AMENDMENTS TO THE CONSTITUTION AND BY-LAWS PROPOSED BY THE EXECUTIVE BOARD AND MEMBER ORGANIZATIONS

RECOMMENDATIONS BY THE EXECUTIVE BOARD

1. AMENDMENT TO THE CONSTITUTION ARTICLE 3 (C) ON GENERAL PRINCIPLES PROPOSED BY THE EXECUTIVE BOARD

CONSTITUTION ARTICLE 3 (C)
Replace all words from “The Education International” to “internal affairs.” with:

“The Education International shall be associated with the International Trade Union Confederation (ITUC), work closely with the other Global Union Federations (GUFs) and participate in the Council of Global Unions. Its association with the ITUC and involvement with the Council will not affect its status as an independent and autonomous body. Neither ITUC nor the Council may interfere in Education International’s internal affairs.”

EXPLANATORY NOTE BY THE EXECUTIVE BOARD
Due to the establishment in November, 2006, of the International Trade Union Confederation to replace the ICFTU, an amendment is necessary to the introductory paragraph of Article 3 (c) of the Constitution. The Executive Board decided to propose the following amendment:

2. AMENDMENT TO THE CONSTITUTION ARTICLE 9 (J) ON WORLD CONGRESS BY PROPOSED BY THE EXECUTIVE BOARD

CONSTITUTION: ARTICLE 9 (J)
Replace the word “three” with the word “four”.

The amended clause would then read:

“(j) The Congress shall meet in ordinary session at least every four years.”

CONSEQUENTIAL AMENDMENTS TO BY-LAWS ARTICLE 2 (C) ON COMMITTEE OF EXPERTS ON MEMBERSHIP AND ARTICLE 25 (B) ON FINANCE COMMITTEE PROPOSED BY THE EXECUTIVE BOARD

BY-LAWS: ARTICLE 2 (C)
Replace the word “three” with the word “four”.

1
The amended clause would then read:

“(c) The term of office of the Committee shall be four (4) years”

**BY-LAWS: ARTICLE 25 (B)**

Replace the word “three” with the word “four”.

The amended clause would then read:

“(b) A member shall be appointed for a term of four years and shall be eligible for re-appointment”

**EXPLANATORY NOTE BY THE EXECUTIVE BOARD**

The Executive Board proposes to Congress that the interval between World Congresses should be extended by one year, that is, from once every three years to once every four years. This proposal was adopted in the context of a review of the operations of the organisation and of its potential for development of the services which it could provide. The Executive Board believed that the support to organisations representing those working in the education sector in certain places should be enhanced, especially where there is currently little or no support available from EI for such organisations.

The review took account of the extensive financial and personnel resources which are required to organise Congress and the potential savings, both in terms of staff time and financial resources, which might be achieved by reducing the frequency of Congresses by one year. The adoption of the above amendments to the Constitution and By-Laws would imply that the next World Congress would be convened in July 2011.

Implications of such a decision for:

1. **Executive Board meetings**

The Constitution provides for at least one meeting of the Executive Board per annum. Since the creation of Education International the Executive Board has met every nine months, not counting the Board meetings immediately following the World Congress. The total number of meetings between Congresses amounted to five. The frequency and planning of meetings is to an important extent determined by constitutional requirements concerning the adoption of reports and by World Congress deadlines for submitting constitutional amendments and other proposals. This is the case for the meetings held in October prior to a Congress year and those held in March of a Congress year.

A reduction of the frequency of World Congresses from every three years to every four years does not require more frequent Board meetings. However, in the event that the nine month cycle is maintained, there will be at least one additional Board meeting between World Congresses. Furthermore, a second additional meeting is to be held between the Congress and the end of the Congress year for the purpose of finalizing the program and budget adopted by the World Congress. This would increase the total number of Board meetings between Congresses from five to seven.

The cycle of Board meetings suggested below (every autumn) will facilitate an annual discussion of the next year’s budget.
The cost of an Executive Board meeting is approximately €140,000. The cost of an Officers meeting is approximately €20,000. In the draft program and budget 2008-2011 a total amount of €650,000 is allocated for four Board meetings and four Officers meetings. The fifth meeting, which is the Board meeting held prior to the World Congress, is covered by the Congress budget. Provision is made in the programme and budget 2008-2011 to cover the cost of the two additional Board meetings mentioned above as well as two additional Officers meetings.

