

International humanitarian law and basic education

by
SOBHI TAWIL

The suffering caused by armed conflict is one of the most tragic shared historical experiences of human society. The twentieth century is believed by many to have seen both a rise in the number of armed conflicts across the world and a significant change in the nature of these conflicts. More particularly, the second half of the twentieth century has witnessed a proliferation of internal conflicts often related to the birth, consolidation or collapse of nation-states. As urban and residential areas increasingly become the theatre of combat in internal conflicts and in civil war, the proportion of civilian victims grows dramatically. Children and young people also appear to be ever more exposed to and affected by the violence of armed conflict, not only as victims but also as aggressors, as evidenced by the enrolment and exploitation of children as combatants in many conflict situations today.

Far from fulfilling the early optimism generated by the end of the Cold War and reflected in the international commitment in favour of education for all made by governments and aid agencies at the 1990 World Conference on Education for All (Jomtien, Thailand),¹ the last decade of the twentieth century has not seen any reallocation of resources away from destruction and toward the satisfaction of human needs such as basic education. Rather than the promise of an international “peace dividend”, the end of the Cold War appears to have brought with it a continuation, if not an accen-

Sobhi Tawil is head of the Exploring Humanitarian Law project at the International Committee of the Red Cross.

tuation, of the trend toward greater political instability, violence and armed conflict.

Protecting the right to education in times of armed conflict

It is therefore not surprising that over the past decade armed conflict has proved to be one of the major obstacles to the realization of the Education For All (EFA) goals set by the international community at Jomtien, Thailand, in 1990. Even then, a significant number of the countries in which declining primary school enrolment rates were observed during the 1980s were those afflicted by armed conflict (Berstecher & Carr-Hill, 1990²). While the Jomtien Declaration and Framework of Action made only limited reference to education in emergencies, such education has progressively emerged as a key issue over the past decade. Although conventionally overlooked in favour of basic needs such as shelter, nutrition and health care, the provision of education in emergencies is becoming increasingly viewed as a necessary component of early emergency relief assistance (Pigozzi, 1997; Retamal and Aedo-Richmond, 1998). Recognition of the importance of ensuring continued education in situations of armed conflict is steadily gaining ground. Indeed, the interagency mid-decade review of international achievement toward the goal of education for all (Amman, 1996) devoted one of its round table sessions to Education in Emergencies and identified “escalating violence caused by growing ethnic tensions and other sources of conflict” as an “emerging challenge” for education.³ More recently, the strategic parallel session on Education in Situations of Emergency and Crisis at the recent World Education Forum (Dakar, April 2000) succeeded in introducing the issue into the wording of the Dakar Framework of Action:

Education For All “must take account of the needs of the poor and most disadvantaged, including working children, remote

¹ *World Conference on Education for All: Meeting Basic Learning Needs*, Final report, Interagency Commission, New York, 1990.

² See bibliography in the Annex.

³ The Amman Affirmation, Mid-decade meeting of the International consultative forum on education for all, Amman, Jordan, 16-19 June 1996.

rural dwellers and nomads, ethnic and linguistic minorities, children and adults affected by armed conflict and HIV/Aids, and those with special learning needs”.⁴

It is worth noting, however, that throughout the 1990s humanitarian law was largely absent from the international discourse on basic education, whether in the context of development or that of emergencies and post-conflict reconstruction. A wide range of legal instruments are commonly referred to in support of the right of refugee children and young people and those in emergency situations to continued access to quality basic education. The fact that education is defined first and foremost as an “inalienable human right” is endorsed by reference to instruments of international law such as the Universal Declaration of Human Rights (1948) and the United Nations Convention on the Rights of the Child (1989). In the case of refugee education, more particularly, additional reference is made to the Convention relating to the Status of Refugees (1951). The right to education is thus seen as binding under all circumstances and to be protected in all situations, including crises and emergencies resulting from civil strife and war.

Yet international literature on basic education to date has rarely referred to international humanitarian law as a body of law that further protects the right of children and young people to education in situations of armed conflict. This is most surprising, given that international humanitarian law not only strengthens the legal framework for the protection of education in times of armed conflict, but also makes provision for specific situations. Indeed, a number of articles set out provisions for the protection of the civilian infrastructure and that of the right of civilians and non-combatants to satisfy basic social and cultural needs, including education, in times of armed conflict, under military occupation or in emergency situations. As part of the general protection of civilian populations in the context of armed conflict, international humanitarian law makes the following provisions for the protection at such times of the right to education:

⁴ Dakar Framework of Action, April 2000.

