

## DEMOCRATISATION and DECOLONISATION of EDUCATION

Continental Conference on 9/10 December 2023 - Johannesburg

Organised by the South African Democratic Teachers' Union and PoliTeknik



## PoliTeknik Symposium's Speech\*

*Honorable Mrs Angie Motshekga,  
Minister of Basic Education, Republic of South Africa,  
Dear Comrade General Secretary Mugwena Maluleke and  
comrades from the SADTU team*

*Dear Mr Siziphiwe Rola Programme Administrator of Networking  
HIV and AIDS Community of Southern Africa (NACOSA);*

*Dear Speakers, Dear Project Partners and Guests,*

We propose moving the United Nations headquarters from New York to the struggling lands of Africa. India would be a good location for the UNESCO headquarters, and Chile or another Latin American country could be the home of the UN High Commissioner for Human Rights.

Should the UN be reformed or democratized? This is a vital question. It is an issue that will occupy us for many years to come, as the political economy of a multi-polarized world dictates this reality. Regardless of whether they are efficient or not, the UN institutions, which are committed to the defence of peace, international law and human rights, should be considered to be in exile or under occupation from now on.

Continue on pages 3-7 ▶

**Mrs Angie Motshekga**  
Minister of Basic Education  
Republic of South Africa

### Address at the Continental Democratisation and Decolonisation of Education Symposium

Our task is monumental, but the collective will and expertise gathered here give me confidence that we are up to the challenge. Let this symposium be not just a meeting of minds but a confluence of ideas, aspirations, and actions that will redefine the educational landscape of Africa.

PAGE 8-10

### South African Democratic Teachers' Union SADTU

We also call to UN Special Rapporteur on the Right to Education to work with all relevant stakeholders to develop a clear set of human rights-based guidelines for States when considering laws, policies and programmes that consider privatisation of education or that have a privatising effect in order to ensure the protection and promotion of international human rights legal standards. We urge United Nations Treaty Bodies to prioritise addressing the issue of privatisation and its impact on the realisation of the right to education.

PAGE 11

'EDUCATION IS PUBLIC GOOD'

### Prof. Rasigan Maharajh

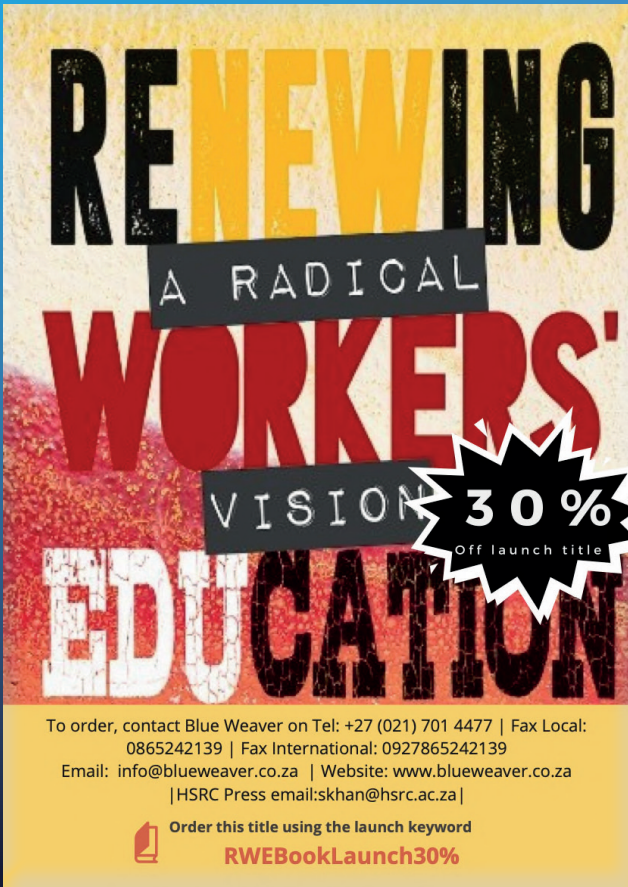
Chief Director: Institute for Economic Research on  
Innovation, Tshwane University of Technology

### For PoliTeknik on RSA Conference

It is therefore imperative that our appreciation of article 26 of the Human Rights Charter of the United Nations at its 75th anniversary derives from a materialist rendition of history and a critical understanding of our contemporary conjuncture within polycrises that characterises our international political economy, its division of labour, and the changing dynamics of labour processes through which value is created.

PAGE 12





Renewing Workers' Education  
A Radical Vision

Edited by Linda Cooper and Sheri Hamilton

December 2019  
ISBN (soft cover): 978-0-7969-2581-7  
Format: 240 x 168 mm  
Extent: 264 pages  
Rights: World Rights

**About the book**  
*Renewing workers' education focuses on educational forms created by workers for workers. It extends beyond trade unions to include the range of educational initiatives aimed at the working class more generally, including working class women, casual and informal sector workers, migrant workers, and workers' political parties.*

*This book contributes to filling the gap in the South African literature on workers' education and documents the more recent history of workers' education as well as current practices and perspectives, including some international experiences. It explores conceptual tools that may assist in reflecting on and theorising the practice of workers' education and analyses current challenges. This essential book also seeks to inform future policy and practices on workers' education and is key for those who wish to reinvigorate and contribute to building an alternative future for workers' education.*

**About authors/editors**  
*Linda Cooper is Associate Professor and teaches on the Adult Education programme at the University of Cape Town. Her interests lie in widening access to adult learners in higher education; radical traditions of workers' education; and the relationship between 'everyday knowledge' and more formal kinds of knowledge. She has a long history of involvement in trade union education and other adult education initiatives that seek to promote radical, social transformation. Recent publications include: Cooper L & Ralphs A (Eds) (2016) RPL as Specialised Pedagogy: Crossing the Lines. Cape Town: HSRC Press Cooper L & Luckett T (2017) Past and present intersections: Legacies of Popular Education in the 1970s and 1980s. In A von Kotze & S Walters (Eds) Forging solidarity: Popular education at work. Rotterdam: Sense Publishers*

CONTENT

Page 1, 3-7

PoliTeknik Symposium's  
Speech  
DEMOCRATISATION and  
DECOLONISATION of EDUCATION  
Continental Conference on 9/10  
December 2023 - Johannesburg

Organised by the South African  
Democratic Teachers' Union and  
PoliTeknik

Page 8-10

Address by the  
Minister of Basic  
Education, Mrs Angie  
Motshekga,  
at the Continental  
Democratisation and  
Decolonisation of Education  
Symposium, held at the Southern  
Sun, Gauteng  
9th December 2023

Page 11

SOUTH AFRICAN  
DEMOCRATIC TEACHERS'  
UNION - SADTU

Page 11

Ajay Lachhman  
Mauritius Trade Union Congress  
MTUC

**A Global Journey  
at the Continental  
Education Conference,  
A conference beyond  
ADVOCACY**

Page 12

Prof Rasigan Maharadja  
Chief Director of the Institute for  
Economic Research on Innovation,  
Tshwane University of Technology

**For PoliTeknik on  
South Africa Conference**

Page 12

Prof Martha Matashu  
Faculty of Education: North West  
University - SOUTH AFRICA

**Reflection on the  
Continental Conference  
on Democratisation  
and Decolonisation of  
Education**

Page 13

DECLARATION OF THE  
CONTINENTAL EDUCATION  
CONFERENCE IN SOUTH  
AFRICA

Page 14-16

Watshia Muyembi  
Activist head of ADF Human Rights  
Commission

**Human and Education  
Rights of Refugees and  
Asylum Seekers**

Page 17

Abdulwahed Muhammad  
Kurdistan Teachers Union - IRAK

**Teacher Training  
Process and some  
comments**

Page 18, 19

Ashlyn Ajiambo  
PoliTeknik International Editorial  
Board Member - KENYA

**EXPERIENCE IN STUDENT  
ORGANIZING**

Page 19

Prof. Filipe Melo  
BRAZIL

**The erosion of  
international law**

Page 20

South African Transport and  
Allied Workers Union

**SATAWU's Position on the  
War in the Middle East**

Page 21

United Textile Employees-  
UNITE - LESOTHO

**United Textile  
Employees' Position  
on the War in the Middle  
East**

Page 22, 23

Prof. A. Reis Monteiro  
University of Lisbon - PORTUGAL

**UNESCO:  
A Deceiving Report**

Page 24-29

Müslüm Kabadayı  
TURKEY

**AN EXAMPLE OF  
DESTRUCTION BY  
EARTHQUAKE  
UNDER CAPITALISM:  
HATAY**

Page 30, 31

Bishal Khanal  
Former Secretary National  
Human Rights Commission of  
Nepal, Currently Faculty Member,  
Kathmandu University School of  
Law - NEPAL

**Child Marriage in Human  
Rights Perspective:  
A Nepali Experience**

Page 32

Prof. William M. Epstein  
University of Nevada, Las Vegas |  
UNLV - School of Social Work - USA

**The Vegan Conspiracy**

Page 33

**ENDLESS INCRIMINATIONS  
OF THE TOP AGAINST THE  
BOTTOM (Example for  
Germany)**

IMPRESSUM

Editorial Board Members

Hewa G. Cyril (Sri Lanka)  
Malathie M. Seneviratne (Sri Lanka)  
Ashlyn Ajiambong (Kenya)

Advisory Board Members

Prof. Dr. Michael Klundt • Ramakant Rai  
Prof. Santoshi Halder • Prof. Enrique Javier Díez Gutiérrez  
Prof. Dr. Peter Rödler • Rosa Cañadell  
Prof. Sanjoy Roy • Prof. Dr. Xavier Diez

Publisher

Verein für Allseitige Bildung e.V.  
(Germany)

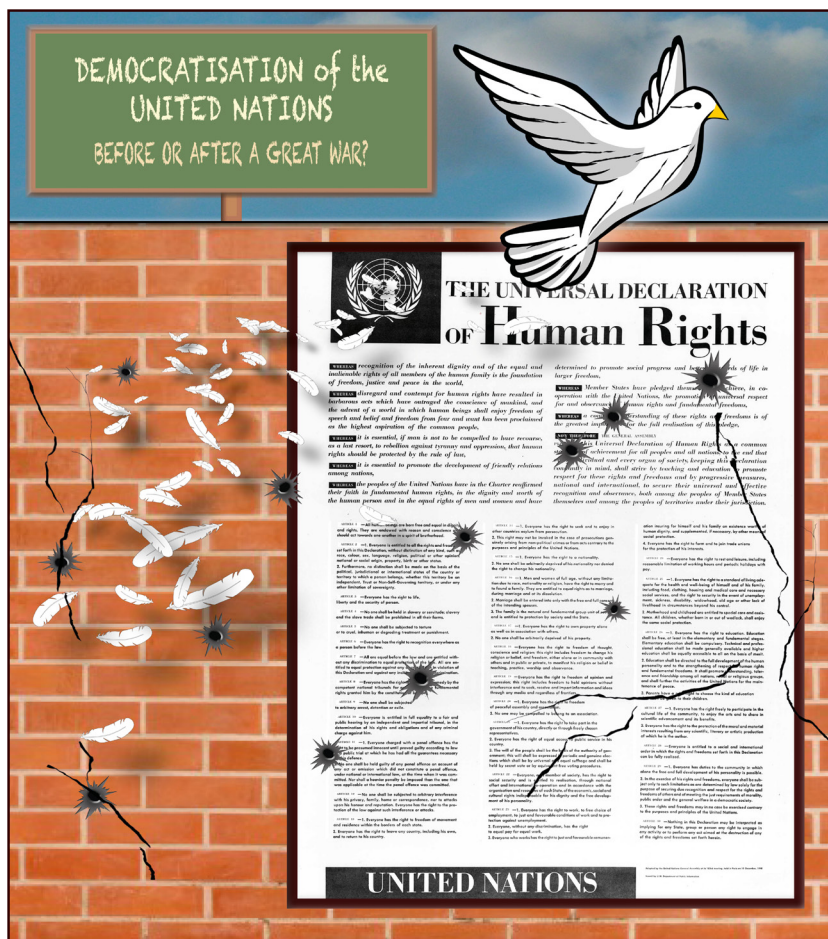
PoliTeknik International

every 4 months  
ISSN: 2628-0833

Zeynel Korkmaz (Coordination)  
info@politeknik.de  
www.politeknik-international.org



# PoliTeknik Symposium's Speech



**Dear participants, dear guests,**  
I would like to welcome you all to this conference which is organized by SADTU and PoliTeknik. Thank you for accepting our invitation. We are very grateful and honored that you are participating today in the symposium of **Project Extension of Human Rights to Education**, in short **Project Article 26**.