2. Terms of Office of Members of the Executive Board

Members of the Executive Board can be re-elected for two additional terms in the same position, which implies that they can serve in the same position for a maximum period of 3 x 3 = 9 years. The adoption of the amendment to increase the time between Congresses from 3 to 4 years would also increase the total number of years Board members can serve in the same position on the Executive Board from 9 years to (3 x 4 =) 12 years. (see also table below)

3. Regional structures

All regional structures have their regional conferences every three years. Although it is not imperative that regional structures synchronize the frequency of their meetings with those of the World Congress, there are practical considerations for so doing. In Africa, Asia-Pacific and Latin America Regional Conferences serve as platforms for preparing World Congresses, including elections. In the event that the above regional structures decide to convene their conferences every four years, provision should be made for one additional regional meeting between Congresses. This additional meeting could be a theme conference. The current budget provides for a triennial conference. Were this conference convened every four years and the same annual budgetary provision made, it would be divided over four years thereby saving an amount each year over the provision which would be necessary if it was being made over three years. This saving, together with a small additional provision of €15,000 per year, would ensure that there was enough for a further regional conference during the four year period.

No specific recommendations are to be made with respect to the terms of office for regional committee members.

Below an overview of possible regional conferences and additional conferences
3. AMENDMENT TO THE CONSTITUTION ARTICLE 9 (J) ON WORLD CONGRESS BY PROPOSED BY SADTU, RSA

CONSTITUTION: ARTICLE 9 (J)

Replace the word “three” with the word “five”.

The amended clause would then read:

“(j) The Congress shall meet in ordinary session at least every five years.”

CONSEQUENTIAL AMENDMENTS TO BY-LAWS ARTICLE 2 (C) ON COMMITTEE OF EXPERTS ON MEMBERSHIP AND ARTICLE 25 (B) ON FINANCE COMMITTEE PROPOSED BY SADTU, RSA

BY-LAWS: ARTICLE 2 (C)

Replace the word “three” with the word “five”.

The amended clause would then read:

“(c) The term of office of the Committee shall be five (5) years”

1 Eu will have a special conference in 2008 as a result of a review of its structures. It may change the pattern of its conferences thereafter. The Eu conference is financed through supplementary dues.
BY-LAWS: ARTICLE 25 (B)

Replace the word “three” with the word “five”.

The amended clause would then read:

“(b) A member shall be appointed for a term of five years and shall be eligible for re-appointment”

EXPLANATORY NOTE BY SADTU

Noting and supporting the reasons / argument advanced by the Executive Board in its current proposed amendment on the above Article and By-Laws;
Also noting that the maximum term of office across organisations internationally is five years;
The South African Democratic Teachers Union proposes the above amendments to the Constitution and By-Laws.

RECOMMENDATION BY THE EXECUTIVE BOARD

1. The Executive Board is not in favour of the proposed amendment.
2. The Executive Board proposes to reduce the frequency of World Congresses from three to four years. The Board’s main motive is that our International should make more resources available for development work. Considering that World Congresses require extensive financial and personnel resources, by extending the interval between Congresses with one year the Board believes that funds can be saved for development work. Although extending the interval with two years would save even more funds, it would also entail the risk of creating a democratic deficit. The Congress is the only occasion where education union leaders and activists can meet globally. Meeting regularly at the international level has in the past decade created a special bond between EI and its membership. Many member organizations have a true sense of ownership of our International. This is the most precious resource the organization has. While the Board is fully aware that by extending the interval between Congresses from 3 to 4 years an extra challenge is to be met to prevent a distance be created between EI and its members, extending the interval from 3 to 5 years, is, in the eyes of the Board, simply too long. Moreover, it is not true, as SADTU is stating, that the term of office across international organisations is five years. The vast majority of Global Union Federations as well as the ITUC have their World Congresses every four years.
3. In light of the above the Executive Board requests SADTU to withdraw the amendment.

4. AMENDMENT TO THE CONSTITUTION: ARTICLE 10 (D) ON EXECUTIVE BOARD PROPOSED BY DLF, DENMARK

CONSTITUTION: ARTICLE 10 (D)(i)

Replace in the second sentence the words “two additional terms” with “one additional term”:

“(i) (…) Each member of the Executive Board shall be eligible for reelection for one additional term in the same position, except that there should be no limitation on the number of terms which may be served by the General Secretary.”
EXPLANATORY NOTE BY DLF

If the proposal of extending the interval between EI World Congresses by one year is approved by the Congress, the Danish Union of Teachers proposes to the Congress that members of the Executive Board should be eligible for re-election for only one additional term rather than the two additional terms allowed under existing rules.

