immediately, our education system will be entangled with the WTO regime forever and be doomed.

Technically speaking, the GOI has submitted its ‘offers’ for ‘Market Access’ in ‘Higher Education Sub-Sector’ to WTO way back in August 2005 as a part of Doha Round Trade Negotiations which started in 2001 in Doha, Qatar. However, they have not yet become ‘commitments’ as the trade negotiations could not be concluded for the last 10 years. But, now there is a fresh momentum in the negotiations. Plans are on to expedite the process of the ongoing trade negotiations in WTO from the forthcoming July onwards and successfully conclude them in the ensuing Tenth Ministerial Conference to be held at Nairobi, Kenya from 15<sup>th</sup> to 18<sup>th</sup> December this very year. This Conference aims at significantly widening the jurisdiction and scope of WTO. If GOI do not withdraw its ‘offers’ given to WTO in Higher Education Sector well in advance of the Conference, these would automatically become irrevocable ‘commitments’ on the part of the nation with far-reaching implications.

**Momentum in Trade Negotiations:** A special meeting of the General Council of WTO was held in November 2014 in Geneva which culminated the process of systematic suppression of the 10 year long resistance of the least developed and developing countries to the encroaching agenda of Doha Round Negotiations. It was decided to finalise a ‘work programme’ of the negotiations by July 2015 and further to hold the Tenth Ministerial Conference, the topmost

body of WTO, as noted above, in December 2015. This would prove to be most ruinous for the least developed and developing nations and working masses of the whole world. The decisions of the Tenth Ministerial shall cover trade in goods, including agriculture and services such as education, health, drinking water, public distribution system and all other entitlements of the people. The present ongoing package of negotiations (Doha Round Trade Negotiations), as stated earlier, started in 2001. These were started in the Fourth Ministerial of WTO held in Doha, Qatar and are hence named after the host city. Being clearly predatory on the sovereignty of the nations and rights of the people, the Doha Round has conceived an elaborate scheme of extending and sharpening the claws of WTO. Anticipating the assault, fighting forces throughout the world are resolutely preparing themselves to resist the Tenth Ministerial Meet. Education-loving people cannot keep silent at this critical juncture.

**Onward March of Imperialism:** The countries of the world are classified by WTO as 1) Developed; 2) Developing; and 3) Least Developed. Economic inequalities among countries referred to as ‘developed’ and ‘developing’ are a product of the imperialist exploitation of the latter by the former. WTO was constituted to protect the interests of the developed countries; it is detrimental to the interest of the developing world. Developing countries like India joined WTO intending to use this membership for the benefit of its corporate houses, and promising subsequent ‘trickle down’ benefits for the people. The class and social inequalities (caste, ethnic, gender, disability-related, linguistic) in all countries and inequalities among nations stand aggravated due to different agreements operating under the WTO regime for the last two decades. With the proposed expansion of WTO operations at the Tenth Ministerial this process will be further intensified. Ironically, this ‘Doha Round Trade Negotiations’ is also called Doha Development Agenda as it has got some palliatives for the poor nations in order to woo them.

**GATS-Education:** Three Integrated Multilateral Agreements viz., 1) General Agreement on Trade and Tariff (GATT-1994) which includes Agreement on Agriculture; 2) Trade-Related Intellectual Property Rights (TRIPS); and 3) General Agreement on Trade in Services (GATS) together constitute the main body of WTO. Education, reduced to one of tradable services, is brought under GATS which is one of the three integrated multilateral agreements under WTO regime as stated above. Ironically, the trade in education is governed by GATS Council (Council for Trade in Services) along with and at par with services such as recreation clubs and night pubs under the same set of rules, though with some variations due to domestic regulations of member-nations! The ‘offers’ and ultimately the ‘commitments’ in ‘Market Access’ are to be given by a member country in Mode-wise and Sector-wise format for operationalisation of GATS in the country.

**FOUR MODES OF TRADE:** GATS recognized five sub-sectors in ‘Education Service’ viz., 1) Primary Education; 2) Secondary Education; 3) Higher Education; 4) Adult Education; and 5) Other Education. GOI submitted ‘offers’ in Higher Education Sub-Sector. Further, GATS also recognizes four modes of trade in all services. In higher education, they would work as follows -

- a) Cross Border Supply:** The students receive correspondence education from a foreign supplier and pay the service charges;
- b) Consumption Abroad:** The students go to a foreign land to receive education and pay service charges;
- c) Commercial Presence:** The foreign providers can establish universities and colleges here, provide service and collect service charges; and
- d) Presence of Natural Person:** The foreign teachers as individuals can come to India render service in institutions in India and collect service charges. In all the four cases, as India is opening its market, the Indian students would be customers, foreign individuals get

remuneration and foreign corporate houses earn profits. Even if we leave the question of money aside, the major adverse impact will be to reduce education to a tradable service; the trade being controlled by the global corporate forces; and, the worst aspect being that the agreement is, essentially, irrevocable!

