

“LA REFORMA EDUCATIVA EN AMÉRICA LATINA DESDE LA PERSPECTIVA DE LOS ORGANISMOS MULTILATERALES” “Educational Reform in Latin America from the Perspective of Multilateral Organizations”

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Globalization with its neoliberal administration, which has become the “norm” throughout the world, has been playing a fundamental role in the transformation of symbols and signs, of which human rights are a part, and has left them almost in the position of discourse. In addition to this situation from which Colombia does not escape, there is a situation of economic, political and social instability of a historical nature, which places the country in one of the worst human rights crises on the planet.

Thus, within the Colombian context, education faces a reality that from the public sphere has distanced it from its status as a right, the result not only of the globalization phenomenon, but also of the scarce debate and interest of governments (the ones most responsible for its guarantee and effectiveness), placing it most of the time as a service or crudely as merchandise, thus ignoring its fundamental objective: the development of society and culture, its humanizing character and the multiplication of other rights. Within this framework, in which other conflicts such as that of education are minimized because of the historical conflict, it is urgent to analyze the legislative developments in the field of education since the implementation of the 1991 political constitution, the international regulations and the mechanisms for the defense of this right in order to confront them with the reality of our country, making visible the changes in the world economic system and how these affect changes in education, since this makes it possible to look beyond what is being violated and to propose alternatives for an education that includes the majority and that actually educates men and women.

Education is most often assumed as instruction, as a way to obtain better behaviors and as a mechanism for the socialization and adaptation of subjects within the cultural environment they inhabit. From the theory of human rights, education is constituted as a cornerstone of the same, because within this theory, education has a predominantly humanizing character, whose fundamental objective is the dignification of man, equality and the advancement of society, and because it is a right that multiplies other rights; that is to say, if the right to education is guaranteed, the right to work, participation, and freedom of expression, among others, are guaranteed.

The positivist character of this theory can be perceived not only because it has a high quota of causality (if A then B), but because the reality of different countries (even those with the greatest economic power) and our most immediate reality teaches us that this is only part of an ideal. However, it is necessary to clarify that education in itself, acquires a great value in the sense that it is constituted from its different forms in a cornerstone of the development of society and culture. Seen from the perspective of human rights, it is of great importance since, in addition to establishing a philosophical framework, legal mechanisms are established for its enforcement.

In Colombia, since the 1991 Constitution came into force, there has been talk of a political change towards a social and legal state, and so a series of legislative changes have been undertaken, with education being no exception. In spite of the motivation that awakened this change in the country, at this time not only the political is being transformed (and as we know there is a great relationship between the economy and politics), but through the latter, the path towards globalization with neoliberal

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administration is being taken, which will be a determining factor in terms of human rights. Although at this time education is considered within the Economic, Social and Cultural Rights (ESCR) of the political charter of 1991, the discussions and laws that follow revolve around its character of service, a fact that will materialize in 1994 with Law 115 or General Law of Education and that begins to show different interests at stake with respect to the future of education, because although there is talk of a minimum essential nucleus and improvements are made in education, it is the transition to globalization that will determine the dynamics of education in our country.

Thus, a Ten-Year Education Plan becomes public policy only when the majority of citizens conceive it as a national purpose of improving education, independent of changes in the political structure of the State. Although these ten-year plans had the virtue of being constructed in a permanent dialogue between the government and different sectors of society; in other words, they apparently emerged as a consensus, and can therefore be said to have been a public policy in the beginning; Some analysts, among them William René Sánchez Murillo, Secretary of Ceid-Nal of FECODE, have said that with the imposition of Legislative Act 01 of 2001 and Law 715 of the same year, the supposed public education policy of the ten-year plan was replaced by another, originating in the clandestinity of the ministry's technocrats, who reduced the guidelines of the education policy to a mere plan. This plan was not what was intended, that is, a State policy; it ended up being a government policy.

From the above, we may conclude that in Colombia, for some authors interested in the subject to be considered, education policies are limited to the creation of free decision projects, which are limited to programs and these to plans. And that in the end, all are reduced to a liberal conception that guarantees education as a merely formal right. Although education policies must be materialized in projects and programs, it is also true that not all projects and plans can be supported by a clear education policy. In the particular case of Colombia, and especially in the city of Medellín, the second part is the common denominator. For this reason it is not strange that the Region corporation states that: "In the history of education in the city of Medellín, we have had more programs and projects than education policy connected to a city project, the result of citizen participation and deliberation".