We feel honored that the Honorable Minister accepted our invitation. We are all very pleased that honorable Ms Minister has spared us her valuable time on this wonderful day to deliver the opening speech of this symposium. We express our sincere gratitude.

This meeting was possible to organize thanks to the dedicated efforts of SADTU and the contribution of NACOSA. I would like to express my sincere gratitude to the entire SADTU team, in particular to esteemed Comrade GS Mugwena Maluleke, and to NACOSA for this. We were in constant contact with Comrades Renny Somnat and Cindy De Lange during the preparations for the conference and I would like to mention their names here and thank them.

**Dear participants, dear guests,**  
My knowledge of English is limited, so I would like to inform you in advance that I will have some challenges with articulations. I prepared my presentation in Turkish and trans-

lated it into English with the support of an interpreter. Please excuse me in advance.

After the symposiums we organized in Germany in 2016 and 2018, today we come together for our 3<sup>rd</sup> conference. We are in Africa for the first time and we are in the right place, because half of our partners from 48 countries come from the African continent. Why do we have so many partners in Africa? Well, I am trying to make sense of this myself, and maybe the title of this symposium might give an answer.

In my presentation, I will first cover the origins of the project, I will share some important impressions and memories, and examine the geopolitical climate in which the project was implemented, and I will reveal its objectives, its organizational strategy, its successes and challenges. By doing so, step by step, I will summarize the past 7 years in an outlined manner. At the end of my presentation I will give a few minutes to my colleague Prof. Michael Winkler from Germany. We've been working with him on this project for many years (Prof. Marliese W. Fröse took the floor instead of Prof. Winkler during the conference).

**Dear participants, dear guests,**  
Project Article 26 was first discussed as an idea in PoliTeknik magazine in autumn 2015. It was developed in a series of articles published in the jour-

nal under the title **Ideas and Recommendations on the Extension of the Right to Education**. The project further evolved at the October 2016 symposium and was officially started in January 2017. From conception to preparations, from implementation to experiences, the process took 8 years. In a sense, it was a very long struggle for survival for a movement that started from the ground up, on a voluntary basis, without any national or international support, without any connections at the beginning, with personal dedication and pure human power. It is good that we have continued so that we can be here today with our colleagues and comrades.

The mere preparations, infrastructure and introduction of this initiative, which was planned for two years, now seems to easily exceed 10 years. Given the time that the UN, with its vast resources, has spent on the Millennium Goals and Agenda 2030, more than 2 decades as of now, 10 years is really not that long.

**Dear participants, colleges and comrades, what Project Article 26 aspires to achieve?**

The project will be based on a foundation of international legitimacy for the redrafting of Article 26 of the Universal Declaration of Human Rights. Several social actors involved



Our first contact with SADTU dates back to 12 October 2015; we wrote an email asking for their contribution to the series of articles, and a week later we received a positive response. Since then we have been in contact.

I am quoting from an email I wrote on 27 October 2015 to Prof. Michael Winkler, with whom I am working on this project (translation from German):

*"[...] The published series of articles represents the first step in the preparations for a conference on the same topic next year. The event is intended to implement a two-year project (until 10 December 2018; 70<sup>th</sup> anniversary of the UN Declaration of Human Rights), which envisages the establishment of a coordination office and a scientific council. These are to organise cooperation at a global level with all stakeholders seeking to expand the human right to education, develop their joint positions and inspire the global public and UN member states to implement these positions.*

*In the coming weeks, PoliTeknik plans to approach potential partners for project development and long-term cooperation as part of this commitment and to win them over for this commitment [...]"*

in the extension of human rights to education will work on different aspects of this issue in order to create a "Declaration on the Extension of Human Rights to Education" to be voted at the UN General Assembly. The project focuses on Article 26 of the UDHR, which needs to be amended in a phased extension.

## Article 26 of UDHR:

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 the 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 shall be given to their children.*





### Dear participants, dear guests,

The goal of extension Article 26 of the UDHR while developing a broad base of legitimacy will be a meaningful experience for all people excluded from democratic decision making processes. This is an interesting relevant perspective, a vision, because there is rarely time for humanity to act as legislators and articulate it's from the outside undistorted interests. We have formulated these words as a motto: **The sections of humanity excluded from democracy will experience themselves as a legislator and a representative of their interests that are not distorted from the outside.**

The uniqueness of our initiative lies in its refusal of concepts prepared by elites or circles that produce the illusion of broad participation. In other words, the project does not seek support for a ready-made concept, nor does it relegate participants to a passive, subordinate position. Instead, all partners in this initiative are invited to work actively and design the content of the declaration themselves. The project is designed in such a way that it cannot function without the active participation of volunteers. The idea therefore rightly sends the following message: **Please build your own unity together!**

This project should be organized in the same way a country drafts a constitution: imagine a constitutional process that invites all social groups to participate. Take the example of Cuba's constitutional draft, which was adopted on February 24, 2019 with a vote of 86% in favor. „Out of a total island population of 11 million, 7,370,000 people participated in the constitutional debates. 111,872 discussion meetings were held. During these meetings, 1 million 445 speeches were given. There were 659 thousand suggestions, 560 thousand requests for amendments, 27 thousand requests for additions and 38 thousand requests for deletions“.

### Dear participants, dear colleagues and comrades,

How many of us are ready for such an endeavor, how many months or years do you think patience and concentration can last? If this project is a worthy effort, it will certainly not be easy. It is clear that we are not wasting time on small reforms.

Such a strategic approach entails the exclusion of imported agendas, and requires maturity and emancipation. We can characterize this as the first step towards self-determination through self-awareness.

We, the initiators of the project, have therefore intentionally limited our task to coordination and handed over the determination of the content to experts and to those who make democratic demands. And the coordination activities have been opened to all partners through the commissions that we have established and which will be presented tomorrow. This will make it possible to bring together progress that is probably stalled at the national level through our project at the international level. The concrete goal of extending Article 26 allows us to interact permanently, in real-time and plan joint activities globally.

I will now present some of the highlights from the article series „**Ideas and Recommendations on the Extension of the Right to Education**“ and from past symposium speeches, because they contain the first opinions which set out the need for the project and guided its discussions and showed a direction for the critical perspective in this debate.

At perhaps no other time since the right to education was enshrined in the 1948 United Nations declaration of Human Rights has it needed a renewed pledge in light of today's increasingly complex global reality. Although great strides have been made to increase access to education during the last 15 years, 60 million children remain out of school. In spite of education being an inalienable human right and a pub-

lic good, across the world this right continues to be denied due to a combination of under-financing of education, the impacts of inequalities in accessing and completing education and above all, a lack of political commitment and will.<sup>2</sup>

**Susan Hopgood**  
*President of Education International*  
*Federal Secretary of the Australian Education Union*  
- (AEU)

Today, human rights and the right to education are attacked on a daily basis worldwide.

Despite the gains that have been made, our collective human and civil rights work is far from complete. The UDHR's education declaration must be refreshed and modernized to establish more ambitious and specific goals, with specific reference to the rights of girls to education, as well as the rights of all children to early childhood education and secondary education.<sup>3</sup>

**Mary Cathryn Ricker**  
*Executive Vice President of the American Federation of Teachers (AFT) - USA*

We find ourselves in an era of vastly expanding advancements in all facets of life. Technology, Medicine, Agriculture, Engineering and the Arts are all progressing quickly but many developing countries are being left behind due to the lasting effects of colonialism, global capitalist economies which dictate a narrative of oppression and political systems which are designed to exclude the voice of the masses. The only way to remedy this is by educating our people and providing them with specialised skills to fulfil their personal potential and to contribute to reaching the potential of the country.

It is therefore necessary for the rights in Article 26 of the UN Declaration of Human Rights to include further education and training in an attempt to address the issues outlined above.<sup>4</sup>

**Student Representative Council**  
*Wits University - South Africa*

Human rights education and the right to education are interrelated, because the UDHR must be read by everyone, understood in terms of content and interpreted in the respective social and historical context.<sup>5</sup>

**Prof. Dr. Eva Borst (Germany)**

I would like to start with a quote: „Equal exploitation of labour power is the first human right of capital.“ This is how Karl Marx put it in his Critique of Political Economy of 1867 (MEW 23, p. 309). In analogy to the topic of our conference, one can continue Marx's ironic sentence with the formulation

of another human right, for example as follows: „General production of labour power (thus education) is the second human right of capital.“ Educational understanding and practice are subject to the constraints of social production and reproduction and the relations of domination that correspond to them. Domination and the government assigned to it determine the hegemonic understanding of education, what is to be understood by education. They define what education is and determine the scope, quality and tailoring of educational services from their concrete interests.<sup>6</sup>

**Prof. Dr. Armin Bernhard**  
(Germany)

Lindgren Alves (2013, p. 24) draws attention to the Western character of the UDHR, highlighting its Enlightenment heritage, like that of the UN itself. The author states the following:

*Adopted in this way, without consensus, in a forum then composed of only 56 States, Western or "Westernized", the Universal Declaration of Human Rights was not, therefore, "universal" even for those who participated in its creation. Under these conditions, those who did not participate - the vast majority of today's independent States - had more reason to label the document as a "product of the West". (Alves, 2013, p. 24, free translation).<sup>7</sup>*

**Prof. Reaquel Melo (Brasil)**

These are indeed interesting positions. Some call for a modification of Article 26, others believe that a real democratization of the education systems is in fact a head-on collision with the existing world order. These indicate that the fundamental debate before the declaration needs to go much deeper. We have already targeted the following issues: Questions can be discussed as to whether the project, with the aim of progressive modifying Article 26, is only meant to send a signal, and can it do so at all? Can we get a vote at the UN General Assembly? What happens if our joint declaration is rejected? How should we then proceed with a strong, globally established legitimacy base? Should the vote be positive, would this result already be seen as a guarantee for the realization of progressive change in the countries? Should the declaration formulate a concrete control mechanism to ensure implementation? In the case of a positive or negative vote, is the UN in its existing form the right address?

Inspired by these questions, I would like to give you an example. **The International Campaign to Abolish Nuclear Weapons (ICAN)** was founded in 2007. Its goal is explained as follows:



*“On July 2017 -following a decade of advocacy by ICAN and its partners -an overwhelming majority of the world's nations adopted landmark global agreement to ban nuclear weapons, known officially as the Treaty on the Prohibition of Nuclear Weapons. It entered into force on 22 January 2021<sup>48</sup>.”*

The first two paragraphs of Article 17 of the Treaty on the Prohibition of Nuclear Weapons are as follows:

1. This Treaty shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to the Depositary. Such notice shall include a statement of the extraordinary events that it regards as having jeopardized its supreme interests<sup>9</sup>.

As you can see, an NGO can convince the UN General Assembly, but the crucial question remains between the adoption of demands and their implementation. Let's imagine that we expand the right to education through a declaration, would it be acceptable that states can restrict this right in special cases? In the declaration we want to draft, these aspects have to be taken into account.