**Foreign Providers:** We need not oppose foreign universities if they are coming to India on the basis of educational and cultural relations between our country and a foreign country in order to exchange and spread knowledge. This has been a prominent feature throughout India's history and was promoted by leaders of the freedom struggle including Gandhi and Tagore. But, that is not the case at all under WTO regime. Now, the foreign universities are coming under global trade agreement to make profits. Again, under this agreement, it is not a must that only well-established good quality foreign universities come here and provide comparable education and research facilities. Any provider can establish a new sub-standard university in the country of origin and then establish a branch here. A report of a survey by World Bank in 2000 on foreign educational providers is on record stating that 'well-known universities of Developed Countries established low standard branches in backward countries'.

**Domestic Regulation:** Accredited bodies formed under the Trade Policy Review Mechanism (TPRM), one of the legal instruments under WTO, would annually review the trade policies of different countries and 'suggest' to the countries to change their respective policies. This regulation of domestic policies by WTO bodies will prove to be an outright infringement on freedom and sovereignty of the nations in formulation of their respective public policies. In all possibility, the public policy perspective of member countries would be controlled by WTO regime. The developing and the 'least developed' countries would fall victim in an incremental manner to this provision. The TPRM personnel with full authority meet the ministers and secretaries of the HRD Ministry on yearly basis and enquire year after year about the implementation of the so-called reforms agenda in education. The HRD Minister would be more accountable to TPRM personnel than to the people of India! The HRD Ministry in UPA regime introduced six Higher Education Bills in the Parliament to change the Domestic Regulations in conformity with WTO demands. Though all the bills now got lapsed, there is every possibility that the present BJP lead NDA regime introduce their equivalent ones and try to pass them. Thus, the 'domestic regulation' by WTO and its organs can lead to infringement on sovereignty of the member countries, more particularly of the developing and the 'least developed' ones.

**Independent Regulatory Authorities (IRAs):** In recent times, Independent Regulatory Authorities (IRAs) have been established in many service sectors. We have IRA for Power, for Water, Insurance, Tele-communication and other services. Following the model of market oriented enterprises promoting corporate values that was provided by the Ambani-Birla Report for Higher Education reform (2000), the report of the Sam Pitroda-led National Knowledge Commission (2006), suggested that an 'Independent Regulatory Authority of Higher Education' (IRA for HE) be established. Prof. Yash Pal's report on 'Renovation and Rejuvenation of Higher Education (2008)' recommended establishment of an overarching body, 'National Commission for Higher Education and Research' (NCHER), by either abolishing or subsuming existing all-India educational bodies like UGC, AICTE, NCTE, MCI, BCI etc. Such IRAs are clearly intended to divest existing statutory bodies of institutions of higher education of their autonomy, and representative central and state governments of their legislative responsibility and accountability. Establishment of such IRAs can only be understood as a compliance of the 'Additional Commitments' provision under GATS. In higher education, like the already

established IRAs in different services, an IRA would be ‘independent’ of public pressure and would be free to ‘regulate’ the sector in favor of domestic and foreign capital. The previous UPA government’s reform Bill to establish the NCHER may have lapsed along with its other higher education reform Bills, but the present BJP-led government has already announced its commitment to establish a similar body in its Election Manifesto (2014).

**Call of the Hour:** WTO-GATS regime reduces education into a commodity and turns the student into a consumer in clear legal terms. Turning education into a tradable commodity will lead not only to denial of education to the poor and disadvantaged but also to deception of those who can afford it because the very purpose, content and quality of all education and research will be degraded to suit the interests of corporate capital. It would also abandon the role of education as an enlightening, empowering and transforming process required to develop social individuals imbued with self-dignity, and citizens inspired by the constitutional values of democracy, plurality, social justice, secularism and socialism so that they are able to protect the independence and sovereignty of the nation. Education loving people and organisations in India have resisted the attempts by successive governments for inclusion of Higher Education under the WTO-GATS regulations since 1998 when WTO initiated moves in favor of bringing education under its regime. Yet, this could not stop the government from allowing 100% FDI across all sectors of education in February 2000 outside WTO and from making ‘offers’ under WTO in Higher education sector in August 2005. **With the impending conclusion of the Doha Round of trade negotiations in December 2015, it is imperative to build a strong movement demanding the withdrawal of the ‘offers’ for market access before they become irrevocable ‘commitments’.** AIFRTE appeals to all pro-people organizations, activists, intellectuals, teachers, students and all sections of the struggling masses to join hands for a resolute struggle against this neoliberal assault on our education system and demand immediate withdrawal of the ‘offers’ given to WTO-GATS in Higher Education as they would become an irrevocable bondage for the nation and people!

With Greetings  
**All India Forum For Right To Education**  
**www.aifрте.in**

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