(Re)Creating Education in Postconflict Contexts: Transitional Justice, Education, and Human Development

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Transitional Justice and Development Project

This research project examines the relationship between transitional justice and development, fields that, academically and in practice, have proceeded largely isolated from one another. The project identifies and analyzes specific synergies between justice and development, and articulates how the two types of initiatives ought to be designed and implemented to reinforce the shared goals of citizenship, social integration, governance, and peacebuilding. The project is managed by Roger Duthie, Senior Associate in the Research Unit at ICTJ. For more, visit www.ictj.org/en/research/projects/research5/index.html

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Introduction

Education is by nature forward looking. It is concerned with preparing future generations, opening doors, building opportunities. Indeed, a society imagines its future—its development—through the education that it offers to its young people. Transitional justice, on the other hand, is by nature concerned with the past. It aims to uncover, address, and redress the wrongs of the past. Nonetheless, few would disagree that for education to be meaningful it must look to—and teach about—the past. In cases where the recent past is one of conflict and human rights violations, the responsibility of education to address it is all the more present. Likewise, transitional justice is important, among other reasons, for its potential to prevent the recurrence of human rights violations in the future. Questions emerge, then, as to whether and how the forward- and backward-looking gazes of education and transitional justice meet, and what this means for development processes.

This paper examines the links between education and transitional justice initiatives in contexts affected by conflict and massive human rights violations. It argues that conceptually there can be meaningful mutual reinforcement between these around the educational goal of participation, outlined in this paper, and the transitional justice goals of recognition and trust. Moreover, practical overlap between education and transitional justice initiatives, which can be observed in cases around the world, offers opportunities for more direct synergies. Together, this conceptual and practical reinforcement of justice and education efforts has the potential to contribute towards processes of human development.

The paper begins, in the next section, by considering the relationship between education and development. It first focuses on research into the relationship between education and economic growth before turning its attention to the relationship between education and human development. It argues that empirical and normative connections between education and human development exist, and that these become more meaningful when the *kind*, or characteristics, of education in question is taken into account. This concern with kind of education is maintained through the third section, which provides an overview of the educational policymaking and practice typical of

postconflict educational reconstruction, and introduces the concept of postconflict educational *(re)creation*.

The fourth section argues that, conceptually, one of the goals of postconflict educational (re)creation—that of universal and meaningful participation—can be thought to be mutually reinforcing with the transitional justice goals of recognition and trust, as articulated by Pablo de Greiff.[2] The fifth section explores synergies between education and transitional justice in practice, investigating the roles of education in transitional justice and of transitional justice in education. The paper concludes by making some recommendations for closer collaboration between education and transitional justice actors based on these practical synergies and by reflecting upon the conceptual resonance introduced in the paper.

Before proceeding, it is necessary to qualify the use of key terms herein—namely, education, transitional justice, and human development. The focus on education is limited to educational policymaking and provision in situations affected by conflict and massive human rights violations. Such educational policymaking and provision is often referred to as postconflict educational reconstruction, and this term—with a modification—is used throughout. The modification is necessary since to *reconstruct* the same educational system as existed prior to conflict may be to fail to respond to structures, policies, and teaching/learning processes that may have contributed to conflict.[3] The word reconstruction is therefore replaced by *(re)creation* when referring to education that strives in situations affected by conflict to transform pre-existing structures that may have contributed towards conflict and to enable meaningful participation. This is not to say that all (or even most) educational policymaking and provision in postconflict contexts is currently oriented towards (re)creation rather than reconstruction, but rather to suggest, as Lynn Davies does, that it should be.[4]

Confining the discussion of education solely to basic formal education at the primary and secondary level—a focus often maintained in discussions of linkages between education and development—is made impossible by the nature of the focus on education and its responses in situations of conflict and massive human rights violations. The delivery of basic formal education is often directly challenged and impeded in such situations. Therefore, to ignore alternative, non-formal, nongovernmental-organization (NGO), and community educational responses would obscure a large portion of the education the paper seeks to understand. The focus will therefore be on delivered educational programming for boys and girls, which will, by necessity, include programming delivered by a variety of actors—governments, international NGOs (INGOs), NGOs, UN bodies, religious organizations, communities, volunteers, and so on—in a variety of settings—formal schools, make-shift schools, alternative and/or vocational centers, refugee camps, and so on. Nonetheless, discussion will consistently be grounded in education as a right and hence as an obligation of states.

Transitional justice is essentially defined in terms of its goals as articulated by de Greiff and in terms of its various measures as enacted around the world. The paper includes practical examples from

truth commission processes, prosecutions, reparations initiatives, vetting processes and other institutional reform endeavours, and memorialization initiatives, and understands all of these examples—though not only these—to be measures of transitional justice.

Development is understood as "a process of expanding the real freedoms that people enjoy."[5] Thus, the focus is on *human* development, which expands conceptions beyond economic and state levels to the "long-term, holistic objective that can capture the aspirations of any society," and which is "people-centred and multi-dimensional and is defined in the space of human choices and human freedoms."[6] The paper considers human development in terms of processes towards the following: the guarantee of human rights, the achievement of human security, and the enactment of capabilities. A consideration of economic development will also be maintained, since much established research on linkages between education and development focuses on the returns to education in terms of economic growth.

Education and Human Development

Education is no doubt fundamental to human lives and to human development. As Kofi Annan articulates the powerful international consensus around education and the expectations for it: "Education is a human right with immense power to transform. On its foundations rest the cornerstones of freedom, democracy and sustainable human development."[7] However, this conviction about the promise of education currently sits uncomfortably next to an increasingly acknowledged insight that "Schools are almost always complicit in conflict. They reproduce the skills, values, attitudes and social relations of dominant groups in society; accordingly, they are usually a contributory factor in conflict."[8]

Here I argue that the disconnect between these two largely accepted insights lies in the failure of research and international education practice to take into account or qualify the kind of education imbued with such enormous potential. Indeed, perhaps the most important result of the emergence of the field of "education in emergencies"[9] is its insistence that the structures, pedagogies, content, quality, relevance, and accessibility of education matter—and matter immensely.

Current Understandings of Education and Human Development

That education is an important component of human development processes has been established normatively and empirically. The empirical argument is grounded most strongly in evidence about the contribution of education to economic growth and to fostering social cohesion and democracy. Normatively, there is strong consensus around education as a fundamental human right. This section traces these two threads—the empirical and the normative—in the relationship between education and human development. The assumption behind both threads—namely, that education

is necessarily good—is then questioned by exploring research that powerfully demonstrates the importance of the kind and quality of education to its effects on human development and peace.

Education and Human Development: The Empirical Evidence

Economists have devoted considerable energy to understanding the relationship between education and economic growth. At the level of the individual, they have found that higher levels of education increase earnings,[10] with increases in wage per year of schooling being highest in developing countries.[11] At a societal level, research shows that education contributes to productivity, and higher levels of education have been linked in some studies to macroeconomic growth.[12] More recent research has attempted to understand education and its effects beyond enrolment rates and years in school, which as research foci, tend to offer little insight into students' actual learning experiences in schools. Eric Hanushek and Ludger Wößmann's research finds that the quality of education—what they define (rather narrowly) as "ensuring that students actually learn"—is critical in terms of the returns to education for economic growth.[13]

In addition, research shows that education can contribute to social cohesion. Cross-national research on the determinants of social cohesion has found that more educated people (holding constant other factors, including race, income, gender, ethnicity, and occupation) "have wider, deeper, stronger social networks and participate more in social, community and political life."[14] Another cross-national study finds that educational inequality is closely connected to a lack of social cohesion (via income inequality).[15] Finally, research also reveals that education is important to democracy and democratization—that those countries with higher levels of enrolment and literacy tend to have stronger functioning democratic institutions.[16]

The empirical arguments for education, and particularly those linked to economic growth, are wrapped into the development strategies and policymaking agendas of many donor agencies. For example, the guidance for developing education sector components of Poverty Reduction Strategy Papers (PRSPs) encouraged by the World Bank and the International Monetary Fund (IMF) relies on the research linkages between education and economic growth.[17]

Education and Human Development: The Normative Arguments

The obligation of states to provide basic education to their citizenry is clearly stated within international human rights declarations.[18] Consensus around these declarations—and particularly around education's legitimate place within them—creates a strong normative imperative for education as an integral part of human development. Likewise, the widely accepted understanding that the right to education ties in with other fundamental human rights and with concepts of human dignity lends strength to the argument that education is crucial for human development.

Indeed, education is understood to connect to the ability of individuals and societies to meet other fundamental rights. Since illiteracy is one of the strongest predictors of household poverty, education can play a "catalytic" role in contributing towards poverty reduction.[19] Research has shown that education, particularly for girls and women, is linked to positive health outcomes and hence to abilities to enact the right to health; it has been shown to reduce child mortality, positively affect reproductive health, improve child welfare and nutrition outcomes, and encourage immunization. Indeed, gender-sensitive education that responds sincerely to the needs of girls and women is considered crucial for the elimination of discrimination against women and gender inequality.

