

Research Brief

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

November 2009

Julia Paulson

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

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. In both the empirical and normative accounts, however, researchers pay little attention to the type and quality of education.

A considerable body of research is accumulating to counter the assumption that education is inevitably good. 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. Educational provision, delivery, pedagogy, and content can contribute to, foster, or entrench conflict and violence in many ways.

Furthermore, conflict has a devastating impact on education. In addition to exposing children to violence and human rights violations, conflict restricts 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.

There is, therefore, a strong desire to justify educational expenditures in the postconflict context on the basis of quantifiable evidence of its peacebuilding effect. An early

Research Project

Transitional Justice and Development

This project examines the relationship between transitional justice and development, two 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 in order 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.

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.

Expanding Understandings of Education and Human Development

Unless the characteristics and nature of education are considered, it cannot be assumed education will necessarily contribute towards human development, or will dismantle earlier features that might have contributed to conflict. The promotion of education in the postconflict context, therefore, must move beyond education for its own sake and move towards education with particular characteristics that enable particular goals. The 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*.

One of the main objectives of postconflict educational (re)creation is participation. This includes not simply an opening of educational access, but the creation of diverse and specialized educational opportunities that allow for the meaningful participation of all. This notion of participation is based on the status of education as a basic human right and seeks to qualify 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.

Education of a high quality is implicit, 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, experiences of violence, poverty, language, displacement, and trauma.

(Re)creation of an educational sector requires that it have the capacity to effectively and equitably deliver this kind of participation. Central to this capacity are the institutions and actors of the educational sector, and the principles, policies, and cultures they develop. 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: Mutual Reinforcement

Two mediate goals of transitional justice measures are the recognition of victims and the promotion of civic trust. 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.

The 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.

For victimized children, the recognition provided by 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 state that victimized children see. Such children may witness these two separate measures as sincere efforts by the state to directly recognize and reach out to them as rights-bearers and citizens in ways they have not been recognized or reached out to before. Moreover, the more these children feel recognized, the more likely they may be to embrace opportunities for participation.

Participation in education can also be mutually reinforcing with civic trust. 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. 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 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.

Transitional Justice and Education: Practical Synergies

Examples around the world also demonstrate multiple instances of more direct synergy between measures of transitional justice and postconflict education.

Truth commissions are the transitional justice measure with the most substantial practical overlap with education and children. The final reports of the commissions of Peru, Sierra Leone, Guatemala, and Timor Leste all make concrete recommendations for educational reform. It is essential that such recommendations are well grounded both in the findings of the commission and in the realities and possibilities for sectoral reform. Truth commissions that 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.

Educational reparations hold potential as important components of a reparations program, particularly if individual reparations are to contribute to development. Indeed, reparations that open educational access to individuals previously excluded may make modest contributions to reducing inequality, particularly where victims tend to come from socioeconomically disadvantaged groups. In addition, selected educational initiatives can be conceived as reparatory in a collective sense, but only when individual demands for reparation have or are being addressed and where state obligations for quality basic education are intact.

Although limited jurisprudence exists regarding the prosecution of the violation of the

About the Author

Julia Paulson is a doctoral researcher at the University of Oxford. She is Chair of the Conflict and Education Research Group (CERG) and Co-Editor of the Oxford Transitional Justice Research (OTJR) Working Papers Series. She has worked as a consultant for UNICEF, INEE, UNESCO, and ICTJ, and has published on postconflict educational reform, transitional justice, and educational policy transfer.

There is considerable potential for transitional justice initiatives to feed into building the capacity of the education sector to provide participation during periods of broad institutional reform.

right to education, prosecutions can and do bring attention to crimes committed against children and are potentially meaningful for education. As with truth commissions, the involvement of education specialists in prosecution work—in working with children who will testify in court, in coordinating outreach work, in liaising with education actors—could potentially improve the quality and impact of such efforts.

Institutional reform through the vetting of abusive members of public institutions potentially intersects with education. In many postconflict countries, however, there is a significant lack of well-trained teachers. To further reduce the number of available teachers may not be the most appropriate policy decision, particularly in terms of maintaining a minimal level of educational access. Consideration should be given to other methods that may bring renewed legitimacy to educational sectors and institutions tainted by their roles or complicity in human rights violations.

Memorialization projects actively embody the public education role inherent in many transitional justice initiatives. These projects 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 part of their activities.

Curriculum efforts based on transitional justice come with many challenges, but these should not dissuade such efforts. That high-quality truth commission-based teaching resources exist in countries such as Peru and Sierra Leone may be a huge advantage when and if the reconciliatory space opens up that permits teaching about the commission and the past it explores. Closer collaboration with ministries of education during the preparation of resources could be extremely beneficial.

Conclusion

For an educational sector committed to responding to conflict and its own role within it, a transitional justice initiative should seem a natural ally. Likewise, for transitional justice practitioners, an educational sector committed to (re)creation would be a valuable partner. 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 can demonstrate its worth through the contributions it might make to education, this may increase its legitimacy in the eyes of a sceptical population.

ICTJ wishes to thank the German Federal Ministry for Economic Cooperation and Development (BMZ) and the Swiss Federal Department of Foreign Affairs (FDFA), whose financial contributions made this research project possible.

The International Center for Transitional Justice assists countries pursuing accountability for past mass atrocity or human rights abuse. ICTJ works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved. To learn more, visit www.ictj.org.

Research Brief Series

ICTJ Research Briefs summarize longer studies prepared as part of research projects conducted by the ICTJ's Research Unit. For the full Transitional Justice and Development papers, visit www.ictj.org/en/research/projects/research5/index.html.