- Education of orphaned or unaccompanied children

“The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.”⁵
- Education under military occupation

“The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children. (...) Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.”⁶
- Education of interned children and young people

“All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.”⁷
- Education of children during non-international armed conflicts

“Children shall be provided with the care and aid they require, and in particular: (a) they shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care.”⁸

⁵ Art. 24, Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.

⁶ Art. 50, *ibid.*

⁷ Art. 94, *ibid.*

⁸ Art. 4(3)(a), Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.

Clearly, international humanitarian law has a contribution to make to the legal framework for the protection of education in emergencies. In this respect it is promising that, for the first time, the assessment thematic study that served as the basis for the strategic session for education in emergencies at the recent World Education Forum (Dakar, 2000) explicitly refers to humanitarian law. One of the major recommendations put forward in the study is “that more systematic efforts be made to link the themes of human rights and humanitarian law to protecting the rights of children and adolescents in emergency situations.”⁹ The study also emphasizes the “need for a clear and integrated statement of the protection which schools should enjoy in times of conflict, under humanitarian law, and the implications for the child’s and adolescent’s right to education of the Convention on the Rights of the Child.”¹⁰

Contributing to the core content of basic education

Besides strengthening the legal provisions for the protection of access to education in situations of armed conflict, international humanitarian law has a role to play in defining the content of basic education. Arguably, humanitarian law has a unique contribution to make to the knowledge, skills and attitudes that constitute the indispensable learning content of basic education. The 1990 World Conference on Education for All defined basic education as encompassing both “essential learning tools (such as literacy, oral expression, numeracy and problem-solving) and the basic learning content (such as knowledge, skills, values and attitudes) required by human beings to be able to survive, to develop their full capacities to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions, to continue learning”.¹¹ Beyond both the “essential learning tools” or key com-

⁹ *Education in Situations of Emergency and Crisis*, Education For All Assessment Thematic Study, Emergency Educational Assistance Unit (ED/EFA/AEU), EFA Forum, Paris, October 1999.

¹⁰ *Ibid.*, p. 66.

¹¹ *Op. cit.* (note 1).

petencies such as literacy and numeracy and the situation-specific aspects of basic education, humanitarian law can help to provide the critical elements that form the common core of basic education. Through a series of ethical explorations relating to the common human experience of armed conflict, education in humanitarian law is an important contribution to positive attitudinal change fostered by ideas such as respect for life and human dignity, civic responsibility, and solidarity.

Such education in humanitarian law is based on three observations that may be made with regard to armed conflict, violence and young people. The first is that the tendency of armed conflicts around the world to multiply and change in nature does not seem to be abating. Secondly, it is becoming ever more difficult to distinguish between armed conflict and non-conflict settings, as all societies appear to be increasingly prone to various forms of violence. It may be more appropriate to situate all societies on a continuum of levels of violence ranging from school-based and street violence to social unrest, internal disturbances and armed conflict. Finally, young people are increasingly exposed to greater media coverage of these different forms of violence, and are more and more affected by and involved in both urban violence and armed conflict. These observations lead to an important working assumption for any initiative concerning education in humanitarian law for young people, namely that education in humanitarian law constitutes relevant and meaningful learning for young people in all societies, regardless of the local historical experience of armed conflict and whatever the exact position of a given society on the continuum of violence may be.

It is interesting to note in this respect that one of the main arguments put forward to explain and justify the failure to teach humanitarian law as part of basic education has to do with the perceived lack of relevance of the subject to young people in non-conflict settings. Preliminary evidence, however, suggests the contrary. A recent UNICEF/*Le Monde* survey conducted in France among adults and teenagers in 1999 on the tenth anniversary of the Convention on the Rights of the Child indicated that French youngsters viewed war as a

major preoccupation more frequently than did their parents.¹² Moreover, exploratory focus group discussions conducted by the ICRC with 13-18 year olds in over ten countries around the world clearly show that they are eager to explore the ethical issues related to humanitarian law and armed conflict.¹³ When asked if they thought young people should learn about humanitarian law, the replies varied from needing to be aware of one's rights to "helping us in our small wars in life".