Other fundamental questions also need to be asked: Can human rights be definitively formulated? Do we have to take the biological nature of human beings or the social characteristics of the societies they founded as a starting point or a combination of both? Whose interest and what image of humanity underlies the UDHR? Is an evolutionary process underway that determines the socio-historical context and has to be re-evaluated from one age to the next? If so, what kind of extension is imminent in our age?

**Dear participants, colleagues and comrades,**

I would like to continue as follows. Does talking about extending human rights to education mean taking courage against the global downward trend in education?

*“From the end of the last decade, along with Greece's unbearable financial debt, basic human rights are also up for negotiation, among which is the right to education. Under such conditions, the goal of collective struggles can easily be shifted from the extension of social gains to their defence, with any dialogue on further extension seeming an undue luxury<sup>4,10</sup>.”*

Dialogue on extension of rights as an undue luxury? Well. For once in our lives, we wanted to allow ourselves that kind of undue luxury with the Project Article 26!

It is very difficult to get free of the images of the old world and imagine a good future. Dreams are subject to auto-censorship. When it comes to the extension of democratic rights, we are pessimistic enough to call it a luxury. These heavy chains of thinking clearly define the size of the existing oppression that needs to be overcome.

**Dear participants, dear guests,**

I would like to share with you a short but very important memory, which we have often mentioned in many of our talks. When we came up with an idea for extension article 26 of the UDHR in 2015, we shared it with our close circle; and one of our friends, Cem Şentürk, he is still working in the Foundation Centre for Turkey Studies and Integration Research in Germany, said the following; “Yes, this article can be amended, but only after a great war!” Of course, by referring to the Second World War.

And now this question is confronting us all: Will a truly great war be determinant? And what about the events after 1945, colonialism, the neocolonialism articulated by Kwame Nkrumah, the Cold War, coups, civil wars, revolutions and counter-revolutions, unipolar or rules-based international order, debates about a multipolar order... what is the answer? Are we facing a sufficiently painful collapse of civilization in the new century? The destruction of civilian settlements in other countries is not enough for us to be buried under the rubble of lawlessness? It is a question that everyone is obliged to answer. We have returned to the conditions of the World War I and are witnessing the division of the world capitalist market between the rising superpowers and the old ones. After the World War I, the League of Nations was established, its aim was to keep the peace, it was not enough, the World War II gave birth to the UN, it was not enough.

This is a time when the war supporters now pride themselves on having successfully misused agreements under international law into war tricks and how brilliant they understood the teachings of the famous Chinese military theorist Sun Tsu. In the face of this, there's no place for us anymore for hesitation. Yes, this is a perfectly legitimate question: After or before a

great war? In past conversations and debates we have tried to answer this question in the following way:

*“Anything can come to an end anytime, and everyone or everything may have to start and set out it again from our current point. Humanity, in any case, will live and learn whether it adopt human rights permanently, after or before a big disaster, through a conscious activity based on its free will.”*

*In this essential time-course, we prefer to leave audience grandstand; and this move indicates a tremendously dynamic situation: We have no doubt that in this project, there is a quality of life which emerges thanks to an engagement occurred in an optimist manner and in harmony with social nature of human<sup>4</sup>.”*

**Dear participants, colleagues and comrades,**

Up to this point in my speech, my focus has been on pointing out the reasons for our demand for the extension of Article 26 of the UDHR and the historical turning point when it is taking place. This is a time of growing recognition that the balance of power, laws, images, aesthetics and all other elements of the old world are rapidly collapsing. The new is being born with all of its pains and waiting to be characterized. And we seek to define the educational dimension of the new world. Yes, we "dared" to do this together with those who are excluded from democracy. Do these words, dear participants, colleagues and comrades, sound a bit pompous words? At this point, let us ask the question: If we were billionaire philanthropists, would we need to talk about courage? Circles of interest that can go so far as to authorize the WHO to intervene in the internal affairs of

states over epidemics can easily engage in the most undemocratic practices when they wish. No, our request is in no way from the sphere of fiction, it is nothing else as the recognition of the right of the masses to envision the future also for themselves.

**I will now explain what kind of strategies our project follows and what phases it foresees.**

**Our 2 phases and awaiting duties**

In general terms, our project is moving to a turning point of ground breaking works. These ground breaking works will be considered complete once a certain number of countries have joined the project. In other words, when the participants of the project will have a common view regarding sufficient legitimacy of the upcoming declaration, the ground breaking works will be regarded as completed.

In this first phase of the project, the partners support to extend the number of partnerships to many other protagonists in different countries. For this goal, our project dossier has already been translated into 8 languages: English, French, Spanish, Arabic, Portuguese, Russian, German and Turkish.

Once legitimacy has been established and coordination units have been set up in countries, academic advisory boards can be established. The academic advisory boards will prepare catalogs of proposals for the joint declaration. This first phase of establishing legitimacy is still in progress.

**The following tables visualise our planned structures at local, continental and global scales.**

TABLE 1

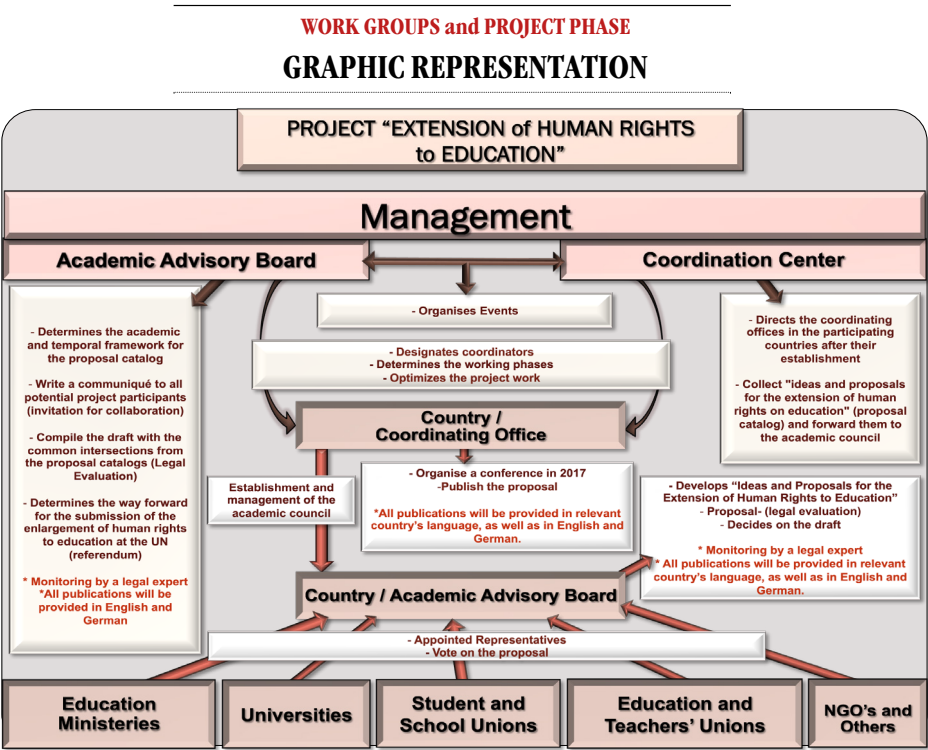
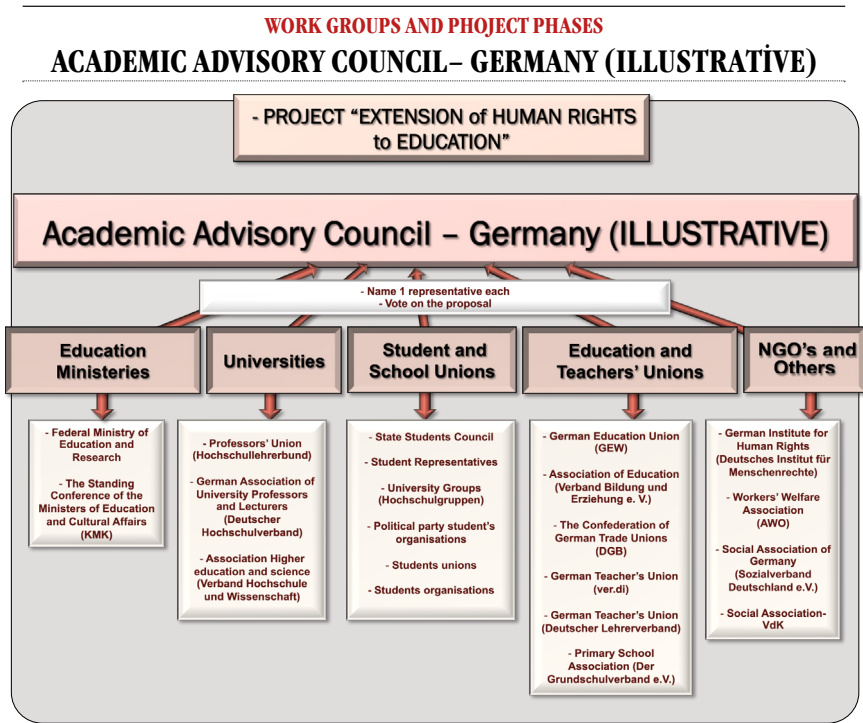




TABLE 2



As of July 2021, continental co-ordinations are also considered as active organisations for the project. Logos of continental coordinations:



Table 3: Example of continental co-ordination in Africa

As of 5 May 2023, we started to establish three commissions.

- 1) Commission for the development of relations with UN bodies and governments
- 2) Commission for the development of relations with trade unions, federations, universities, NGOs, students and student unions, parent organisations and experts
- 3) Commission of experts for analyses and publications on current glob-

al education policies and debates. These three methods that we have followed to develop our international legitimacy ground have been activated in recent years. In particular, the United Nations, the Education International (EI), the World Federation of Teachers' Unions (WFTU-FISE), IndustriALL, the Building and Woodworkers' International (BWI), etc., which operate on a global scale.

On 10 December 2018, we sent a letter to the UN Secretary-General Antonio Guterres requesting a meeting. We had a meeting with Robert Skinner, Director of the UN Partnerships Bureau, on 10 July 2019 on behalf of the Secretary-General. In this meeting, we requested that our project dossier be forwarded to the representatives of all UN member states. We did not receive a positive response to this request, as it was stated that the countries were busy with the Sustainable Development Goals (SDGs).

Education International (EI) is a federation of education unions and organisations from nearly 180 countries. The chronology of our continuous efforts to develop cooperation with EI since 2016 is as follows:

- 2016: E-I was represented by the President of the German education union GEW at our international symposium in Cologne. E-I was of the opinion that the UDHR should not be put up for discussion and recommended not to take up the project. We decided to continue and the project started officially on January 2017.

- 2018: following recommendation from colleagues in India, an official invitation for partnership was addressed to the E-I President Mrs. Susan Hopgood. Our colleague Mr. Rampal Singh (may he rest in peace, we lost him this year), who was an E-I Board member at the time, handed over this invitation at the E-I board meeting in Brussels
- July 2019: Another invitation was handed over to the GS Mr David Edwards during the E-I World Congress in Bangkok. Colleagues from the Turkish, Nepalese, Somalian and other teachers' unions handed over this letter
- November 2019: : Colleagues from the Turkish and Spanish teachers' unions agreed with us to talk to David Edwards in Brussels about the project partnership.
- December 2019: After our colleague Heleno Araujo, President of the CNTE-Brazil, shared David Edwards' contact details with me, I sent to him the invitation again via WhatsApp.
- Between 2020 and 2021 we repeatedly tried to contact the EI continental representative offices. Finally, in December 2022, another invitation was delivered to David Edward in Cambodia by our partners from India and Sri Lanka. Since 2016, there has been no response to any of our attempts, neither verbally nor in writing.