International consensus around education as a human right has been embodied in a series of goals laid out in the 1990 World Declaration on Education for All (EFA) and reaffirmed in the 2000 Dakar Framework for Action.[20] These goals—along with the two (more vague) education-focused Millennium Developments Goals (MDGs)[21]—configure donor and policymaking agendas related to education in the developing world. The emergence in 2002 of the EFA Fast Track Initiative (FTI) has served to consolidate a "global compact for education"[22] around (*only*) the EFA and MDG goals that focus on achieving universal primary education. Within the FTI, however, there is a blending of a rights-based agenda (albeit one limited to primary education) with the more economic one elaborated above.[23] The FTI pulls EFA processes and educational sector plans squarely into broader (economic) development frameworks and agendas.

What Kind of Education? Debunking the "Education is Good" Assumption

In both the empirical and normative accounts of the relationship between education and human development, researchers pay little attention to the type and quality of education in question. Indeed, in much empirical work, proxies are used that obscure teaching and learning processes. Normative consensus around education does little to define what exactly is meant by education. In response to this, a considerable body of research is accumulating to counter the "widely-held assumption that education is inevitably a force for good."[24] What Kenneth Bush and Diana Saltarelli call the "negative face of education"[25] is often highlighted by research in situations affected by conflict, although education's capacity to contribute to inequality is not confined to areas of overt violent conflict. Around the world, social inequalities and injustices are taught, reinforced, and entrenched through unequal educational structures, authoritarian pedagogy, and divisive educational content. School environments are often threatening and can contribute to or create vulnerabilities, particularly for girls and minority groups. One cross-national study in Europe found that inequality in education can undermine key aspects of social cohesion, including social and institutional trust, civic cooperation, and the rule of law.[26]

Research has also shown that educational provision, delivery, pedagogy, and content can contribute to, foster, or entrench conflict and violence in many ways. The teaching of violence, stereotypes, and prejudice through educational content comes through in examples such as the use of "war-math" in Afghanistan[27] or historically divisive and skewed textbooks in Sri Lanka.[28] In both Peru[29] and

Nepal,[30] educational sectors became heavily politicized, meaningful sites of conflict and allegiance, creating considerable danger for students and teachers and compromising learning. In Peru, the prevalence of rote learning, authoritarian pedagogy, and violent discipline in schools facilitated the spread of Sendero Luminoso's ideology and factored into conflict.[31] The teacher's union was also a site of contested politics, ideology, and violence throughout Peru's conflict, leading, in the minds of many in certain areas of the country, to the conflation of "teacher" with "terrorist."[32] In Nepal, teachers in rural communities negotiated complicated pressures from both the state and the Maoists in terms of their roles in the community and in the conflict.[33] In Sierra Leone, the virtual collapse of education in many regions prior to conflict signalled a serious narrowing of opportunity for boys and girls, making them much more vulnerable to participation in conflict.[34]

These and other examples demonstrate strongly the multiple ways that education, rather than being necessarily "good," can in fact contribute to inequality, conflict, and violence. The assumption that education is inherently a positive force for individual and societal development has simply been proven wrong in the lives of too many children.

Education and Violent Conflict

More than half of all out-of-school children—39 million according to recent estimates—live in countries affected by conflict, some of which have net enrolment rates of less than 50 percent.[35] Existing research has no problem demonstrating that conflict has a devastating impact on education. In addition to exposing girls and boys to violence and, in many cases, grave human rights violations, conflict generates serious problems of access to schooling, destroys physical infrastructure, affects and involves students and teachers, exacerbates and entrenches gender and other inequalities, drastically limits educational quality, and often pits educational institutions squarely within its remit. In many locations, schools have been used as sites of violence and hubs for the recruitment or kidnapping of children.[36] Less clear, though, in existing research, is evidence demonstrating the effect that education can have both on the prevention of and on the recovery from conflict, making this kind of research a priority for international actors within the education in emergencies community.[37]

Indeed, there is a strong desire to justify educational expenditures in the postconflict context on the basis of quantifiable evidence of its peacebuilding effect. However, more promising than searching for conclusive empirical evidence within relationships (between conflict, development, and education) that are unlikely to ever be fully explained in terms of causality, is to accept the strong normative, rights-based arguments for supporting education in situations affected by conflict. Education is important to children and their families, who in such situations "very often look to education as their major, or even their only, hope for a decent future."[38] This, along with the powerful *potential* of education (with particular features) to contribute to peacebuilding processes and to individual trajectories out of poverty, should be reason enough to ensure its prioritization in situations affected by conflict.[39]

Nonetheless, more empirical arguments do exist. Research shows that early investment in education following conflict can create a "peace dividend" by demonstrating the government's commitment to its citizenry and to long-term stability, thus discouraging a return to arms.[40] Education, as one of—if not the most—visible government services, "matters in special ways," and it is therefore often conceptualized as a barometer for demonstrating the relationship between a state and its citizens.[41] An early investment in quality education can demonstrate the legitimacy of a new government's commitment to peace, development, and its human rights obligations to its citizens.

The 2001 Machel Report on the *Impact of Armed Conflict on Children*, which investigated the effect of war on children, declared education to be a "fourth pillar of humanitarian response."[42] The 2004 *Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction*[43] are becoming increasingly influential in humanitarian interventions, offering guidance as to how to provide the new "fourth pillar" in emergency situations. In many ways, the policymaking and practices of postconflict educational reconstruction are shaped by this humanitarian agenda as well as by the developmental agendas presented in the previous section.

Expanding Understandings of Education and Human Development

Certain persistent themes in educational studies make all the more visible the disconnect between the positive and negative potentials of education. Evidence around the relationship between education and inequality, for example, reveals that education has the potential both to reduce inequality and to reproduce and entrench it.[44] In order to understand more about education's potential for development, it is necessary to step beyond human rights and economic arguments to perspectives on human development. Amartya Sen's notion of "development as freedom" is helpful here, since it speaks both to deeper understandings of the processes and opportunities of development and to ways that social processes, such as education, may fit into these. Sen insists that "social developments," including "more education, better health care, finer medical attention and other factors," must directly count as "developmental" because they help to lead longer, freer, and more fruitful lives, *in addition* to the role they have in promoting productivity or economic growth or individual incomes.[45]

Sen's capability approach situates the contribution of education to human development beyond its purely economic rationale and potential, demonstrating its importance for "the ability—the substantive freedom—of people to lead the lives they have reason to value and to enhance the real choices they have."[46] Likewise, his approach reinforces normative rights-based arguments for education by demonstrating a profound way in which rights and their enactment connect to capabilities, development, and freedom. Sen's analysis suggests, therefore, that education—like many of the facets of development he addresses—must by nature have goals beyond (though not exclusive

of) those driven by market efficiency in order to link directly and indirectly to "enriching human lives and making human deprivations more rare and less acute."[47]

Conceptions of human security—particularly those that borrow from Sen—offer some broad insight into what education of this nature might look like. Human security arguably has a narrower objective than human development, but it is an objective that is arguably fundamental to enabling freedoms and human development. According to Sabina Alkire, "the objective of human security is to safeguard the vital core of all human lives from critical pervasive threats, in a way that is consistent with long-term human fulfilment."[48] The "negative faces" of education, or the complete absence of education, can constitute such an indirect or structural threat. For Alkire, this happens mainly because of systematic underinvestment in education. However, other features of education—its content, its structures, who it is made available to, its teaching and learning processes, and so on—should also be considered. Education provided inadequately, through underinvestment, poor quality, irrelevance, entrenchment of inequality, or any combination of these and other factors, can compromise the vital core of human lives—*can be a pervasive threat*—and therefore can impede human security.[49]

As Alkire notes, education, particularly for girls and vulnerable groups, is likely to be identified as a priority and subject of policy recommendation to contribute to overcoming chronic insecurity.[50] But in much the same way as Frances Stewart argues that policies of the sort that could correct for horizontal inequalities "are not only *not* part of the current policy debate and policy conditionality of donors, but actually conflict with some aspects of them,"[51] the most appropriate policies to undo vulnerability through education may not align with current policymaking priorities, particularly when linkages between vulnerability and inequalities are stated explicitly. Human security, it is argued here, introduces the space within which to analyze education and suggest policy responses from a perspective that does not assume education to have inevitably positive effects. In other words, it enables attention to be paid to the nature of education on offer and to whether it indeed introduces the potential to contribute towards human development.

Postconflict Educational Reconstruction vs. Postconflict Educational (Re)Creation

Interrogating core publications on postconflict educational reconstruction, one can distil the following: a strong rights-based consensus, a set of core descriptive principles, and a tendency to revert to agenda-specific goals (EFA, for instance) rather than to lay out discrete goals. That postconflict educational reconstruction is, arguably, situated within other (rather narrow) agendas means that many postconflict interventions assume that education, regardless of its characteristics, will contribute towards the fulfilment of these agendas. However, unless the characteristics and nature of education are considered, it cannot be assumed that education will necessarily contribute towards broader conceptions of human development—towards the advancement of freedoms—or that it will dismantle any of its earlier features that might have contributed towards conflict. For these reasons, this paper argues that the promotion of education in the postconflict context must

move beyond a promotion of education for its own sake and move towards the promotion of education with particular characteristics that can enable particular goals. This promotion of an education grounded in human development outcomes, conscious of its own legacy, and oriented in method towards transformation, is what is meant by the term postconflict educational *(re)creation*.