With this in mind, the main desired learning outcome of any initiative towards education in humanitarian law could be seen as a contribution to the formation of informed and responsible young people prepared to abide by, defend and promote humanitarian law and the principle of respect for life and human dignity in their respective spheres of influence. More specifically, this could include positive changes in levels of:

- awareness of limits and of various forms of protection applicable to situations of armed conflict;
- understanding of the multiple aspects of international humanitarian law, of the complexity of its application, and of humanitarian issues;
- interest in international current events and humanitarian action;
- capacity to view conflict situations at home and abroad from a humanitarian perspective;
- active involvement in community service or other forms of mobilization to protect and promote humanitarian attitudes.

Education in humanitarian law therefore proposes to explore war in ways that are not habitually the case when examining history or current events. As such, education in humanitarian law is not explicitly about peace, tolerance, mutual understanding, violence prevention or conflict resolution; it is about the ethical issues related to the shared human experience of armed conflict. Nonetheless, the knowledge, skills, values and attitudes involved in any such exploration

¹² Survey conducted among 1,300 adults and 12-15 year old children. See Pascale Kremer, "Droits fondamentaux des enfants: beaucoup reste à faire", *Le Monde*, 08.11.1999.

¹³ These discussions were conducted as part of the initial phase of research and development of the Exploring Humanitarian Law (EHL) project (see next section).

would necessarily have links with what is broadly referred to as “peace education”, understood as a very vague term that covers a wide array of educational initiatives varying considerably in content and approach and ranging from education for mutual understanding to environmental education and global citizenship. In order to properly situate education in humanitarian law within the context of such initiatives, it is important to define “peace education” more accurately. In the words of UNICEF, it is:

“... the process of promoting knowledge, skills, attitudes and values needed to bring about changes that will enable children, youth and adults to prevent conflicts and violence, both overt and structural; to resolve conflict peacefully; and to create the conditions conducive to peace, whether at an intrapersonal, interpersonal, intergroup, national or international level” (UNICEF, 1999: 1).

According to the above definition, peace education is clearly made up of three more or less distinct components: (i) conflict prevention, (ii) conflict resolution, and (iii) creating conditions conducive to peace. Although education for young people in humanitarian law is not explicitly about conflict prevention, and even less about conflict resolution, it definitely helps to create conditions conducive to peace. In situations of acute social and political tension, as for example in post-conflict and social reconstruction environments, education in humanitarian law may have a potential indirect pacifying effect.

Education in humanitarian law also has clear links to citizenship education programmes. The general area of citizenship education has been found to cover a wide spectrum of terms in different countries, ranging from citizenship and civics to social studies, studies of society and life skills (Kerr, 1999). Citizenship education has also been found to have numerous curricular subject links including history, geography, law, politics, religious studies and so forth. As a result, citizenship education may be defined and approached in numerous ways. From the specific perspective of humanitarian law, it may be argued that the development of international humanitarian norms relative to situations of armed conflict constitutes an emerging “civic

megatrend” (Kennedy, 1997)¹⁴ that has a central place in the preparation of informed adult citizens worldwide. By developing an awareness and an understanding of the ethical underpinnings of those norms, education in humanitarian law may be seen as a potentially unique contribution to citizenship education at the local, national and global levels.

Clear and direct relations furthermore exist between education in humanitarian law and human rights education, despite the fact that international humanitarian law is rarely explicitly mentioned in the definition of human rights education. “Rights education usually includes the component of learning about the provisions of international documents such as the Universal Declaration of Human Rights (1948) and the Convention on the Rights of the Child” (UNICEF, 1999: 7). The absence of any mention of international humanitarian law is striking for several reasons. First, international humanitarian law, together with human rights law, forms a part of public international law. Indeed, such basic rights as the right to life, the prohibition of torture or inhumane treatment, the prohibition of slavery and servitude and the right to fair trial, constitute what is often referred to as the “hard core” of human rights that must be respected under all circumstances, thus also in the extreme case of armed conflict. Seen thus, international humanitarian law and international human rights law are complementary in that they seek to protect the individual, albeit in different ways and in different circumstances. It is therefore logical that human rights education should also cover the provisions formulated in international treaty or customary rules which, in times of armed conflict, seek to protect all persons who are not or are no longer taking part in the hostilities, including the wounded, the sick, medical personnel, prisoners, and the civilian population.