A similar situation happened with the World Federation of Teachers' Unions (WFTU-FISE). I communicated to WFTU-FISE President Mohanty from India and Second President Jayasinghe from Sri Lanka that I would present our correspondence in the form of constructive criticism at this conference. In an email I sent on 22 August 2022, I stated the following:

"As you know, as PoliTeknik magazine, we have been trying to invite WFTU and FISE to become partners in our

project "Extending the Human Right to Education.

*Unfortunately we have not made any progress for nearly 3 years. It is shocking that comrades from the WFTU or FISA ignore us and our efforts to establish contact!*

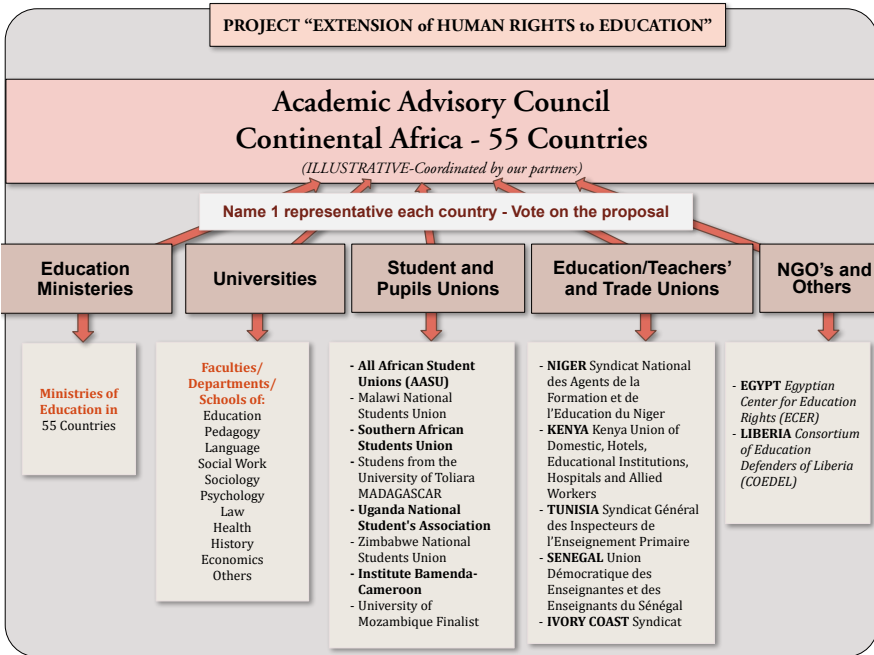
*[...]The answer we received by e-mail on 05.10.2020 is as follows:*

*"FISE supports the campaign "Extending the Human Right to Education in the UN Declaration of Human Rights" and the amendment of Article 26 of the Declaration of Human Rights. For the fulfilment of every child's right to education to become a reality in the 21st century. We will send our official document next week" [...]*

We underlined the importance of relations with International Education Federations. Teaching is an idealistic profession that contributes to the growth of small potentials. However, we were surprised by what we encountered. Therefore, we decided to educate ourselves.

Over the years, through PoliTeknik relations and especially through our online research, we have collected the contact details of approximately 17,000 experts, trade unions, student unions, NGOs, etc. and informed them about our project. We illustrated this hard work with the metaphor of a letter in a bottle. As you know, sailors used to put their letters in a bottle and leave them in the seas and oceans, with the dream that maybe one day they would reach land and someone would read them. It is known that some letters were washed ashore after a century. We now have more than 100 volunteers from about 50 countries who read the letters in our bottle and responded positively. The first phase made progress under these conditions.

Table 3







### **Dear participants, dear guests,**

The goal of extension Article 26 of the UDHR while developing a broad base of legitimacy will be a meaningful experience for all people excluded from democratic decision making processes. This is an interesting relevant perspective, a vision, because there is rarely time for humanity to act as legislators and articulate it's from the outside undistorted interests.

### **Second Phase**

The second phase, which has partially begun, will constitute a platform for a long-term and in-depth debate. A platform on which the Declaration will be based on the legitimacy created.

In this second stage, a campaign of clarification is needed. On the one hand while seeking answers to a series of questions we have mentioned above, what is a human being, are human rights universal, can they be formulated in an ultimate way, should they be modified according to the historical period, etc., on the other hand, the formulations of those who make democratic demands in this direction should be brought to light. As in our series of articles.

The expert commission that we have set up should put the crucial aspects of the discussions into a general framework, and the democratic demands should be placed within this framework and gradually developed into a declaration. The expert commission members are:

- Prof. Dr. Michael Winkler
- PoliTeknik  
(Represented by Zeynel Korkmaz)
- Prof. Dr. Vernor Muñoz Villalobos  
(Former UN Special Rapporteur on the Rights to Education)
- Interdisciplinary Research Center for Children, Society at the University of Wuppertal (Represented by Prof. Dr. Heinz Sünker)
- Prof. Dr. Armin Bernhard
- Prof. Dr. Marlies W. Fröse
- Prof. Dr. Eric Mührel

- Prof. Dr. Karin Lauermann  
(Federal Institute for Social Pedagogy - Austria)
- Rama Kant Rai  
(National Coalition for Education - India)
- Dr. Benjamin Bunk

The framework parameters are guidelines for the preparation of the proposal catalogues in the respective countries. They aim to regulate a complex text production process for the purpose of formulating a common declaration by clearly defining areas of responsibility.

The scientific advisory board specifies the areas of responsibility for the creation of the proposal catalogues. Here is an example of a framework:

All proposal catalogues take a position/comment on:

- a) Definition of education
- b) Quality of education
- c) Costs of and access to education
- d) Providers of education
- e) Duration of education
- f) Implementation of the declaration
- g) Others (max. 10 pages)

A maximum of 5 articles may be written for each point. The justifications for these articles will be made available to the coordination management and will be published or archived.

The proposals are written in the form of legal articles, each of which can consist of a maximum of 200 words. All catalogues are entered into the form provided for this purpose (WORD file; font: Arial; point: 12). These are written in the tradition of the UDHR in a language understandable to the masses.

Naturally, we are also carrying out activities to deepen the discussions required by the second phase. In addition to articles and symposia, in February 2022 we organised a series of online presentations in different languages, for example under the following headings:

- Project Article 26 and the role of UN: What to expect?
- Human Rights and Discourses: Is an Ultimate Definition Possible?
- Following the footsteps of humanity
- Textile unions and the right to education
- Human right to education and the world of work
- The erosion of the International Law

### **Working Plan for 2024**

- Academic Advisory Board will meet in February to finalise the Framework parameters
- An interim report to be drafted for submission to the UN Secretary-General in May
- The committees will continue to develop the legitimacy base and will hold meetings to visit both the UN and ministries of education in different countries
- Online presentations and publications on Article 26 will continue
- Textualisation of first proposal catalogues for the extension of human right to education
- Publication of the second project book

### **Dear participants, Dear colleagues and comrades,**

The progress and success of the project can be measured by the level of commitment of the partners. It stagnates or increases exponentially with the performance of those involved. And the possibilities of so many partner organizations must be well understood, these are in fact immense. We are just waiting for it to finally unfold. We cannot repeat this fact often enough.

### **EPILOGUE**

The Project Article 26,

- is an initiative of those who are excluded from democracy,
- stands for the recovery of realistic hope,
- means the rediscovery of solidarity,
- stands for the critique of the existing concept of humans (in their absolute majority) as degraded beings.

### **Frequently repeated slogans of the project are:**

- This project is a longterm process. Sooner or later an exponential rising will be a natural result of its continuous engagement
- Project Extension Of Human Rights To Education - is a special democratic experience for humankind
- Those parts of humanity excluded from democracy will experience themselves as a legislator and a representative of their interests that have not been distorted from the outside.
- Extending Article 26 of the UDHR - before or after a great war? In this

determinist time-course, we prefer to leave audience grandstand; and this move indicates a tremendously dynamic situation: We have no doubt that in this project, there is a quality of life which emerges thanks to an engagement occurred in an optimist manner and in harmony with social nature of human.

### **Thank you for listening to my presentation,**

Zeynel Korkmaz  
PoliTeknik

\* This article is published simultaneously in PoliTeknik Turkish edition, PoliTeknik International and PoliTeknik Español.

<sup>1</sup> <https://www.kubadostluk.org/wp-content/uploads/2020/08/KAY-A4.pdf>, Page 7; translation: PoliTeknik.

<sup>2</sup> English Project Dossier: [https://politeknik.de/wp-content/uploads/2021/06/PROJECT\\_DOSSIE\\_EN.pdf](https://politeknik.de/wp-content/uploads/2021/06/PROJECT_DOSSIE_EN.pdf), Page 6.

<sup>3</sup> ibidem: Page 6.

<sup>4</sup> ibidem: Page 7.

<sup>5</sup> Thoughts and Recommendations on Extending Education Rights in UN Declaration of Human Right: <https://politeknik.de/wp-content/uploads/2019/11/DOSSIER-BILDUNG.pdf>, Page 19; translation: PoliTeknik.

<sup>6</sup> Armin Bernhard, in: Extension of Human Rights to Education: <https://politeknik.de/wp-content/uploads/2020/12/Extension-of-human-rights-to-education.pdf>, Page 165; translation: PoliTeknik.

<sup>7</sup> The Project "Extension of the Human Right to Education" and the role of the United Nations Organization: limitations and possibilities - [https://politeknik-international.org/wp-content/uploads/2022/01/PoTe-INT\\_6.pdf](https://politeknik-international.org/wp-content/uploads/2022/01/PoTe-INT_6.pdf), Page 10, 11; translation: PoliTeknik

<sup>8</sup> [https://www.icanw.org/the\\_treaty](https://www.icanw.org/the_treaty); translation: PoliTeknik

<sup>9</sup> TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS: <https://d3n8a8pro7vhmx.cloudfront.net/tectodevms/pages/2417/attachments/original/1571248124/TPNW-English1.pdf?1571248124>, p Page 10; translation: PoliTeknik

<sup>10</sup> <https://politeknik.de/p13186/>; translation: PoliTeknik







basic education

Department:  
Basic Education  
REPUBLIC OF SOUTH AFRICA



# Address by the Minister of Basic Education, Mrs Angie Motshekga, at the Continental Democratisation and Decolonisation of Education Symposium\* held at the Southern Sun, Gauteng 9<sup>th</sup> December 2023

Ladies and Gentlemen,  
Esteemed Delegates,  
Honoured Guests,

It is both a privilege and an honour for me, in my capacity as the Minister of Basic Education of the Republic of South Africa, to address this distinguished assembly at the Continental Conferences in Africa, focusing on the Democratisation and Decolonisation of Education.

Today, as we gather here at the Southern Sun O.R. Tambo International Airport in Gauteng, we stand at a critical juncture in the history of African basic education.

Building upon the foundations established by two international symposia held in Germany in 2016 and 2018, this conference is part of the Project for the Expansion of the Right to Education (Project Article 26).

This conference marks a historic first – it's the first time this event is held on African soil, focusing specifically on our continent's unique challenges and opportunities.

We are here to build upon the foundations laid by Project Article 26, which ambitiously aims to expand the Right to Education as articulated in the Universal Declaration of Human Rights.

Article 26 of the Universal Declaration of Human Rights (UDHR) establishes that education should be free, at least at the elementary and fundamental stages.

It represents the first internationally agreed definition of the right to education.

Over time, this right has been described as a dual right, combining both fundamental freedoms and social and economic rights.

Our presence here signals a significant shift in the education discourse in Africa – a shift from passive acceptance to active engagement and from historical impositions to a future of self-determination in educational policies and practices.

As we converge here, the UNESCO Institute for Statistics (UIS) latest figures paint a grim picture. Of all regions, sub-Saharan Africa has the highest rates of education exclusion.