One of the consequences of extending the interval between World Congresses from three to four years is that the maximum number of years any person can be a member of the Executive Board is extended from 9 years to 12 years. 12 years is a considerable amount of time for one person to hold the same seat in the Executive Board, whereas 8-9 years is believed to be more reasonable considering the large number of EI members and the limited number of seats in the Executive Board. Therefore, to ensure regular changes in the political leadership of EI, the Danish Union of Teachers proposes changing the number of times any member of the Executive Board can seek re-election from two additional terms to one additional term, which means that the maximum number of years any person can be a member of the Executive Board is reduced slightly from 9 years to 8 years.

The Danish Union of Teachers acknowledges that the current members of the Executive Board, who were re-elected at the 2004 World Congress, have legitimate reasons to expect that they will be eligible for a second re-election during the 2007 World Congress. To allow these particular members of the Executive Board to stand for re-election for the second time during the 2007 World Congress, the Danish Union of Teachers proposes that these changes should not become operational until after the 2007 World Congress if the proposal is approved by the Congress.

The Danish Union of Teachers proposes the above amendment to the EI Constitution to give effect to this proposal by the end of the 2007 World Congress.

RECOMMENDATION BY THE EXECUTIVE BOARD

1. The Executive Board is not in favour of the proposed amendment.

2. The Constitution limits the terms for re-election in the same position on the Executive Board to two additional terms (of three years), which implies that a Board member can serve no longer than nine years or - when the frequency of World Congresses is reduced to every four years - no longer then twelve years. The amendment reduces the current maximum from nine to eight years. Although this is not a significant reduction, there are at least two undesirable effects:

   - All members of the Executive Board who are currently eligible for one or two additional terms, will be eligible for one more term only. Consequently, the vast majority of the Board, including most Officers, will have to resign in 2011. This will affect desirable continuity at Board level.

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### Members of the Executive Board will participate in two World Congresses only as elected officials, including the one after which they will have to vacate their post. This will reduce valuable Congress experience available within the Executive Board.

3. When article 10 (d) (i) remains unchanged Board members may be re-elected in the same position for two additional terms which could be a total of twelve years. The Executive Board is of the opinion that this would help promote desirable continuity in the governance of the organization without affecting the equally desirable refreshment of the Board’s membership, enabling as many organizations as possible to participate in EI’s governing bodies. It should be noted however that term limits in international organizations such as EI do not have the same effect as they may have in national organizations. EI term limits affect individuals. Some member organizations have, in spite of term limits, always been represented on the Board. Only their representatives have changed. Inexperience may also make it more difficult for newly elected members of the Board to make an effective contribution at their initial board meetings. Board meetings, of necessity, take place with months between them. In any event changes occur naturally in the membership of the Board, within the time limits, as members retire or resign from their nominating organizations.

4. In light of the above the Executive Board requests DLF to withdraw the amendment.

5. **AMENDMENT TO THE CONSTITUTION, ARTICLE 13 (C) (i), REGIONAL STRUCTURES, PROPOSED BY SADTU, RSA**

Replace the first word “advise” with “inform”:

“...inform the Executive Board on policies and activities to be undertaken by the Education International in the concerned region”
EXPLANATORY NOTE BY SADTU

In order to strengthen the position of Regions in the Constitution, the South African Democratic Teachers’ Union proposes the above amendment.

RECOMMENDATION BY THE EXECUTIVE BOARD

1. The Executive Board is not in favour of the proposed amendment.

2. SADTU would like the Regional Structures to “inform” the Executive Board rather than “advise” the Board on policies and activities in each region, apparently in the belief that such change would strengthen the regions. “Advising the Board” implies that the Board will act, that it will respond, that it will provide funds or take other measures. “Informing the Board” does not require any response. In fact, the proposed change could weaken the relationship between the Executive Board and the Regional Structures. The Board wishes to strengthen these relationships and to ensure coherence and consistency in the development of regional and global policies and activities. To that end the Board has proposed an amendment to the By-Laws, Article 19 (v) under which members of the Executive Board from a particular region will be ex-officio members of their regional structures, without voting rights.