For the authors mentioned, education policies in Colombia are not located in a projection horizon that goes far beyond the periods of national, regional and local government, since the mere fact that the Ten-Year Education Plan is merely indicative implies that it proposes guiding principles, but leaves each government free to adapt them to its own problems as it sees fit.

Thus, public education policies would be mere isolated actions without a common thread, which in the best of cases, if it existed, would have been limited to expanding coverage in education.

Some have wanted to see in the fact that there is no education policy in Colombia, and that plans and programs are proliferating to replace it, evidence of a project to include schools in the orbit of the education market and, therefore, of the laws of competition, competitiveness, and profitability that govern that market. Thus, with the State's intention, through its plans, programs, and projects, to give educational institutions greater autonomy to

organize themselves and to manage themselves, a generalized and gradual dismantling of the State's responsibility to guarantee the right to education and to defend public education is taking place.

Thus putting education in the laws of competition and in the framework of neoliberal policies.

But that series of sociological proposals will not interest us. Now, it is pertinent to investigate what author André-Noël Roth and the Colombian Constitutional Court understand by public policy. The Constitutional Court in sentence C-646 of 2001 expressed that the design of a policy is the central and sometimes more technical stage of public decision-making. To design a policy is to establish its constituent elements, define the relationship between them, order priorities, articulate its components in a way that is intelligible to its beneficiaries, program in what way, by what means, and at what rate the goals set out in the plans will be achieved and in the political framework in which the specific public policy is circumscribed. Without a doubt, the design of a policy can be embodied in a political document or a legal instrument. In the latter case, the instrument may be in the nature of an administrative act or a law. It can also take the form of rules of higher or lower rank than those mentioned, but generally these two legal acts are used.

The first condition is that the policy actually exists. It cannot be a question of ideas or conjectures as to what to do, but rather a structured **programme of action that will** enable the responsible authority to take the appropriate and necessary measures to make it happen.

The second condition is that the aim of public policy must be to guarantee the effective enjoyment of the right. In this sense, for example, it cannot be a merely symbolic public policy that is not accompanied by real and concrete actions. Thus, the Constitutional Court, in its Ruling T-595 of 2002, whose reporting judge Manuel José Cepeda Espinosa states that the Constitution is also violated when there is a plan or program, but it is noted that (i) "it is *only written* and its execution has not been initiated" or (ii) "that it is being implemented in this way, either because it is evidently *inane*, or because it is not sensitive to the real problems and needs of the holders of the right in question, or because its execution has been deferred indefinitely, or for an unreasonable period of time".

The third condition is that the processes of decision making, elaboration, implementation and evaluation of public policy allow for democratic participation. In this sense, the same sentence T-595 dictates that jurisprudence has considered it constitutionally unacceptable that there should be a plan (i) 'that does *not open up spaces for participation for the different stages of the plan*', or (ii) 'that does provide spaces, but these are harmless and only provide for inconsequential participation'.

Education as a human creation, is an inseparable part of culture, it is one of its mechanisms to maintain itself and reproduce itself, then culture is learned as the ethno-educator David Reyes points out: "*being culture a network of symbols, knowledge, techniques, science, spirituality where man is sustained and subjected, but that also builds and reconstructs to give meaning to his existence. Culture is then the appropriation that man makes of his environment and to do so he questions, scrutinizes, tracks*

information that he converts into knowledge, applied thought, that is, he educates himself and this (education) thus facilitates the emergence of a social, communal being, builder of culture”.

Education is therefore a major factor in human development. Furthermore, as Ramón Moncada and Lina Correa mention in their manual on the enforceability of the right to education: “(...) without education a person also dies, only this time we are talking about a social and cultural death, since the absence of education makes it impossible for the person to develop humanly and socially, to be culturally linked to collective projects. Education is one of the main factors for social and cultural inclusion”.

This interdependent relationship between culture and education reminds us that it is necessary to emphasize the need to achieve an education in our countries that does not move away from our cultural environments; that is, one that contains our cultural and social particularities, understanding that education, above all, has as its purpose the person, thus becoming the motor for the development of the culture of peoples. Considering the great value and influence that education has in the development and conquest of a less dehumanized society, it is necessary to start talking about the state of the right to education and how it is increasingly threatened by the trends of globalization(s).

The term globalization has been the cause of exciting discussions in academic, political and economic circles, due to the dimensions it has acquired in recent times. As mentioned above, the discussions and opinions on this phenomenon have been divided for some years now, and have been approached from notions of positive or negative, bad and good, which for our times are not sufficient, being more fruitful its study in order to carry out a proposal that comes out of the classic options and positions of it. Some of the ways of conceiving and conceptualizing globalization present it as a *doxa*, as an impenetrable and absolute discursive regime, overwhelming, where there is no room for discussion. It should be noted that this is the idea that is presented to the Latin American population in a massive way, it is the idea that is sold by the demagogues of our countries, the mass media and the transnationals.