Over one-fifth of children between the ages of about 6 and 11 are out of school, followed by one-third of youth between the ages of about 12 and 14.

According to data from the Institute for Statistics, almost 60% of youth between the ages of 15 and 17 are not in school.

Without urgent action, the situation will likely worsen as the region faces a rising demand for education due to a still-growing school-age population.

Education in Africa is a major priority for UNESCO and its Institute for Statistics.

In response, the Institute for Statistics develops indicators to help governments, donors, and United Nations partners better address the challenges.

For example, the Institute for Statistics tracks the extent to which schools lack basic amenities, such as access to electricity and potable water, while monitoring classroom conditions – from the availability of textbooks to average class sizes and the prevalence of multi-grade classrooms.





Minister of Basic Education  
Mrs Angie Motshekga  
Republic of South Africa

In South Africa in 1996 (two after ushering in our democracy), the Schools Register of Needs study found fewer than half of the schools had adequate facilities.

However, the 2022 School Monitoring Survey shows substantial advancements: 87% now have proper toilets, 81% have access to running water, and 93% have electricity, indicating marked system improvements.

With seven out of ten countries facing an acute shortage of teachers, the Institute for Statistics also produces a range of data on their training, recruitment and working conditions.

Ladies and gentlemen, girls' education is a significant priority. Across the region, 9 million girls between the ages of about 6 and 11 will never go to school at all, compared to 6 million boys, according to Institute for Statistics data.

Sadly, their (girls) disadvantage starts early: 23% of girls are out of primary school compared to 19% of boys. By the time they become adolescents, the exclusion rate for girls is 36% compared to 32% for boys.

At home, the situation has somewhat improved in the last fifteen years since the world, including Africa, helped us to defeat the apartheid regime in 1994.

According to Statistics South Africa's latest survey, basic education access for seven-to-15-year-olds has improved significantly and is now nearly universal.

Early childhood development (ECD) opportunities have also increased: fewer than 40% of five-year-olds attended educational institutions in 2002, compared to almost 90% recently.

One must admit that we have moved at a snail's pace to reach where we are. Fewer than one in 20 black South Africans born in the 1940s completed 12 years of education. By 1960, this was about one in 10. For those born in the 1980s and finishing school in the late 1990s, it was about three in 10. According to household survey data from 2021, the figure is now nearly six in 10.

Despite the disheartening statistics, the United Nations Children's Fund (UNICEF) acknowledges the progress achieved in Africa's educational sector over the past decade.

Moreover, UNICEF's report, "Transforming Education in Africa," proposes recommendations for fostering a more equitable education system that aligns with the demands of the modern era.

Significantly, by 2050, it is projected that half of the African population will be under 25 years of age, presenting a substantial opportunity for growth and advancement contingent on enhancing educational opportunities.

We recognise that education in Africa cannot be dissociated from its history – a history deeply scarred by colonialism and its lasting impacts.

Yet, this history is also marked by resilience, resistance, and a relentless pursuit of autonomy and identity.

Our endeavour here is not just about expanding access to education but redefining what education means in Africa.

It is about ensuring that our educational systems reflect our values, histories, and aspirations.

The critical evaluation of current global education policies and their impact on Africa remains a priority.

We are tasked with the responsibility of not only questioning these policies but also offering tangible, culturally resonant, and sustainable alternatives.

Our discussions should aim to disentangle our educational systems from neo-colonial narratives and to embed them deeply within the rich tapestry of African sociocultural contexts.

As the former vice-chancellor of the University of Cape Town, Professor Mamokgethi Phakeng, put it: "We cannot be content with simply consuming and critiquing the educational models imposed upon us. We must be the architects of our own educational destinies, drawing upon the deep well of knowledge and wisdom embedded within our own cultures and traditions."

Professor Phakeng argues, "It is only by reclaiming the narrative of education in Africa that we can truly empower our children to thrive in the 21st century." (Phakeng, M. (2019). *Epistemologies of the Global South: Towards an African Renaissance*. Cape Town: HSRC Press.)



As the vanguard of Africa's basic education ecosystem in the 21st century, we possess a unique opportunity and a window to reimagine and repurpose education systems to meet the needs of Mother Africa and the Global South without inviting the Western gaze.

Ladies and gentlemen, our symposium also addresses the necessity of reforming the United Nations (UN) to better reflect the multipolarity of the current global landscape. This is particularly pertinent for Africa, a continent often side-lined in international decision-making processes.

The reform of the UN is not just an abstract political question; it is intrinsically linked to how education is perceived, delivered, and valued across the globe, particularly in Africa.

As we commemorate the 75th anniversary of the Universal Declaration of Human Rights, we must reflect on the erosion of international law and its implications for human rights, including the right to education. The challenge is ensuring that the principles enshrined in the Universal Declaration of Human Rights are not just lofty ideals but lived realities for every African child.

As we sit here, who will speak for the plight of Palestinian school-going children trapped under the rubble in Gaza, for those helplessly fighting famine and diarrhoea in South Sudan, and for those using schools not as centres of education and knowledge but as shelters in Ethiopia?

The scars of conflict run deep across Africa and the Global South from Yemen to Myanmar, leaving a generation of children bearing the brunt of the violence. Like children playing under the shadow of their innocence is shattered by the deafening echoes of war drums, their laughter silenced by the cries of the wounded. Hunger gnaws at their bellies, mirroring the void left by loved ones lost in the crossfire.

Education becomes a distant dream for these children as classrooms transform into shelters and playgrounds become minefields. The seeds of trauma take root within their young hearts, threatening to blossom into fear, anger, and despair.

These children, robbed of their childhoods and burdened by the weight of war, carry the heavy responsibility of rebuilding their lives and their nations, a daunting task in the face of such immense loss and uncertainty.

Yet, within their eyes, a flicker of hope remains, a testament to the resilience of the human spirit and a plea for a world where the innocence of children is no longer sacrificed on the altar of war.

Programme director, similarly, the plight of workers and refugees, who often bear the brunt of limited access to education, must also be a focal point of our discussions.

In a world beset by wars, pandemics, and economic crises, it is more crucial than ever to address the educational needs of the most vulnerable.

Therefore, this conference's objectives must extend beyond the halls of this symposium. The discussions held here, the perspectives shared, and the policies proposed will be collated and published, contributing to an interim report to be submitted to the UN Secretary-General.

This report will not only reflect our collective wisdom but also lay the groundwork for a transformative educational agenda for Africa.

However, it will remain a minefield to solve the nagging education problems in a world beset by wars and a United Nations controlled by superpowers.

We must not tire of calling for a better world and the transformation of the world governance architecture to be in tune with the needs of a democratic world in the 21st century.

The speakers over these two days, hailing from diverse backgrounds and representing various African nations, bring with them a wealth of knowledge and experience. Their insights will be invaluable as we navigate the complexities of democratising and decolonising education in Africa.

As we embark on this momentous journey, let us be guided by a spirit of collaboration, a commitment to inclusivity, and a resolve to forge an educational future for Africa, by Africa.

Our task is monumental, but the collective will and expertise gathered here give me confidence that we are up to the challenge.

Let this symposium be not just a meeting of minds but a confluence of ideas, aspirations, and actions that will redefine the educational landscape of Africa.

Yes, it must be like "letting a hundred flowers blossom and a hundred schools of thought contend," as famously said by the leader of the Chinese Communist Party, Mao Zedong, in 1956.

Thank you for your attention, and I look forward to the fruitful deliberations and outcomes of this seminal conference.

\* This article is published simultaneously in PoliTeknik Turkish edition, PoliTeknik International and PoliTeknik Español.






# SOUTH AFRICAN DEMOCRATIC TEACHERS' UNION - SADTU\*

The South African Democratic Teachers' Union (SADTU) represents approximately 270 000 teachers and education support personnel, and also affiliated to Education International, a global trade union with approximately 32.8 million members across the globe. The esteemed delegation in the symposium included – General Secretary, Cde Mugwena Maluleke, Deputy President, Cde Mabutho Cele, Vice President-Education, Cde Faseega Solomon, Members of NEDCOM, Research Officer, Dr David Matsepe, Education Officer, Dr Renny Somnath, and Legal Officer, Cde Cindy De Lange.

We reiterated that free quality education for all is a fundamental human right, as enshrined in the Universal Declaration of Human Rights. We believe that quality education nurtures human talent and creativity, thereby contributing to the personal and professional development of the individual person, as well as to social, cultural, economic, political and environmental development of society at large. It promotes peace, democracy, creativity, solidarity, inclusion, a commitment to a sustainable

environment, and international and intercultural understanding.

We have observed with disgrace how poverty, marginalisation and the recent impact of COVID-19 has left millions of school going children out of education. We have also witnessed the extent to how education businesses (Edu business) and education technology companies (EdTech) are exploiting

the COVID-19 crisis and long existing digital divide to expand their business opportunities and privatise education. We believe that privatisation of education is mainly as a result of inadequate financing and funding of public education.

We call on the governments and civil societies to intensify awareness campaigns on the impacts of privatisation

of education and work with local communities to advocate for human rights-based education policies. To further ensure that protagonists and providers of private education comply with international labour laws, particularly concerning equal pay and hiring practices; ensure that teaching staff are qualified and that they have access to continuing professional development. We also call to UN Special Rapporteur on the Right to Education to work with all relevant stakeholders to develop a clear set of human rights-based guidelines for States when considering laws, policies and programmes that consider privatisation of education or that have a privatising effect in order to ensure the protection and promotion of international human rights legal standards. We urge United Nations Treaty Bodies to prioritise addressing the issue of privatisation and its impact on the realisation of the right to education.

*'EDUCATION IS PUBLIC GOOD'*

\* This article is published simultaneously in PoliTeknik Turkish edition, PoliTeknik International and PoliTeknik Español.



## A Global Journey at the Continental Education Conference A conference beyond ADVOCACY\*

Seeking a vote at the United Nations Council is moving in a complex labyrinth. The process demands an international consensus among partners from diverse fields to create a resonant impact and positive responses from officers across various UN agencies. At its core, the journey begins with initiating dialogues with both governmental and non-governmental organizations, necessitating an intricate social marketing approach.

This intricate process unfolded against the backdrop of the Continental Education Conference, hosted at the Southern Sun Hotel in South Africa, which served as a pivotal moment in

our collective pursuit. The Conference provided a platform to bring together stakeholders, setting the stage for collaboration that align with the objectives of Project 26

The international conference program in South Africa was an encounter of individuals from diverse backgrounds, all converging with a shared purpose. This diverse representation exemplified the unity in our collective pursuit of common educational goals.

A highlight of this transformative experience was the honour of associating with the esteemed Minister of Basic Education, Hon. Angie Motshekga, representing the Republic of South Africa. Her presence underscored the urgent need for improved global educational conditions, adding weight to our cause..

The resonant voices of progressive thinkers from academia further en-

riched the discourse. Dr. Maharajh, Prof. Neema Abooki from Makerere University (Uganda), and Prof. Salim Vally collectively set the tone for a paradigm shift in the global educational system, aligning seamlessly with the ambitious objectives of Project 26.

A voice that echoes with particular urgency is that of the African Diaspora Forum, shedding light on the plight of refugees and displaced people. Children from economically, security, and environmentally threatened communities emerged as the most vulnerable in their pursuit of education. The social and psychosocial impact on these children calls for immediate and comprehensive responses to pave the way for a more equal and peaceful world.

Witnessing a committed partner, the South African Democratic Teachers' Union (SADTU) and its collaborators investing substantial energy in mobi-

lizing regional efforts is a source of immense hope for the future. This experience exceeded expectations, leaving an indelible mark as a benchmark for future endeavors. The points articulated in the declaration highlight the vast challenges and untapped areas to explore, propelling us forward in our project to extend human rights to education on a global scale.

