Reconceptualising the Right to Education in the wake of the current learning crisis: lessons from Zimbabwe

Jessica Drury

Abstract

The right to education has been enshrined in numerous international treaties and national laws and is the founding principle on which global education policy has been developed. In practice, however, despite near global resonance with rights treaties, there is a disjuncture between theory and reality of access to the right to education for all people. In addition, both the Education for All targets and the Millennium Development Goals for education (2 & 3) are set to be missed at the deadline date of 2015, in the midst of alarming revelations of a developing global learning crisis in which thousands of learners are in school but not learning. As policy makers worldwide reflect on the mistakes of the past, new plans are being drawn up for a new development agenda beyond 2015. In education concept papers, the right to education remains a cornerstone. It is, however, imperative, to avoid repeating the errors of the past, that the right is re-examined in the light of the educational developments of the last 25 years and that it is reconceptualised in a relevant and contextually appropriate manner. In doing this, it is essential that lessons be learnt about the implementation of the right to education and global policy from as wide a range of experiences as possible. This dissertation considers the particular example of Zimbabwe in assessing how and why trends in education have developed and what might be significant for reconceptualising the right for a post-2015 era. In concluding, it also reflects briefly on the contribution which social justice theory can offer by way of clarifying particular elements of a reconceptualised right to education.

Acknowledgments

The writing of this dissertation could not have been achieved without the support and assistance of a vast array of people. I first of all wish to thank the Beit Trust and the University of Leeds for their generous sponsorship and support throughout the year's
course, without whom none of this would have been possible. I also wish to thank my supervisor and personal tutor, Dr Caroline Dyer who has guided and inspired my learning over the course of a challenging and enriching year. In Zimbabwe, I wish to thank the outgoing Minister of Education in Zimbabwe, Mr David Coltart whose support with material and information for this research has been invaluable. I also wish to pay tribute to his courageous and inspiring commitment to education in my home country. I also wish to thank Mr Dominic Mantanga of UNICEF, Harare who went out of his way to supply me with policy papers I would have otherwise been unable to access. I also wish to thank my long suffering family and friends who have borne with me through fair weather and foul. Finally I pay tribute to the inspiring students who shared their stories with me and to the many inspiring individuals and organisations working to bring about equitable quality education in Zimbabwe. May God bless you all.

“There is no passion to be found playing small - in settling for a life that is less than the one you are capable of living.”

Nelson Mandela

Introduction

The right to education, as expressed in the Universal Declaration of Human Rights (UDHR), Convention on the Rights of the Child (CRC), International Covenant on Economic, Social and Cultural Rights (ICESCR) and Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW), recognises the significance of education for the personal development of individuals; the participation of individuals in social life; and also for the development of local communities and nations, both in economic and social terms. To this end, the right stipulates that there is an absolute right for children to have access to free and compulsory primary school education; that secondary and further education should be made progressively available; and that basic education should be provided for those for whom formal schooling has not been available and/or possible. The right is enshrined in international and local law and is the foundation of the Education for All project and education specific Millennium Development Goals (2&3). At the end of 2013, however, there are an estimated 131 million children out of primary and lower secondary school, and 755 million adults considered non-literate (UN 2013: 2). In addition, across the world vast
numbers of children are in school, but are failing to learn. Furthermore, inequalities in education, both within and between countries and regions, are becoming more marked, hurting particularly the poorest and most marginalised (UNESCO 2012: 129; Save the Children 2013: 6). Such trends indicate that up until now, the framework for global education has failed to ensure that the right to education is upheld, in spite of the fact that the right is the very cornerstone on which these frameworks are developed.

The case study of Zimbabwe is interesting for exploring some of these concerns in context. Education in Zimbabwe has been and remains still, an important political, social and economic issue. Education reform in the 1980s, initiated on the founding principle of education as a fundamental right for all people, established the country as a leader in education provision in Africa and has been lauded as one of the great achievements of the ruling party ZANU PF. Since then, economic and political strain in the 1990s and serious instability of the last decade have undermined earlier success in the sector but education policy continues to feature prominently in political agenda, including being a top priority in party manifestos for the most recent August 2013 elections. Within the social service sector, education has also consistently been the recipient of the largest portion of public expenditure from the national budget (MoESAC 2012).

In terms of a local legal framework for the protection of the right to education, the 1979 Lancaster House Constitution Declaration of Rights does not include the right to education in its list of constitutionally protected rights available to Zimbabwean citizens. However, the Education Act of 1987, amended in 1991, identifies the fundamental right of children to attend school, with joint duty bearers specifically identified as the state and parents, who ‘cost-share’ the expense of education provision. Outside of local legislation, the right to education is also both explicitly and implicitly recognised in other treaties and commitments. The country is a member of the United Nations General Assembly and is thus bound by the Universal Declaration of Human Rights (UDHR) which declares that education is a right for all (Article 26). It has also ratified numerous international human rights treaties which protect and clarify specific elements of the right to education, including the International Covenant on Economic Social and Cultural Rights (ICESCR); the Convention on the Rights of the Child (CRC); and Convention on the Elimination of Discrimination Against Women (CEDAW) (ZHRO 2011: 2). These commitments to the provision of education are
legally binding in international law and should set a minimum standard of free and compulsory basic education provision from the state. In addition to ratifying these legally binding human rights treaties, the Zimbabwe government has also committed to the Education for All goals as agreed on in 1990 at Jomtien and re-affirmed in 2000 at Dakar, along with the 2000 Millennium Development Goals.

In practice, as has happened in numerous other countries, declarations, both local and international, have not, however, necessarily resulted in effective action occurring to enable people to exercise their right to education. There is no guarantee, either in law or in practically implemented policy, of equitable access to quality education for Zimbabwean citizens. Even at a ‘basic’ level, fees and levies, exclude the most disadvantaged children from attending government and private schools. Other forms of basic education, for adults and children, are mostly taken care of by non-governmental organisations whose influence is limited by geographical priority or accessibility; funding priorities, availability and duration; and is subject to disruption according to the changing political and economic climate. Besides continuing problems with access to education though, is the hidden learning crisis occurring even when children are in school. Poor quality teaching and learning in schools, as a result of a complex web of factors, has resulted in a significant number of children completing a cycle of schooling without actually having learnt anything (see Spaull and Taylor 2012). The combination of continuing poor access to education, at all levels, along with concerns about quality within education results in an increasingly stratified system that privileges a few at the expense of many.

In Zimbabwe, the right to education may exist in principle but access and quality goals in education remain key concerns even after 33 years of prioritising education on a national level and after 23 years of committing to global education policy guidelines. It is thus evident that there is something seriously inadequate about the way in which the right to education is understood and with the ways in which education goals and policy have been conceived and implemented. With just two years to go before the target deadlines for EFA and MDGs are reached and a new global framework for development is implemented, the problems facing the education sector in Zimbabwe are shared on a global scale.

