

Education in emergencies



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This chapter will discuss several existing organisations dedicated to education in emergencies and the programmes that they have developed. Discussing the effectiveness of these programmes would be beyond the scope of this paper. It is however, relevant to the topic to discuss how the right to education is protected in times of crises.

Education in emergencies

Emergency education has been defined as a set of linked project activities that enable structured learning to continue in times of acute crisis or long-term instability.[1]Emergency education was introduced in the mid-1990s to find a solution for fulfilling children’s rights to education in times of emergency.[2]It was more so important due to crises lasting for long periods of time. The aim was to find ways of ensuring that children’s rights to education and their rights to protection are maintained in practice during conflicts or disasters so that they can be prepared for a better future and can contribute to the rebuilding of their society when the crisis is over.[3]Midttun stated “ *Emergencies include the acute, the chronically unstable as well as the return and early rehabilitation phases*”. [4]

The mid-decade meeting on Education for All Amman 1996 emphasised basic education in emergency situations and recommended the classification of schools as safety zones to be preserved in times of conflict, highlighting the importance of education even in times of war.[5]In 1993, the United Nations presented a resolution with a request for a study into ways of improving the protection of children affected by armed conflicts.[6]The 1996 Report of the Expert on the Impact of Armed Conflict on Children (the Machel Report)[7]referred several times to schooling as a vital tool for promoting

psychological well-being after trauma and for conveying messages relating to health, mine awareness, human rights and peace and tolerance.[8]These reports and international discussions illustrates that the international community is aware that the right to education in conflict lacks a proper mechanism to ensure that children receive the education that has been guaranteed as a right.

International bodies of emergency education

This section will briefly introduce several international bodies dedicating their work to emergency education and will further add in the following section how the work of these organisations illustrates the importance of education as part of humanitarian response.

The Interagency Network for Education in Emergencies (INEE) was established in 2000 to co-ordinate the work of local, national and international groups, to exchange data and to develop guidelines for education during and after emergencies.[9]INEE developed the Minimum Standards for Education: Preparedness, Response, Recovery which provides a framework for a good quality education response in emergencies. The INEE Minimum Standards are a companion to the Sphere Project, in relation to standards for integrating good quality education within humanitarian response and achieve greater accountability in the humanitarian sector.[10]

The Inter-Agency Standing Committee (IASC) Education Cluster serves to fortify the capacity and preparedness of humanitarian personnel and government authorities to plan, coordinate and manage good quality educational programmes in emergencies.[11]The Education Cluster brings

education actors together to assess needs, identify priorities, coordinate responses and to promote education as a key first response in humanitarian crises.[12]

International Rescue Committee (IRC) combines direct service delivery with State building efforts via community governance initiatives, recognising that education is a vital empowerment tool for children and their families.

[13]Efforts are characterised by excellent integration of education into different sectors such as governance, emergency response and child protection. Their approach is rights-based combined with advocacy and the key aims of the program is to consistently meet basic needs, strengthening institutions and promoting social cohesion in each sector.[14]

Education as part of a humanitarian response

The 2010 UN General Assembly Resolution on the right to education in emergency situations established an important implementation framework for all States, humanitarian actors and UN agencies.[15]Part of the issue to protecting education in times of crises is whether education can be seen as part of a humanitarian response to crisis or whether it is a development issue.[16]The debate on this issue has practical implications on funding during emergency situations. Those who hold the view that education is a development issue would prefer emergency funding to be spent on life-saving matters like food, shelter and clean water.[17]On the other hand, the governments of Norway and Canada, along with many experts, consider education to be the ‘ fourth pillar’ of any humanitarian response, alongside food, shelter and health.[18]

The cluster approach is part of the ongoing Humanitarian Reform Agenda for improving ways in which the international community responds to crises. The Humanitarian Response Review identified the need for more timely, predictable and effective humanitarian action and launched a process of humanitarian reform.[19] In 2006, the Inter-Agency Standing Committee (IASC) endorsed the Education Cluster.[20] The cluster approach is one of the key pillars for achieving more timely, predictable and effective humanitarian action. It refers to the official coordination mechanism for humanitarian response thus making education part of humanitarian response in times of crises.