3. The Board also notes that the word in the French translation of the By-Law is means recommend and will propose an amendment to the English text of the by-law at the next Congress to replace the word ‘advise’ with ‘recommend’.

4. In light of the above the Executive Board requests SADTU to withdraw the amendment.

6. AMENDMENT TO BY-LAW 2 (A) ON THE COMMITTEE OF EXPERTS ON MEMBERSHIP PROPOSED BY SADTU, RSA

BY-LAW 2 (A)

Add the words “ensuring representation from the 5 regions.” at the end of the first sentence:

“2 (a) The Committee of Experts shall be composed of a minimum of five and a maximum of seven members to be appointed by the Executive Board ensuring representation from the five EI regions.”

EXPLANATORY NOTE BY SADTU

Noting the prominence of the Committee of Experts in relation to decision making on Membership Applications; noting the implication that the Committee of Experts is more powerful than the Executive Board and believing that the members of the Committee of Experts should be representative of all the five EI regions; the South African Democratic Teachers’ Union proposes the above amendments to the Constitution.

RECOMMENDATION BY THE EXECUTIVE BOARD

1. The Executive Board is not in favour of the proposed amendment.
2. However, it supports the view that the composition of the Committee of Experts should reflect regional balance. The Board notes that Article 21 of the By-laws already provides for regional and gender balance to be taken into account by the Executive Board in composing all committees of Education International. In this context the proposed amendment is unnecessary. The Board prefers to retain one Article establishing conditions for the composition of all committees, rather than having these conditions repeated and spelled out separately for each committee.

2. Furthermore, the amendment may create confusion as the word “representation from the five EI regions” can be interpreted to mean that the members of the Committee would represent EI regions and report back to those regions.

3. For reasons which are presented in more detail in the response to the next proposal for an amendment to the By-Laws the Executive Board does not accept the view that the Committee of Experts ‘is more powerful than the Executive Board’. The Committee of Experts investigates applications for membership solely at the request of the Executive Board. The Committee of Experts is also appointed by the Executive Board.

4. In light of the above the Executive Board requests SADTU to withdraw the amendment.

7. AMENDMENTS TO THE BY-LAWS 2 (G) AND (H) ON THE COMMITTEE OF EXPERTS ON MEMBERSHIP PROPOSED BY SADTU, RSA

BY-LAW 2 (G) AND (H)

Replace 2(g) and 2(h) with:

“2 (g) The report of the Committee of Experts shall be tabled before the Executive Board for its consideration.

2(h) The Executive Board may take the following action:
(i) In the case of a member organisation
   - Confirm membership
   - Suspend membership for a period up to three years
   - Exclude the organisation from membership
(ii) In the case of an applicant organisation
   - Accept membership
   - Reject membership

The Executive Board may offer to assist such organisation to meet the membership criteria.”

EXPLANATORY NOTE BY SADTU

Noting the prominence of the Committee of Experts in relation to decision making on Membership Applications; noting the implication that the Committee of Experts is more powerful than the Executive Board and believing that the members of the Committee of Experts should be representative of all the five EI regions; the South African Democratic Teachers’ Union proposes the above amendments to the Constitution.

RECOMMENDATION BY THE EXECUTIVE BOARD

1. The Executive Board is not in favour of the proposed amendment.
2. The EI Constitution provides that any national organization which is independent, democratic and representative, and which meets the other membership criteria listed under Article 4 (b) of the Constitution, shall be admitted as a member of Education International by the Executive Board.

3. In the discussions leading up to the creation of EI in 1993, there was a unanimous view that the credibility and authority of the new international organization would be determined by the independent and democratic character of its constituent organisations and by the extent to which they were representative of the teaching profession, or part thereof, in their respective countries. There was also a unanimous view that to achieve international teacher unity, the International should not deny membership to national organizations which met the standards set out in the defined criteria for membership.

4. There were, however, different views on what would constitute a democratic and independent organization or what would make an organization undemocratic and/or dependent. It was agreed that the determination of whether or not an organization meets the specified criteria is not a precise one and may vary within a margin. It was also felt that the Executive Board or even the World Congress, both political bodies, might sometimes find it difficult to make an objective assessment, or to ignore objections raised by a member organization against the affiliation of a rival organization from the same country.