As plans are being drawn up for education policy in a post-2015 development framework, there has been widespread recognition of the global learning crisis. In
recommendations for Post-2015 goals, emphasis has been placed on ensuring that focuses on learning and equity are at the heart of the education agenda and the right to education is once again referenced as the starting point (see Save the Children 2013: 1; UNESCO 2013: 4; UN 2013a: 2). The failure of the EFA and MDG projects, however, in being translated on both a local and international scale to guarantee the right to education for all, particularly in terms of the four principles of availability, accessibility, acceptability and adaptability, indicates that there is need for this principle to be revisited and reconceptualised. If this does not happen, a post-2015 education agenda risks amounting to a set of nice sounding aspirations imbued in a tired rhetoric but with limited power to change the way things are.

This dissertation asserts that while the right to education appears to guide education policy, in practice the frameworks used to realise the right have been weakened by competing ideological agendas and a lack of clear communication at an institutional level, both nationally and internationally. This has resulted in a confusing array of approaches to education delivery being used by both governments and INGOs that creates opportunities for exclusion and marginalisation in the sector to develop. The case study of Zimbabwean education policy helps to highlight these weaknesses in context while also demonstrating why a rights-based approach is still necessary for equitable and quality education delivery.

A rights-based framework for education policy is one that can and should be effective. Among other strengths it has a strong global resonance; it offers a clear framework for claims and obligations; it offers a clear set of guidelines for better addressing equity and quality in education; and it is able to adapt to different contexts - both chronological and cultural. The right does however need to be reconceptualised and disseminated effectively among all stakeholders. In particular, stakeholders need to reassess the meaning and purpose of education in the modern era, decades on from its initial conception. Social justice theory, particularly Fraser’s 3-dimensional model and Sen’s Capability Approach can be helpful in this, particularly in developing a broader understanding of the full content of the right for a heterogeneous global society; for critically assessing the power relations associated with the claims and obligations inherent in the right; and for understanding the significance of the right to education in relation to other rights and development targets.
This dissertation therefore asks what lessons can be learned from the global learning crisis in context for a re-conceptualisation of the right to education beyond 2015? In answering this central question the following sub-questions will be explored in corresponding sections:

1. How has the Right to Education been conceptualised in education policy since the UDHR?
2. How has the learning crisis emerged alongside EFA and MDGs?
3. What light does the historic and current education situation in Zimbabwe shed on these issues?
4. What needs to be re-visited going forward beyond 2015?

The right to education and global education initiatives

At the heart of all human rights is the basic premise that there are certain universal, inalienable and indivisible ‘freedoms’ that are necessary for the support of a dignified human existence (UN 2013 online). The protection and promotion of these ethical demands requires action to be taken on the part of duty bearers to ensure that rights-holders can lay claim to the freedoms available to them (Sen 2004: 319). As Spring (2000) points out, prior to 1948, education had not been considered a right for all people, but had generally been available to those who had the social and economic power to obtain it (2000: 2). Any justification for the right to an education for all people must therefore prove that without it, any human cannot live a dignified life. Whatever the lack of consensus may have been at the drawing up of the 1948 UDHR about what might constitute an ‘education’, participants did agree that education merited inclusion as a fundamental human freedom (see Box 1 below).

Box 1

Article 26 Universal Declaration of Human Rights (1948)

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that be given to their children.
In spite of the lack of consensus on why this right should be upheld or about what fulfilment of the right would look like in practice, the significant responses made to the UDHR, in the form of national and regional rights declarations and treaties, indicates a generally widespread affirmation of the importance of education, particularly 'basic' education to the development of both individual people and to communities (Mundy 2006:27). Basic education, though a deliberately ambiguous term, has been generally interpreted in policy as the acquisition of literacy and numeracy skills, and basic socialisation skills as is theoretically achieved through a completed cycle of primary schooling, or informal training for those who have missed out on schooling (McCowan 2013: 72, 119). The interpretation of ‘basic education’ is critical in reconceptualising the right to education for a post-2015 era.

The most significant of the legally binding treaties regarding the right to education are the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966) and the Convention on the Rights of the Child (CRC) (1989), both of which reaffirm the UDHR’s prioritisation of free, compulsory primary education and reaffirm the value of education to the development of the person, not just to their economic potential (see ICESCR Article 13 & CRC Article 29 in appendices). In making commitments to these treaties, states effectively acknowledge that denial of these educational provisions amounts to social injustice. The widespread ratification of these treaties indicates that there is a universal appeal to the idea of education as a basic human right which transcends cultures and customs and which makes a rights-based framework for education one which resonates with a global audience. The translation of this acknowledgment into effective practice has however had mixed results and education, in many places, remains more a privilege than a right.

Despite the fact that over 100 countries have signed the ICESCR since 1966 and that the CRC is the most widely ratified treaty in history with only the United States and Somalia abstaining, in 2008 UNESCO reported that up to a third of all reporting countries still had no legally binding structures in place to ensure free and compulsory primary education (UNESCO 2008: 24). Even fewer countries have secured free secondary and higher
education for all citizens (ibid.). These findings fuel one of the strongest arguments against a rights-based approach to education – that it is full of noble ambition but amounts in practice to mere rhetoric (Robeyns 2006). While such evidence may appear damning for rights-based theory, in my view, it suggests less about a failure of the right in and of itself, and more of a failure in the ability of policy makers at both local and international level to interpret the right within a local context and find methods to address implementation difficulties in effective and locally ‘owned’ ways.

When governments and civil society affirm particular rights, they affirm a communally agreed upon minimum threshold which should be guaranteed to all citizens. How this becomes deliverable, however, must necessarily be a process of continual debate, implementation and revision. Amartya Sen (2004) in his defence of human rights highlights this point explaining that the “internal variations” of rights, for example in terms of how obligations are decided, do not undermine “the commonality of the agreed principle of attaching substantial importance to human rights” (2004: 321), and can in fact be a strength of rights-based discourse. As the history of rights shows, rights are and should be capable of adaptation to specific contexts, without losing their intrinsic value. This is evident for example in the way in which the right to vote has evolved over time, being influenced by debates leading civil rights movements or women’s rights. In education too, treaties following the UDHR have added to and enhanced elements of the right – for example in reference to teachers’ and children’s rights and the specific rights of girl children in education. For adaptation to happen, rights should constantly be revisited in open, accountable and democratic dialogue to ensure their survival in a meaningful and relevant way (Sen 2004: 322).