The second idea of globalization emanating from the academic field, has developed an elaborate critique that dwarfs the first vision of globalization by exposing the scope and proportions it has in our daily lives, the maintenance and construction of identity, culture, economy, politics and therefore, our conception of the world, the territory and the time-space relationship.

Mejía J. Marco Raúl quotes: “We are living a restructuring and a new configuration of society, manifested through new economic, political, cultural, democratic, military phenomena, etc., that transcend a country, establishing among them other ways of articulation and interrelation, building social formations in another way. That is why

it is said that we are witnessing a restructuring of the ways of being, feeling, doing, knowing and undertaking, changing the contexts of action and reflection. Some analysts of the impact of technology even speak of a reformulation of ethics to make it of these times”.

However, and contrary to what many have suggested, globalization has not implied a process of homogenization, although it has created new inequalities and marginalization,

since in today’s world we can observe multiple social, cultural and economic forms that take place in the time-space of globalization; in the case of inequalities and imbalances we can observe “unequal forms of technological appropriation, of knowledge, in communications, of information, consumption of apparatuses and many other goods in sectors of production”. A third vision of this march towards a globalized world, shows us that although there are different forms of linkage to this process - since in the face of this process one does not have the option of being or not, because one is even linked to this process by marginalization the effects of this cannot be totalized or qualified as harmful, since new mechanisms of knowledge, discussion and resistance have been opened.

It is necessary to remember that the expansion of globalization occurred after the fall of Soviet socialism (since it managed to extend to a greater number of countries, even those that were previously within the socialist model), where the neoliberal administration played a preponderant role and in the same way caused serious problems such as inequality between nations, labor and salary instability, the transfer of environmental costs to the countries of the South, thus increasing marginality, poverty, inequality and misery. Then this expansion of capitalism with neoliberal administration, presents a series of changes in its interior expressed and sustained from the scientific-technical revolution and the passage to a form of organization of the work of the fordist model (great automated factory) to the toyotism, where the work in “usual” occupations is revaluated, the constant capital, the merchandise, etc., and they are located in the man turning it into merchandise, capital, market and work. We see then how this growing technification of today’s world, begins to discard the simple work (done without any kind of education and by the expenditure of the energy of work), central aspect of the accumulation of capital until recently; the consequences of this change become visible, because while there is a growth of technology (automation) and elite work, the exhaustion of simple work is presented, generating a displacement and unemployment of the “industrial proletariat” and erasing the possibilities of greater welfare to the majority of the world’s population, which is in a condition of poverty.

It is not rare then that the changes in the political, social and ideological processes implemented in recent years, are related to this process of change in the capitalist model, where the technocrat as a subject of power, determines the transformations in the notion of state, politics, public and private, democracy, human rights, and other dimensions of the social world until recently decisive in our conception of the world.

In this sense, education is reduced to schooling or instruction, to an education that only aims at competitiveness and employability, and therefore, it cancels out the perspective of human rights; in our case, it stops being a social right and starts being placed in the level of individual competences. This fact leads us to suppose that the idea that has been had about the incidence of education in the reduction of poverty and the increase of the quality of life does not pass from being a myth, also because the accelerated rhythm imposed by the globalization in the knowledge makes that the educational process never finishes, causing that the knowledge falls in the obsolescence in a vertiginous way in comparison with previous centuries.

As has been reiterated previously, our country is not oblivious to the many changes taking place in today's world, and therefore the need for analysis and action in defence of the inalienable right to education is increasingly prevalent.

In Latin America, the last decades of the 20th century saw the first implementations of globalization in education, reflected in the series of reforms in the area of legislation that were fed mainly by the recommendations of multilateral organizations such as the World Bank, IMF, IDB, among others.

According to scholars on the subject of education, 25 laws out of 117 laws in the world were implemented in Latin America between the 1990s and the first years of this century. These regulations are in line with the processes of decentralization, administrative rationality and the implementation of Toyotism in education. With regard to the risk that education runs in the face of economic processes and interests and the processes of globalization, the United Nations Special Rapporteur Katarina Tomasevski emphasizes the need and obligation of States to comply with the right to education, in accordance with the International Covenants: *"has furthermore reiterated the importance for the State, in developing international standards, to protect the right to education from commercial interests and privatizing currents which cause education, insofar as it is equated with a common good which is traded in the market and accessed only by those who have the capacity to pay, to lose ground in the area of State rights and responsibilities. In this regard, States have an obligation to protect and preserve the right to education as a public good and service and to limit the treatment of education as an industry"*.