The *Minimum Standards* mentioned above are strongly grounded in the right of all individuals to education and "are based on the principle that affected populations have the right to life with dignity."[52] Indeed, as the *Minimum Standards* name makes clear, their goal is to "articulate the minimum level of educational access and provision to be attained in a situation of humanitarian assistance."[53] By definition, therefore, they strive not to maximize the deepest of potentials between education and human development but rather—and importantly—to articulate a consensus benchmark below which education should not fall, regardless of circumstance.

From this benchmark, others attempt to conceptualize and set priorities within postconflict educational reconstruction. Margaret Sinclair's important 2002 publication, *Planning Education in and after Emergencies*, puts forward a series of principles, which Peter Buckland later borrows and adds to in his 2005 World Bank publication, *Reshaping the Future: Postconflict Educational Reconstruction*. Many of these principles, however, serve more to describe programming than to articulate goals for education in the postconflict context. Thus, in Buckland's work, as in Pauline Rose and Martin Greeley's 2006 paper for the Organization for Economic Co-operation and Development's Development Assistance Committee (OECD-DAC), "Education in Fragile States: Capturing Lessons and Identifying Good Practices," the goal of postconflict educational reconstruction becomes to contribute towards another development agenda. Rose and Greeley effectively situate postconflict educational reconstruction within the agenda of aid effectiveness. Likewise, Buckland's work ties postconflict educational reconstruction to broader World Bank frameworks, such as PRSPs and FTI, and links reconstruction to Bank priorities for education more generally, such as decentralization, financing and governance, and the public-private balance.

As argued above, many of these agendas link rather narrowly to conceptualizations of education and its potential for contributing towards human development by failing to characterise education or to account for its negative potentials. While these agendas are not unfounded, if taken as ends in themselves, they risk promoting an education that is equipped neither to tackle postconflict legacies nor to contribute towards broader processes of human development. More promising, perhaps, is to situate the educational interventions that accompany these international priorities within a broader agenda of educational (re)creation, whose goals include actualizing the most meaningful connections between education and human development by addressing connections between education and conflict and transforming education accordingly.

One of the main objectives of postconflict education (re)creation of the type that fosters human development, I would argue, is *participation*. Participation, as it is used here, includes not simply an opening of educational access, but also the creation of diverse and specialized educational opportunities that allow for the meaningful participation and benefit of all children and young

people. This notion of participation is based on the status of education as a basic human right but also seeks to qualify that education in terms of its value and meaning for children. Meaningful participation assumes teaching and learning processes that challenge and transform entrenched patterns of violence, conflict, inequality, and discrimination, which are so often a feature of education delivered in the contexts of interest to this paper. Education of a high quality is implicit here, since children cannot be expected to meaningfully participate in schooling that fails to engage, challenge, and promise future avenues. Also implicit is a responsive education that acknowledges, plans for, and accommodates the diversity of needs children will bring to it. Especially in the postconflict context, this means education that is sensitive to gender, to experiences of violence, to poverty, to language, to displacement, and to trauma. Participation also implies an education that benefits children in terms of the future and therefore provides them with knowledge and skills that will connect to their employment, citizenship, and relationships.

On the agenda of those supporting education in postconflict contexts, therefore, should be the (re)creation of an educational sector with the capacity to effectively and equitably delivering this kind of participation. Central to this capacity are the institutions of the educational sector—namely, schools, local and regional administrative bodies, and the national ministry—the actors within these—including teachers, administrators, officials, policymakers, and children—and the principles, policies, and cultures that they develop, implement, and participate in. Building this type of capacity within the educational sector requires not only the strengthening of responsive policymaking and administration but also support for teachers to engage in creating teaching and learning processes that can facilitate this type of participation.

Transitional Justice and Education: Potential for Mutual Reinforcement

According to Pablo de Greiff, the two mediate goals of transitional justice measures are the recognition of victims and the promotion of civic trust. I argue here that there is potential for the postconflict educational objective of participation to be, to a certain extent, mutually reinforcing with the goals of recognition and civic trust. This reinforcement can occur at fairly broad level of generality, but also at a more specific level—namely, when transitional justice measures engage children and youth and their particular experiences of the past, and when transitional justice measures address the education system, its role in the past, and its (re)creation as something new.

Recognition and Participation

De Greiff argues for the importance of offering recognition to victims not primarily as victims but as rights-bearers.[54] The educational goal of participation aligns closely here, as it is about the active enactment of rights within a framework that seeks to acknowledge, challenge, and overcome

inequalities. Thus, we see potential for mutual reinforcement of recognition and participation, in broad terms of *rights* themselves and in terms of strategies that seek to enact those rights in order to actively *reduce inequalities*. Active participation may contribute to a sense of being recognized, and likewise feeling recognized may lead to enhanced participation. Postconflict educational (re)creation of the kind conceptualized above has a responsibility to respond to demands for recognition and can do so through policymaking and practice that open avenues for fuller participation. This includes addressing issues of access, delivery, pedagogy, content, and teaching and learning in ways that make all of these open, meaningful, and appropriate to a diversity of learners.

For victimized children, the recognition provided by their participation in education can be mutually reinforcing with the recognition provided by justice measures that specifically involve them and address their experiences. In a transitional and developing country context, the potential importance of this reinforcement comes from the fact that education and transitional justice may be two major—and two of the few—features of the face of the state that victimized children see. Such children may witness these two separate measures as sincere efforts on the part of the state to directly recognize and reach out to them as rights-bearers and citizens (albeit in different ways), as they have not been recognized or reached out to before. Moreover, the more that these children feel recognized, the more likely they may be to embrace opportunities for participation.

The effects of conflict on children, their involvement in it—as witnesses, actors, and victims—and their needs following it do and should involve them in the mandates and practice of transitional justice efforts. Though crimes against children are still under-represented in international jurisprudence and in the design of reparations programs,[55] there is growing attention being paid to children—in particular to children's participation—within the processes of transitional justice.[56] The Sierra Leone Truth and Reconciliation Commission (SLTRC) included children's testimony, and children guided the development of the children's version of the commission's report.[57] The Commission for Reception, Truth and Reconciliation (CAVR) in Timor Leste included a considerable focus on children in its final report, although the actual participation of boys and girls was limited and problematic, with adults often brought in to speak for children and with limited psychosocial support available to the children who did testify.[58] The report of the Commission for Historical Clarification (CEH) in Guatemala includes a chapter on children, in which testimony is used to illustrate the multiple human rights violations that they suffered. Here, too, most testimony appears to have come from adults—though in many cases from adults testifying about their experiences as young people, and in only a few cases from children themselves.[59] The Liberian Truth and Reconciliation Commission appointed a commissioner with special responsibility for children and made a formal decision to include children in all aspects of its proceedings, analysis, and recommendations. This included taking statements from children, regional children's hearings, and the planned production of a child-friendly version of the final report and TRC curriculum materials.[60] As will be discussed below, materials designed for use in curriculum have been prepared in Sierra Leone, Peru, and Guatemala. Questions are also increasingly raised around children's participation in trial-based transitional justice strategies, with concerns about the protection of child witnesses and about children and criminal responsibility.[61] Girls and boys, as we shall see below, also

participate in court outreach programs and in memorialization projects and can be beneficiaries of reparations programs.

Children's presence in transitional justice implies recognition of their unique and important experiences of conflict; it also opens opportunities for meaningful participation if it is done with sincere commitment to children's best interest. Truth-telling initiatives that genuinely include children's experiences of conflict in the historical record that they produce can be meaningful for both the recognition and participation of children as rights-bearers. Reparations programs that benefit girls and boys who were victims of human rights abuses offer similar potential. Reparations programs, as will be seen below, that directly seek to redress lost education opportunities for children can enhance educational goals for participation and for the reduction of inequality by both highlighting systematic educational inequities and facilitating the entry into education of children previously excluded. The recognition of those children systematically made most vulnerable by conflict—for instance, girl victims of sexual violence—through reparation and other transitional justice processes that open space for their voices could certainly be seen to reinforce postconflict educational (re)creation's goal of participation.

Trust and Participation

Participation in education can also be mutually reinforcing with transitional justice's other mediate goal, civic trust. De Greiff's conception of civic trust includes both horizontal trust (between citizens) and vertical trust (between citizens and institutions). It is reasonable to suppose that supporting the capacity of an institution to effectively deliver quality participation can contribute to building the "trustworthy" institutions key to de Greiff's conceptualization of civic trust. Likewise, measures to increase the trustworthiness of institutions may also foster their quality and effectiveness, since a key component of trust is the ability to deliver well the expected services. Additionally, fostering vertical trust by enhancing educational capacity can potentially contribute to horizontal trust between citizens, since improved educational capacity would aim to enhance participation rooted in rights. Again, there is mutually reinforcing potential between these goals.