What appears to have happened in practice, however, is a stagnation of debate, at both local and international levels, about the content of the right to education and how it might need to be adapted. Of particular concern, in the rapidly changing global environment of the 21st Century, is the relevance and definition of ‘basic’ education which is the absolute and most fundamental element of the right to education. In other words, there is an urgent need to reassess what should constitute the basic minimum level of learning necessary to secure a dignified human existence. The principles of the universality and inalienability of rights should also guide stakeholders to determine what minimum conditions ought to be
sought after to ensure that all people have a fair and equitable opportunity to learn (see UNICEF/UNESCO 2007: 8; McCowan 2013: 64). Consideration needs to be made, for example, of the possibility of the expansion of ‘primary schooling’ or ‘basic education’ to some other measure of acquired minimum skill set necessary for meaningful participation in both a localised and global community. Such essential skills may, in 2013, for example, include basic IT literacy, as well as HIV/AIDS awareness, which skills may not necessarily be achieved through formal schooling.

The problem with this argument is of course that ‘adaptation’ can risk becoming a loophole for the avoidance of delivery of obligations – as has happened with certain progressive rights, such as the provision of free secondary and higher education. This is particularly relevant when duty-bearers cite financial barriers for the delivery of both absolute and progressive rights. The principle of minimum threshold here is important. The “agreed principle” set at international level, after consultation with as many stakeholders as possible, sets the base level which duty bearers have a corresponding obligation to fulfil. Agitation by civil society, at both local and international level, can be important in ensuring that duty bearers of both perfect and imperfect obligations are held accountable and that locally relevant and feasible solutions are actively sort after and developed. This will become increasingly important, particularly LMICs, as extreme poverty decreases while inequalities within countries become greater. The setting of internationally agreed upon minimum thresholds also acts as an instrument of global social justice. Human rights hold the global community to account for ensuring that poorer countries do not get left behind on the basis of financial constraint. Sen (2004) also points out that the feasibility argument should not nullify a right but should motivate an active commitment towards “changing the prevailing circumstances to make the unrealised rights realizable and ultimately realized” (2004: 348). Tensions within this will be explored in the next section in assessing the learning crisis in the context of EFA and MDGs.

Elements of a rights-based approach to education

What follows is a brief outline of the main principles which shape a rights-based approach to education.
The right to education, as phrased in the UDHR and clarified in subsequent treaties, justifies the right on the basis of both intrinsic and instrumental qualities. The UDHR highlights the role of education in the “development of the human personality”, implicitly pointing to the function of education in developing an understanding of the world in which individuals exist, and for nurturing individual ambition and self-exploration which can then be acted upon (McCowan 2013: 63). Secondly, the right is justified on the basis of education’s role in enabling people to be active participants in a local and global community, incorporating the promotion of tolerance and peace and the knowledge of and understanding of other rights (UDHR Article 26, 2; ICESCR Article 13, 1). The instrumental values of the right to education, as referred to in the UDHR and ICESCR, are of a social rather than material kind. In this way, the right is protected from becoming narrowed exclusively to rights to types of education which may be conceived as being important to economic development, as is the risk with human capital theory (Robeyns 2006: 71). Spring (2000) and McCowan (2013) both draw attention to the notable absence of detail regarding what specifically education should entail. This is perhaps something that could be strengthened in a revision of the right, or should at least be consciously debated whenever policy is developed ostensibly on the foundation of the right, particularly within localised contexts.

**Duty bearers and accountability**

One of the most important pillars of a rights-based framework for education is the clear identification of duty bearers and obligations which is necessary for effective action by stakeholders taking and for accountability. The principle duty bearer in a rights-based framework is the State. It is ultimately the State who must ensure that equitable, quality education is available for its citizens.

Rights-based approaches have been critiqued for, among other things, being too State centred (Robeyns 2006: 77). It is of course critical to consider and actively involve other stakeholders in education policy: private, corporate and international. It is also important to be aware that governments, while in theory the greatest protectors of rights, are often also the greatest violators of the same (Tomasevski 2003: 9). However, without a strong government commitment to and directing vision for the implementation of rights,
policy can very quickly become purely rhetorical. Similarly, governments may tend to assume that their responsibility ends at the level of minimum requirement, without actively striving to realise progressive rights, leaving these to other partners. Perhaps even more dangerously, competing agendas among other stakeholders, may lead to a disjointed, patchy approach that exacerbates inequality and undermines the universal principle of the right to education. In Zimbabwe, for example, the increasing independence of private schools, in terms of curriculum, examination boards, fees and staffing, that has developed out of economic instability, has produced an acutely inequitable education situation that will be difficult to reverse.

In Robeyns’s critique, she also suggests that the state focus in a rights based framework excludes “individuals, families and communities” from obligations (2006: 78). The UDHR, however, explicitly identifies parents as key duty bearers in Article 26: 3, and in 26: 2 implies, by reference to the societal role of education, that communities are implicated as having obligations to uphold the right, even if these obligations are what Sen might term imperfect (Sen 2004: 346).

Identifying governments as critical duty bearers also helps to facilitate an effective, integrated rights-based development agenda which recognises the interdependency of different rights and development objectives. There is a danger of the framework becoming too top-down as a result, but a well implemented rights-based framework, which values continuous debate, will seek to be directed by needs and priorities identified with participation from all stakeholders (see UNICEF/UNESCO 2007). An effective rights-based framework should, in fact, be capable of integrating both bottom-up participation with top-down regulation for accountability and implementation. This will be revisited in the final section.

The 4 As framework

Tomasevski (2003) identified 4 core contents of the right to education which governments are duty bound to deliver: availability, access, acceptability and adaptability. These four elements have become a general yardstick for measuring the success with which governments (and other stakeholders) have been able to secure the right to education.
Analysis of policy using the 4-A scheme requires scrutiny of inputs, processes and outcomes in education. Acceptability and adaptability are particularly important for monitoring the quality of education available to learners and the ability of policy to be flexible to a range of learning needs.

A rights-based framework that consciously seeks to fulfil the 4 As should therefore produce a well-rounded policy that promotes rights to, within and through education in an equitable manner. The original conception of the 4 As is not, however, without fault. In particular, Tomasevski’s model refers exclusively to education delivered through formal schooling, makes no reference to adult education, and reaffirms the prioritisation of universal primary education over all other levels. How one should go about measuring and assessing the different elements is also somewhat problematic and unclear, particularly for complex elements such as quality. Positive steps are however being taken in post-2015 planning to develop better methods for assessing quality and adaptability. The use of disaggregated data to measure different learning outcomes, and methods for intersectional data analysis are two particularly important developments in this regard (see Spaull & Taylor 2012 and Waage et al 2010). Despite their weaknesses, the 4 As do act as helpful guides to assessing the full delivery of the right to education.