5. For all these reasons it was decided that the role of determining whether or not an organisation met the membership criteria where the Executive Board was uncertain, should be assigned to an impartial group of persons, designated by the Executive Board, with long experience in the (international) trade union movement but no longer active in their own organizations. This body, “the Committee of Experts”, would not decide to admit or not to admit an applicant organisation but simply investigate and determine whether or not an organization met the membership criteria. It would not initiate investigations, but would undertake an investigation solely at the request of the Executive Board. Such requests would be made when the Board felt it was unable to determine itself whether or not an (applicant) organisation fulfilled the membership requirements, or in the event that one member organization challenged the affiliation to EI of another member organization. In other words, the Committee would be an independent investigating body.

6. Obviously, once the Board would have made its request and the Committee would have found an applicant organization in conformity with the membership criteria, the Board would have no other option than to act on Article 4 (b) and admit the organisation as a member. If, on the other hand, the Committee would find an applicant organization to be not in conformity with the constitution, it would be impossible for the Board to admit that organization as a member. It could, however, ask the Committee to review the application subsequently in the event that it believed that were developments which had changed the nature or character of the (applicant) organization.

7. The agreement to establish the Committee of Experts with the role of determining whether or not membership criteria were met by individual unions, was crucial to the establishment of Education International. It should be noted that the provisions in the EI Constitution and By-Laws regarding the processing of membership applications, including the provision for the establishment and functioning of the Committee of Experts, were crafted very carefully and after lengthy discussions². Today they continue a vital element in EI’s structures. The Committee of Expert is the best guarantee for the implementation of Article 4. It also facilitates the achievement of one of EI core aims, namely trade union unity as described in Article 2 (m).

8. The current Constitutional provisions give the Executive Board the right and the responsibility both to determine whether or not an applicant organization meets the membership criteria and, to admit or not to admit that organisation. However, in case of doubt, and where the Board considers that

² See Annex I for more information on the historical context and the articles of the Constitution and Bylaws pertaining to the Committee of Experts.
independent investigation is needed, the Board has the option of asking the Committee of Experts to
determine whether or not the applicant organisation is in conformity with EI’s membership criteria.
When this option is exercised, the key decision by the Board is the referral to the Committee. The
purpose of taking the decision to refer the matter to the Committee of Experts would be negated if
the Board were to alter the determination of the Committee.

9. Since EI was created in 1993, the organization has grown by 150 percent – from 12 million to 30
million. This is more than any other Global Union Federation. Successive Executive Boards have felt
the need to request an independent investigation from the Committee of Experts with a small number
of applications. But the existence of this option has rendered great service. It is the view of the
Executive Board that the continued existence of the Committee of Experts, with a mandate to
investigate and make findings, is as important to the ongoing unity of our International, as it was at
the time of its creation in 1993.

10. In light of the above the Executive Board requests SADTU to withdraw the amendment.

8. AMENDMENT TO THE BYLAWS: ARTICLE 8 (C), RULES OF DEBATE, BY
THE EXECUTIVE BOARD

BYLAWS: ARTICLE 8 (C)

Add to current text:

“In the interests of completing particular items of business, the Chair may, with the
permission of the Congress, reduce the length of time speakers are permitted to three
minutes.”

EXPLANATORY NOTE BY THE EXECUTIVE BOARD

In the course of preparing for the fifth World Congress, the Executive Board decided that more
detailed Rules of Debate were required for the conduct of business at Congress than those provided in
the current By-Laws. The Executive Board drew up appropriate rules of debate which are published in
the information document for Congress delegates and on the Congress website. In order to avoid any
potential conflict with the existing By-Law, however, the Executive Board decided to propose the
following amendment to that By-Law, which seeks to give formal authority to the Chair to reduce the
time for speakers with the permission of Congress.

9. AMENDMENT TO THE BYLAWS: ARTICLE 19 (V), BY-LAWS OF REGIONAL
STRUCTURES, BY THE EXECUTIVE BOARD

BYLAWS: ARTICLE 19 (V)

Add to current text:

“Unless regional by-laws provide that they are members of regional governing structures,
members of the Executive Board who are not elected members of their region’s governing
structures, shall be ex-officio members of the structures, without voting rights.”
EXPLANATORY NOTE BY THE EXECUTIVE BOARD

The Executive Board gave consideration to the roles of Officers and members of the Board, as prescribed in the Constitution and By-Laws. It drew up guidelines which are published in the 2006 Annual Report. In the course of its consideration of the role of Board members it decided to try to strengthen the links between individual board members and the structures in their regions. In that context it decided to propose that all members of the Board, who were not otherwise members of regional governing bodies, should be ex-officio members of such bodies, without voting rights. To give effect to that decision, the Executive Board proposes the above amendment to By-Law 19 (v).