The perceived quality and availability of education, as one of the most—if not *the* most—visible of government services, will likely be critical for achieving the civic trust transitional justice aspires to. So too, arguably, will be the pedagogic processes and the content of education. Educational content—particularly in the guise of national curriculum—is, after all, tightly tied in with conceptions of national identity, citizenship, shared history, and sense of belonging.[62] The teaching and learning processes through which education is enacted are crucial to its ability to foster or repel participation, to contribute to processes of transformation, or to entrench the opposite. Processes of creating educational institutions capable of grappling with both the violent past and its meanings for children and with the ways in which the inequalities, structures, divisions, and stereotypes of conflict have become part of schooling will therefore also be crucial for postconflict educational (re)creation rooted in equality.

Postconflict educational reconstruction often involves the large-scale reform of the educational sector.[63] Indeed, sweeping education sector reforms—often including curriculum revision, decentralization efforts, teacher training, certification reviews, and so on—have been key parts of broader reconstruction processes in Sierra Leone, Timor Leste, and Afghanistan. As Buckland argues, the postconflict context is the "best of times and the worst of times"[64] for sectoral reform and transformation. Changes in regimes and governments may open new political space, bureaucratic resistance to change may be weakened, and communities may have expectations for educational change; yet massive challenges exist in mobilizing resources, generating administrative and management capacity, and overcoming political challenges.

There is considerable potential here for transitional justice initiatives to feed into building the capacity of the education sector to provide participation during periods of broad institutional reform. This capacity will depend in many ways on the educational sector's ability to respond to the causes and effects of conflict. Therefore, the lessons that emerge as transitional justice initiatives shed light on these causes and effects should be of extreme relevance to those planning educational reforms. A good example of this resonance can be drawn from the Peruvian case, where the Truth and Reconciliation Commission (CVR) put forward a series of educational recommendations as one of four sets of "essential institutional reforms,"[65] and the ministry of education responded by showing how these aligned with its reform priorities.[66]

Some commentators suggest that educational reform itself should be considered among transitional justice mechanisms concerned with institutional reform.[67] Indeed, the concept of transitional justice as institutional reform is after all very ample.[68] The question, however, I think is best posed not as whether the reform of the educational sector postconflict can and should be considered a transitional justice measure—a question that becomes increasingly complicated when one imagines its operationalization, should the answer be yes—but rather, how educational reform can contribute to transitional justice and vice versa.

Transitional Justice and Education: Practical Synergies

Beyond the mutual reinforcement of, on the one hand, recognition and civic trust and, on the other, full and meaningful participation in education explored above, examples around the world demonstrate multiple instances of more direct (conscious or unconscious) synergy between the diverse measures of transitional justice and postconflict education. This section briefly reviews these synergies, looking at instances where education overlaps with truth commissions, reparations, prosecutions, vetting, and memorialization; it also explores the ways transitional justice is used in curriculum reform.

Truth Commissions

Truth commissions are perhaps the transitional justice measure with the most substantial practical overlap with education and children. References to education within truth commission reports are much more frequent with recent commissions than with those of the 1970s, 1980s, and 1990s. Early truth commissions, such as those of Chile, Argentina, and South Africa, made mention of education only to recommend human rights and peace education at all levels. The South African commission did not include education among its many institutional hearings—although at least one former commissioner expressed regret about this[69]—nor did it make specific recommendations for post-apartheid educational reform, apart from calling for "educational reform at a national level" as part of a series of "community reparations" within the broader plan recommended to government.[70] Nonetheless, the South African department of education looked to the commission for guidance in some aspects of educational reform, adopting its definition of reconciliation and forming panels focused on the teaching of the past and on learning values and citizenship.[71]

In contrast, more recent truth commissions have in some instances dovetailed with education more explicitly.[72] The final reports of the truth commissions of Peru, Sierra Leone, Guatemala, and Timor Leste all make concrete recommendations for educational reform. Peru's commission established a discrete area for working on educational issues and forging links with the educational sector. The inclusion of this area—staffed by an education expert with existing linkages to the ministry of education and to the broader educational community in Peru—allowed productive working relationships—including the signing of an "agreement of cooperation" with the ministry of education—and ensured that the commission's educational positions were well informed.

In other cases, educational recommendations have been based both on the research done by the commissions into the roles of education during the conflicts in question and on the priority given to education within collected testimonies. As pointed out above, children and families affected by conflict strongly express their desire and need for education; truth commission testimony appears to be another forum in which victims can articulate this. In Sierra Leone, for example, statement takers asked those giving testimony about what kind of assistance they deemed "most urgent in order to deal with the harm they suffered during the conflict"; education, in their responses, was second only to housing and shelter.[73]

The Sierra Leone Truth and Reconciliation Commission (SLTRC) called for primary education to be free in every sense of the word and for hidden fees to be eliminated. In addition to resonating with EFA policy frames and the Convention on the Rights of the Child (CRC), this recommendation echoes educational needs and realities in Sierra Leone. Fees were dropped for primary education in Sierra Leone as part of early postconflict reconstruction between 1999 and 2000, which contributed greatly to a doubling of enrolment between 2001 and 2004.[74] However, the SLTRC recommendation, made in 2004, picks up on a familiar complaint in Sierra Leone—namely, that hidden fees—for uniforms, textbooks, access to exams, extra lessons, and so on—

continue to make schooling inaccessible to many children—especially vulnerable children—despite the abolishment of fees. The SLTRC also recommended that incentives be given to students to enrol in secondary school and that secondary school be made free and compulsory for girls. These recommendations demonstrate a relatively sound analysis of many of the challenges facing education in Sierra Leone.

A 2006 case study in Sierra Leone found that some progress had been made towards implementing certain education recommendations.[75] However, this seemed to be more the result of other imperatives within and outside the ministry of education than the force of the recommendations themselves.[76] Within the ministry of education, the truth commission's recommendations were not seen as a priority nor were they well known. Nevertheless, the recommendations could be seen to provide some momentum in policy areas already prioritized by the ministry or other actors (donors and international agencies), such as reducing gender inequity in education in Sierra Leone.

The Peruvian CVR's educational recommendations also captured broader policy currents around educational reform within the country and internationally. These included improving the quality of rural schools, prioritizing "inter-cultural" education, promoting girls' literacy, eliminating violence in schools, reforming authoritarian pedagogy, and encouraging citizenship and education for democracy.[77] While members of Peru's NGO educational community report that these recommendations capture well the needs of public education in Peru and pick up on some of the proposals they themselves have been making for years, the recommendations are silent on some crucial and contested issues within educational reform in the country.[78] This is likely due to the more technical, sector-specific nature of debates in Peru around educational decentralization, teacher standards, and sector financing.

When the recommendations of a truth commission aim to affect the policymaking and practice of a sector such as education, it is essential that those recommendations are well grounded both in the findings of the commission and in the realities and possibilities for sectoral reform. Especially in instances such as Sierra Leone, where the commission's recommendations were legislated to be mandatory—and so, by consequence, were meant to become active policy imperatives—the questions of how such recommendations are made, whose advice and expertise they are based on, how feasible they are, and how it is decided which policy debates to take on and which to leave out become very important. Truth commissions that early on anticipate a focus on education and/or children should seek to involve educational experts on their staff and should attempt to foster a constructive working relationship with the ministry of education if possible.

Reparations

Reparations are designed to provide redress to victims of human rights violations. In a variety of ways, education has been included within reparations programs around the world. Reparations aimed at restitution can reinstate a victim's status as a student, as recommended by the CVR in

Peru,[79] or can return a civil servant dismissed by a repressive regime to an educational post, as occurred in Chile.[80] Reparations designed to compensate for lost educational opportunity can include education as a part of a service package offered to victims and their families or as a scholarship, as in the case of Chile, where education was made available free of charge to children of the disappeared.[81] In Suriname, the reconstruction of a school in an indigenous community where seven men had been killed by state forces was part of a scheme of collective rehabilitative reparations.[82] Less direct reparations, such as the teaching of human rights and international humanitarian law, the inclusion of an accurate account of human rights violations in education, and the institution of various public education initiatives, are included in the UN *Basic Principles* as reparations aimed at satisfaction and guarantees of nonrecurrence.[83] In South Africa, the reparations program recommended by the truth commission included the "reform of education at the national level,"[84] and in Chile an independent group was set up to introduce human rights programs in schools.[85]

Education and Individual Reparations

There are several arguments worth drawing out in favor of direct and individual educational benefits as *part* of reparations packages for human rights violations suffered. While research into victim preference for financial or service-based reparations produces varying results between countries and between victims whose socioeconomic circumstances differ, Ruth Rubio-Marín has found that common demands of women include education for their children.[86] This finding aligns with research outlined above that shows that victims of conflict—and girls, boys, and women particularly—highly prioritize education when considering the future, their rights, and their needs. Charles Maier's conception of reparations as being about making up for a "lost set of life chances" also draws attention to the importance of education within a reparatory framework.[87] So too does the fact that the systematic loss of educational opportunities is a violation of children's rights. In instances where education has been systematically denied to children, states have an obligation not only to provide it but also to contemplate some reparation for those girls and boys affected by its denial.