However, the absence of any mention of international humanitarian law in the definition of the content of human rights education is surprising, given that humanitarian law, although not entirely free of controversy, is less contentious than human rights.

¹⁴ Quoted in Kerr, p. 7.

Whereas regimes of an authoritarian nature may perceive “human rights education” as politically sensitive, education in humanitarian law is generally well accepted. Evidence from a number of divided societies indicates that the area of citizenship education in general, and of human rights education in particular, is a controversial one. This is the case in Northern Ireland, for instance, where these programmes are seen by some segments of society as having an unwritten agenda or as being instruments of social engineering (Duffy, 2000). The central use of politically coloured concepts such as human rights within citizenship education may be contentious in that it is perceived as providing support for the current political process, which remains contested by significant segments of society in Northern Ireland. It may be argued that, within such contexts, international humanitarian law has a unique contribution to make to the definition of a shared value base for citizenship education in divided societies, particularly when other normative references such as human rights may be in dispute.

International humanitarian law can thus contribute unique and specific elements to the core content (in terms of knowledge, skills and attitudes) of basic education. The central value of respect for human life and human dignity on which such learning rests is at the intersection of ethics, citizenship and rights education.

The Exploring Humanitarian Law (EHL) project

Background

The Exploring Humanitarian Law (EHL) project was initiated by the ICRC in late 1998 with the aim of designing core learning materials for global use among young people in the 13–18 age range. As of March 2001 these modules may be adapted and progressively integrated either into secondary school curricula in the areas of citizenship or ethics education and/or into non-formal education programmes by implementing partners working through Ministries of Education, national Red Cross/Red Crescent organizations and/or other educational partners. The long-term strategic goal of the EHL project is that education in humanitarian law become fully accepted as

an integral part of basic education both in secondary curricula and in non-formal programmes for young people (aged 13-18) around the world.

EHL project development work was started in 1999 with the establishment of a network of some fifteen sites around the world to identify interest and set up an informal group of contacts.¹⁵ Once established, the groups provided the research and curriculum development process with information from the viewpoint of the local learning environment, conducting some thirty-five focus group discussions with young people and probing perceptions of humanitarian limits, human dignity in war and relevance of education in humanitarian law. The qualitative data collected through this consultation has helped to determine the design of the modules. Associated sites have also been reviewing and/or trying out prototype materials with youth groups and giving critical input to feed into the process of curricular development. This consultation has largely confirmed the working hypothesis underlying the development of the EHL modules, namely that ethical explorations of humanitarian law and the experience of war are perceived as relevant and meaningful learning regardless of the local experience of armed conflict. Moreover, this interest in exploring humanitarian law is expressed in a variety of ways that reflect local educational concerns. Several examples from the current research and development work on the EHL modules may serve to illustrate this observation.

Education and the threat of armed conflict

The Ministry of Education in Djibouti recently drew up a report on the multidimensional crisis afflicting the country's educational system and the general failure of the school system to promote cultural and socio-economic development.¹⁶ This crisis is reflected in the extremely low levels of development of basic education in Djibouti: the already dramatically low net enrolment ratios in grade 1

¹⁵ See list in Annex.

¹⁶ *Réflexions préliminaires à la tenue des États Généraux de l'Éducation: Document*

d'orientation, Ministère de l'Éducation Nationale, République de Djibouti, juin-juillet 1999.

(31.8 per cent), drop to less than 15 per cent at the secondary level.¹⁷ These educational indicators, much like those of neighbouring Ethiopia, Eritrea, Somalia and Yemen, are among the lowest in Africa. Moreover, the economy has suffered from conflicts in the Horn of Africa in the 1980s (refugee influx from Ethiopia and Somalia) and from natural disasters such as drought and famine, as well as from extreme poverty.¹⁸ Finally, internal conflict in the north of the country (1991-1994) has inflated the budget of the Ministry of Defence at the expense of education and other social sectors, and public resources for education have continued to decrease as a result of the introduction of a structural adjustment programme in 1995/96.