10. AMENDMENT TO THE BYLAWS: ARTICLE 29, SOLIDARITY FUND, BY THE EXECUTIVE BOARD

BYLAWS: ARTICLE 29

Replace current text with:

(a) The Solidarity Fund shall be used

(i) To develop co-operation programmes with individual teacher organizations to help them achieve their goal of strengthening their functioning.

(ii) To assist member organizations in emergencies such as natural disasters, famine, war, persecution or other life-threatening situations; this short-term relief will help to ensure the survival of the organization and/or its members during a particular crisis.

(b) All member organisations shall be invited to contribute to the Fund according to their means. Member organisations shall be requested to renew their contribution to the Fund on an annual basis.

(c) Education International shall make an annual contribution to the Fund equal to 0.7% of its annual dues income.

(d) The Fund shall be established in a special interest bearing account separate and apart from other Education International accounts.

(e) The member organisations in need shall present a request for assistance outlining the purposes for which that assistance will be used.

(f) The General Secretary shall obtain such information as is necessary to make a decision and shall report that decision to the Finance Committee.

(g) The receiving organisation(s) shall provide a report on the use of the funds allocated.

(h) Reports on the use of the Fund shall be provided on an annual basis to all member organisations which contributed.

(i) The Fund will be subject to external audit, a report of which shall be set out separately in the financial report to the World Congress.”

EXPLANATORY NOTE BY THE EXECUTIVE BOARD

An amendment in principle to By-Law 29 was approved at the World Congress in 2001 as part of a review of the Solidarity Fund and the uses to which it could be put. The text of an appropriate amendment was not submitted to the 2004 Congress, however. In order to implement the decision of the 2001 Congress the Executive Board decided to submit the following proposed amendment to Congress. The proposed new text includes a clause at (a) broadening the uses to which the fund may be put and, for purposes of improving the clarity of the text, a restructuring of the remaining text of the existing By-Law.
ANNEX I

EI MEMBERSHIP PROCEDURES

1. The historical context

The negotiations between IFFTU and WCOTP to form Education International took place through a series of meetings held in 1991 and 1992. Towards the end of 1991 these negotiations had reached a crucial stage. The key issue was membership. Without agreement on membership, it was recognized on both sides that the negotiations to create a new International for the education sector would break down. In order to tackle this issue, the leader of the two negotiating teams met prior to the final meeting near Frankfurt, Germany, in early 1992. For a full day, they discussed in depth, and in complete frankness, the philosophies of the two organizations, where they differed, and where they would find common ground – and how all this related to the membership issue that had to be resolved if the negotiations were to succeed.

On the one hand, IFFTU was clear that no organization controlled by political authorities could be a member. On the other hand, WCOTP was just as clear that political tests could not be applied when determining an organization’s eligibility for membership. These positions were staked out against the background of 40 years of cold war, which had strongly influenced developments in the international trade union movement. It had been possible to find consensus on other issues that had earlier defined differences between IFFTU and WCOTP, notably the trade union versus the professional role of teacher organizations, and association with the ICFTU (as it was then). The membership issue remained as the key one to be resolved, and the key to the creation of the new International.

The outcome of this frank exchange was presented on the subsequent days to the negotiating teams and both principles and details were further debated. From that point on the negotiations went forward and culminated in the drafting of an Agreement, including the draft Constitution and Bylaws. Following are the key feature of the agreement on membership, as a key part of the overall Agreement.

Independence

It was agreed that the new International

a) would be independent of any government, that it would be self-governing and not subject to control by any political parties, or ideological or religious groups, and that new applicant for membership should apply the same principles;

b) would be comprised of organizations of teachers and education and research employees upholding inter alia the principles of independent trade unionism. It was agreed that independence from political authorities was to be a key criteria.

Commitment to the Aims and Principles

An applicant organization had to subscribe to the aims and principles of the International, and pledge to fulfill the obligations of membership.

3 For IFFTU: Al Shanker and Fred van Leeuwen
For WCOTP: Mary Futrell, Bob Harris and Greg O’Keefe
National in character and scope

An applicant organization should, to the extent possible, be national in character and scope and representative of teachers and/or other education employees in its countries. Because of the great variety of national situations, the wording of this criteria was less categorical than the others, with a clause providing for exceptions by a two-third vote of the Executive Board.