At the national level and as was seen in the different educational plans since the change in the Political Constitution, this type of educational counter-reform has been continuous, especially during the application of the so-called Educational Revolution, making the Colombian State worthy of calls for attention by the late United Nations rapporteur, by its persistent non-compliance in the area of human rights, in the sense that it is concerned with increasing coverage to the detriment of the other dimensions necessary for the effective fulfilment of the right to education, as a result of non-compliance with international treaties and the Constitutional Charter itself. In relation to the scenario of educational counter-reform, the laws approved in Colombia in recent years are in contrast to the fulfilment of the right to education, as is the case with the constitutional reform in Legislative Act 001 of 2001, which cuts transfers to education and health, the approval of Act 715 of the General System of Participation which regulates the provision of education and health services, and others.

This discourse is mechanically transferred to Latin American contexts. They present the application of educational policies of globalization (those promoted by multilateral organizations), the real possibility to get out of our condition of underdevelopment. Neoliberalism brings to our contexts a fiscal adjustment, in which the reduction of spending becomes a sword of Damocles for education. For neoliberal globalization, education is an expense, and in order to control it, it must be cut in the budget.

Within the Education Revolution, the incidence of policies drawn up by multilateral organizations in the field of education is notorious, focusing on an "economic-administrative matrix that

ignores the same educational phenomenon, both in its variety of conceptions and in its complexity. In this sense, it is considered more of an economic-social discourse on education" [1-27].

Conclusions

Thus, according to what has been said, it is evident that the educational model that is being implemented does not respond to the needs of our contexts - where the State assumes an active role, through the failure to comply with its obligations as a Social State under the rule of law -, making it increasingly urgent to create and consolidate new spaces for discussion and development of alternative proposals that are accessible and generalized to the Colombian population, since the future of education in the country depends on it, even though the current economic discourse denies the possibility of a different way of acting.

It is not unnecessary then to point out that a large part of the Colombian nation does not have knowledge about the existing legal mechanisms to demand the fulfillment of the right to education, nor of educational alternatives different from the existing ones promoted mainly from the governmental sphere.

Thus, in the first aspect, there is an urgent need to disseminate the forms of enforceability, understood as "the possibility and the need to demand compliance and it has to do especially with the social and political responsibility of the State for the protection and guarantees of rights" and justiciability because "it supports social

demands in the legal sphere; that is, that these rights, being subscribed to by a State, any citizen can make use of the legal mechanisms to demand compliance".

On the other hand, it is more than valid to contemplate the development of educational alternatives that meet the needs, dreams, experiences and knowledge of the majority of the Colombian population, which, as is well known, is suffering from an increasingly profound impoverishment at all levels. In the face of a situation as disconcerting as Colombia's, contributions to the construction of an alternative education model would be more than productive, since at present there are no clear policies and models for responding to the high needs of the population in situations of poverty, displaced by the social and armed conflict, in situations of destitution, child labour and ethnic groups, all of which clearly have low levels of education.

In this sense, Mejía J. says. Marco Raúl, one can turn to the Popular Education model that knows well the processes that are underway at the world level and that raises "the urgency of returning to the cultural and identity processes present in the world of the local in our Latin American realities (...) in which, without denying our necessary nexus with the world and the organization of the globalization process, it is capable of gathering its particularities", developing an alternative and inclusive educational approach, which provides the subject with a political perspective on the world as opposed to inequality and marginality, without the need to strictly follow the "recommendations of multilateral entities" that demonstrate the interests at stake. It is vitally important to take up again the approaches to Popular Education developed by different intellectuals, activists and educators at different times in history, where the role played by the Brazilian teacher Paulo Freire stands out, whose contributions were materialized in the development

of the Liberating Pedagogy and the Popular Education Movement, which still serve as inspiration today when proposing and developing education aimed at eliminating inequality and the search for freedom as goals of the human being: *"In this paradigm, education always occurs as a fact of recontextualization in an ethical option to transform the conditions of existence of the excluded and segregated. In this perspective, knowledge is not neutral; rather, it produces social effects of power and knowledge. For this reason, it is necessary that pedagogy be seen from a political pedagogical perspective, which leads to the fact that the functioning of educational action is not simply didactic, but rather a functioning made through cultural devices of knowledge and power. Thus, in the school this paradigm assumes a perspective of curricular justice that implies organization and construction of a larger society, as part of the commitment to transform the conditions of injustice and inequality"*.