Given this generally dismal picture of urgent social and economic needs, interest in an educational initiative such as EHL would appear difficult to justify in the face of pressing priorities in terms of access to literacy, health and proper housing. On the contrary, it is precisely because of this reality of internal conflict (1991-1994), of ongoing armed conflict in neighbouring countries, of current trouble in the north and of regional tensions that EHL is seen as a relevant project by educational authorities in Djibouti.¹⁹ Moreover, the Ministry of Education has stressed the timeliness of an educational project (not only for young people, but also indirectly for their parents and communities at large) that aims to develop a greater sense of responsibility with regard to situations of armed conflict and humanitarian assistance within the conflict-ridden context of the Horn of Africa. EHL is genuinely seen by the authorities in Djibouti as an educational project with a "human dimension and humanitarian implications".²⁰

¹⁷ The Gross Enrolment Ratio at the secondary level was 15.4 per cent for 1998/99.

¹⁸ Life expectancy at birth, among the lowest in the world, is estimated at 48 (UNICEF, 1998).

¹⁹ This understanding was reaffirmed during an interview with the Director General of the Ministry of Education in Djibouti, September 1999.

²⁰ In his letter to the Minister of Education, the director of CRIPEN described EHL in the following terms: "Ce projet (...) me paraît être, compte tenu de sa dimension humaine et sa portée humanitaire, très instructif et très bénéfique pour le pays à plus d'un titre" (In view of its human dimension and humanitarian scope, this project (...) seems to me to be very instructive and very beneficial for the country).

Global versus parochial socialization in divided societies

The current process of curricular review in Northern Ireland involves a “values education” component that should lead to recommendations for the introduction of what is now being provisionally called “Educating for Democratic Citizenship” in the core curricula for 14-16 year olds in 2001/2002. The 24-month-old review is being conducted under the auspices of the Council for Curriculum Examinations and Assessments (CCEA) in Belfast, whose role is to advise the Department of Education for Northern Ireland on curricular reform.²¹ A steering committee has been set up for this purpose at the CCEA, bringing together representatives of major projects, regional library boards and teacher unions with a view to proposing legislation for citizenship education. The revised proposals being drawn up by the CCEA are intended to reflect the transition from the education for mutual understanding approach to that of citizenship education.

It is within this context of educational innovation that the Exploring Humanitarian Law project was first introduced and links established with the goals of the Educating for Democratic Citizenship programme. The pilot Social, Civic and Political Education project (Arlow, 1999) being funded by the Department of Education is one of the main pilot projects shaping the current review process. Exploring Humanitarian Law was seen as a potential contribution to such efforts. The introduction of humanitarian law as an additional reference for international law, the proposed ethical exploration of the humanitarian perspective that underlies it, and the introduction to a global perspective were all seen as positive contributions that EHL could make to citizenship education in Northern Ireland.

EHL's global approach was in fact viewed as an interesting means of helping to overcome the adverse effects of a long tradition of

²¹ See, e.g., Developing the Northern Ireland Curriculum to meet the needs of young people, society and the economy in the 21st century, Advice to the Northern Ireland

Minister of Education on the nature and scope of the review of the Northern Ireland Curriculum (Executive summary), CCEA, Belfast, 1999.

parochial socialization and segregated schooling. It was generally understood that EHL was not a peace or reconciliation educational programme, and that exploring international humanitarian law and the underlying humanitarian perspective could not only heighten awareness of current events in the world at large, but would also have an indirect pacifying effect. To lift the small communities of Northern Ireland out of their insular parochialism and open them to the world was seen as a positive contribution. It is this component of global citizenship, perceived as education about the rights and responsibilities of citizens in a broad international context, which appears to respond to specific educational concerns in Northern Ireland.

Curricular reform and postwar social reconstruction

Political change and armed conflict are dialectically linked to processes of educational transformation. Those processes may be part of a (proactive) educational reform process undertaken in times of relative stability to update curricula by incorporating new knowledge, skills and attitudes resulting from global developments. As a result of the perceived need to adapt to the accelerated pace and scale of global change at the turn of the twentieth century, or to what some have termed “the millennium effect”, many countries around the world “are undertaking reforms of schools and curricula, which will be in place by 2004” (Kerr, 1999: 2). Processes of educational transformation may also be part of wider and more radical political attempts to redefine educational systems following political upheavals and post-conflict social reconstruction. Post-conflict educational reconstruction is another major process of educational transformation. Recognizing the potential role of education as a catalyst for civil strife (Tawil, 1997) paves the way for new thinking on education, not only in post-conflict situations but also in emergency situations. This is clearly reflected in recent arguments for education to be included as a component of early humanitarian response to emergencies (Retamal and Aedo-Richmond, 1998). More than a simple stopgap measure until normalcy is restored, educational intervention in emergencies may be viewed as an “opportunity for educational transformation”. The fact that the education system “must be rebuilt rather than merely re-instituted”, that “it must

change in profound ways” (Pigozzi 1998), implies much broader scope and possibilities for such educational transformation.