A Committee of Experts

While it would be clear in most cases whether or not the organization applying for EI Membership fulfilled the criteria, the Executive Board should have the option of seeking further investigation by an impartial committee of experts. On cases referred to it by the board, this committee would be required to make a finding strictly based on the membership criteria, i.e., without applying political tests. Its procedures would be carefully defined in the By-laws.

2. Relevant extracts from the Constitution and By-Laws:

CONSTITUTION

What are the constitutional provisions for membership? Article 4(a) states the composition of EI

Article 4 MEMBERSHIP

(a) The Education International shall be composed of organisations of teachers and education and research employees upholding the principles of independent trade unionism and aspiring to enhance democracy, human rights and social justice in their respective nations, to improve the living and working conditions of their members and to advance education through trade union action.

Article 4(b) sets out the criteria for membership, and states that an applicant organization that fulfils these criteria shall be admitted.

(b) Any national organisation composed predominantly of teachers and education employees shall have the right to apply for membership and shall be admitted as a member of the Education International by the Executive Board, provided that the applicant:

(i) subscribes to the aims and principles as described in Article 2 and 3 - and is thereby actively engaged in promoting the overall professional and trade union interests of its members;

(ii) pledges to fulfill the obligations of membership as described in Article 6;

(iii) is, to the extent possible, national in character and scope and representative of teachers and/or other education employees in its country. The term country is defined according to membership in the United Nations. Nevertheless applications may also be considered from organisations at the regional level in a country where there is no national member. Exceptions to this provision may be made by a two-thirds majority of those present and voting at the Executive Board.

(iv) practices internal democracy in the designation of its leadership, in the determination of its goals, policies and activities and in the management and administration of all of its affairs;

(v) is self-governing and not under the control of any political party, government and ideological or religious grouping;

(vi) is not affiliated to or formally associated with other international teacher's trade union bodies or with their regional structures. This restriction does not apply in the case of affiliation to autonomous regional bodies.

(vii) is not part of an organisation already in membership, such that acceptance of the application would create double affiliation.

Definition of scope of membership: References throughout this constitution to teachers and educational employees should be interpreted in the broadest sense, since member organisations may also include, for example, employees engaged in research or in cultural or youth services.
Article 4 (c) provides for consultation with existing members, but the final decision remains with the Board.

(c) If an application is received from an organisation operating in a country in which the Education International already has a member organisation, the Executive Board will consult with the member organisation(s) concerned before making its decision. In the event that the decision of the Executive Board on a membership application is contested, an appeal may be made to the World Congress in accordance with the By-laws. The decision of the World Congress shall be final.

(d) Only applications duly authorised by the applicant's governing body shall be taken into consideration by the Executive Board.

COMMITTEE OF EXPERTS

The Committee of Experts has 2 tasks. It acts upon referral from the Board.

ARTICLE 5 COMMITTEE OF EXPERTS ON MEMBERSHIP

(a) A Committee of Experts shall be established to report to the Executive Board on the application of membership criteria in cases where the Executive Board considers further inquiry to be necessary in order to reach a decision, or in cases where charges are brought against a member organisation.

(b) Procedures for the establishment and operation of the Committee of Experts shall be determined in the By-laws.

BY-LAWS

The By-Laws give effect to provisions of the Constitution. Specifically:

Article 1 MEMBERSHIP APPLICATIONS

(a) An application for membership, duly authorised by the applicant's governing body (ref. Article 4d of the Constitution) shall be lodged with the General Secretary and shall include a completed application form, a statement that it will subscribe to the aims and principles of the Education International and a copy of the Constitution of the applicant organisation.

(b) Applications shall be considered by the Executive Board at the first meeting following receipt. At this meeting the General Secretary shall inform the Executive Board about the results of the consultations with any member organisations in the country of the applicant organisation.

(c) Notice shall be sent to the applicant organisation and any member organisation in the same country within fifteen days of the decision of the Executive Board. An appeal to the World Congress may be filed by:

(i) a member organisation in the same country contesting a decision to admit;

(ii) any member organisation supporting an application for membership that has been denied.

Any appeal must be filed in writing to the General Secretary not more than 120 days after the decision of the Executive Board. The decision of the World Congress shall be final.