There are some programming benefits to educational reparations in terms of implementation. In Peru, for instance, delays in the implementation of the reparations program are causing dissatisfaction among victims groups and human rights advocates. However, educational reparations are slated to be among the first to be implemented, and, indeed, more progress has been made towards developing the infrastructure to provide educational reparations than has been made in other areas.[88] This may be due to the fact that comparatively, educational benefits are relatively inexpensive and less controversial than paying cash directly to victims. Dyan Mazurana and Khristopher Carlson demonstrate that providing direct cash benefits to children as compensation for rights violations is problematic for a number of reasons. They argue that service-based reparations, such as education, may be more appropriate for children as they are more likely to actually reach their intended beneficiaries.[89]

While it is likely unwise to argue for the primacy of educational reparations over direct financial reparations to victims of human rights violations and their families, it is important to acknowledge that educational reparations hold potential as important components of a reparations program, particularly if individual reparations are to contribute to development. Indeed, educational reparations that open educational access to individuals previously excluded may make modest contributions to levelling playing fields and reducing inequality, particularly in cases such as Peru where victims tend to come from socioeconomically disadvantaged groups.

Education and Collective Reparations

In Suriname, the reconstruction of a school was framed as a collective reparation. In many postconflict countries, including Sierra Leone, where recommended individual reparations are still to be delivered, schools are being rebuilt and rehabilitated as part of development projects. In Chile, human rights education programs were developed by a commission formed as part of the reparations program and were later absorbed by the ministry of education. Developing and implementing human rights education is part of the postconflict educational policy of many countries in transition, yet it is rarely explicitly seen as a component of collective reparations. The difficulty with conceptualizing educational initiatives as collective reparations is, as Mazurana and Carlson point out, that "children have a right to education, including free primary education, under the CRC, which means that educational reparations programs would have to go above and beyond what the state is already obligated to provide."[90]

It is surely difficult to harmonize and bridge development initiatives and reparations and likewise to present the bridge in a way that does not seem a tokenistic skirting of responsibility for more tangible reparations made directly to victims. Indeed, Mazurana and Carlson argue that it is in the best interest of neither victims nor the broader community to "implement development strategies under the auspices of reparations programs."[91] They do, however, agree that where the government is directing resources towards eliminating educational discrepancies in regions most affected by human rights violations—not an uncommon postconflict educational policy—making the reparative aspect of this work "*explicit and publicized*" may make it possible for "the fulfilment of some of these obligations to constitute collective reparations."[92] Perhaps the fundamental lesson here is that this potential—to conceive of selected educational initiatives as reparatory in a collective sense—should only be tapped in instances where individual demands for reparation have or are being addressed and where state obligations for quality basic education are intact—in other words, in cases where such framing could not be conceived as tokenistic or as the easiest way around an obligation to seriously deliver reparations.

Prosecutions

Article 8 of the Rome Statute of the International Criminal Court (ICC) declares that intentional attacks on buildings dedicated to education constitute war crimes and are therefore subject to the court's jurisdiction.[93] Recently, the Special Rapporteur on the Right to Education stated that, as the ICC develops, "it offers an opportunity to send a powerful message to those who continue to undermine the right to education: the impunity with which education has been attacked for so many years must stop now."[94] Although there is limited jurisprudence regarding the prosecution of the violation of the right to education, prosecutions can and do bring attention to crimes committed against children and produce jurisprudence that is potentially meaningful for education.

Recent indictments by international courts—the Special Court for Sierra Leone's (SCSL) indictments of Charles Taylor and others, and the ICC's indictment of Thomas Lubanga—include charges for the recruitment of child soldiers as a crime under international law.[95] This precedent—though perhaps only tangentially related to education—may have consequences for education if it can serve as a disincentive for the recruitment of children into fighting forces. Increased attention to crimes against children in courts contributes in part to an increasing concern for children's protection and for the reintegration of children who have experienced conflict and human rights violations, which in turn can translate into educational concerns. Further jurisprudence around other grave violations of children's human rights during conflict, including gender-based and sexually based crimes, could also potentially deter crimes that significantly affect and limit children's educational trajectories.

Court outreach programs also warrant consideration here, as they often directly seek to engage children, their teachers, and their schools. Outreach is increasingly mainstreamed within international courts: the SCSL included an outreach dimension in its original mandate instead of building it in later as did the ICTY and ICTR,[96] and outreach is considered one of the "core functions" of the ICC.[97] The increasing priority given to outreach has led to an increasing engagement with children and schools as an audience. In Sierra Leone, SCSL outreach includes "an extensive program of activities with schools and colleges nationwide" and counts "students of all levels" among its target groups.[98] School groups regularly visit the court facilities in Freetown; indeed, the SCSL homepage features a photo of the court flanked by children in school uniform. The SCSL runs "train-the-trainer workshops" with students and teachers, supports the formation of human rights and peace clubs at schools, organizes child-led radio programming about its role and proceedings, visits schools, and holds quiz and debating events for young people.[99] These initiatives can contribute in practical ways to policy imperatives of the Sierra Leonean ministry of education—such as peace and human rights education, children's participation, and child-centered pedagogy—and perhaps give momentum to broader educational (re)creation.

The same can be said, to some degree, for the intersection of outreach and education in ICC outreach efforts. In the Democratic Republic of Congo (DRC) and in camps host to refugees from

Darfur, the ICC has conducted train-the-trainer workshops with teachers and students and has made presentations in schools.[100] While information about the content of these trainings is not available, were they able to pick up on some the many issues facing teachers (often volunteer and untrained) in refugee camps and communities immediately affected by violent conflict, this could potentially be a useful initiative. Such speculation raises a larger point about court outreach, one that also comes through in Franck Petit's report on ICC outreach in the DRC[101]—namely, that cooperation between transitional justice institutions and other actors on outreach activities may be beneficial.

As in the case of truth commissions, the involvement of education specialists in aspects of prosecution work—in particular in working with children who will testify in court, in coordinating outreach work, and in liaising with education actors—could potentially improve the quality and impact of such efforts.

Vetting

Promoting institutional reform through the vetting of corrupt, abusive, or incompetent members of public institutions is a transitional justice mechanism that, by its very focus on the civil service, potentially intersects with education. However, instances of large-scale vetting of an educational sector are very rare, and hardly ever reach the level of classroom teachers. The former East Germany, where university academics, school principals, and teachers were dismissed, represents what is arguably the most serious case of vetting in the educational sector.[102] Vetting in higher education was associated with a general crisis of legitimacy for formerly East German universities due to their ideological complicity with the past regime and to a desire for the reinvention of universities as independent, non-political bodies.[103] In Greece, legislation was also laid out for comprehensive vetting of university academics appointed by or complicit with the 1967-74 junta. However, the number of academics actually dismissed from their posts through the vetting process was minimal.[104] More recently, in Iraq, the Coalition Provisional Authority ordered the dismissal of approximately 30,000 former members of the Ba-ath party from the public services, including between 6,000 to 12,000 educators. The impact of this process on the administrative capacity and capability of the country to rebuild, however, led to the authorization of thousands of the dismissed to return to their jobs.[105]

The Iraqi example raises an important point for vetting in the educational sectors of countries emerging from large-scale conflict: that of capacity. While in East Germany there was a need to downsize the public service, including teachers, in many postconflict countries there is a significant lack of well-trained teachers, particularly in those areas most affected by violence and displacement. To further reduce the number of available teachers by vetting those associated with the conflict may not be the most appropriate policy decision, particularly in terms of maintaining a minimal level of educational access. In Peru, for instance, the teachers union was heavily politicized during the conflict and many teachers used their classrooms to promote the ideology of *Sendero Luminoso*.[106] However, no vetting of the educational sector (nor the public service in general) was undertaken.

Some regional educational authorities did choose to reappoint particularly politically involved teachers to different communities following the conclusion of the conflict in order to give them a fresh start and to assuage community concerns.[107] This may be a more reasonable and feasible alternative for postconflict countries whose educational sector already possesses limited teaching and administrative capacities. Furthermore, the vetting of low-level public servants—such as teachers, whose past complicity, support, or political involvement may well have been at least in part motivated by duress or necessity—may only be reasonable to contemplate once other transitional mechanisms have ensured accountability at higher levels.

Consideration should be given to other methods that may bring renewed legitimacy to educational sectors and institutions (not to mention individual educators) tainted by their roles or complicity in human rights violations. Likewise, educational actors that choose not to vet teachers must be conscious of the legacies of conflict in classrooms and in teachers themselves, and should develop policies and programming—such as supportive and creative in-service teacher training concerned with pedagogical processes that move away from conflict dynamics—to address these. This is a particularly important point for capacity. Symbolic measures—such as memorialization—may also be useful to address educational complicity in human rights violations in instances where vetting does not occur.