Thus, the difference between education conceived as instruction or "banking" education (which thinks of the student as a container to be filled little by little, leads to passivity, adaptation and therefore to a fragmented conception of the world), of an education of a humanist nature, is more than evident, concerned with the formation of men through the problematization of the man-world relationship by means of praxis, overcoming the classic contradiction between educator (depositor) and educatee (recipient), leaning towards the constant critical reflection of the learner on the reality of which he or she is a part.

In this sense, according to Paulo Freire, the model of liberating education is centered on the incentive of the instinct to search for men through constant reflection, betting on an education where communication, reflection and action are constituted as fundamental pieces for the transformation of a world that constantly tells men that they cannot be more, but less.

References

- SUPREME COURT OF JUSTICE. Sentences: T-092 of 1994, T-573 of 1995 and T-881 of 2000.
- POLITICAL CONSTITUTION OF COLOMBIA 1991. Chapter II. Social, Economic and Cultural Rights. Article 44.
- OMBUDSMAN'S OFFICE. The Right to Education in the Constitution, Jurisprudence and International Instruments. Education as a Fundamental Right. 270 p.
- -. System for Monitoring and Evaluating Public Education Policy in the Light of the Right to Education. Bogotá, D. C. 2004. 140 p.
- Freire Paulo. On Cultural Action. Education as a Dimension of Cultural Action. Talleres Gráficos ICIRA, Santiago de Chile, 1972. 104 p.
- Lerma Carreño, Alberto. The Right to Education in Colombia. First edition. Buenos Aires: 2007. 109 p.
- Mejía J, Marco Raul. Education(s) in globalization(s) I. First edition. Bogotá, D.C.: editions from below, 2007. P. 266.
- Mesa M, Oscar, Quiroz V, Maritza, Moreno, Carolina. Informe de Derechos Humanos en los Barrios la Honda y La cruz 2003- 2006, Memoria del Desarraigo: una Herida que no Cicatriza. Medellín, 2006. p. 6.
- COLOMBIAN PLATFORM OF HUMAN RIGHTS, DEMOCRACY AND DEVELOPMENT. Without Democracy, without Rights. Fifth year of Alvaro Uribe Vélez's government. Law 975: No Justice, No Peace. Bogotá D.C. 2008. p.71.
- The Authoritarian Spell, First Year of Alvaro Uribe Vélez's Government Towards an Authoritarian State. Bogotá D.C: 2003. 176 p.
- . The right to education in Colombia .Report of the United Nations Special Rapporteur Katarina Tomasevski. Bogotá D.C.2004. page 14
- . Report on the Enjoyment of the Right to Education in Colombia. 39 p.
- . The Right to Education: Handbook on Enforcement .Ramón Moncada and Lina Correa. 76 p.
- GENERAL PROCRASTINATION OF THE NATION. The right to education, they educated her in the perspective of human rights. 9 p.
- Quiceno Alejandro, Londoño Humberto, Castrillón Nicolás, Displaced Internals Refugees, Medellín, 2004. Page 9
- Universal Declaration of Human Rights:
- http://www.unhchr.ch/spanish/html/menu3/b/a_ceschr_sp.htm
- Decree 3011 of 1997.URL: [http:// www.colombiaaprende.edu.co](http://www.colombiaaprende.edu.co)
- Hector Mondragon. Seven times infamous rural status.
- URL:<http://colombia.indymedia.org/news/2006/11/52296.php>.
- Law 115 of 1994. URL: [http:// www.colombiaaprende.edu.co](http://www.colombiaaprende.edu.co)
- International Covenant on Economic, Social and Cultural Rights. http://www.unhchr.ch/spanish/html/menu3/b/a_ceschr_sp.htm
- San Salvador Protocol. Article 13: Right to Education. URL: http://www.hchr.org.co/documentoseinformes/documentos/html/pactos/protocolo_san_salvador.html
- Educational Revolution 2002 - 2005. URL: [http:// www.colombiaaprende.edu.co](http://www.colombiaaprende.edu.co) Tomasevski Katarina. Content and validity of the right to education. www.juridicas.unam.mx/publica/librev/rev/iidh/cont/40/pr/pr18.pdf
- . Right to Education Indicators .
- www.juridicas.unam.mx/publica/librev/rev/iidh/cont/40/pr/pr18.pdf
- INTERVIEW WITH David Reyes Flores, member of the Embera Wounaan Regional Indigenous Organization (OREWA), promoter of UNHCR. July 10, 2007.