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Achieving educational rights and justice in conflict-affected contexts

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Abstract

This paper conceptualises how ideas of rights and justice can be brought together in relation to education, with a focus on conflict-affected regions of the world. In doing so, it seeks to highlight how to support transformative solutions and guarantee the rights of millions of children currently lacking meaningful access to schooling, we must move beyond seeing these two concepts as separate discourses, but rather, as deeply intertwined.

Key Words

Peacebuilding

Rights

Social justice

Education

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Introduction

Since the founding of the UN following World War II, successive international declarations, covenants, and conventions—such as the UN Declaration of Human Rights, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC)—have established a legal commitment on the part of individual nation-states to ensuring that all children have access to quality education free of bias and discrimination. Several criticisms have been raised of such commitments, however, including the fact that such commitments have proven hard to operationalise, with no clear mechanism for ensuring accountability or political will to such ambitions (Colclough, 2005; McCowan, 2011).

Passage of the Millennium Development Goals (MDGs) sought to rectify this by creating time-bound, specific targets which set a minimum expectation in terms of how such a right could be realised—namely through universal enrolment in primary schooling. Subsequent years saw increasing numbers of students attending school, but often in situations where education remained inadequate to the needs of learners, their communities, and societies as a whole; a product of the narrowing of the expansive agenda for education set out in earlier commitments, to a minimalist agenda which focussed on a one-size-fits-all model of education through formal schooling (see for example, Robeyns, 2006). This reductionist view of the expansive rights-based framework, and the absence of a social justice framework for education provision, was (and still is) particularly problematic in conflict-affected context (CACs) where the nature, quality and perceived (ir)

relevance of education service provision acts as a driver for conflict (see for example Shah and Lopes Cardozo, 2015).

The Sustainable Development Goals (SDGs), which give explicit focus to educational quality and equity, in addition to access (Goal 4), as well as a separate goal for peaceful and inclusive societies (Goal 16), have provided opportunities to resolve this to some degree by recognising the intersectoral nature of sustainable development (UN SDG Knowledge Platform, 2018). Complementing this idea, the Incheon Declaration, specifies that 'education is essential for peace, tolerance, human fulfilment and sustainable development,' but stops short of specifying how or whether this is always the case. These global goals, however, are not legally binding, and are rather short on detail about how this might be achieved.

In light of this renewed mandate at the global level to understand the relationship between education and sustainable, peaceful and equitable development, we aim in this short article to conceptualise how ideas of rights and justice can be brought together in relation to education, with a focus on conflict-affected regions of the world. In doing so, we work from an understanding of peacebuilding that sees specific attention to ideas of educational access, equity and relevance as necessary to build sustainable peace – or positive peace—defined as the absence of structural violence, the presence of social justice and the conditions to eliminate the causes of violence (Galtung, 1975, in Smith, McCandless, Paulson and Wheaton, 2011: 12–13).

An expanded notion of access to education

One of the most significant challenges with the narrow definition of access to education defined under the MDGs was that it failed to recognise the individual and contextual circumstances which enable or constrain individuals to fully realise such a right. A strong and valid critique of rights-based provision to education, as enacted, is that while it helps to establish education as a fundamental entitlement for all citizens, it may lack recognition of other entitlements and preconditions which might be necessary for individuals to exercise such a right (see for example Bonal, 2007; Nussbaum, 2004). As McCowan (2011: 287) rightfully contends, 'The existence of a citizen's right to education, therefore, is inadequate if citizens are viewed as disembodied political subjects: factors of gender, social class, race/ethnicity amongst others have a strong impact on the ability to construct, exercise and defend rights'. In CACs, specifically, poverty, gender, ethnicity, and geography – amongst other aspects—all have a role in determining levels of educational deprivation in such circumstances (UNESCO, 2011). In other words, to ignore horizontal and vertical inequalities in society, and presume that provision focused on universalism is appropriate is problematic at best, and dangerous at worst—in terms of fueling alienation and false hopes for education (Novelli and Smith, 2011).

Likewise, it does not sufficiently consider the differential needs, aspirations and expectations individuals have for education—or the valued functionings—that education may serve as an end in itself or as a means to other valued functionings (Sen, 1999). Katarina Tomaševski (2001) put forth the argument of the indivisible and interdependent nature of rights in relation to education and argued that this 'right' must be teased apart in different directions. It includes: (a) the right to education (relating to access), (b) rights in education (protection of and respect for all learners) and rights through education (development of capacities for exercising human rights). In other words, individuals must not only have access to education, but also have their full rights upheld, and capacities for exercising their rights strengthened.