Memorialization

Memorialization projects actively embody the public education role inherent in many transitional justice initiatives. Museums, memorials, monuments, and public works of art seek to offer outlets for memory, mourning, dialogue, reconciliation, and learning. In addition to their public educative function, many museums and memorials develop programs specifically for school children, and the visits of school groups become a regular, and sometimes principal, part of their activities.

The CVR-recommended reparations program in Peru also calls for "school memorialization," arguing that:

> The names of schools hold considerable significance for the identities of children, adolescents and communities and, because of their pedagogical role, they constitute important tools for building memory. For these reasons renaming a school after a victim or a group of victims can be seen as a symbol of moral reparation.[108]

This type of school-based memorialization may serve to rebuild trust and legitimacy for tainted educational institutions and offers interesting potential for community and micro-level reconciliation. Memorialization within the content of education itself may serve a similar purpose. Educational initiatives such as Facing History and Ourselves, which uses the memory of genocide in order to foster citizenship values, have had success around the world.[109]

Truth commissions are increasingly creating archives—a "memory center" in the case of Peru and a university archive in Sierra Leone—which themselves offer an opportunity for memorialization and education not just about the violent past itself but about the transitional strategies adopted to deal with it. The SCSL is arguably engaged in "memorialization in action" as it welcomes school groups into its chambers while its mandate is still operational.

It appears that despite the conscious educational goals of many memorialization efforts, however, their planning does not always incorporate the perspectives of the formal education sector. Given the degree of overlap between the goals of (re)creating this sector and the implicit educational aims of memorialization, this is an area where cooperation could be particularly beneficial. The involvement of education actors—including children—in a large public memorialization initiative could serve a powerful symbolic function. Failing to involve the educational sector, on the other hand, potentially situates a memorialization initiative at some distance from its imagined constituency.

Transitional Justice in Curriculum

In 2004, the United Nations Children's Fund (UNICEF) supported the production of a children's version of the truth commission report in Sierra Leone for distribution to primary schools around the country. A local NGO produced a secondary school version with the same goal of national distribution. While it was hoped that both resources would be approved by the ministry of education for use within the national curriculum, this approval has yet to occur.[110] The SCSL also produced a booklet that was distributed to schools around the country, and that has been approved as a curriculum resource by the National Authority.[111] In Peru, an NGO/university collaboration produced a series of primary and secondary resources based on the CVR with the goal that they too would be approved as a resource for human rights education within the national curriculum.[112] In Guatemala, local and international NGOs have produced resources that use the final report of the Commission for the Clarification of Memory in order to teach a "culture of peace." These are used in schools supported by or otherwise engaged with the respective NGOs, but have not been presented for adoption as part of national curriculum.[113] In Liberia, Theo Sowa reports that both the truth commission and the ministry of education hope to see the commission's findings incorporated into the primary and secondary curriculum.[114]

While the resources developed in Sierra Leone, Peru, and Guatemala have faired better than those recommended (but never actually produced) by the South African and Chilean truth commissions, in only one instance—that of the SCSL—have materials officially been incorporated into national curriculum. It is interesting that in Sierra Leone the resource produced by the Special Court has been approved while the truth commission versions remain unapproved. The SCSL resource is much less concerned with teaching the past than it is with providing information about the Special Court. The still unapproved commission resources, on the other hand, which in both the Sierra Leonean and Peruvian cases detail findings about causes of conflict and about the role of the state in human rights violations, remain low on ministry of education priority lists. This demonstrates the difficult

and political nature of teaching about the violent past, particularly within the officially sanctioned national curriculum. National curriculum is, after all, highly contentious and intimately connected to national identity. Indeed, in Peru concerns were raised by actors in the ministry of defence and the armed forces about the possibility of truth commission educational materials being approved.[115]

These considerable challenges should not dissuade careful curriculum efforts based on transitional justice. As commentators on reconciliation and education acknowledge, the process of incorporating discussions of the past is often very slow and arduous.[116] That a process is difficult, however, does not make it unnecessary. Indeed, in this case the *process* is crucial and might in itself contribute to reconciliation by opening necessary, if painful and political, debate. The very debate around teaching about the past, its acceptability, its multiple perspectives, and its methods may in itself open reconciliatory space if it is made public. The production of teaching materials based on a truth commission may extend the debate and dialogue around the commission itself. Although this is likely to be fraught and contentious, it can also be seen as reconciliatory in its very status as debate and dialogue.

Although the truth commission resources in Peru and Sierra Leone are not currently approved by the respective ministries of education as national curriculum resources does not mean that they will not be in future. That high-quality truth commission-based teaching resources exist in both countries may be a huge advantage when and if the reconciliatory space opens up that permits teaching about the truth commission and the past it explores. This is also an area where closer collaboration with ministries of education during the actual preparation of resources—as opposed to presenting them as finished products for approval—could be extremely beneficial, particularly for the later incorporation into curriculum. Ministries of education are, after all, often engaged in curriculum revision and in the production of peace education materials as part of their own responses to conflict; cooperation here makes practical and conceptual sense.

Conclusion and Recommendations

Most of the lessons drawn from the above discussion on practical synergies between education and transitional justice call for closer collaboration between education and transitional justice actors. Indeed, a series of straightforward practical recommendations for such partnerships can be offered:

- Transitional justice mechanisms that identify children as priority stakeholders should also identify education as a priority and consider how their work with children will feed back into the educational sector.

- Truth commissions should consider establishing concrete linkages with the ministry of education before and during their work. In Peru, an “agreement of understanding” between the truth commission and the ministry of education was fruitful in engaging education actors

in public hearings and in planning for future curriculum initiatives. Commissions that seek to make recommendations for educational reforms should employ an education expert and should consult with educational actors (from the ministry of education as well as from civil society groups with educational expertise) about these recommendations.

- Early conversations with ministry of education officials are also recommended for those designing reparations programs that include educational reparations and potential curriculum and/or memorialization efforts, in order to facilitate implementation and the take-up of activities by the educational sector.

- Educational policymakers should look towards transitional justice initiatives as allies in education sector reform. Policymakers should consider ways in which educational decisions (about curriculum policy, teaching, and learning processes) and measures to address educational inequalities might lend legitimacy to transitional justice and vice versa.

For an educational sector committed to responding to conflict and its own role within it—for an educational sector imagining development rooted in *nunca más*—a transitional justice initiative, if appropriate and well run, should seem a natural ally. Likewise, for transitional justice practitioners concerned that their actions to clarify, address, and redress the past are meaningful for the future, an educational sector committed to (re)creation would be a valuable partner. Moreover, in instances where an educational sector resists change or where reforms are mired by politics, a transitional justice initiative may lend momentum and legitimacy to more meaningful educational policymaking. Finally, if a transitional justice mechanism were able to demonstrate its worth in part through the contributions it might make to education, this may increase its legitimacy in the eyes of a sceptical population, given the wide importance of education.

Indeed, given education's enormous importance to populations affected by conflict, its (re)creation in ways that meaningfully enable its potential to contribute to human development is an important postconflict priority. This paper has argued that, conceptually, this might best occur when education programming is characterized by full participation and by a conscious effort to address the ways in which education may have been complicit in conflict. There is certainly room for conceptual reinforcement between postconflict education, characterised as such, and transitional justice.

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[1] Sincere thanks to Roger Duthie, Pablo de Greiff, Jeremy Rappleye, Zuki Karpinska, Anna Touloumakos, and William Roberts. In appreciation and memory of the work of Jackie Kirk.

[2] Pablo de Greiff, "Articulating the Links Between Transitional Justice and Development: Justice and Social Integration," in *Transitional Justice and Development: Making Connections*, ed. Pablo de Greiff and Roger Duthie (New York: Social Science Research Council, 2009).

[3] Lynn Davies, *Education and Conflict: Complexity and Chaos* (London: Routledge Falmer, 2004).

[4] Ibid.

[5] Amartya Sen, *Development as Freedom* (Oxford: Oxford University Press, 1999).

[6] Sabina Alkire, "A Conceptual Framework for Human Security," Centre for Research on Inequality, Human Security and Ethnicity (CRISE) Working Paper 2, University of Oxford, 2003, www.crise.ox.ac.uk/pubs/workingpaper2.pdf.

[7] Kofi Annan, "Foreword," in *The State of the World's Children 1999*, ed. Carol Belamy (New York: United Nations Children's Fund (UNICEF), 1999), 4.

[8] Peter Buckland, *Reshaping the Future: Education and Postconflict Reconstruction* (Washington, DC: World Bank, 2005), xv.

[9] "Education in emergencies" is the term most frequently used to refer to an emerging field that has also been called: "education for reconstruction," "education and insecurity," "education and conflict," "education in crisis situations," "emergency education," and "education in fragile states."

[10] Following the premises of human capital theory, education and economic growth are considered through an input-output model. Education is seen as an investment of the individual and economic growth (as expressed through wages) as the outcome of this investment. Gary S. Becker, *Human Capital: A Theoretical and Empirical Analysis with Special Reference to Education*, Third Edition (Chicago: The University of Chicago Press, 1993).