The right to education, in its universality; its ability to combine duty and obligations with participation; and its potential to deliver the right to education in an inclusive and multidimensional manner, justifies its retention as the cornerstone for local and international education policy. The following section explores the two internationally influential education projects of the last 25 years and considers how and why a learning crisis has emerged even while ostensibly seeking to promote the right to education on a global scale.

**How has the learning crisis emerged alongside EFA and MDGs?**

The social, political and economic landscape of the globe has changed considerably in the almost 25 years since the first internationally recognised commitment to seek education for the entire world’s people. Interestingly, however, while this changed world poses new challenges for the education sector, many of the original concerns, regarding access, equity and quality remain the same, albeit needing to be approached in new ways. With the right
to education purportedly the founding principle on which both EFA and MDGs 2 & 3 are based, it is relevant to consider the ways in which the two movements have historically conceptualised and approached global education strategy.

**Education for All and the Millennium Development Goals: competing agendas?**

The Education For All movement was initiated at the World Conference of Education for All in Jomtien in 1990 endorsing a broad set of education focus areas rooted in the acknowledgment of education as a fundamental human right incorporating both intrinsic and instrumental values, as a key tool for development (King 2007:379). It was an important opportunity to fill the gap left by rights treaties to develop a comprehensive vision for the type of education that should fulfil the right to education. The conference declaration and the subsequently adopted framework for action was significant for having been the first ever strategy of international cooperation for education involving representatives from 155 countries and 150 organisations (McCowan 2013: 4). Although criticised for lacking input from countries of the Global South, the EFA declaration was nevertheless the first to outline a strategy for achieving a broad vision of the kind of education that was desirable worldwide on the basis that education is a right, and not just a privilege, for all (King 2007: 381; Mundy 2006: 28).

This broad conceptualisation of education can be seen in the declaration vision which incorporated: "universalising access and promoting equity; focussing on learning; broadening the means and scope of basic education; enhancing the environment for learning; and strengthening partnerships" (UNESCO 1990 Article 2). Throughout the document there is also a clear social justice directive with frequent references made to the role education plays in reducing economic, social and political inequalities (see Article VII & X in particular).

Rather than identifying specific goals with clear indicators and outcomes, the original EFA framework identified key focus areas to act as guidelines in the development of countries' own education policies, according to their own particular needs and education contexts (UNESCO 1990: 18). Focus areas thus included early childhood care and development; the acquisition of learning achievement skills; adult literacy; vocational skills
training; and, the only time-limited goal, achieving universal access to and completion of primary or basic education by 2000. It also importantly stressed the need to take into account the variable range of learning needs for individuals (WCEFA 1990 Articles II, IV and V) as well as highlighting that international cooperation and commitment would be significant for ensuring equity in education delivery (Articles VII – X).

In the context of the changing global political economy and its impact on development policy throughout the 1990s, it is particularly interesting to note that the framework for action included a note on the need to protect basic education in countries "undergoing structural adjustment and facing severe external debt burdens" (UNESCO 1990 Article IX). This is significant within a rights-based framework for identifying the international community as a duty bearer with local governments in the delivery of education for all. Within just a few years, however, the cost-sharing strategies for education led by the World Bank would completely undermine this protection clause.

While the conference was successful in bringing some consensus to a vision of education for all, the implementation of these admirably broad education focuses was less so. Mundy (2006) and King (2007) both point to the influence of multilateral agencies and competing development agendas in shaping the EFA agenda after 1990. Most significantly, the most measurable goal of achieving Universal Primary Education (UPE) took centre stage, championed by UNICEF and the World Bank, whose emphasis on the economic return of primary education investment was in line with human capital theory which values the instrumental over intrinsic aspects of the right to education. Meanwhile the broader concept of 'basic education', incorporating lifelong learning and informal and formal education was sidelined along with most of the other focus areas (Tomasevski 2003: 53; King 2007: 382). In many countries, the right to education in practice also appears to have been reduced to the right to the kind of education the state could afford at that moment in time with indeterminate intentions to expand this as and when it became affordable (Tomasevski 2003: 69).

This reduction of focus from a universal vision of education to universal education for children of school going age has a two-fold consequence for the conceptualisation of education. Firstly, it equates 'education' with formal schooling, diminishing the value of other forms of education and assuming formal schooling as an unqualified good
(Unterhalter 2003). Secondly, it transforms a broad concept of learning as a continuous process into one that has distinct levels of varying degrees of importance - for instance, universal primary education is deemed a top-priority, pre-primary and secondary education on the other hand, while still recognised, are of secondary importance to UPE. Both consequences distance education policy from the original starting point of education as a right for all and reposition the ideological justifications for global education along human capital lines. While perhaps justified from an efficiency and focus perspective, there is a danger that in separating education into distinct and separate strands, more complex or less 'donor friendly' strands, may be under-represented to the detriment of particular affected groups.

By the latter part of the 1990s, it was clear that the Jomtien vision was not being transformed into reality. The EFA declaration was thus re-visited in 2000 in Dakar and, following target setting recommendations set by the Development Assistance Committee in 1996, the original framework re-affirmed, but with the six focus areas transformed into specific time-bound targets with accompanying measurable indicators (King 2007: 381). All targets are set to be reached by 2015 with gender parity in schools originally to be reached by 2005.

While a clearer framework was certainly an important revision and while much remained unchanged in essence from the Jomtien conference, the summarising of the vision into six goals meant a narrowing of some of the breadth of the original declaration. This is particularly significant in implementation when the goals are adopted into local policy without due attention to the vision and justifications behind it. Tomasevski (2003) also points out the change in language between the two declarations. It is particularly notable that in the 2000 document, universal access to primary or basic education was reduced to ‘primary education’ and that there was no mention of a financial commitment from wealthy countries to assist poorer ones (Tomsevski 2003: 99).

That being said, the Dakar framework did result in several important developments for the EFA movement. First and most significantly, the broader notion of the right to education was revisited and clarified separately in the 2000 World Education Report and a rights-based approach to education officially adopted (UNESCO 2000). While this has continued to evolve, it was important for drawing attention once more to the justification,
both intrinsic and instrumental, for supporting a global education commitment and for outlining the specific duties and responsibilities of individual and corporate actors. The Dakar conference also involved a much wider range of delegates than Jomtien and drew on findings discussed at 6 regional conferences held between 1999-2000, taking into account the mistakes of the past decade and debating new ways of approaching recognised problems. Another very important development to emerge from EFA post-Dakar, has been the introduction of the annual Global Monitoring Report, produced annually since 2002. Its aim is "to inform, influence and sustain genuine commitment towards Education for All" through summarising global progress on all goals but also highlighting specific, contemporary education concerns and developments (UNESCO 2013 online). In demonstrating commitment to the full delivery of the right to education, and in the interest of social justice, this Report is vital for accountability; for shining a light on groups of people who may otherwise be excluded or marginalised from EFA; and also for promoting continual participation in the debate around education.