This is aptly necessary as educational institutions tend to be collateral damage if not the target of parties. In Palestine, the Ministry of Education and Higher Education (MoEHE) was established in the year 1994. They developed an education plan for Palestine that had to be converted into an emergency education plan in the year 2000 after the *second intifada*, to stop any further deterioration in the quality of education and to minimise the impact of the Israeli occupation on children's schooling.[21] There have been many incidences where instead of protecting educational institutions (as required by humanitarian law), Israeli forces have contributed or initiated an attack. A group of settlers shielded by the Israeli security forces reportedly attacked a Secondary School which resulted in the injury of 12 children. In Gaza in 2015, at least 262 schools were damaged in Israeli air strikes. Three public schools were completely destroyed and at least 23 were severely damaged.[22]

Schools were also used as shelters and 83 school buildings of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) were damaged owing to Israeli airstrikes.[23]The right to education in Palestine has been disputed by Israel on the grounds that Palestine has never been a state.[24]The right to education is guaranteed for all persons and is not limited by their circumstances or the nature of the hostilities and is the right of every human being. Even after the transfer of education responsibility to the Palestinian National Authority, Israel as occupier of the territory, continues to bear the responsibility to facilitate children’s rights to education under obligations of international humanitarian law. The construction of the Wall on Occupied Palestinian Territory has become a further hindrance to the education of Palestinians. The view is that a comprehensive and unified Palestinian educational vision and strategy is essential for the progress of Palestinian education, but is rendered more difficult to achieve by the barrier, which in some instances, separates neighbouring villages.[25]

In practice, most emergency education programs concentrate on primary education.[26]International agencies has developed educational packages for emergency situations. UNICEF and UNESCO developed the “ School in a Box” which support teachers in providing basic literacy, numeracy and life skills.[27]This package serves as an instant classroom for children in crisis. The container is stuffed with over 1, 500 school instruments and supplies that enable 80 children and a teacher to create an instant classroom. These packages can be distributed to teachers and children very quickly. They, however, may lack cultural sensitivity and may not meet the needs of children in particular situations and may have priorities which are not shared

by the local communities.[28]A way to mitigate the issue of cultural sensitivity may be to ensure that emergency schools are run by the community itself. They would then be free to accommodate the needs and priorities of the local community in the education of their children. Schools that are run by the community itself has higher chances of being accepted by the community as a whole and thus providing a more effective solution to education in emergencies.[29]

The right to education has been defined as the rights to free and compulsory primary or elementary education. In the context of an armed conflict, the provisions under humanitarian law and human rights law should be read together, complementing each other's provisions. Especially in accordance with the right of education, no apparent contradiction exists. Humanitarian law acts as a *lex specialis* rule while human rights law acts as the *les generalis* rule. Situations of armed conflict do not provide an escape for the duty bearers on the responsibilities of affording education. The right to education is to be protected in both international and non-international armed conflicts. The protection of education goes beyond the scope of the territory of conflict parties and extends the responsibility to receiving States where persons from conflict area cross international borders.

The scope of protection in an internal armed conflict is smaller than an international armed conflict, in that, the obligation of the duty bearers are limited to the protection of educational institutions. International institutions have been mandated with prosecuting crimes within the Geneva Conventions, in particular, the protection of educational institutions. The international community has increasingly recognise the importance of

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education in crises situations for the progress of the society. This is evidenced by the growing inclusion of emergency education as part of humanitarian response. Education systems are one of the most sustainable and durable solutions available in conflict affected States. As discussed, humanitarian actors have stepped in to meet the basic right of education of civilians. A long-term solution would also be to build the capacity of local communities and organisations to do so to ensure that they would be self-sustainable.[30]An investment in good governance, which in essence is an investment in people, may be the best way to provide education in emergency situations, because it asserts and invests in a future for children and their communities.

Imposing State responsibility would force States to observe rules of humanitarian law and therefore, ensure that their armed forces observe humanitarian law. It is the duty of the State to implement humanitarian law and to provide criminal sanctions for its violations within its own legal system as the ICC acts as a supplement to national systems. The mere existence of the ICC has put pressure on States to ratify the crimes under the Rome Statute and to prosecute international crimes within their domestic jurisdiction to avoid the ICC's intervention. The prosecution by the ICC would incur individual criminal responsibility.

Implementation through international bodies as illustrated in chapter 6, is a positive aspect of education in emergencies. It would however, become more effective when it is implemented together with criminal justice. It is the responsibility of international community as a whole to enforce the accountability and responsibility of parties to the conflict, be it State or non-

state actors, to ensure that the right to education is protected in the context of armed conflicts. The prosecution of crimes acts as a reminder that parties to a conflict are answerable to the entire international community, even if, justice takes years to present itself. The ICC has jurisdiction over the crimes against educational institutions, perhaps more prosecutions of perpetrators who destroy education institutions or by holding States accountable for their lack of initiative and protection of education, would act as a deterrent to future parties to conflicts. It is important that both aspects of protecting education is engaged. The legal aspect where parties are held accountable and the social aspect in an effective education regime as a humanitarian response.

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