Curricular reform, particularly in the area of civic or citizenship education, is an important opportunity for educational transformation in post-conflict societies such as Lebanon. The reform of civic education in Lebanon currently being undertaken by the Educational Centre for Research and Development is such an opportunity: after its complete absence from the school curricula since the outbreak of the civil war in 1975, civic education is now being redefined and reintroduced in the official curricula at all grade levels.²² Prior to 1975, civic education was not only a weak area of study in the official Lebanese curriculum, but had also been poorly imposed on an educational system that was, and still is, predominantly managed through the private/community sector.²³ The new civic education programme, with its four interwoven strands of social, civic, national and humanitarian education, aims to shape a new generation of informed and responsible citizenry capable of contributing to postwar social reconstruction.

Political violence, education and the culture of violence

Another significant example of political upheaval and educational transformation is that of South Africa. The recent history of educational development in South Africa has been marked by extreme political violence in a context defined first and foremost by the institutional violence resulting from over 300 laws of physical separation that constituted the legal framework of the *apartheid* regime. The refusal to accept the translation of this policy in terms of education sparked off the Soweto student uprisings of 1976, marking the beginning of a process of large-scale “militarization of youth” (Marks, 1995).

²² The rewriting of history textbooks for schools is, however, controversial, given the difficulty in reaching any consensus among the various components of Lebanese society as to what has actually taken place over the

last quarter of a century since the outbreak of the civil war.

²³ An estimated 70 per cent of all in-school children and young people are enrolled in the private sector.

“... [F]or many of the children that have grown up in the last 20 years there has been a protracted exposure to police violence and violence on the part of the security force, especially during the states of emergency. This has gone together with social upheavals over this period, as youth moved to the forefront of resistance and long-standing adult authority structures unravelled. Over this period larger numbers of young people were not only victims of state violence but perpetrators of violence themselves in the name of resistance. Revolutionary and political violence has been a significant influence in the lives of huge numbers of children, and in many areas this has involved ongoing violence between groups with different affiliations.” (Downall, 1994: 77-78).

Young people had thus been at the forefront of direct daily confrontation with the repressive forces of the *apartheid* regime since the 1976 Soweto student uprisings. “In fact, a great deal of the ‘people’s revolution’ that took place between 1976 and 1990 was led by or involved children under 18 years [who acted as] proxy soldiers” in the national liberation struggle. Indeed, “South Africa’s war happened in many battlefields, which included the streets of many urban and rural communities, where the involvement of children, fundamentally students, was crucial to destabilize the regime.” (Nina, 1999).

Exposure to such high levels of violence has distorted “normal” processes of socialization for many young people and has resulted in a “lost generation”, as large numbers of them were killed or maimed, traumatized and deprived of normal schooling. *Post-apartheid* young people in the townships are often characterized by attitudes of disrespect for authority inherited from that period of struggle. The widespread culture of violence in the townships in South Africa is seen as part of the *apartheid* legacy, in which authority was equated with repression and the denial of rights. Indiscipline and antisocial behaviour have deep-seated roots in the mindset of the 1980s that was based on the refusal of the legitimacy of authority; a mindset largely moulded by the United Democratic Front’s (UDF) strategy of making the townships “ungovernable”. One of the main educational challenges today is to restore the authority of the local educational structures and of the broader *post-apartheid* social order, and the legal

authority on which that order is founded. Students' confidence in authority is now said to be at a record low. This is exacerbated by the culture of failure and by the development of a large uneducated underclass that feeds into the culture of violence. According to certain scholars, there is a reluctance of some to acknowledge that "there is a war out there in the township schools".²⁴ It is in this context that the EHL project is seen by the Department of Education at national level as a "peg to deal with violence" within the framework of the urgent need to "demilitarize" South African youth.²⁵