[11] Every year of schooling increases individual wages for both men and women by a worldwide average of about 10 percent according to the World Bank, with gains being even higher in developing countries. World Bank, "Education and Development: Why is Education so Important to Development?" Washington, DC: World Bank, 2008, web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTEDUCATION/0,,contentMDK:20591648~isCURL:Y~menuPK:282393~pagePK:210058~piPK:210062~theSitePK:282386,00.html.

[12] Ibid.

[13] Eric A. Hanushek and Ludger Wößmann, *Education Quality and Economic Growth* (Washington, DC: World Bank, 2007), 1.

[14] As cited in Bilal Barakat, Zuki Karpinska, and Julia Paulson, "Desk Study: Education and Fragility, Interagency Network for Education in Emergenices (INEE)," 2008, ineesite.org/uploads/documents/store/doc_1_FINAL-Desk_Study_Education_and_Fragility_CERG2008.pdf, 5.

[15] Ibid.

[16] World Bank, "Education and Development."

[17] See Aya Aoki et al., "Chapter 19: Education," in *A Sourcebook for Poverty Reduction Strategies*, ed. Jeni Klugman (Washington, DC: World Bank, 2002).

[18] Article 26 of the Universal Declaration of Human Rights (UDHR) establishes the right to education and states that it "shall be free, at least in the elementary and fundamental stages." Like the Convention on the Rights of the Child (CRC), the UDHR states that primary education shall be compulsory. (The UDHR uses the term "elementary" rather than "primary." These terms are synonymous.) Article 26 also states that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms," thus attributing importance to the content and quality of education. This emphasis is echoed and expanded in the CRC, Article 28 of which states that the right of the child to education should be achieved "on the basis of equal opportunity," that primary education should be "compulsory and available free for all," and that "different forms of secondary education, including general and vocational education" should be encouraged and made "available and accessible to every child." In the case of secondary education, Article 28 urges states to "take appropriate measures such as the introduction of free education and offering financial assistance in the case of need." State parties are further called upon to "take all appropriate measures to ensure school discipline is administered in a manner consistent with the child's human dignity

and in conformity with the present convention." Finally, Article 28 promotes "international cooperation in matters relating to education," a provision that opens space for international and emergency responses to situations in which children's rights to education are violated. Recall that Article 2 of the CRC obliges state parties to "respect and ensure the rights set forth in the present convention to each child within their jurisdiction without discrimination of any kind."

[19] World Bank, "Education and Development."

[20] World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs (New York: United Nations Educational, Scientific and Culutral Organization (UNESCO), 1990), www.unesco.org/education/information/nfsunesco/pdf/JOMTIE_E.PDF. The six EFA goals as stated in the 2000 Dakar Framework for Action are: 1) expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children; 2) ensuring that by 2015 all children, particularly girls, children in difficult circumstances, and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality; 3) ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skills programs; 4) achieving a 50 percent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults; 5) eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality; 6) improving all aspects of the quality of education and ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy, and essential life skills. Dakar Framework for Action (UNESCO, 2000), www.unesco.org/education/efa/ed_for_all/dakfram_eng.shtml.

[21] Achieve universal primary education; eliminate gender disparity in primary and secondary education. See www.un.org/millenniumgoals/index.shtml.

[22] World Bank, "Education Notes: Fast Track Initiative: Building a Global Compact for Education," Washington, DC, World Bank, 2005, siteresources.worldbank.org/EDUCATION/Resources/Education-Notes/EdNotes_FastTrack.pdf.

[23] Ibid.

[24] Kenneth Bush and Diana Saltarelli, eds., *The Two Faces of Education in Ethnic Conflict: Towards a Peacebuilding Education for Children* (Florence: UNICEF/Innocenti Research Center, 2000), v.

[25] Ibid.

[26] Andy Green, John Preston, and Jan Germen Janmaat, *Education, Equality and Social Cohesion: A Comparative Analysis* (London: Palgrave Macmillan, 2006).

[27] Mujahidin textbooks read "one group of Mujahidin attack 50 Russian soldiers. In that attack 20 Russians were killed. How many Russians fled?" and used violent diagrams. Communist government textbooks later recycled the violent imagery but with revised text. Yukitoshi Matsumoto, "Education for Demilitarizing Youth in Post-conflict Afghanistan," *Research in Comparative and International Education* 3, no. 1 (2008): 65-78.

[28] Bush and Saltarelli, *The Two Faces of Education in Ethnic Conflict*, 11. Textbooks used in the 1970s and 1980s are reported to have portrayed Sinhalese Buddist Sri Lankans as "the only true Sri Lankans."

[29] Pablo Sandoval, "Educacion, Ciudadania y Violencia en el Peru: Una Lectura del Informe de la CVR," Tarea and Instituto de Estudios Peruanos (IEP), Lima, 2004.

[30] Robin Shields and Jeremy Rappleye, "Differentiation, Development, (Dis)integration: Education in Nepal's People's War," *Research in Comparative and International Education* 3, no. 1 (2008): 91-102.

[31] Comision de la Verdad y Reconciliacion (CVR), *Informe Final*, 2003, www.cverdad.org.pe/ifinal/index/php.

[32] Ibid.

[33] Shields and Rappleye, "Differentiation, Development, (Dis)integration."

[34] Julia Paulson, "The Educational Recommendations of Truth and Reconciliation Commissions: Potential and Practice in Sierra Leone," *Research in Comparative and International Education* 1, no. 4 (2006): 335-350.

[35] Vernor Muñoz, "Right to Education in Emergency Situations: Report of the Special Rapporteur on the Right to Education," United Nations Report A/HRC/8/10, 2008, ineesite.org/uploads/documents/store/doc_1_Right_to_Education_in_Emergencies_-_United_Nations_Special_Rapporteur_Vernor_Munoz_v4_-_HIGH_150.pdf.

[36] Susan Nicolai and Carl Triplehorn, "The Role of Education in Protecting Children in Conflict," Humanitarian Practice Network Paper, Overseas Development Institute (ODI), 2003, www.savethechildren.org/publications/technical-resources/emergencies-protection/ODIEducationProtection.pdf.

[37] A 2008 study did find tentative evidence from a number of other studies of a positive effect of education on mitigating fragility. Karpinska et al, "Education and Instability."

[38] Margaret Sinclair, *Planning Education in and after Emergencies* (Paris: UNESCO Institute for Educational Planning, 2002), 17.

[39] Buckland, *Reshaping the Future*, 1, states that: "education has a key role both in conflict prevention and in the reconstruction of postconflict societies. It warrants high priority in both humanitarian response and in postconflict reconstruction because every education system has the potential to exacerbate the conditions that contribute to violent conflict, as well as the potential to address them. Ignoring education, or postponing educational response for some later phase, is not an option."

[40] Pauline Rose and Martin Greeley, "Education in Fragile States: Capturing Lessons and Identifying Good Practices," paper prepared for the DAC Fragile States Group, Service Delivery Workstream, Sub-Team for Education Services, May 2006.

[41] Ibid, 25.

[42] Graca Machel, *Impact of Armed Conflict on Children*, A/51/306, August 26, www.unicef.org/graca/a51-306_en.pdf.

[43] INEE, "Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction," INEE, 2004, ineesite.org/minimum_standards/MSEE_report.pdf.

[44] See for example: Pierre Bourdieu and Jean-Claude Passeron, *Reproduction in Education, Society and Culture* (2nd Edition) (London: Sage, 1990).

[45] Sen, *Development as Freedom*, 295.

[46] Ibid., 293.

[47] Ibid., 92.

[48] Alkire, "A Conceptual Framework for Human Security," 2.

[49] Barakat, Karpinska, and Paulson, "Desk Study," 5, find a similar relationship between education and fragility: "education has an impact on state fragility simply because the inability or unwillingness to effectively provide basic education is a sufficient criterion for a state to be classified as fragile by most definitions."

[50] Alkire, "A Conceptual Framework for Human Security."

[51] Frances Stewart, "Horizontal Inequalities: A Neglected Dimension of Development," CRISE Working Paper 1, University of Oxford, 2006, www.crise.ox.ac.uk/pubs/workingpaper1.pdf, 33.

[52] Ibid., 5.

[53] Ibid.

[54] de Greiff, "Articulating the Links."

[55] Dyan Mazurana and Khristopher Carlson, "Reparations as a Means for Recognizing and Addressing Crimes and Grave Rights Violations against Girls and Boys during Situations of Armed Conflict and under Authoritarian and Dictatorial Regimes," in *The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations*, ed. Ruth Rubio-Marín (New York: Cambridge University Press, 2009).

[56] See, for example, Innocenti Research Center, "Expert Discussion on Children and Transitional Justice: Background Paper," unpublished report, 2008.

[57] Cheryl Heykoop, "Child Participation and Agency in the Sierra Leone TRC," draft summary in Innocenti Research Center, "Expert Discussion."