(d) Where a membership matter is referred to the Committee of Experts by the Executive Board the appeal procedures shall be as specified in 2 (j).

Article 2 COMMITTEE OF EXPERTS ON MEMBERSHIP

(a) The Committee of Experts shall be composed of a minimum of five and a maximum of seven members to be appointed by the Executive Board. One of the members of the Committee shall be designated by the Executive Board as the Committee's Chairperson. In agreement with the Chairperson, the General Secretary, who shall serve as the Committee's Administrative Secretary and provide all administrative services needed for the accomplishment of the Committee's tasks, shall convene and prepare Committee meetings.

(b) Members of the Committee shall be selected according to their experience and expertise related to teachers' organisations and the trade union movement in general. They shall not be members of the Executive Board, of governing bodies of member organisations, or hold other positions in organisations which may create conflicts of interests affecting the impartiality of judgements.

(c) The term of office of the Committee shall be three (3) years. The Committee shall be appointed at the first Executive Board meeting following an ordinary session of the World Congress. Members are eligible for re-appointment. In case of misconduct or dereliction of duty, the Executive Board may remove a member from office.
(d) In the event of a vacancy occurring on the Committee of Experts, a replacement shall be appointed by the Executive Board for the remainder of the term of the member whose place becomes vacant.

(e) The Committee shall only examine cases referred to it by the Executive Board regarding:
   (i) applications for membership in respect of which the Board considers that conformity with the membership criteria is not evident;
   (ii) member organisations which have been charged by another member organisation or by the Board with failure to conform to the membership criteria.

(f) When a case is referred to the Committee the Chairperson may designate one or more members to conduct an enquiry. The organisation concerned shall be notified that enquiry has been opened. The enquiry must respect rules of due process, including the right of the organisation concerned to a hearing and to present documentation. The enquiry shall be completed according to a time-scale pre-determined by the Committee. The report resulting from this enquiry must be considered by the Committee as a whole, which is required to make a finding as to whether the member or applicant organisation is in conformity with the membership criteria of the Education International;

(g) If the Committee of Experts finds conformity with the criteria:
   (i) in the case of a member organisation of the Education International, it shall be proposed that the Executive Board confirm its membership status;
   (ii) in the case of an applicant organisation, the Executive Board shall be notified that there is no statutory obstacle to admission.

(h) If the Committee of Experts finds non-conformity with the criteria, unless the Executive Board determines that the procedures followed by the Committee of Experts were not impartial, or that due process was not respected:
   (i) in the case of a member organisation of the Education International, the organisation shall be suspended for a period of three years, unless the Executive Board
      • by majority vote, provides for a shorter period of suspension;
      • by two thirds majority, votes to exclude the organisation from membership. At the end of the period of suspension the question of whether the organisation is in conformity or non-conformity with the membership criteria shall be re-examined by the Committee of Experts.
   (ii) in the case of an applicant organisation, the application shall be rejected. The Executive Board may offer to assist such organisation to meet the membership criteria.

(i) The Committee shall present its finding to the Executive Board, together with a written report describing its enquiry and showing, in the event that the Committee's conclusions are not unanimous, details of its votes on the finding.

(j) The member or applicant organisation concerned shall be informed of the Committee's finding. The organisation has the right to lodge an objection to the Executive Board if it considers that the enquiry was not impartial or that due process was not followed. If such an objection is lodged, the Executive Board must satisfy itself that the Committee's finding was arrived at in an impartial manner and with respect for due process. If the Board is not so satisfied, it shall refer the case back to the Committee for a new enquiry.

(k) Notice shall be sent to any member or applicant organisation which has been a party to a case shall be informed within fifteen days of the decision. Appeals to the World Congress concerning cases considered by the Executive Board on the basis of a finding by the Committee of Experts may be filed only by:
   (i) an organisation which has been suspended or excluded from membership;
   (ii) a member organisation which has been party to a case before the Committee of Experts involving another member organisation;
   (iii) an organisation whose application for membership has been denied because of a finding of the Committee of Experts.

In these cases any appeal must be filed in writing to the General Secretary not more than 120 days after the decision of the Executive Board and must be based upon the proposition that the procedures followed by the Committee of Experts and the Executive Board were not impartial or that due process was not respected. The decision of the World Congress shall be final.

(l) The Executive Board shall make the budgetary allocation necessary to cover the Committee's expenses.