While the Dakar EFA conference, whatever its failings, revived a broad based conceptualisation of what the right to education meant and how it could be achieved, the Millennium Development compact, agreed just a few months later, reduced global education targets once again to two goals: achieving UPE (MDG 2) and eliminating gender disparity in primary and secondary education (MDG 3.A).

The MDGs did not intend to provide a complete framework for global education, given their more general development scope and in the context of the parallel operations of EFA (although the relationship between EFA and MDGs has been less than complementary). The highlighting of these two focus areas, however, does indicate that, for key global policy players at any rate, primary education and gender equity in education have some particular developmental significance that gives them greater value than other education concerns.

Nevertheless, as Nayyar (2013) points out, the simplicity and noble aspirations of the MDGs, to end poverty and direct development, resulted in widespread take-up of the goals both by governments and external organisations (2013: 373). The (apparent) simplicity in targets, alongside the added assisted funding incentives from the World Bank and IMF in the form of Poverty Reduction Strategy Initiatives (PRSI) for ministries re-structuring policy on recommendations, has meant that MDG achievement strategy in many countries has
overshadowed EFA ones. In Zimbabwe for example, while both EFA and MDGS are referred to in MoESAC policy papers, reports show a tendency to focus more on MDG targets than EFA. One example lies in the reporting process. The only EFA country report for Zimbabwe was produced in 2000, while MDG Reports, in which education strategy features, have been produced more regularly (2004, 2010, 2012). In addition, the Education Act (see Appendix B) amended in 2001, continues to emphasise UPE and gender parity as central priorities (GoZ 1987, 2001 version) while there is no legal framework to support the ‘free and compulsory primary education of good quality’ goal of EFA2. Thus, Zimbabwe is 'on track' to achieve MDG 2 & 3 by 2015, but will miss all of the EFA targets¹ (UNDP 2012).

EFA, MDGs and the state of global education at the target deadline

As plans are made for new education goals beyond the 2015 targets of Education for All (EFA) movement and the Millennium Development Goals, there is general consensus that, in addition to there still being a need for increased access and availability to education for many people, the world is facing a learning crisis. In spite of the considerable progress made over the duration of these two projects, particularly with regard to access to primary school education and gender equity in education, both EFA and MDG education targets are likely to be missed on a global scale (UN 2012; UNESCO 2012).

Importantly, there has been acknowledgment that the division of EFA and MDGs, although initially intended to be complementary, has in fact been counter-productive for education policy that was intended to be broad based and all encompassing (Waage et al 2010). Related to this is also consensus that in emphasising Universal Primary Education, there has been a neglect of other important stages of learning as well as a tendency to homogenise approaches to education at the expense of taking into account variable learning needs and contexts (McCowan 2013: 83). This has all had a negative impact on the quality of education, as has been revealed in recent studies of disaggregated data by SACMEQ for example, which demonstrate that schooling and learning are not synonymous (Spaull & Taylor 2012).

¹ Zimbabwe has achieved gender parity in enrolment and retention in schools (part of EFAS) but is still a long way from achieving “gender equality in education” (EFAS) wherein the specific learning needs (including learning environment) for girls and boys are equally addressed.
Targets for 2015 will not be met and the state of global education at the end of 2013 is bleak. While plans are being made for education policy beyond 2015, it is important that mistakes are acknowledged and strategies made to avoid their reproduction. In addition to examining global trends, it is also important to consider individual case studies which are revealing about the ways in which international policy is interpreted and implemented on a local level. The following section thus examines the state of education in Zimbabwe.

The learning crisis in context: Zimbabwe

The state of education in Zimbabwe is interesting in a number of ways. The country’s education policy since independence in 1980 has closely mirrored international policy recommendations from around the same time, thus offering a unique perspective on the effects of these policies in context. It highlights strengths and weaknesses in existing frameworks for education and points to the need for the right to education to be more broadly conceptualised for the achievement of education for all. It also flags up the importance of considering a country’s unique history and socio-political situation in the implementation of policy. Zimbabwe’s history includes a pre-independence legacy of unequal education provision on racial grounds, as well as a more recent politically and economically turbulent history which continues to impact education delivery in new ways. Thus the Zimbabwean case study also highlights problems that arise in the protection of education rights in fragile states.

Historical context

In the first two decades following independence in 1980, Zimbabwe was hailed as a leader in African education (MoESAC 2012: i). The new government inherited an inherently unequal education system that was the legacy of both colonial and later the minority governments, whose policies were designed to maintain separation of the races (Dorsey 1996: 6; Kanyongo 2005: 65). The first priority of Robert Mugabe’s government was to rectify these inequalities through a deliberate redistribution initiative. The justifications for redistribution were twofold. First, was the belief that “education is a fundamental right” for “every child of school-going age and every adult outside the formal school”. In 1987, the
GoZ formally adopted a rights-based approach to education, cemented in the wording of the Education Act which declares that education is a basic human right (GoZ 1987 - Appendix A). Secondly, education was seen as being integral to national economic and social development with emphases on the role of education in instilling patriotism and the need for both academic and skills-based training for production (R Mugabe ZFEP 1983: 28, 29).

The government’s action plan for education reform was led by a commitment to prioritising universal access to primary education and adult literacy with a vision to extend access and availability to further education (ibid.). The education policies of the new Zimbabwean government resulted in a radical transformation of the sector. Between 1980 and 1990, the number of schools in the country, both primary and secondary, increased by almost 50%; adult literacy rates were raised above 80% following roll-out of a national adult literacy scheme; primary enrolment rates were near universal at primary level; and secondary enrolment rates had trebled (Manduvi-Moyo & Lewin 2001: 61-64).

Interestingly, without implying that the Zimbabwean government’s policies were constructed without external influences, these early education policies demonstrate an independent, locally led will to reform an unequal education system to suit the country’s own particular needs. The existing education policies of developing countries prior to the mobilisation of EFA and MDGs are frequently overlooked in literature on global education practice, other than as background to individual country progress reports, and should be more closely considered for understanding the full impact of global initiatives in context.

Initial policies were not, however, without their weaknesses. The emphasis on redistribution meant that policy was rushed and lacked definition and focus and was also highly centralised (UNESCO/GoZ 2000: 1). Its focus was also strongly institutional with little acknowledgment of the value of non-formal schooling (ibid.). In response to these acknowledged failings, and in line with the recommendations of the EFA declaration made at Jomtien in 1990, a more refined set of goals was formulated under the National Plan of Action for Children (NPA) (Kanyongo 2005: 72).

