

INTERNATIONAL ARMED CONFLICT AND ITS IMPACT ON EDUCATION

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Abstract

Violent conflict represents one of the greatest development challenges facing the international community. If we look beyond the immediate human suffering in these cases, we find that international armed conflict is one of the underlying causes of poverty, inequality and economic stagnation. Children and education systems are often the targets of violent conflict. It is necessary to liberate all the energies and capabilities of education in order to become a force for peace, therefore the Preamble to the Constitution of UNESCO declares that "since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed." (UNESCO,2011) There are no more immune bulwarks than public behaviours and attitudes based on tolerance, mutual respect and a commitment to dialogue, which must be developed and refined every day in classrooms around the world. If schools are used in another way, i.e., as a tool for the development of a spirit of intolerance, chauvinism and disrespect for others, this not only leads to ignorance but also paves the way for violence. Official and non-official stakeholders involved in the United Nations system should take an active role in rebuilding education systems in conflict-affected countries, drawing on work in the areas of intercultural dialogue in order to spread peace, curriculum development, teacher preparation and textbook reform, passed Many years since the establishment of the United Nations, the nature of the challenges posed by the militants has changed and the methodology of conflicts has changed, but the principles, values and institutions on which the regime is based have not changed, though the United Nations has retained its credibility and remained in force as always. In his article, the author refers to the necessity of education in building societies, drawing on examples from the history of nations to inform the public of the need to support educational institutions by states, governments and even at the level of individuals and civil society activists because of their profound impact on the sustainability, goodness and prosperity of societies. It has presented some legal texts that have been enacted to protect education at all levels and the rights of learners in times of armed conflict and insecurity.

Keywords: conflict, education, rights, prosperity, protection, recovery

1 INTRODUCTION

Education is a human right in itself and an indispensable means to achieve another human right(s) by which people of different age groups can be empowered to use this right and bring about change in their living standards and upgrade their societies. It is also an effective way to save women and children from sexual exploitation as well as to work in dangerous fields. This law has also contributed to spreading awareness, which had an important role in raising awareness of the dangers of environmental pollution and, on the other hand, controlling random population growth, which has a future impact on preserving the environment and ensuring a fair distribution of wealth. Education can be described as one of the best services that this sector can provide in the field of financial investment at the national and international levels because of its impact on the progress made, whether at the level of information technology or what is related to it from the successes of the human mind at the level of innovation from the Internet to space technology and others.

Vital areas that enhance minds and human existence on this planet. The International Covenant on Economic, Social and Cultural Rights has devoted its efforts to strengthening the role of education in two articles, namely Article 13 and Article 14. Article 13 is considered the most comprehensive and broad on the right to education despite the efforts of the Follow-up Committee to implement. This right is considered one of the rights of international law, yet it is fully aware of the existence of many obstacles facing the implementation of the provisions of these articles, which we may address later in this article.

2. MAIN PART

2.1 Education Goals and Objectives

All Member States agree that all types of education, whether private or public, should be directed towards the goals established by the Charter of the United Nations in Articles I and II, which are consistent with the Universal Declaration of Human Rights in Article 26 Paragraph 2 and Article 13 Paragraph 1 added three aspects: Education is oriented towards the human personality "sense of dignity", "all persons shall be empowered to participate effectively in a free society", and shall promote understanding among all. "Ethnic" groups, as well as nations, racial and religious groups. Among those common educational objectives of Article 26(2) of the Universal Declaration of Human Rights and Article 13(1) of the Covenant, perhaps the essential is that "education shall be directed towards the development of the whole personality of the human being."¹ The Committee notes that since the General Assembly adopted the Covenant in 1966, other international agreements have clarified the goals that education must achieve. Accordingly, the Committee considers that states parties are required to ensure that such education complies with the goals and objectives set forth in Article 13 (1), as articulated in light of the Universal Declaration of Education for All (Jomtien, Thailand, 1990). (Article 1), Convention on the Rights of the Child (Article 29(1)), Vienna Declaration and Program Actions (Part I, Paragraph 33 and Part II, Paragraph 80), Convening the United Nations Plan of Action for Human Rights Education (Paragraph 2). While all of these texts correspond closely with Article 13(1) of the Covenant, which also includes elements not expressly provided for in Article 13(1), such as specific references to gender equality and respect for the environment. These new elements are included in and reflect the contemporary interpretation of Article 13(1). The Commission obtains support for this view through the widespread support of the aforementioned texts from all regions of the world.

