



## RESOLUTION FOR A NEW INTERNATIONAL INSTRUMENT FOR HIGHER EDUCATION

### Preamble:

1. Higher education has long been international in scope. As teachers and researchers, we recognise that the communication and sharing of ideas and information, collaborative work, and exchange of staff and students across borders are central to the development of higher education and research, and should be encouraged.
2. The UNESCO Recommendation Concerning the Status of Higher Education Teaching Personnel calls for the encouragement of "international academic co-operation which transcends national, regional, political, ethnic and other barriers, striving to prevent the scientific and technological exploitation of one state by another, and promoting equal partnership of all the academic communities of the world in the pursuit and use of knowledge and the preservation of cultural heritages."
3. The Universal Declaration of Human Rights affirms, "everyone has the right to education and that higher education shall be equally accessible to all on the basis of merit." As a human right, higher education must not be treated as a mere economic commodity but as a public good that must be provided equally and on a non-commercial basis.
4. The United Nations Covenant on Economic, Social and Cultural Rights calls on states to fully take up their responsibilities for financing education: "Higher education must be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education."
5. The UNESCO Recommendation Concerning the Status of Higher Education Teaching Personnel provides for the employment and academic rights of higher education teachers by: outlining the rights, freedoms, duties and responsibilities of higher-education teaching personnel; identifying the conditions needed for effective teaching, research and scholarship (such as security of employment, appraisal, discipline and dismissal procedures, salaries, workload and social security); and, establishing the rights and duties of institutions of higher education.

**The Fourth World Congress of Education International, meeting in Porto Alegre, Brazil, from 22 to 26 July 2004:**

### Affirms:

6. The continued internationalisation of higher education should be based on co-operation and exchange rather than competition and commerce. It should promote cultural and linguistic diversity and understanding, broaden educational opportunities and access, enrich the educational experience of students and staff, facilitate international development, and enhance the free flow and exchange of knowledge and ideas.
7. EI's vision of the internationalisation of higher education is fundamentally distinct from the current process of globalisation and trade. The application of trade principles to education and the deepening of trade liberalisation are radically altering the international environment



for higher education institutions, staff, and students. Multilateral, regional and bilateral trade agreements, epitomised by the General Agreement on Trade in Services (GATS), threaten to lock-in a broad liberalisation agenda, not just through the elimination of barriers to trade and investment, but also through the entrenching of domestic liberalisation and commercialisation in the form of privatisation, deregulation, and the contracting out of public services.

8. Any higher education reform, which can only be linked to the promotion of quality research, calls for the efficient participation of teaching and research personnel. This should be achieved through democratically elected university structures in all higher education and research institutes. These structures should develop appropriate guidelines and strategies, education and research programs, criteria and evaluation procedures which would guarantee quality in higher education and research and the development of knowledge and know-how and of the national and universal cultural heritage.

## Recommends:

9. EI and its affiliates continue to oppose the inclusion of education within trade agreements and instead promote an alternative, legally binding international instrument for higher education. While the ideal will be an international convention governing international education, the principles set out below can be pursued in the context of any international agreement.
10. The underlying objectives of this new international instrument should be to:
  - 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.
11. The new international instrument should strengthen and make legally binding existing agreements, conventions, codes and declaratory statements as reflected in the Universal Declaration of Human Rights, the United Nations International Covenant on Economic, Social and Cultural Rights, and in declarations, recommendations, conventions, and codes of best practices from UNESCO and the International Labour Organisation.
12. The new international instrument for higher education:
  - a) must reflect the principles of cultural and linguistic diversity as embodied in the 2001 UNESCO Universal Declaration on Cultural Diversity: "All persons should... be able to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue; all persons should be entitled to quality education and training that fully respect their cultural identity."



- b) must also incorporate the rights provided under the following International Labour Organisation Conventions: Convention 29 (Forced labour); Convention 87 (Freedom of Association and Protection of the right to organise); Convention 98 (Right to organise and Collective Bargaining); Convention 100 (Equal remuneration); Convention 105 (Abolition of Forced Labour); Convention 111 (Discrimination, Employment and Occupation); and Convention 13 (Minimum Age), among others.
- c) must ensure the integrity and quality of international higher education. One model for this is the 1997 Lisbon Recognition Convention (European Region, Canada and Australia) which adopted a Code of Good Practice for Transnational Education establishing eleven principles relating to academic quality and standards; policy and the mission statement of transnational education institutions; information to be provided by such institutions; awareness of cultural context; qualifications of staff; and admission of students.
- d) should strive to promote equality within and between nations. Such an agreement must encourage and promote equitable access to higher education within nations, with the explicit recognition that participation in higher education must not be subject to the ability to pay. As well, full equality must be provided for equity seeking groups, and the rights of indigenous peoples must be fully respected.
- e) must first and foremost promote the development of domestic higher education systems in developing countries, including genuine transfer of technology and academic knowledge, not the commercial penetration by providers based in the developed world. A new framework should therefore encourage debt cancellation along with aid programmes to developing countries to help build and maintain an academic environment that sustains and advances accessibility and quality, and provides proper conditions of work for higher education staff in those countries.
- f) must be guided by global institutions that, in contrast to trade institutions like the WTO, are open, transparent and democratic. All international institutions, in interpreting any disputes, must give priority to human, labour, and environmental rights over commercial rights.
- g) must explicitly preserve the ability of nations to maintain and adopt measures that meet the needs of their citizens. Such measures include: providing financial support, subsidies, and incentives to individuals, institutions, state enterprises, non-governmental organisations, and enterprises; restricting the presence of foreign, private, or for-profit institutions; regulating in whatever way is considered appropriate to meet national education objectives; and requiring local content and performance requirements for foreign-based institutions.
- h) must be the focus for campaigning work by EI globally and its higher education affiliates nationally and locally. While the achievement of the full range of principles will no doubt take time and may be achieved through several new instruments or revisions of existing ones, they provide a political focus for EI demands.

### **Calls on:**

- 13. EI, in cooperation and consultation with affiliates, to prepare a draft of the new instrument.
- 14. EI and its affiliates to campaign and lobby for the adoption of the new instrument.