Finally, a clear financing plan for the rapid expansion of education provision was never fully developed and by the early 1990s, it became evident that the government could not afford its educational reforms. ZANU-PF’s ideological shift, influenced by international
pressure, away from socialism towards a more neo-liberal capitalist approach, had significant repercussions for education policy in the country (Zvobgo 1999: 114).

The Zimbabwean case is important for highlighting the role of the World Bank in education policy focuses in the 1990s. Although publically endorsing the goals of Education for All and championing UPE in particular, through its rigid structural adjustment programmes, the Bank in fact, undermined these goals in practice. In Zimbabwe, the Economic Structural Adjustment Programmes (ESAP) of the early 1990s led to severe budget cuts for the education sector affecting teachers' salaries; school maintenance and resource budgets; and, most significantly, fees were reintroduced for primary school education, except in rural areas in 1992 (Zvobgo 1999: 115; Kanyongo 2005: 71). The Education Act as amended in 1991 thus transferred responsibility for the provision of education away from government, to parents who are legally obligated to send their children to primary school, regardless of their personal financial situation.

The result was the steady decline in the quality and reputation of public Zimbabwean schooling as budgets for upkeep of infrastructure and resources and for retaining teaching staff continued to be reduced (UNICEF/GoZ 2011: 1). State-led efforts to expand educational access beyond formal schooling at primary and early secondary stages, although still highlighted as important in official reports, all but ended during this period, with the private sector playing an increasingly important role in the provision of education to specific target groups (Kanyongo 2005: 72). The declining reputation of state-funded schools also led to an emerging stratification between schools wherein the quality of education can be directly related to the fee charged. Thus, a continuum of quality exists with 'elite' private schools at the top end and rural government schools at the bottom. Better quality government schools are those that charge the highest 'top-up levies' or are supported by Old Boys' Funds (Manduvi-Moyo & Lewin 2001: 71). While the debate over the role of the private sector in education provision continues (see Tooley & Dixon 2007; Motala 2009 among others), what is clear from the Zimbabwean situation is that fees, of any description, undermine efforts for equity. The potential for schools to perpetuate inequalities is also something that needs to be considered - particularly in a country where education tends to be equated with a very academic and examinations focused schooling
system, to the exclusion of technical training and other non-formal education systems (see UNESCO 2011: 9).

The EFA progress report for 2000, published shortly before the collapse of the economy and political destabilisation, highlights a number of issues that reflect global trends emerging towards the latter part of the 1990s and into the 21st Century. It draws attention to problems of a wide range of equity issues, and the need to focus attention on quality of learning; of expanding early childhood care; the need for curriculum to be relevant and adaptable to changing global trends; and the need to consider the ways in which education equips young people for employment (UNESCO/ GoZ 2000). It also reflects a move towards a more humanistic perspective of education in consideration of individual learners’ needs that reflects changes in global development discourse (ibid.). These observations highlight important problem areas for education which were being observed locally and internationally. However, as has already been discussed in section 2, the reaffirmation of the EFA goals at Dakar was swiftly overshadowed by the Millenium Development Goal project, which simpler, more manageable goals were easier to commit to. In Zimbabwe in particular, increasing financial chaos was exerting considerable pressure on the education sector and having already a reputation for achieving UPE and gender equity in enrolment, MDG targets were much more feasible and achievable than EFA (see UNESCO/GoZ 2000 and Kanyongo 2005). Local political-economic contexts together with competing development agendas are therefore directly influential in determining how priorities are decided in policy making on the ground.

In Zimbabwe, the ‘crisis’ years of 2000-2008 resulted in a disheartening regression in terms of education reform. During this period an estimated 40 000 teachers left the country, while the increasingly difficult economic situation resulted in thousands being turned away from school for being unable to pay fees (MoESAC 2012: xv, Save the Children 2012: 9). Education during this period also became increasingly politicised with schools becoming hot-spots for intimidation and in some cases violence, particularly around election time (Save the Children 2012: 9-10). The effect on rural education of the Fast Track Land Reform Programme (FTLRP) has barely figured in the documentation of the programme, but should be assumed to have been significant given that a significant proportion of the country’s schools are located on farms or surrounding areas (Manduvi-Moyo & Lewin 2001: 72). No
focussed research has been carried out on the impact of FTLRP on education for the almost one million displaced farm workers and their families, or for the some 240 000 resettled household beneficiaries (Moyo et al 2009). The social justice implications of this omission are significant. While the FTLRP has been justified from a redistributive justice perspective with regard to land ownership and rural livelihoods, an integrated rights-based perspective would consider the impact of the reform on the numerous other social, political and economic rights of affected people at stake. Coordinated plans to prevent the collapse of progressing education systems and ensuring the right to education of people living in conflict affected areas is increasingly relevant at this point in world history. How the right to education can be upheld and how governments can be held to account in such unstable situations are pressing questions which need to be debated in post-2015 planning.

The current situation and looking ahead

The instability of the late 1990s to early 2000s stalled progress in the education sector and in some ways it could be said to have regressed. The post-election Government of National Unity (GNU) in 2008, however, although uneasy, resulted in a degree of political and economic stability. For education, the last 5 years under the leadership of Senator David Coltart have seen crucial steps taken to promote the restoration of the sector. As a measure to curb the regressive trends of the crisis years, in 2009, the Education Transition Fund was launched by the MoESAC in partnership with donors including UNICEF, DfiD and the government of the Netherlands. The first phase (2009-2011) focused on crisis management and essential resource distribution, specifically text-books and stationery while the second (2012-2015) is concerned with restoring dignity to the teaching profession and ensuring that measures are put in place to protect vulnerable and disadvantaged learners (UNICEF/GoZ 2011:2). The second phase of ETF runs parallel to the MoESAC's Medium Term Plan and has specific funds allocated to 5 of the Plan’s 7 strategic points for education recovery. The combined funding project and Ministry policy initiative explicitly outlines aims to stem the further decline of the education sector and bring Zimbabwe back on track to meet MDG goals 2 and 3 and the EFA goals by 2015 (MoESAC 2012: xiii; UNICEF/GoZ 2011: 1). The 7 strategic points to do this cover teaching support and reinvigoration (1 & 4); focus on
learning quality, relevance and environment (2 & 3); education governance and management (5); the revitalisation of arts, sports and culture (7) and focus on supporting those with greatest need (6) (MoESAC 2012).