2.2 How to Receive the Right to Education

Article 13(2, a) of the Charter indicates that the following conditions must be met to obtain the right to education in its various types and levels, such as availability: educational institutions and programs must be effective and available in sufficient quantities within the jurisdiction of the State party. For example, all institutions and programs are likely to require buildings or other sanitation facilities for both sexes, safe drinking water, trained staff for teachers who are paid locally competitive salaries, and educational materials as well such as the library and computer and information technology facilities. Also (para2, b) referred to the accessibility - educational institutions and programs must be accessible to all. Everyone has the right to education in sense of Non-discrimination, Physical accessibility, Economic accessibility within the jurisdiction of the State Party. The form and substance of education; relevant, culturally appropriate and of good quality (article 13 (1)). Meanwhile education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.

3. THE IMPORTANCE OF EDUCATION IS REFLECTED IN THE PROGRESS AND PROSPERITY OF PEOPLES

History has revealed many manifestations, for the sake of digression, not historical narrative, the author refers to the Prosperity of Science of the Abbasid Era, and the Ottoman Caliphate as examples. The Abbasids maintained an unbroken line of caliphs for over five centuries (750-1258AD.), consolidating Islamic rule and cultivating great intellectual and cultural developments in the Middle East in the Golden Age of Islam. Science and Technology flourished during the Islamic Golden Age from around 780 CE to 1248 CE. During this time, scholars in the Middle East made great advances in the areas of mathematics, physics, geography, and medicine. Science and technology advanced during the Islamic Golden Age for many reasons. First, the pursuit of knowledge was encouraged both by the Islamic religion and the Islamic government. Scholars were respected by the people and sponsored by the government. At the same time, large libraries were built in cities throughout the Muslim empire helping technology and knowledge to be

¹ <https://www.right-to-education.org/page/united-nations-instruments>

shared between scholars through the production of books.² It is interesting to know these facts about Science and Technology in the Islamic Golden Age;

- Due to the large libraries and many books produced in the Muslim world, Arabic became the international language of science and learning.
- Islamic scholars helped to reproduce the work of many Greek scientists and mathematicians such as Aristotle.
- The work of Islamic astronomers had a significant influence on later astronomers such as Galileo and Copernicus.
- Arab scientist Ibn al-Haytham is considered one of the world's first theoretical physicists. He developed the scientific theory and wrote a famous book on vision and light called the Book of Optics.

On the other hand The Ottoman Empire reached the height of its glory and power during the sixteenth and seventeenth centuries, as its lands extended to include large parts of the three continents of the ancient world: Europe, Asia and Africa, where it was subjected to the entirety of Asia Minor and large parts of south-eastern Europe, western Asia, and northern Africa.³ The number of Ottoman provinces reached 29 provinces, Education in the Ottoman Empire, a phrase that refers to the state of education in the Ottoman provinces during the rule of the Ottoman Empire. Since the emergence of the Ottoman Empire, it has taken care of education and established schools, and it was the schools that provided the state with employees.[2] The Ottoman sultans always developed and supported the education system.[3] The first school that was opened is a school in the city of Izmir, which was opened in the year 728 AH / 1327 AD. Islamic schools were the basis of education in the Ottoman era, and these schools developed permanently with the passage of time. The establishment of the first Ottoman school dates back to the year 1331 AD in the city of Zink, near Bursa, western Turkey, which was the old capital of the Ottoman Empire. Islamic schools were inspected in all the countries under the rule of the Ottoman Empire by scholars in accordance with the provisions of the Islamic religion. Ottoman schools were established with the aim of graduating teachers, muftis, and workers in religious and judicial institutions. Education in these schools was of high quality, as many subjects such as philosophy, logic, mathematics, astronomy, and history were taught. The Ottoman Empire witnessed the establishment of many other schools, including the "Sahnı Seman" school, which was founded by Sultan Mehmed the Conqueror after the conquest of Istanbul at Al-Fatah College. It was named by this name because there are eight schools in it. This school is one of the first higher education institutions in Istanbul. He studied fiqh, theology, and philosophy. Shahana property office was the first Ottoman civil high school, established during the reign of Sultan Abdul Majid in 1859 in Istanbul in order to graduate civilian rulers for use in the civil institutions of the state. And he was studying there; History, geography, mathematics, economics and politics, but after the declaration of the Republic in Turkey, it moved to the capital of Turkey, Ankara, and changed its name to the Faculty of Political Science of Ankara University.⁴