Tomaševski's (2003) 4As framework—based on concepts of availability, accessibility, acceptability and adaptability of education—helps us to understand what meaningful access to education might look like. It enables a more comprehensive look at critical areas of concern and potential niches for innovation in relation to the role of education in conflict-affected settings. Availability for example means that education is free (government-funded) and that there is adequate infrastructure, a safe environment and trained teachers to support education delivery. Accessibility refers for instance, to a system of education which for all learners is unencumbered by any type of barrier—meaning that it should be free of discrimination, safely accessible to all, free and/or affordable depending on the circumstances of the community—and that proactive steps are taken to include the most marginalised. Acceptability translates into content of education

that is relevant, non-discriminatory, culturally appropriate, and of quality. Finally, adaptability means that education can evolve with the changing needs of society and contribute to challenging inequalities, such as gender discrimination, and that it can be adapted locally to suit specific contexts (Newman, 2011: 24).

Justice through and with education

It is important to identify what distinguishes education serving a positive and transformative, rather than a reproductive, role in CACs, particularly if the goal is to build a lasting peace. We believe this necessitates specific engagement with multiple barriers to meaningful access for individual learners and communities, in light of the limitations noted with the universalism ascribed by the rights-based discourse to date. Concomitantly, we argue that any educational framework that attempts to seriously work towards an objective of building sustainable peace through education would need to prioritise considerations of equity rather than equality, prioritising the concept of social justice.

Nancy Fraser's (2005: 73) 3R framework asserts that in order to reach 'parity of participation', the economic solution of redistribution should be targeted, and socio-cultural remedies of better recognition and political representation are necessary to ensure 'participation on par with others, as full partners in social interaction'. Fraser (1995: 82, 86) also characterises two types of remedies to social injustices including 'affirmative remedies', which correct outcomes without changing structural frameworks; and 'transformative remedies', correcting outcomes by restructuring the underlying generative framework. Reflecting on this work, Keddie (2012: 15) claims that 'Fraser's model should not be offered as an ideal of justice that is static and uncomplicated but rather as a productive lens for thinking about and addressing some of the key ways in which different dimensions of injustice are currently hindering the schooling participation, engagement and outcomes of marginalised students'. Furthermore, Tikly and Barrett (2011: 3–4) argue how in developing contexts a social justice approach, drawing on the work of Nancy Fraser and Amartya Sen, 'can provide a fuller rationale for a policy focus on education quality than that provided by a human capital approach with its emphasis on economic growth or by the existing human rights approach with its emphasis on the role of the state in guaranteeing basic rights.'

Combining Fraser's theory with various insights of scholars working on the relation between education and social justice, we have argued in earlier publications (see Shah and Lopes Cardozo, 2015; Lopes Cardozo and Shah, 2016; Novelli, Lopes Cardozo and Smith, 2017) that there are four interrelated goals to ascertain education's contribution towards social justice/peacebuilding agendas in CACs. These are:

1. **Redistribution**
   To ensure equitable access to safe and secure educational opportunities and resources for all;
2. **Recognition**
   To acknowledge and support diverse perspectives, identities, communities and individuals through a relevant and adaptable learning opportunities;
3. **Representation**
   To ensure fair and transparent representation and responsibility for educational decision-making and resource allocation;
4. **Reconciliation**
   To acknowledge and support (educational and public) debate about the past and its relevance to the present and future, enhance levels of trust (in government and between groups).

In these previous publications, we have explored what this might look like and why these dimensions are important. As we discussed in these publications, and in other work developed through the Research Consortium on Education and Peacebuilding,[1] it is often a lack of recognition, insufficient representation, and unequal distribution of resources which fuels grievances of citizens against the state or other education service providers, and stands in the way of reconciliation.

[1]See **https://educationanddevelopment.wordpress.com/rp/research-consortium-education-and-peacebuilding** for the full list of resources produced under this consortium.

Bringing these ideas together

The 4Rs provides a more expansive view of what we mean when we discuss equity in education. Yet, one of the challenges we face at present is that inequities in education are oftentimes reduced to matters of distribution, either in relation to inputs (access) or outputs (learning outcomes). This, according to Unterhalter (2014: 865), yields a social policy environment which then struggles to understand how inequalities are multidimensional in nature. She argues for improved 'knowledge resources… for gathering information or reflexively engaging with complex inequalities,' of which we believe a combined 4Rs and 4As model might provide a useful starting point for analysis.

Yet, this expanded notion of rights, when brought into a social justice framework such as the 4Rs, cannot be conceptually mapped in a correlational way. In other words, concepts of accessibility extend beyond the notion of (re)distribution, and also have embedded notions of recognition and representation. Similarly, adaptability, while having a strong link to the concept of recognition, is equally relevant to ideas of (re)distribution and representation. The table below is an attempt to map these interrelationships, with specific attention to education in conflict-affected contexts. In doing so, we draw on key actions from across the INEE Minimum Standards (2010) to suggest what this might look like. We acknowledge that the seemingly separate categories, distinctions, and boundaries between concepts presented in such a table are artificial in nature, with each of these concepts and associated action very much interconnected (illustrated by the dotted lines separating the cells in the table). In addition, while useful for this analytical exercise, we observe that these Minimum Standards place most emphasis on the roles and responsibilities of communities and local actors, while from a 4Rs (and 4As) perspective, there is clearly also a shared responsibility for governmental institutions.