As we reflect on this transformative journey, it becomes evident that the collective commitment and collaboration witnessed at the Continental Education Conference serve as a beacon, guiding us toward a future where education is not just a right but a universally accessible reality.

Ajay Lachhman  
Mauritius Trade Union  
Congress MTUC

\* This article is published simultaneously in PoliTeknik Turkish edition, PoliTeknik International and PoliTeknik Español.

COMMENTS  
on the  
CONFERENCE





## For PoliTeknik on South Africa Conference Prof. Rasigan Maharajh 19 December 2023

COMMENTS  
on the  
CONFERENCE

World systems are deeply entangled within increasing and escalating polycrises. Our precarity as a species-being demands that we critically analyse our location within our contemporary conjuncture and recognise the contradictions underpinning the manifestations of despair, deprivation, and destitution experienced by the global majority of our nearly 8.1 billion people at the end of the 2,023<sup>rd</sup> year of our common era. In *How Europe Underdeveloped Africa*, Walter Rodney argued that the “... connection between Africa and Europe from the fifteenth century onwards served to block this spirit of technological innovation both directly and indirectly” (Rodney, 1972). Samir Amin introduced the concept of an ‘imperialist rent’ which established, maintained, and reproduced unequal exchanges and ensured the flow of resources from the colonised territories to enrich the countries of the core capitalist economies (Amin, S. 1976). Recent scholarship has not only served to validate the subjugation of the global majority to the collective west, but also begun to quantify the exploitation and expropriation of value being undertaken. Hickel and colleagues studies the period between 1960 and 2018

and found that “...the global North (‘advanced economies’) appropriated from the South commodities worth \$2.2 trillion in Northern prices – enough to end extreme poverty 15 times over. Over the whole period, drain from the South totalled \$62 trillion (constant 2011 dollars), or \$152 trillion when accounting for lost growth. Appropriation through unequal exchange represents up to 7% of Northern GDP and 9% of Southern GDP” (Hickel et al, 2021).

It is therefore imperative that our appreciation of article 26 of the Human Rights Charter of the United Nations at its 75<sup>th</sup> anniversary derives from a materialist rendition of history and a critical understanding of our contemporary conjuncture within polycrises that characterises our international political economy, its division of labour, and the changing dynamics of labour processes through which value is created. The three component sub-clauses of article 26 are in serious need to be updated and reframed within our current circumstances and the international balance of class forces. Advocacy of a revitalised transnational solidarity should foreground the aspirations of

the global majority, redress the epistemicide of colonial and corporate state capture, and promote the praxis of decoloniality. Pluripolarity is emergent in our times of polycrises and the threat of ecological extinction. Rethinking the form, function, and content of education and training provides the possibilities of progressive intergenerational learning and teaching. A better world for all must arise against the genocidal tendencies of late-stage capitalism and the extinction-orientated hubris of furthering capital accumulation through the commodification of all life and living systems. Other world systems are possible in thoughts and deeds. As argued by Steven Bantu Biko: “The most potent weapon in the hands of the oppressor is the mind of the oppressed” (Biko, 1978). Transforming article 26 of the UN’s Human Rights Charter should also empower us all towards defending the global knowledge commons and reclaiming a people’s science and technology from further capitalist enclosure and appropriation through intellectual property regimes.

### References

Amin, S. 1976. *Unequal Development: An Essay on the Social Formations of Peripheral Capitalism*, Monthly Review Press, New York.

Amin, S. 2011. *Eurocentrism: Modernity, Religion, and Democracy: A Critique of Eurocentrism and Culturalism*, Pambazuka Press, Cape Town [2nd Edition].

Biko, S.B. 1978. *I Write What I Like*, Heinemann, Johannesburg.

Hickel, J.; Sullivan, D.; and Zoomkawala, H. 2021. *Plunder in the Post-Colonial Era: Quantifying Drain from the Global South Through Unequal Exchange, 1960–2018*, *New Political Economy*, 26(6): 1030-1047.

Maharajh, R. 2021. *Advancing Sustainable Futures for All: 21st Century Public Engagement and Mission-orientated Research*, Global Research Council, London.

Maharajh, R.; and Tivana, S. 2023. *Ecocide or Socialism: Ecological Challenges and Neoliberal Capitalist Constraints on Radical Transformation*, in Balfour, R.J. [editor] *Mzala Nxumalo, Leftist Thought and Contemporary South Africa*, Jacana, Johannesburg.

Rodney, W. 1972. *How Europe Underdeveloped Africa*, Verso, London [2018 edition].



Prof Martha Matashu  
Faculty of Education: North West University - SOUTH AFRICA

## Reflection on the Continental Conference on Democratisation and Decolonisation of Education

Perhaps the realisation of Human Dignity as a core for human rights whence forth in most Africa countries and beyond could be actualised through the Extension of Article 26 of the Universal Declaration of the Human Rights proclaimed by the United Nation in 1948. Whereas most Constitutions of African countries enriched rights of education in Bills of Rights in compliance with the international treaties. Whereas states obligations to fulfil the right to education as so-

cio-economic rights are undertaken by most African countries the lived realities however shows that many lives are living under inhuman and degrading conditions compounded with deep inequalities, poverty, violence, unrests, unemployment, unequal distribution of wealth etc. Henceforth, ideological, philosophical, and epistemological contextualization of the compelling evidence of repression of the universality of human rights and gross denial of the inherent human

dignity herein prompts a call for an Extension of the Right to Education to a *jus cogen* level thereby bestowing universal recognition and acceptance of the inalienable duality nature of the right education as a first generation right -fundamental rights and intrinsic value in promoting human dignity as core for all other rights. Hereinafter, Extension of Article 26 of the UDHR also entitles an imposition of preemptory state obligation to protect, respect, and fulfil the rights

to education. Repression of human dignity entrenches intergenerational inequalities henceforth extension of Article 26 could perhaps restore dignity as respect of humanity.

Lived realities of the denial to human dignity have deep direct effect on the worth of individual person and entrenches intergenerational inequalities in the society henceforth the urgency of the call for Extension of Article 26.

COMMENTS  
on the  
CONFERENCE



In the pursuit of fostering a transformative and inclusive education system in Africa, we, the delegates of the Continental Education Conference convened in South Africa, southern sun,Hotel declare our commitment to addressing crucial dimensions shaping the educational future in the African continent.

Key Principles include:

• **Education as**

**Empowerment Tools:**

We firmly believe in education as a powerful tool for empowerment, transcending the acquisition of knowledge to catalyze social, economic, and political transformation. As Nelson Mandela aptly stated, "Education is the most powerful weapon which you can use to change the world."

• **Democracy, Freedom and Education:**

Recognizing the intrinsic link between democracy, freedom, and education, we affirm our commitment to championing democratic principles and safeguarding freedom as essential pillars of a robust educational framework.

• **Colonization and Educational Invasion:**

Addressing the impact of colonization on education is crucial for breaking free from historical constraints. We commit to decolonizing education, fostering an affordable model that reflects diverse perspectives, economic conditions, and narratives of Africa.

• **Overcoming Apartheid Legacy:**

Striving for an equitable approach in education is key to overcoming the enduring legacy of apartheid. Education should serve as a tool for reconciliation and empowerment, dismantling historical inequalities.

• **Cultural Context Matters:**

We emphasize the paramount importance of aligning education models with the rich and diverse cultural and value-driven needs of Africa. This alignment ensures that education is not only relevant but also inclusive, respecting unique identities and traditions.

# DECLARATION OF THE CONTINENTAL CONFERENCES IN SOUTH AFRICA

## DEMOCRATISATION AND DECOLONISATION OF EDUCATION

09/10 DECEMBER 2023

• **Language Sensitivity:**

Acknowledging language as a sensitive issue in education, we commit to linguistic inclusivity. Effective learning can only occur when language barriers are dismantled, ensuring education is accessible to all, regardless of linguistic background.

• **Investment in Education:**

Stressing the critical need for investing in education, we advocate for allocating adequate resources to ensure quality learning environments, favouring a triple-axis approach.

• **Creating Conditions for Quality Education:**

Recognizing the importance of basic utilities for learning environments, we underscore the necessity for conducive conditions. Basic amenities like water and electricity must be assessed and ensured to create an environment conducive to quality education. Education rights inspired by ubuntu ethics guide our efforts.

• **Social Capital for Children:**

Recognizing children as social capital emphasizes our commitment to viewing education as an investment in the empowerment of future generations.

• **Changing Trends in Education:**

Addressing the challenges of children not attending school calls for adaptive strategies to meet evolving needs. We commit to being agile in responding to changing trends, leveraging technology, and adopting innovative approaches.

• **Participatory Education:**

Emphasizing the relevance of a participatory approach to education promotes inclusivity and engagement. Education should be a collaborative effort, involving students, communities, educators, and civil society actors in shaping the learning experience.

• **Political and Human Rights**

**Linkage:**

Recognizing the connection between political and human rights reinforces the holistic nature of education. A comprehensive education system not only imparts knowledge but also instills values of justice, equality, and human dignity and good governance

• **Networking and Solidarity:**

Collaboration with Education International (EI) and other regional officers is critical in gaining legitimacy. Networking and solidarity among educators and stakeholders will strengthen our collective efforts to advance the cause of education in Africa, capitalizing on the protocols of the African Union.

• **Poverty Alleviation:**

Recognizing education as a key driver for achieving economic independence for individuals and communities.

• **Joint Initiatives for Diversity:**

Encouraging joint initiatives across diverse backgrounds including migrants and refugees promotes cultural understanding and cooperation, creating a harmonious educational environment that celebrates diversity globally.

• **First Five Years Importance:**

Emphasizing the critical nature of the first five years of a child's life underscores the need for quality pre-primary education, laying the foundation for lifelong learning and success.

• **Security and**

**Education Connection:**

Acknowledging the phenomena of education and security highlights the interdependence of safety and effective educational model.

• **Influencing UN Council for Equity:**

We advocate for equity in consideration and call for the elimination of double standards. We encourage active participation and collaboration with the United Nations Council to address educational disparities and promote an equitable approach.

• **Structural Approach to**

**Project Implementation:**

A structural approach to project implementation is essential for the effective execution of educational initiatives. We emphasize the need for systematic planning, transparent processes, and accountability in all educational projects.

• **Access to Education for**

**Children of Refugees**

The positive steps taken in 1998, 1996, and 2008 are acknowledged, but we emphasize the need to bridge gaps between conventions and policy implementation. We recognize the unique challenges faced by children of refugees in accessing education. Efforts must be intensified to eliminate the gap and ensure inclusivity in educational opportunities

• **Privatisation of Education**

Acknowledging the importance of ensuring access to quality education for all individuals and affirm that privatization should not be considered a substitute for publicly funded education ,Emphasizing the principle that education should remain accessible to all members of society,

\* This article is published simultaneously in Poli-Teknik Turkish edition, PoliTeknik International and PoliTeknik Español.



Prof. Salim Vally  
Director for the Centre  
for Education Rights  
and Transformation,  
University of  
Johannesburg



Liesl Orr  
National Labour and  
Economic Development  
Institute (NALEDI)



Watshia Muyembi  
African Diaspora Forum  
(ADF)



Batlokoa Makong  
African Peer Review  
Mechanism (APRM)



Cindy De Lange  
SADTU Tream



Dr. Renny Somnat  
SADTU Tream



Watshia Muyembi  
Activist head of ADF Human Rights Commission

# Human and Education Rights of Refugees and Asylum Seekers



## INTRODUCTION:

First of all, I wish to thank my heavenly father, God Almighty, for granting me the strength and wisdom to speak for the voiceless and address sensitive matters that affect African refugees in South Africa and The SADC region.