[58] Ann Linnarsson, "Children's Participation in the Commission for Reception, Truth and Reconciliation in Timor-Leste," draft summary in Innocenti Research Center, "Expert Discussion."

[59] Comision para el Esclarecimiento Historica (CEH), *Guatemala: Memoria del Silencio*, Volume 3, Chapter 2, shr.aaas.org/guatemala/ceh/mds/spanish/cap2/vol3/ninez.html#Ref39.

[60] Theo Sowa, "Child and Adolescent Participation in the Liberian TRC," draft summary in Innocenti Research Center, "Expert Discussion."

[61] See Innocenti Research Center, "Expert Discussion."

[62] Sobhi Tawil and Alexandra Harley, eds., *Education, Conflict and Social Cohesion* (Geneva: International Bureau of Education, 2004).
[63] Buckland, *Reshaping the Future*.
[64] Ibid., 26.
[65] CEH, Volume 3, Chapter 2.
[66] Oficina de Prensa y Comunicaciones, Ministerio de Educacion, Republica del Peru, "Agenda del Sector Educacion Concide con las Recomendaciones de la CVR," Ministerio de Educacion, 2004, www.minedu.gob.pe/noticias/index.php?id=1211.
[67] See, for example, Elizabeth A. Cole and Judy Barsalou, "Unite or Divide? The Challenges of Teaching History in Societies Emerging from Violent Conflict," United States Institute of Peace (USIP) Special Report 163 (June 2006), 12.
[68] de Greiff, "Articulating the Links."
[69] Glenda Wildschut writes: "This [not including education among institutional hearings] I believe was a shortcoming on the part of the Commission as it was in education that most damage to this society was done." Glenda Wildshut, "Some Lessons for Education to be Learned from the South African Truth and Reconciliation Commission," *Adult Education and Development*, no. 11 (2007): 61.
[70] Christopher J. Colvin, "Overview of the Reparations Program in South Africa," in *The Handbook of Reparations*, ed. Pablo de Greiff (Oxford: Oxford University Press, 2006), 196.
[71] Wildschut, "Some Lessons."
[72] The most obvious example is the Indian Residential Schools Truth and Reconciliation Commission which began work in Canada in June 2008, although it is not in a typical transitional context nor is it a development one. This commission investigates an explicitly educational arena in its attention to the violations of human rights committed against First Nations people at residential schools around the country. The Indian Residential Schools TRC became fully operational as of June 2, 2008. Indian Residential Schools Truth and Reconciliation Commission (TRC-CVR Canada), "Indian Residential Schools Truth and Reconciliation Commission is Formally Established and Operational," www.trc-cvr.ca/indexen.html.
[73] Sierra Leone Truth and Reconciliation Commission (SLTRC), *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission*, Vol. 2 (Accra: SLTRC, 2004). Note that in South Africa, victims speaking to the Committee on Reparations and Rehabilitation (CRR) tended to ask for money and/or compensation as their first need followed by investigation into the violations that they suffered. See Wendy Orr, "Reparations Delayed is Healing Retarded," in *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*, ed. Charles Villa-Vicencio and Willem Verwoerd (Cape Town: University of Cape Town Press, 2000), as reported/cited in Colvin, "Overview."
[74] Paulson, "The Educational Recommendations of Truth and Reconciliation Commissions."
[75] For instance, a secondary scholarship program was implemented for girls in regions where gender imbalances in registration are considerable and peace education curriculum was under development.
[76] Paulson, "The Educational Recommendations of Truth and Reconciliation Commissions."
[77] CVR, *Informe Final.*
[78] Managing the decentralization process, teacher certification, and educational finance are key issues of concern to educational policymakers and the broader educational community in Peru, and are not touched by the CVR recommendations.
[79] CVR, "Programa Integral de Reparaciones," www.cverdad.org.pe/ifinal/pdf/TOMO%20IX/2.2.%20PIR.pdf.
[80] Elizabeth Lira, "Reparations Policy for Human Rights Violation in Chile," in *The Handbook*. Note that civil servants dismissed from universities and other educational institutions in Chile also received cash payments as part of the reparations for their dismissal.
[81] Ibid. Education (tuition, fees, and a stipend) at any level at the institution of their choice was made available up to the age of 35 to children of the disappeared in Chile. Note that the limitation of reparations to the families of the disappeared and not also to those imprisoned unjustly and their families has been criticized.
[82] Richard Price, "Executing Ethnicity: The Killings in Suriname," *Cultural Anthropology* 10, no. 4 (1995): 437-471; David J. Padilla, "Reparations in Aloeboetoe v. Suriname," *Human Rights Quarterly* 17, no. 3 (1995): 541-555.

[83] Office of the United Nations High Commissioner for Human Rights (OHCHR), *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, 20(b), 22(h), 23(e), www2.ohchr.org/english/law/remedy.htm.
[84] Colvin, "Overview."
[85] Lira, "Reparations Policy for Human Rights Violation in Chile."
[86] Ruth Rubio-Marín, "Introduction. The Gender of Reparations: Setting the Agenda," in *What Happened to the Women? Gender and Reparations for Human Rights Violations*, ed. Ruth Rubio-Marín (New York: Social Science Research Council, 2006), 29.
[87] Charles S. Maier, "Overcoming the Past? Narrative and Negotiation, Remembering and Reparation: Issues at the Interface of History and Law," in *Politics and the Past: On Repairing Historical Injustices*, ed. John C.Torpey (Boston: Rowan and Littlefield Publishers, 2003).
[88] Author's interviews with officials from Peru's Ombudsman's office, January-April, 2008.
[89] Mazurana and Carlson, "Reparations as a Means."
[90] Ibid.
[91] Ibid.
[92] Ibid (my emphasis).
[93] As quoted in Muñoz, "Right to Education in Emergency Situations."
[94] Ibid., 14.
[95] Children and Armed Conflict Unit, "SCSL Affirms Child Soldier Recruitment is a War Crime," June 3, 2004, www.essex.ac.uk/armedcon/story_id/000203.html.
[96] Scott Worden and Emily Wann, "Special Court of Sierra Leone Briefing: The Taylor Trial and Lessons from Capacity-Building and Outreach," www.usip.org/pubs/usipeace_briefings/2007/0821_special_court.html. Note that the SCSL's location in Sierra Leone itself likely makes it easier for its outreach program to engage directly with the educational sector than it would be for the programs of the ICTY (located in The Hague) and the ICTR (located in Tanzania). However, offices have been opened around the former Yugoslavia and in Kigali as part of outreach programs, and these could potentially liaise with the educational sector.
[97] Coalition for the International Criminal Court (ICC), "Communications and Outreach," www.iccnow.org/?mod+communications.
[98] War Crimes Study Center, "Interim Report on the Special Court for Sierra Leone," University of California, Berkeley, 2005; Special Court for Sierra Leone (SCSL), "Outreach and Public Affairs," www.sc-sl.org/OPA.html.
[99] SCSL, "Outreach and Public Affairs," www.sc-sl.org/ABOUT/CourtOrganization/TheRegistry/OutreachandPublicAffairs/tabid/83/Default.aspx
[100] International Criminal Court (ICC), "Outreach Report 2007," The Hague, 2007.
[101] Franck Petit, "Sensiblisaton a la CPI en RDC: Sortir du 'Perfil Bas,'" ICTJ Occasional Paper Series, New York, March 2007, www.ictj.org/images/content/6/3/638.pdf.
[102] Christiane Wilke, "The Shield, the Sword and the Party: Vetting the East German Public Sector," in *Justice as Prevention: Vetting Public Employees in Transitional Societies*, ed. Alexander Mayer-Rieckh and Pablo de Greiff (New York: Social Science Research Council, 2007).
[103] Ibid.
[104] Dimitri A. Sotiropoulos, "Swift Gradualism and Variable Outcomes: Vetting in Post-authoritarian Greece," in *Justice as Prevention*.
[105] Roger Duthie, "Introduction," in *Justice as Prevention*.
[106] Sandoval, "Educacion, Ciudadania y Violencia en el Peru."
[107] Author's interviews, Peru, January–March, 2008.
[108] CVR, "Plan integral de reparaciones."
[109] See www.facinghistory.org.
[110] Paulson, "The Educational Recommendations of Truth and Reconciliation Commissions."
[111] Ibid.

[112] Julia Paulson, "Truth Commissions and National Curriculum: The Case of the *Recordandonos* Resource in Peru," draft paper prepared for the Innocenti Research Center and ICTJ project on Transitional Justice and Children, forthcoming.
[113] Elizabeth Oglesby, "Historical Memory and the Limits of Peace Education: Examining Guatemala's *Memory of Silence* and the Politics of Curriculum Design," in *Teaching the Violent Past: History Education and Reconciliation*, ed. Elizabeth A. Cole (Washington, DC: Rowman and Littlefield, 2007).
[114] Sowa, "Child and Adolescent Participation."
[115] Paulson, "Truth Commissions and National Curriculum."
[116] Cole, *Teaching the Violent Past*; Tawil and Harley, *Education, Conflict and Social Cohesion*.