The choice of focus areas is revealing about the ways in which global education goals are approached - even when ostensibly in line with a human rights agenda. Firstly, it highlights the tendency, particularly when funding is limited, for focus to revert to a reduced vision of education that is mostly concerned with delivery through schooling, with specific funding focus on primary schooling. References to the formal school system are made in every point while plans to tackle the learning needs of illiterate adults and out-of-school youths feature only in point 6. This undervalues other forms of education while also failing to acknowledge the potential for the school environment to be disenabling - this is particularly relevant given the history of schools as political targets (Unterhalter 2003: 7; UNESCO 2011). Secondly, focus is heavily concentrated on inputs such as textbooks, classrooms, teaching staff, and quantitative outputs including increasing NERs; improving examination pass rates; returning out of school students to mainstream education and so on. Such a focus, while fulfilling a redistributive function detracts from issues involving processes within education which have implications for quality.

**Talented Disadvantaged Children**

The focus on talented disadvantaged children is particularly interesting from a human rights perspective as it flags up specific difficulties for the current rights-based framework. Firstly, it recognises that provision of 'basic' education is not enough in itself to secure "equal opportunity" for "the development of the child's personality, talents and mental and physical abilities to their fullest potential" (CRC 1989 Article 27 & 28). Too many children are completing primary schooling and finding that there is nowhere to go thereafter. Using capabilities language, individuals who have various capabilities have been unable to turn these into functionings because of uneven distribution of resources and insufficient recognition and representation in policy. If a child, who is capable of completing higher education and wants to be able to study, but is unable to because she cannot afford secondary school fees or because the nearest secondary school is 30 miles away from her
village, it is evident that she is being denied the right to education. The basic threshold for education that ends at primary schooling is revealed as insufficient as an absolute right.

The second tension that arises is one which is concerned with the ability of a rights-based framework to accommodate heterogeneous learning needs. While this is the first time the learning needs of talented disadvantaged children have appeared in national policy, NGOs and local and international charitable organisations have, since before independence, been involved in making special provision for stand-out students. Plans for the creation of ‘Academies of Excellence’, however, mirror in many ways existing strategies to meet this need and should be wary of replicating potentially harmful practices. At school level, typically, charitable organisations\(^2\) offer a limited number of scholarships to students, on the basis of academic or sporting merit, to attend elite private schools for their final years in High School and also support students in applications for funding for further study. Other organisations and trusts exist offering funding for tertiary education both at local and overseas universities\(^3\). The role such scholarships have played in transforming the lives of beneficiaries and their families, as many testimonials show, should not be understated, and indeed, demonstrate the kind of positive role NGOs and other actors can play in filling gaps in government strategy. However, from an integrated rights-based perspective, policy makers need to be aware of the potential for such practices to reproduce rather than reduce inequalities. For example, placing ‘talented’ children in private schools perpetuates a divide between the public and private sectors, while the social and economic differences in background may potentially stigmatise and isolate scholarship students within the school environment.

Secondly, while some organisations try to take into account as wide a range of influencing factors as possible in their selection process, they are unlikely, except in extraordinary circumstances, to be able to assist the very poorest, most disadvantaged children as these will be the children whose ‘talent’ will have had little to no opportunity to have emerged in the first place. Finally, scholarships can only provide for the very brightest and most talented students, with the greatest socio-economic need, while hundreds of other ‘good’ applicants are turned down. Ultimately, the system remains unchanged.

\(^2\) Such as Makomborero Trust; Christian Aid Trust; the Joshua Nkomo Scholarship Fund and so on.
\(^3\) Such as the Beit Trust; World Wide Scholarships; Phoenix Fund as well as funding offered by various embassies and consulates.
The Academies for Excellence proposal has similar weaknesses. The plan is to inject with the best human and material resources, two schools in each of the country's eight provinces. These schools will then become specialist centres of excellence for the fostering of academic, cultural or sporting talent, with 40% of places reserved for beneficiaries of full scholarships (MoESAC 2012). The remaining 60% of seats will be available to fee paying talented children. From a human-capital approach one could argue that it made sense to separate ‘talented’ students and invest extra-resources in special training and development, as has been suggested in the Academies of Excellence scheme. Does a human rights framework offer a different approach that can ensure that all learners have equal opportunity to achieve whatever educational goals they are capable and desirous of? If the absolute right to education is not broadened, I do not believe that it is possible. Until the right to education grants learners equal opportunities to be educated from birth through primary and secondary school, at least, education systems in developing countries will continue to reproduce inequalities with significant numbers of able students unable to achieve their education goals, other than by serendipity or individual assistance from benefactors.

Lessons from Zimbabwe

A number of lessons for global international education policy and a right-based framework for education can be learnt from the Zimbabwean case. It is first of all important to assess ways in which local government may already be developing grassroots approaches to delivery of the right to education. It is also important to take into account the unique socio-political-economic context of individual countries in developing programmes to support the right to education in ways that will be locally owned and that are relevant and sustainable. It is secondly important to recognise that for global education policy to be effective, stakeholders need to have a clearly outlined plan of action and for goals to be streamlined so as to avoid conflicts of interests, as happened with EFA and MDGs. It is also critical that if global policy purports to be founded on the principles of the right to education, then the right must be conceptualised fully and in a manner relevant to the current global environment. In the Zimbabwe case it is evident that when the right is reduced, the opportunity for exclusion and marginalisation increases. The situation in
Zimbabwe also points to the need for more discussion to be had on how to protect the right to education in unstable countries – both from a local and international perspective. Finally, as the recovery plans attest, partnership with other countries and non-governmental organisations can be helpful in stabilising and supporting struggling education systems, but must be led by a clear national directive that is critically aware of competing agendas and power relations.

Reconceptualising the right to education for a post-2015 agenda

Social Justice

In reconceptualising the right to education, particularly in terms of expansion in regard to heterogeneity of learners and a fuller conception of the purpose of education, it is pertinent to consider briefly the influence of social justice theorists, in particular Nancy Fraser and Amartya Sen, for considering how these approaches may add to a reconceptualisation of the right to education. Some critics of the rights-based approach to education, such as Robeyns (2006), have called for the abandonment of the approach in favour of a new framework based on Sen’s capability theory. Others, including Unterhalter & Walker (2007) and McCowan (2013) suggest rather that the capability approach would be helpful in developing particular aspects of the right. Tikly & Barrett (2011) also point to how Fraser’s three-dimensional social justice framework can be important in safeguarding quality in particular within the right to education.