I would also like to express my deep and sincere appreciation to my organisation the African Diaspora Forum (ADF) for allowing me to speak on behalf of the organisation and to the organisers of this 2 day Continental Conferences in Africa.

While I will be talking about the Human and Education Rights of Refugees and Asylum Seekers in South Africa and SADC region, allow me to tell you that as an organisation that represents and defend Migrants, Refugees, and Asylum Seeker's Rights, we strongly condemn the behavior and some illegal activities carried out by some Migrant, Refugees and Asylum Seekers that cause pain and suffering to our host nation South Africa, namely drug dealing, hijacking, selling of expired consumable goods, human trafficking, children trafficking, smuggling of illegal tobacco product, housebreaking, stealing, killing among others...

It is completely wrong to be accepted to live together despite challenges but to desire to contribute to the destruction and the downfall of the nation that has accepted you. We appreciate you South Africa and bless this land to be a place of peace for every person who will be coming and those who are living in it.

## ADF PROFILE

The African Diaspora Forum (ADF) is an umbrella organization of more than 35 migrant organisations representing migrant communities, Refugees, and Asylum Seekers living in South Africa.

We work for an integrated society that is free of xenophobia and all other Kind of discrimination.

The organisation's aims to promote and consolidate a Pan-African forum for African residents of whatever nationality to work together to build one common voice on common issues, and a shared feeling of belonging to Africa.

It further seeks to facilitate and develop relationships, exchanges, and mutual understanding between South Africans and foreign nationals living in South Africa (in particular, but not exclusively, through pan-African cultural events; participation of civil

society organisations at the local level – such as community policing forums, civics, street committees, etc.).

ADF also works to ensure that xenophobic statements/attitudes in public discourses and policies do not remain unchallenged; and to work with South African institutions (at the national, provincial, and local level).

ADF promotes integration between all African communities and dismisses discriminatory policies that fuel xenophobia.

The Forum is open to all willing individuals and organisations sharing its Objectives.

ADF was formed in 2008 after the first xenophobic attack on foreigners living in South Africa.

It consists of the union of several organisations representing African migrant communities living in South Africa.

For more information: <http://www.adf.org.za>

## OVERVIEW

Since 1994, the South African government has adopted a variety of social policies to redress the socio-political and economic imbalances cre-

ated by the apartheid regime (Spaull, 2013). The inclusion of the Bill of Rights in the Constitution of 1996 was a clear indication of the post-1994 democratically elected government's commitment not only to the socio-economic rights of South African individuals but of all individuals living within the borders of South Africa (Letseka, 2014). Access to basic rights in South Africa is a constitutional paradigm extended to refugees and asylum seekers, including their children (Yamauchi, 2011).

In light of these provisions, since the xenophobic attacks of 2008 against foreign nationals, and the continuation of these attacks in the formanti- migrant movement called OPERATION DUDULA, the South African state has been under the spotlight regarding its less than adequate responses to the violation of the general human rights of refugees and asylum seekers (Spree & Valley, 2012).

## HUMAN RIGHTS ISSUES:

South Africa is the preferred destination for various categories of migrants and faces a host of migration-related challenges, including increased prevalence of irregular migration, including women and unaccompanied minors; inadequate migration management policies and border management processes; rising...



These problems include policy implementation, xenophobia, access to health services, discrimination, corruption, and lack of awareness of human rights for refugees and asylum seekers. These problems negate the rights and interests of refugees and asylum seekers in South Africa.

They (Refugees and Asylum Seekers) face big challenges with:

- Documentation
- Access to healthcare
- Access to Education
- Within the transport department
- Discrimination etc..

In general access to basic services.

While research on the rights of migrants to access basic services in South Africa has increased since the xenophobic attacks of 2008 and its continuation in the form of Operation Dudula, little is known about the practical expression of the rights of refugees and asylum seekers' children to access education. This right is considered one of the most basic rights in international and domestic law. The principle of social justice is necessary in guiding South Africans to ensure that education is inclusive, accessible, and affordable for all within its borders.

#### BACKGROUND:

South Africa is a signatory member of the 1951 Convention on the Status of Refugees. This United Nations (UN) multilateral treaty defines who is a refugee, and sets out the rights of individuals who have been granted asylum and the responsibilities of host nations to promote and protect them (Plunder, 1977). The signing and ratification of both the 1969 Organisation of African Unity (OAU) convention regarding specific aspects of refugees in Africa, and the 1989 United Nations Convention on the Rights of the Child (UNCRC) both indicate that South Africa is committed to respect and upholding international and regional instruments about the rights of refugees and asylum seekers, including their children (Cohen, 1989; Brandon et al., 2008). These instruments have found expression in various sections of the Constitution of South Africa adopted in 1996. For instance, section 28 and 29 of the Constitution of South Africa outlines the specific rights of all children in South Africa, including the right to access education (RSA, Constitution of South Africa No 108 of 1996).

The right to access education in South Africa is further legislated in the Schools Act of 1996, which makes access to education compulsory for all children until they reach the age of fifteen or the end of Grade 9 (South African Schools Act No.84 of 1996). This Act emphasises that public schools are obligated to admit learners and serve their educational

requirements without unfairly discriminating against them (South African Schools Act No. 84 of 1996, 2011).

Along the same line, Refugees, Asylum Seekers, and their children have these rights:

- Rights, specific to disabled children.
- Right to health and healthcare services
- Right to benefit from social security
- Right to a good enough standard of living
- Right to education
- Right to protection against harmful work

There is a need for a qualitative approach to investigate the experiences of refugees and asylum seekers' children about their right to access education in democratic South Africa. As stated by Kvale, S. (2007). this approach helped to analyse the experiences of refugees and asylum seekers in order to understand the effectiveness and efficiency of the current legal framework with regard to the schooling of refugees' and asylum seekers' children.

#### MORE DETAILS:

An assessment of policies and their implementation with regard to access to education by refugees' and asylum seekers' children in South Africa and SADC region is needed.

Refugees' and Asylum Seekers' children in South Africa face challenges in accessing education.

The challenges of access to education emanate mainly from poor implementation of educational policies and confusion regarding policies that oversee refugees in South Africa.

There is a gap in policy that has rendered access to education for refugees' and asylum seekers' children ineffective. School principals are not well informed about different categories of foreign nationals and the documentation they should possess while in the Republic of South Africa. As a result.

Schools often ask refugees and asylum seekers to produce study visas for their children as a prerequisite for enrolment, even though study visas fall under the Immigration Act. Refugee and asylum permits are disregarded by school principals as valid documents for admission and enrolment.

To a certain extent, schools demand that refugees and asylum seekers produce birth certificates for their children issued by the South African Department of Home Affairs, even for children born outside of South Africa.

Access to education for refugees, asylum seekers, and their children has been found to be marred with ambiguity and barriers. The constitutional right of these children is violated because of gaps in policy and misinterpretation of immigration policy by school principals.

Access to education for refugees, asylum seekers, and their children is not been guided by the principle of "every child deserves an education" or of "the best interests of the child".

Study shows that access to education for refugees' and asylum seekers' children, and migrant children in general, has been improved both in terms of participation and accessibility in many developing countries through immigration policy reform.

This is most apparent in the USA and Canada where DACA (Deferred Action for Childhood Arrivals) and IRPA (Immigration and Refugees Protection Act) respectively create an obligation for officials to consider the personal circumstances of children in immigration policy implementation (Singer et al., 2013; Ali, 2006).

As an organisation we face challenges with Migrants, Refugees, and Asylum Seekers, we recommend that the South African Department of Home Affairs works hand-in-hand with the Department of Education to address the issue of documentation to help children comply with the school administration and enrolment process.

From the institutional perspective, we also suggest that education policy management and implementation be strengthened through advocacy and awareness training. Parents need to be informed of the policy and the accountability structures in the Department of Education in the country in general and in the province where they live in particular.

After observing the lack of collaboration between the departments, which is needed to curb various challenges affecting the refugee community in South Africa. We suggest that the Department of Education works in collaboration with the Department of Home Affairs to address institutional barriers to education for all. Their aim should also be to conduct a policy review through a thorough consultation of parents, school principals, and school governing bodies in order to adopt practices that promote the interests of the child in both policy formulation and implementation.

The challenges faced by refugees and asylum seekers in accessing their constitutional rights in South Africa

are likely to worsen if the Refugee Amendment Bill is not properly discussed and implemented. We will be in consultation with Lawyers for Human Rights and other legal organisations to discuss the content of the white paper currently proposed by the minister of Home Affairs on how it will impact the Rights of Refugees and asylum seekers.

The Department of Home Affairs is illegalising Migrants, Refugees, and Asylum Seekers in South Africa with the way it handles their cases. The 'devised in the CRC. Many states and communities views child marriage in criminal law perspective alike rape, sexual abuses and so on. That is not a complete approach as it ignores the human rights concerns. The issue therefore requires strong human rights focus as well.

#### DEMOCRATISATION OF EDUCATION

Schools must be organised along democratic lines, taking into account that democracy is best learned in a democratic setting in which participation is encouraged, freedom of expression and a sense of justice and fairness prevails and democratic approaches function which allow the nurturing of qualities such as participation, innovation, co-operation, autonomy and initiative in learners and staff (Starkey 1991).

#### DECOLONISATION OF EDUCATION.

Is to translate first every teaching and learning materials to our languages, to teach our values and cultures not the colonised culture and values because our colonisers were not interested in making us better people. Colonising people is not about helping them but helping ourselves.

#### CONCLUSION

Like many other conferences, this conference raises almost as many questions as it answers. However, it has answered questions and objectives. The findings indicate that access to education for refugees' and asylum seekers' children is a guaranteed right according to several international, regional, and national agreements and laws but implementation is marred.

Barriers to implementation include conflicting policies (for example, The Immigration Act and the South African Schools Act), confusion among principals as to which policies take precedence, gaps in the policies (such as whether or not the only acceptable birth certificate is one issued by the Department of Home Affairs), language barriers, institutional barriers, and common prejudice.



If South Africa is to grow its economy and remain a destination of choice, its implementation of policies must be made to align with its public documentation and principles. Without such an alignment both asylum seekers and the country will suffer, as the burden of an ever-growing number of poorly educated permanent residents will begin to be felt socially and economically.

Access to education for refugees and asylum seeker's children must be guided by the social justice principle of "every child deserves an education", regardless of the legality of their parents in South Africa. Failure to allow them to study is a violation of the Constitution and international law.

The organization aims to promote social cohesion which is a unique way to get migrants, refugees, asylum seekers, and locals to come together but we must not be mistaken here. Social cohesion events will not automatically translate into social cohesion as long migrants are viewed as an economic threat, economic oppressors, and economic space invaders by local communities and if we cannot find a solution to this problem then we cannot achieve anything.

#### RECOMMENDATIONS

Based on some of the findings, we, as an organisation that represents Migrants, Refugees, and Asylum Seekers, propose some recommendations to enhance the efficiency and effectiveness of access to education for refugees, asylum seekers and their children:

##### TO LAWMAKERS

The Department of Home Affairs should formulate policies that are reasonable and fair in meeting the needs of Migrants, Refugees, and Asylum seekers children. A child should not separate from the parent file before the parent process is finalised.

As far as the process of ratifying international agreements involves Parliament, it is recommended that

lawmakers formulate immigration policies that are reasonable and fair in meeting the needs of migrants, refugees, asylum seekers, and their children.

Lawmakers are recommended to provide clarity on how long an asylum seeker case will take to be finalised, on how long RAASA (Refugee Appeal Authority of South Africa) which was RAB (Refugee Appeal Board) will take to finalise an appeal claim.