Concluding remarks

These examples show that the content of educational initiatives such as Exploring Humanitarian Law appears to respond to diverse educational concerns in very different social and political settings, concerns that range from the need for humanitarian preparedness in the event of armed conflict to less risky and more appropriate means of addressing issues of social and political violence. In post-conflict and transitional divided societies, education based on the exploration of humanitarian issues highlights the common human concerns that arise in times of armed conflict and are often obscured by politically and ideologically driven analyses. By developing a sense of global citizenship, the ethical explorations proposed by programmes such as Exploring Humanitarian Law contribute to the common core of basic education. In addition to this link between humanitarian law and the substance of basic education, international humanitarian law also enhances the legal protection of the right to education in times of armed conflict. As a result of these links at the pedagogical and legal levels, it may easily be argued that humanitarian law has a central role to play in international policy-making with regard to basic education.

●

²⁴ Professor Manganyi, University of Pretoria.

²⁵ Interview with Professor Kader Asmal, Minister of Education, Republic of South Africa.

Annexes

Sites associated with the development of the Exploring Humanitarian Law (EHL) project (1999-2000)

Belarus, Bosnia and Herzegovina, Chile, Djibouti, Egypt, Israel, Lebanon, Liberia, Morocco, Northern Ireland (United Kingdom), Norway, Palestinian Authority, Senegal, South Africa, Thailand, United States of America, Yemen

Bibliography

- M. Arlow, "Citizenship education in a contested society", *The Development Education Journal*, vol. 6.1, October 1999
- D. Berstecher and R. Carr-Hill, *Primary Education and Economic Recession in the Developing World since 1980*, UNESCO, Paris, 1990
- T. Downall, "Children in violence", *The right of the child to a secure family life*, Proceedings of the International Seminar held at the Community Law Center, University of the Western Cape, 25-27 March 1994.
- T. Duffy, "Peace education in a divided society: Creating a culture of peace in Northern Ireland", *Prospects*, Vol. XXX, No. 1, March 2000
- W. J. Fraser, C. Meier, C. S. Potter, E. Sekgobela and A. Poore. "Reflections on the causes and manifestations of violence in South African schools", *Prospects*, Vol. XXVI, No. 2, June 1996, pp. 249-292
- D. Kerr, "Citizenship education: An international comparison", a thematic study published as part of the International Review of Curriculum and Assessment Frameworks Project carried out by the National Foundation for Educational Research in England and Wales (NFER) on behalf of the Qualifications and Curriculum Authority (QCA) in England, London, April 1999
- M. Marks, "We are fighting for the liberation of our people", Justifications of violence by activist youth in Diepkloof Soweto", unpublished paper, Centre for the Study of Violence and Reconciliation, Johannesburg, 1995

- D. Nina, "Children involved in South Africa's wars: After Soweto 1976", in A. Migule and D. Nina, *Child soldiers in Southern Africa*, Monograph 37, Institute for Strategic Studies, Cape Town, 1999
- M. J. Pigozzi, *Education in Emergencies and Reconstruction*, UNESCO, Paris, 1998
- G. Retamal and Aedo-Richmond, *Education as a Humanitarian Response*, Cassell, London, 1998
- S. Tawil (ed.), *Educational Destruction and Reconstruction in Disrupted Societies*, International Bureau of Education (IBE:UNESCO), Geneva, 1997
- UNICEF, *Peace Education in UNICEF*, Working Paper Series, Education Section, New York, 1999

Résumé

Droit international humanitaire et éducation de base

par SOBHI TAWIL

Cet article examine l'éducation au droit humanitaire et le situe en regard d'autres initiatives éducatives, largement groupées sous les termes « Éducation à la paix », en général, ou « Éducation aux droits de l'homme » et « Éducation civique », en particulier. On y relève que le droit international humanitaire a un rôle central à jouer dans la définition d'une politique relative à l'éducation de base. L'auteur présente également le projet du CICR « Explorer le droit humanitaire » qui développe du matériel éducatif relatif à cette matière et est destiné à des jeunes âgés de 13 à 18 ans. L'un des buts de ce projet est de renforcer les dispositions du droit international humanitaire sur le droit à l'éducation en période de conflit armé.