4. HOW TO STRENGTHENING THE PROTECTION OF EDUCATION DURING ARMED CONFLICT THROUGH LEGAL TEXTS

Students, education providers, schools and universities are generally protected as civilians and civilian objects under International Humanitarian Law (IHL)⁵ Education is affected in many ways during insecurity and armed conflict. Students and education staff can be threatened or physically harmed, or populations may be displaced within and beyond the borders of their countries. Children are often recruited into the armed forces of states or non-state armed groups, as we saw clearly in the city of Mosul when armed groups entered it 2003, and educational facilities are often destroyed or used as a basis for training by both groups. Education itself is also affected when it is used as a tool of war propaganda or as a means of discrimination or incitement to hatred. Or it may be stopped completely in the case of the handover of power in Afghanistan by the Taliban. If education is damaged in these ways, its role in supporting sustainable recovery could be lost or significantly diminished. This harm can also limit communities' awareness of the need to protect and guarantee human rights. Given the critical need to ensure education for all, even in times of insecurity and armed conflict, the preventive role and potential protection of the law in such times. In general, International Human Rights Law (IHRL) applies to all situations and at all times including insecurity and armed conflict. International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR) and its

² https://www.ducksters.com/history/islam/science_and_technology.php

³ https://web.archive.org/web/20190415050748/http://www.oxfordislamicstudies.com/article/opr/t125/e1801?_hi=41&_pos=3

⁴ <https://www.turkpress.co/node/13239>

⁵ <https://rcrcconference.org/>

optional Protocol; and International Covenant on Civil and Political Rights 1966 (ICCPR) and its Optional Protocols serve these goals of providing protection. There are also human rights treaties which focus on the protection against a particular form of human right violation. These include the Convention Against Discrimination in Education 1960 and the Convention on the Elimination of all Forms of Discrimination against Women 1979, as well as the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment 1984 and its Optional Protocol. Other human rights treaties protect particular groups, such the Convention on the Rights of the Child 1989 and the Convention on the Rights of People with Disabilities 2006. In the same context The International Humanitarian law (IHL) plays a significant role in providing security and protection. It aims to make war more humane, and its rules and restrictions embody the international ideal that military victory should not be achieved at any cost. IHL applies to all parties to a conflict, including both States and non-State armed groups. It's largely codified in the four Geneva Conventions for the Protection of War Victims of 1949 (the Geneva conventions); The three protocols additional to the Geneva Conventions (Additional Protocols): Additional Protocol I of 1977 applicable in international armed conflict; Additional Protocol II of 1977 applicable in non-international armed conflict; and Additional Protocol 3 relating to the adoption of a new distinctive emblem (the 'Red Crystal'); In addition to the above IHL is comprised of customary international law. Each of these treaties and the relevant customary international law embody the central protection afforded by IHL. This is the principle of distinction: that parties to a conflict must at all times distinguish between civilians and those persons taking a direct part in hostilities; and between civilian objects and military objectives.

5. CONCLUSION

THE ROLE OF EDUCATION IN SUPPORTING SUSTAINABLE RECOVERY

All human rights are interrelated and interdependent, which means that the enjoyment of a particular human right often depends partially or substantially on the enjoyment of other right(s). This means that the right to education is often necessary, but rather an essential part of other human rights, such as the right to work, the right to freedom of expression and association, and to run free and fair elections to elect their representatives in state institutions of all stripes, and access to health and other services that preserves human dignity and respect. Likewise, in order to realize the right to education, other human rights must be fulfilled. This includes the protection of children from economic and social exploitation, and the right to an adequate standard of living (including housing, food and water). Like other human rights, the right to education applies to all without discrimination and is applicable at all times, including this is in situations of insecurity and armed conflict. Therefore, it was necessary to overlap between those laws to serve individuals and educational institutions or those services in the event of armed conflict or peace. For example, in armed conflicts, the right to education applies under international human rights law along with the rules of international humanitarian law. International humanitarian law reinforces the legal framework of international human rights law to protect education in international and non-international armed conflicts and seeks to ensure that education continues uninterrupted in cases where education was provided prior to armed conflict. Education is not just an end in itself. It is also an enabling right, allowing access to other human rights, meaningful participation in society, and the promotion of a universality that respects the dignity of all. It is a right that deserves all protection. Countries must improve their awareness of the international and global importance of education at all times. To do this, states must ratify and implement all relevant international human rights law treaties at the international and regional levels. They must engage and cooperate fully with all relevant treaty monitoring bodies and procedures. In turn, the relevant treaty monitoring bodies and other supervisory bodies must demonstrate their common and coordinated will to provide coherent guidance to states regarding measures required to implement their education-related obligations and, when breached, measures to remedy such breach. States and non-state armed groups must demonstrate a common commitment to upholding international humanitarian law fully aware and enforcing the protection of education rooted in legal norms. There is a need to improve compliance with the rules that protect students, education personnel and educational facilities from direct and deliberate attack; and rules relating to accidental damage. The special protection afforded to certain categories of persons and things must be respected by the parties to an armed conflict. These changes will significantly improve the overall protection of education in armed conflict. International criminal courts must recognize and respond to education-related abuses within their jurisdictions. They must find ways to recognize the impact of violations of international criminal law on education at all stages of its operations, including preliminary investigation, judgment and reparation.

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