What such an analysis does is that it allows us to recognise that thinking through educational access and equity concerns concurrently requires both an intersectional as well as intersectoral lens, respectively acknowledging the intersectional, hybrid dimensions of opportunity and disadvantage (including geography, ethnicity, gender, religion, sexuality, social class, and so forth, Crenshaw, 1991) and the multiple sectors involved in sustainable processes of peacebuilding. For example, Tomasevski (2003) stresses that availability is about education being available as a political, social, economic and cultural right. What this means is that availability extends beyond ensuring sufficient (economic) resourcing, to also make sure that the form of education that is available recognises the (socio-cultural, e.g. religious) needs of learners, and sufficiently engages and has the community viewpoints represented in key decisions about the form and shape such provision takes. Similarly, accessibility is more than just ensuring that students have a right to go to school, but also to ensuring that the learning they access is safe, inclusive, protective and reinforced through community engagement and support. This necessitates education being suitably adaptable to ensuring that for all individuals in the system, including those belonging to marginalised groups in society, their human rights are safeguarded and enhanced. Finally, we believe that only when learners, their families and their community accept the education which is provided—which is promoted through effective mechanisms of redistribution, recognition, and representation—will it serve to strengthen rather than erode the social contract between citizens and the state, and support reconciliation towards envisioning and developing an alternative, more just future.

Conclusion

We contend that only when education is meaningfully accessible to all, and is provisioned in ways that are equitable rather than equal, can it effectively contribute to what Fraser (1995) termed a 'transformative remedy'. Bringing the 4As and 4Rs together, helps us to focus on the intersectional and intersectoral dimensions of opportunity and disadvantage which cannot be solely understood by singular classifications or disaggregation of groups by location, ethnicity, gender, religion, sexuality, social class, or other identify markers, or by seeing education as an isolated sector disconnected from other socio-cultural, economic and political developments. When connecting the 4As to the 4Rs, it also lends to advocacy for comprehensive and longer-term educational interventions in conflict-affected environments, to ensure that the restoration and expansion of access goes hand in hand with considerations about equity and appropriateness, and towards imagining a different future for the potential of education in society.

Applying 4As and 4Rs	Availability	Accessibility	Acceptability	Adaptability
Redistribution	Sufficient resources are available and ensure continuity, equity and quality of education activities	Barriers to enrolment, such as lack of documents or other requirements, are removed	A representative committee selects teachers and other education personnel based on transparent criteria and an assessment of competencies, taking into account community acceptance, gender and diversity (in all forms)	A range of flexible, formal and non-formal education opportunities is progressively provided to the affected population to fulfil their education needs
Recognition	Teachers and other education personnel acquire the skills and knowledge needed to create a supportive learning environment and to promote learners' psychosocial well-being	Schools and learning spaces are linked to child protection, health, nutrition, social and psychosocial services	Curricula, textbooks, language of instruction and supplementary materials are appropriate to the age, developmental level, language, culture, capacities and needs of learners	The education programme in refugee contexts is recognised by the relevant local education authorities and the country of origin
Representation	Sufficient, locally procured (and produced) teaching and learning materials are provided in a timely manner	Through sensitisation and training, local communities become increasingly involved in ensuring the rights of all children, youth and adults to quality and relevant education	Parents and community leaders understand and accept the learning content and teaching methods used	The community contributes to decisions about the location of the learning environment, and about systems and policies to ensure that learners, teachers and other education personnel are safe and secure
Reconciliation	Promoting protection and emotional, physical and social well-being by including psychosocial support for learners and teachers, facilitators and care-givers.	Depending on the context and security concerns, communities or community education committees may take responsibility for the protection of schools (e.g. provide escorts, identify trusted community or religious leaders to teach in and support schools).	Conflict resolution and peace education content and methodologies may enhance understanding between groups, by providing communication skills to facilitate reconciliation and peacebuilding. Care is needed in the implementation of peace education initiatives to ensure that communities are ready to address contentious or painful issues.	In civil conflicts, community members may help promote negotiations with both sides of the conflict to develop codes of conduct that make schools and learning sites safe sanctuaries or 'zones of peace'.

Author Bio

Ritesh Shah is a Senior Lecturer in Comparative and International Education in the School or Critical Studies in Education. His work is currently focussed on better understanding the ways in which peacebuilding, resilience and educational rights are understood and enacted in conflict-affected settings, with much of his current work focussed in the Middle East. More information about Ritesh's scholarship can be found here: **https://unidirectory.auckland.ac.nz/profile/r-shah**

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