

## **President of the SLADI Addresses the II World Conference on the Right to Education (Brussels, 08 November 2012).**

1. The President of the SLADI, Judge Antônio Augusto Cançado Trindade, addressed the II World Conference on the Right to Education, in its opening session, held in Brussels, on 08 November 2012, in representation of the International Court of Justice, by designation of its Presidency. He began his address by recalling the evolutive conception of the *Universitas*, as from its early beginnings (XIIIth-XIVth centuries). It then cultivated a knowledge regarded as revealed (proper of the medieval, clerical, University), moving later into questionings with the advent of the Renaissance (XVth century), which sought to transcend classic scholastic knowledge. The new humanist outlook (XVIth century), which lasted for some time, was succeeded by the attention dispensed by modern University to the industrial revolution and to scientific (and technological) knowledge, with the emergence (in the early XVIII century) of the areas of “sciences and letters”.

2. By the end of the XVIIIth century and throughout the XIXth century, scientists concentrated on empirical investigation, while humanists insisted on the centrality of the *values*. The emerging new scientific knowledges marked their presence, at the same time that culture began to yield to techniques. In mid-XXth century, Universities underwent a new reform, as from an outlook of the offer of education as a social service. The reorganization of the disciplines deepened the separation of “specializations”. At the end of four decades, however, - added Judge Cançado Trindade, - there was already an open questioning of the assumed infallible authority of scientific knowledge, and of the excesses of specializations, conducive to the commercialization of the Universities, aggravated in our days. The dissatisfactions of the new generations began to be expressed (as in the historical demonstrations of 1968, for example). In the age of mass “globalization”, or “globalized” massification, attention to cultural identity, in the framework of the universality of the human kind, is again regarded as necessary.

3. The President of the SLADI proceeded that the search for knowledge and understanding cannot be limited by the self-sufficiency of “professionalization courses”, amidst the hope of the youth acquire knowledge so as to understand lucidly the surrounding world and one’s own existence. Such ambivalence has appeared as a considerable paradox of our age; in effect, never, as throughout the XXth century, so much progress was achieved in science and technology tragically accompanied by so much destruction and cruelty, exemplified by successive acts of genocide, atrocities and massive and grave violations of human rights and international humanitarian law. Never, like in our times, so much growth of material prosperity has been registered, accompanied in a likewise tragic way by some much increase in socio-economic disparities, in extreme and chronic poverty, and in social marginalization and exclusion.

4. Professions, multiplied in modern times, have led to specializations, which respond and correspond to the needs of the social *milieu*. Even if it today prevails, in the majority of the Universities, an unsatisfactory search of “specialized” or “professionalizing” knowledge (rationalized in function of “social needs” which do not take care of the personal needs of each human being), - Judge Cançado Trindade added,

- there are also those to whom the cultivation of culture is part of the search for spiritual development, so as to be able to interpret the past, to understand the present, and to give a meaning to one's own life. Attention needs to be turned to the realization of the *vocation* of each one for an integral life, not limited, from the start by the vicissitudes of a prompt entry in professional careers of specialized knowledge. Nowhere else can the intergenerational dialogue be cultivated in a more gratifying way as in the University. This is an attribute which belongs to it by an intrinsic requirement: that of the encounter between generations, living harmoniously each one within its own time, with the due understanding, and the difficult but necessary acceptance, of the ineluctable passing of time.

5. In effect, the last three decades (from the early eighties onwards) have been witnessing a "privatization" of University studies, pursuant to a utilitarian, economicist and managerial outlook. The President of the SLADI then criticized that competition increases, pursuant to "strategies" guided by the political and administrative power, rather than the academic authority. Pragmatism prevails, seeking insertion into professional life and avoiding unemployment, bearing in mind the "demands" of the "market". But some positive aspects also appear, such as the circulation of students, the diversification of superior studies, and "affirmative action". Yet, the over-all picture is very worrisome: libraries gradually abandoned with greater use of electronic resources, polytechnics becoming Universities, trivialization and commerce of diplomas, contradictions of neoliberal and managerial discourses, conservative attacks seeking further regression of the Universities, and the like. Universities can count only on critical reflection and the right reason, to fight back, and reassert their true vocation as centres of universal learning, and formation of cultured persons, competent professionals who understand the world wherein they live and and well dispose to contribute to the improvement of the human condition.

6. To Judge Cançado Trindade, it is not surprising to find nowadays some wishful expressions of support for a rejoining, or a grouping together, of distinct branches of knowledge, so as to promote a better understanding of the world wherein we live. This appears to reflect a growing awareness of the need to go beyond "specialized" knowledge, at least in the initial years of basic formation at Universities. Some degree of transdisciplinary or multidisciplinary instruction serves the concern as to the need to convey to the new generations a necessarily humanist perspective, that may enable them to understand the world and to preserve basic values to be transmitted to their fellow human beings and their descendants. We are again faced with the need of an integral education.

7. Moving to another line of reflections, Judge Cançado Trindade pondered that the remarkable transformations in the contemporary world scenario have disclosed the considerable density of our times, reflected into the international agenda of the United Nations. The cycle of World Conferences convened by the United Nations, initiated in 1992, has disclosed a concern with the precarious living conditions dramatically affecting greater segments of the population in many parts of the world nowadays. There has been, ever since, a growing call for the pursuance of social justice *among* and *within* nations. These recent years are being marked by an over-all reassessment of many concepts in the light of the consideration of global issues (human rights, social justice, social development, environment, population, human settlements, human security and peace), affecting the whole of humankind.

8. This process has generated a universal dialogue and concertation, - he recalled, - as clearly disclosed by their final documents (declarations and programmes of action). The recent U.N. World Conferences have disclosed, as their common denominator, the recognition of the legitimacy of the concern of the international community as a whole with the conditions of living of all human beings. Those World Conferences have indeed been particularly attentive to the *conditions of life* and special needs of protection in particular of vulnerable groups and the poorer segments of the population. The effectiveness of the right to education is of fundamental importance herein, with due attention to the basic principle of equality and non-discrimination.

9. In the international adjudication of human rights cases, - Judge Cançado Trindade added, - it so happens that the right to education marks its presence in legal reasoning even when the rights at stake are other protected rights under human rights Conventions, - such as the fundamental rights to life and to personal integrity. This has been so, for example, in respect of the *reparations* due to those victimized. Judge Cançado Trindade then analyzed the relevant case-law of contemporary international tribunals on the matter at issue, and identified the lessons to be so far drawn therefrom. He concluded by propounded his thesis of the new *jus gentium* of our times, centred on the human person. The International Law of Human Rights has much contributed to rescue the centrality of the human person in the present-day *corpus juris gentium*.

10. The right to education, and the rights in education, are enshrined herein, to the benefit of the ultimate addressees of legal norms, the human beings. Judge Cançado Trindade then concluded that States ought to proceed accordingly, reassuming their responsibility as to the human right to education, and once again turning their to education as a public good, and not as a mere commodity. Education cannot be left at the mercy of the vicissitudes of the market. Professors cannot simply keep on being socially devalued, and reduced by their own Universities to numbered “human resources”. The II World Conference on Human Rights (Brussels, November 2012) counted on a few hundred participants from all continents; among panelists were educators, social scientists, philosophers, as well as jurists and judges representing likewise other contemporary international tribunals.

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