

University of Pretoria
Faculty of Education

Honorary Doctorate
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1. Who were the first protesters, 4 years ago, at the Tahrir Square in Cairo, Egypt? *Students.*

What was their first claim: *'Give us good education'.*

A similar scenario emerged at the Maidan Square in Kiev, Ukraine, in Kinshasa, DRC.

What remains the first request of my students I taught in Iraq: *'Education - Freedom. Equity and Dignity through Education'.*

Comparative constitutional law teaches us two historical truths:

(1) Education and Education Rights prove to be the supreme touch stone for the transition from a non-democratic (authoritarian) state to a democracy;

(2) Without 'reconciliation' in and through schools, there will not be any chance of reconciliation in society.

Reconciliation in education is necessary because education touches the very heart of a nation, the community or communities, its values, its culture, its past, present and future. After the Second World War, the international community stressed the need for education rights as the main opponent of a dictatorial regime and embedded these rights in an impressive row of legal instruments.

All ethnic, cultural, religious, social and regional conflicts are reflected in schools and should be answered by education policy. *'Schools can be a part of the political problem but will always be a key to the solution'.* It is not by hazard that education appeared to be the last deadlock in constitutional negotiations in South Africa and other countries.

Twenty-five centuries ago, the Greek philosopher Aristotle pointed out, I quote: *'Of all the safeguards that we hear spoken of as helping to maintain constitutional continuity, the most important, but most neglected today, is Education, that is educating citizens for the way of living that belongs to the constitution in each case.'*

2. There is no consensus among human rights experts regarding the hierarchy of fundamental rights. But from several legal arguments, the right to education appears as one of the primary human rights, close to the right to life and the right to equality.

It remains the precondition of most other fundamental rights. It is the first component of human dignity and human development. The importance of education is embedded in the axiom: 'Yes, education is expensive, but so is ignorance!'

'Quality education for All' will be the most prominent tool to boost economic growth, to reach equity and social equality, to combat exclusion and discrimination, to reduce poverty. *Only the educated are free.* As mentioned by President Mandela: *'Education means Liberation'*. It is not acceptable for any children to attend a school where they don't have chairs to sit on and receive inadequate education, while, 5 kilometers away children go to a world class school because their parents have the money. That is not quality education for all. It is not acceptable for a child to beg next to a traffic light (when he should be in school), while a government official stops next to him with a big BMW - that is not quality education for all.

Nevertheless, education rights seem at risk, chiefly where human rights are damaged. The first measure the Taliban, and since then, their allies, took in Afghanistan and the whole region was: *'Close down schools, chiefly for girls'*!

The ethical rank of a country should directly be deduced from quality investments in education. We should bestow favor on other kinds of rankings of nations - rankings more powerful than 'Global Competitiveness Reports'. The UN should structure rankings on the basis of financial and human investments in education.

3. As mentioned in the US Landmark Case '*Brown versus Board of Education*', 'Education is the most vital State responsibility'. Unfortunately, too many governments do not respect this requirement. The *Millennium Goals* are not yet fulfilled.

International law articulated the right to education within a 4 A scheme: 'availability, accessibility, acceptability and adaptability'. In my report as special UNESCO envoy I added a new 4 A' schedule: 'Awareness' of the right to education and thus 'Advocacy' and the 'Adequacy' of the school program and chiefly 'Accountability'. Perhaps also 'Autonomy'.

Society should focus on another Climate Change on 4 tracks: how the State is fulfilling its core obligations, how those rights are enforced by the Courts, how citizens respect the 'other' and the right of each human being to 'be different', how civil society is involved in schools, technical colleges and universities. The *African* conceptions around education – '*Care of the other*', '*Personhood*', '*Socialization and communalism*' – could be viewed as enriching frames to think through the challenges of education.

Furthermore, examples around the world show what a major difference it makes when the brightest young people commit themselves to teaching, especially if they are not stifled by over-regulation.

4. In conclusion.

Governments can be called upon to account to citizens for their decisions. The fulfillment of the right to basic education, as mentioned in section 29 of the South African Constitution, is not promised through gradual realization. Rather, it is promised immediately. Is the South African government immediately providing quality education, appropriate textbooks, proper technology, transparent policy, decent physical facilities, well-qualified and highly-motivated teachers among other necessary resources?

For all these reasons, Education Law and Education Rights, chiefly for the most vulnerable should be considered one of the most prominent services by the State and to every Person within the society.

This Decade should be remembered as the new era of 'Education Rights Revival', to foster the ethics of and within society – and especially for South Africa.

5. Mr. Rector, Academic Community of the University of Pretoria,

I am both humbled and proud to become an honorary member of your highly appreciated and acclaimed university and for the opportunity to receive this honor.

While we very much appreciate this recognition, more importantly this is a celebration of this University and its spirit of academic excellence and international collaboration. What binds us is our desire to understand what it means to be human, to seek the truth and to have the courage to express the truth even when it may not be popular or is challenged by voices that may be louder than our own.

Finally, I have to pay honor to the Education Law and Policy community in South Africa, - I had the chance to meet some 20 years ago. Its founding fathers started from this University and this Faculty.

(a) For example, the South African Education Law and Policy Association (of which I am the founder).

(b) The innovative and internationally oriented Jurisprudence of the Constitutional Court which inspires courts worldwide.

(c) The vibrant South African civil society working towards creating a better future for the children of South Africa

In many respect, the country is taking international Leadership. The Republic of South Africa reminds us of the saying: *'The whole life of a child is contained in his or her upbringing...'*