'Parity of participation', the Capability Approach and Equity

Using Nancy Fraser's language, at the heart of a social justice perspective is the conviction that a just society is one in which all people should be able to participate equally in social life (Fraser 2005: 73). Injustice is overcome by removing social, economic and political barriers that prevent people from entering into this "parity of participation" (Fraser 1996: 30). Fraser's three-dimensional framework asks what, how, and who questions in identifying
where injustices occur and in setting this aright. This is important for identifying both who has been wronged and who should be held accountable in claims for redistribution, recognition and representation (Fraser 2005). Her model for social justice importantly considers the interconnectedness of barriers to participation which often work in tandem to exclude and marginalise the most vulnerable (ibid.). Finally, the most recently added third pillar of her model, that of representation, highlights the political element to social exclusion which is relevant now more than ever in the globalised and increasingly unequal world (Fraser 2005: 74; Tikly & Barrett 2011: 7). Here, one is asked to challenge the tendency to view political power relations from a purely state-territorial perspective. Instead, consideration must also be made of extra-territorial structures, such as international institutions and multi-national corporations, which have the power to shape global policy with a degree of impunity (Fraser 2005: 75). Justice is accomplished through participative parity, after redistribution, and also recognition and representation, takes place.

Fraser’s framework for social justice is therefore mostly concerned with identifying and making accountable systems and structures which disenfranchise people from participation in development of self and society. In relation to a rights based approach to education then, Fraser’s model would be helpful in a monitoring role for balancing the power relations involved in implementing international policy in local contexts. In the Zimbabwean example, using this framework in the design of recovery programmes in partnership with government and other organisations could help to ensure that policy remains relevant and led by local interests and interpretations of the right.

Sen’s Capability Approach on the other hand is more interested in the conditions which exist to enable the translation of individuals' own capabilities into functionings (their 'beings and doings', for example being well educated and employed), which are necessary to living lives of value (Sen 1992: 39). The Capability Approach sees the 'well-being of individuals' as being in direct relation to the "freedoms [people] actually enjoy to choose the lives that they have reason to value" (1992: 81). Justice is delivered when the conditions of and processes that result in 'unfreedoms' are changed (Sen 1999: 3). Sen’s own 2004 defence of rights indicates his own view that rights and capabilities are not incompatible. Instead he shows how a capability approach can help to shine a light on specific obstacles in
policy making which if overcome could enhance opportunities for rights to be achieved in a
more meaningful and holistic way. While acknowledging the complexity of the
heterogeneous nature of such an approach for policy implementation, Sen emphasises the
much greater potential harm of neglecting "centrally relevant concerns because of a lack of
interest in the freedoms of the people involved" (1999: 33). Importantly, consensus on what
to do about individual unfreedoms is not as important as the opportunity for inclusion of
affected parties and their advocates in debate and discussion to be had over these concerns
(1999: 34). Participation for Sen, as with Fraser, is an intrinsic element in the justice process.
While a rights-based approach does hold participation and dialogue as integral to the
realisation of human rights, there is a tendency, by the very nature of the universality of
rights, and because in national implementation terms it is more efficient and easier to
manage, towards homogenising learning. In using capability theory to keep revisiting the
individual needs of learners, this homogenisation would be more effectively avoided.

Unterhalter (2009) also highlights the importance of capabilities in fully understanding
the concept of ‘equity’ which has been repeatedly highlighted as a key focus area in post-
2015 documents. The first strand of this approach involves reasoned negotiation from
‘below’, which is important for developing contextually relevant, and locally owned policy,
that can allow for heterogeneous learning needs (2009: 418). For sustainability and
effectiveness, however, it is necessary for there to be ‘top-down equity’ delivered through
laws and regulations, as exist in rights-based frameworks, which protect fair access and
participation (2009: 420). Finally a third ‘middle’ equity should regulate the horizontal flow
of inputs and processes between places to avoid exclusion and marginalisation occurring
(2009: 421). The capability approach’s emphasis on process and agency as well as deliberate
debate and public engagement, combined with the regulatory and accountable properties
of rights-based frameworks produces an integrated conceptualisation of equity in
education.

Post-2015 recommendations
In response to the global learning crisis as outlined in earlier sectopms, in recommendations
for post-2015 goals, emphasis has been placed on ensuring that focuses on learning and
equity are at the heart of the education agenda (see Save the Children 2013; UNESCO 2013; UN 2013). In addition there is general acknowledgment that past and existing education goals have tended to have too narrow a focus missing opportunities for cross-sectoral engagement; have not always been contextually adaptable and locally 'owned'; and have often resulted in an overemphasis on the achievement of minimum standards at the expense of equity and more holistic conceptualisation of wellbeing (Waage et al 2010: 992; United Nations 2013: 5). Recommendations thus far therefore seem to regain some of the breadth of the original scope of the right to education and the vision of EFA. In particular, the three most common focus recommendations that have emerged from post-2015 texts point towards positive change for global education policy and seem to suggest, if not explicitly, that there is scope for expansion of the conceptualisation of the right to education.

Policy discussions recommend in various guises, three focus areas: equity; learning and the learning continuum. The first focus area on equity draws attention to the need to concentrate efforts on reaching the poorest and most marginalised, who may have been left out in the drive to achieve minimum education goals (Save the Children 2013: 3; UNESCO 2013: 2). This focus area also highlights the importance of ensuring equality of opportunity to and within education, as opposed to concentrating solely on access and availability. There is also scope here for the consideration of intersectional strategy which could exploit the synergies that exist, for example, between health, gender and education rights (Waage et al 2010).

The second focus area is concerned with the concept of learning. This point speaks to the problem that has been raised in global education policy of the difficulty in determining what constitutes a quality and purposeful education – the content of the right to education. It draws attention to the need to re-conceptualise education beyond the formal, institutionalised school setting; to revisit issues related to context-relevant pedagogy and curriculum; and to reconsider the value of learning, both intrinsic and instrumental, from a perspective that incorporates the heterogeneous learning needs of both individuals and communities (Rose 2013). It requires a return to the purpose and justification of the right to education that is relevant to the changing needs of today’s world.
The third and related focus area is concerned with the need to expand the concept of the learning continuum beyond a focus on primary schooling to incorporate a life-long learning continuum that extends from pre-school education into continuous learning beyond formal schooling (Centre for Universal Learning et al 2013). Importantly, however there has been little discussion about directly reconceptualising the right to education both for international law and global policy guidelines. If the original concept and inclusive vision of Education for All is resurrected, however, there should also be opportunity for debate about formalising an expansion of the right to education.

Though the current global education landscape appears bleak – particularly in light of the weaknesses of EFA and MDGs, positive steps have been taken in attempts to avoid repeating mistakes of the past. A rights-based framework can be effective in enabling states to deliver equitable educational opportunities to their citizens, particularly when the right to education is understood and interpreted in culturally and historically relevant ways.

Bibliography


Mundy, K. "Education for All and the new development compact". Review of Education. 52. 23-48.


**Government and Organisational websites cited:**