Lawmakers should investigate Why the Department of Health is charging Refugees and Asylum Seekers parents R10 000 for giving birth in a public hospital and failure to make payment results in the parent not being given proof of birth which the Department of Home Affairs needs to register a child. Furthermore, it is recommended that lawmakers formulate policies that speak to the needs of children. In the current policy regime, an illegal or undocumented parent is prevented from registering the birth of their children in South Africa, which goes against section 28 (1) (a) of the Constitution which states that every child has the right to a name and a nationality from birth. In formulating these policies, lawmakers must focus on the best interests of the child, regardless of the legal status of the parents. The policy should not be punitive toward children for a failure on the part of parents to adhere to South African legal requirements.

Finally, it is recommended that lawmakers include an awareness campaign throughout South Africa that will focus on speaking about South Africa's international obligations to protect and promote the rights of refugees and their children.

##### TO THE NATIONAL DEPARTMENT OF EDUCATION

The Department of Education (DoE) should look at amending the language policy in schools, taking into consideration the language barriers of refugees' and asylum seekers'

children born out of South Africa. Section 6 (2) of the South African Schools Act urges the governing body of a public school to determine the language policy of the school, subject to the Constitution, the South African Schools Act, and any applicable provincial law. It is recommended that the DoE invests in language proficiency classes for migrant children that will enable them to enjoy their constitutional right to study in a language they understand. The Department must also create an awareness campaign which throughout schools at the beginning of the academic year. This campaign will focus on fairness, equity, and participative enrolment and admission process. It is further recommended that the DoE creates an internal mechanism that may be utilised by all parents, including migrant parents that would redress any unfairness in the admission and enrolment process, cognisant of the financial implication of such measures.

##### TO THE DEPARTMENT OF HOME AFFAIRS

It is recommended that the Department of Home Affairs reviews its process of documenting refugees and asylum seekers, specifically the family joining process, to make it more fair, accessible, and effective, so that the documentation of children does not create unnecessary barriers to their ability to access basic services. Additionally, the DHA ought to strengthen its processes of collecting relevant data that could be used by the Department of Education both at a national and provincial level for policy formulation. It has to embark on an awareness campaign about the process of documenting a refugee child in South Africa.

The Department of Home Affairs should not isolate children from their parents before finalising their cases.

##### TO SCHOOL PRINCIPALS

School principals need to be well informed about the refugee regime in South Africa. This information will enable them to categorize refu-

gees, asylum seekers, and migrants and will enhance their understanding of refugees and asylum seekers, particularly the challenges they face with documentation so that schools do not ask them to produce inappropriate documents when applying for admission. They also need to sympathize with refugees and asylum seekers' children by giving parents periods that are in keeping with the functioning abilities of the Department of Home Affairs, and not set limits that DHA is currently unable to manage, for whatever reason.

School principals need also to ensure that there is no discrimination among learners because this may affect the academic progress of refugees and asylum seekers children.

##### TO SCHOOL GOVERNMENT BODY

It is recommended that SGBs try to include refugee parents on the SGBs if the number of foreign students in the school is high, or at any rate proactively consider the opinions and issues of refugees and asylum seekers in their area.

##### TO TEACHERS UNION

To make a follow-up on policies formulation and implementation in South Africa so that refugees and asylum seekers children are not discriminated against by the policies.

The implementation of educational policy for inclusion and equity in South Africa will need a strong support system from all role players, including, civil society, and school teachers which are represented by you.





Abdulwahed Muhammad  
Kurdistan Teachers Union - IRAK

# Teacher Training Process and some comments

Teacher training is better to say continuous development (Sustainable development) in many countries, especially those which are developed, fulfil it under the title of the training because it is originally the development of skills, but in some other countries, they call it training. However, it is a very important subject to talk about. The process itself was not done since 2014 and the reasons are clear and they are not needed to mention in detail. The more important thing is that however this improvement has not been done, teachers had been subjected to the bad treatment in terms of personality and psychology. They have been attacked and violated hundreds of times. The consequences were very serious and bad even they have been considered as social problems. They have been tortured and hurt psychologically. Once upon a time, there were bad goods in the market, they were just said that they were only for the teachers. The word of teacher has been used ironically just to be on tongue as a kind of mocking fun of teachers. It is very sad that for 8 years teachers' salary has been played and it has been written as a good news for the teachers on the screens of TV channels. It is being said that this month, the government pays teachers' salary fully or incompletely.

Training or development of teachers has become a necessity that must be done. I think it is good that the ministry of education has started the process of training. I confirm that I am not with the concept of training,

but I am with the concept of sustainable development and because teachers need to be refreshed in all aspects of the mental personality of teaching technical psychology. It is worth mentioning that if there are not any changes in the methods of teaching and science itself, wisdom and intelligence will be stopped. The wheel of a modern method of offering science is worked by improving and developing teachers.

Here, I just want to cut the story short because as it is said that this dough needs a lot of water which means this topic needs a lot of discussion, but I just want to focus on the training that has started in Kurdistan. I let my colleagues in the ministry of education know that it is not a new invention. In other countries, it is available. To give an example, as we went to Cambodia to participate in an international conference, where we met with several teachers, some of whom were trainers with the same system of pour country. We should know that its consequences and the method of its implement are important. It is a fact that not every process in this world is perfect. Every process must be strengthen and supported to be successful. For this, I recommend some things including:

1. Teachers in the Kurdistan Region differ in their scientific ability. Some of them are graduates of colleges and institutes of education, others are graduates of mechanical colleges, and some of them are graduates of

non-material professions. So it must be considered very carefully and accurately.

2. We have teachers in several areas and they need to develop their skills and they need specialists to help them develop properly. 3.

3. Teachers' trust must be rebuilt just to make the process successful and improve in all the aspects of education. Of course, there has been a lot of measures and steps but they have been taken very slowly. It must be done more actively.

4. process requires coaches to be very capable and good managers so that they can encourage teachers to participate in this process. I am never for punishment and also the two steps that is known as (F,E). Bad ones and the good have been already mixed which is now a complex process to be separated from each other. Then where are they provided with a suitable place and how can they be replaced?

5. Students should not waste their time because the main purpose of the process is to save the time of study. The academic school year has been suffering from the sufficient time of study. Now, according to the international standard of study here in our country, the school year is about 250 to 300 hours

6. It is very important that the unit of supervision and the supervisors must play a vital role of the process because in the past they were the best ones and the leaders of the process of the education in our country. As far as I am concerned, they have a good

ability to train the teachers. In this regard, I would like to tell the Ministry of Education that it has the problem of its employees. At the same time, it has decided to make 600 teachers be trainers that are considered as the best chosen ones. On the other hand, there will be 400 teachers that are going to become supervisors and they must be chosen, too. The total of them is equal to 1000 teachers. Of course it makes a big gap in the sector of education and in the process of education. I have heard that the three top students of the universities of Kurdistan are Transferred. Here is a question; Who are they replaced by? Even if they are replaced by others, will they be as equal as those experienced teachers or lectures who have already been transferred?

7. There are 36,000 lecturers in the country. Of course, they have not been employed yet. Therefore, they are always hesitant. To make the process successful, they must be let know their place and their permanent job. If they are not treated healthily in terms of education, the process of education can't be successful.

8. Above all, when the process is fully estimated and achieves its goals, when the teachers are not worried about their life. The dignity and honor of them must be protected just to make them strong in facing the problems in front of the process of learning. This is not only our opinion and idea but it is the opinion and thoughts of all the prominent philosophies and characters of the field of education.



Ashlyn Ajiambo

PoliTeknik International Editorial Board Member - KENYA

# EXPERIENCE IN STUDENT ORGANIZING



Politics and, to a large extent, politicians have been a powerful source of influence on the Kenyan youth. As we raced towards the 2022 choice, the onset of a heated election mood was enriched by massive student-politician engagements. Party manifestos, campaign agenda, rhetoric, narratives, tribal political inclinations, media and our natural affinity for hype had pitched expectations sensationally high, the egos were soaring. This period was marked by a convergence of political forces, and the youth found themselves at the epicenter of this electrifying political storm, particularly students. The prevalence of the student unrest in higher education institutions characterized by demonstrations, boycott of classes, closure of institutions, fierce clashes with police, stone throwing, commandeering vehicles, paralyzing ongoing businesses through looting, damaging buildings and equipment depicts the kind of attachments student activism has brought about. It is either directly or indirectly linked to the political climate bringing to light an intriguing relationship between student organizing and vicious campus politics. The political salience of student activities and rebellions have considerable impact on the larger society. Students play an important role in the political landscape by actively participating in election campaigns and mobilizing the electorate. Their intellectual gifts, labor, and activism within campus and college spaces contribute significantly to the vibrancy of this processes.

## What really is student organizing in Kenya, why is it important?

Student activism is an inherent part of campus and college spaces, and it

plays a crucial role in fostering civic confidence. Political engagement on campuses is not limited to election cycles; it is a year-round endeavor. Students frequently organize protests, demonstrations, and discussions on socio-economic and political issues, creating a culture of active participation on national issues. Historically, Kenya has had a strong student activism platform, although sometimes erroneously seen as hooliganism or criminality, it goes deeper than that and in post-colonial Kenya students have shaped the democracy we have. However, since student activism does not exist in a vacuum its susceptible to its surroundings including socio-economic factors.

Thus, in recent times, the fiber of our livelihood has been distorted. We have become a legion of followers to politics and politicians. We have galvanized our individual persons into communal shields of defense for politicians, disconnecting us from contemplating our individual survival in the post-election period as well as, during a stiff economic crisis. While, constitutionally we are entitled and mandated to participate and if wishfully so, take sides in electoral processes. The fact is that when expectation meets reality, there is a natural shock of disillusionment. And most of us are exposed and overly gullible to negative responsive conditions. Instigation of violence is an issue that is absolutely alienated from the students' operations since the outburst unfolds as civil wars, ethnic clashes and high crime rates. However, it is undeniably entrenched in the core of their experiences. The allure of amassing substantial wealth in record time often outweighs the fear of

engaging in criminal activities. Similarly, this compensates for the lack of job opportunities and the aspiration to align with the affluent class often dubbed as "nation makers." Universities students then are reduced to instruments of violence and are often auctioned to drug cartels and tycoons to run their syndicates using their intellectual skills and labour services.

The dominance of retrogressive and populist politics is evident, ingrained into the structures, and gradually gaining influence within higher learning institutions while also shaping the perspectives of key players in Kenyan politics. For a long time now, these institutions have been acting as breeding grounds for vibrant and youthful leaders akin to preserving the existing 'order'. Analyzing why the majority of the youth are joining politics and how numerical strength factors in is usually perceived as mere ongoing trends futile of the realization that a huge void has been left for the state machinery to screen and nurture its long term worthwhile political projects. This begins from the student politics.

Ethnic-based politics, inclusive of the contrived identity politics e.g., religion, gender and class in the Kenyan Universities are equally the state initiatives, which have severe implications in the long run. In earnest, all the promises and agendas politicians have presented to us, in exchange for the organizing and mobilization efforts we undertake on their behalf, cannot be actualized instantly, nor can they materialize without the support of well fabricated policy. The bureaucracies responsible for crafting and implementing policies, which in

turn shape specific programs aimed at fulfilling these promises, pose a formidable challenge. This challenge is compounded by the need for the current government to establish a functional synergy among itself, the Senate, Parliament, County governments, and the prevailing political scenery. We may find ourselves enduring a protracted, exhausting, and unforgiving wait in the process.

Presence and influence of lobbying groups and organizations, i.e. INGOs, NGOs and civil societies such as Model of the United Nations-Kenya. These organizations work on many areas of the Constitution including issues of leadership and integrity, human rights, devolution, gender, electoral issues as well as environment, land misappropriation, evictions of indigenous people and other issues but lack an ideological bearing that manifests in the common struggles of the youth. They are inclined to think of community organizers who may work daily and directly with community members to make it their job to take care of and speak up for a community in some way. What's the relation of student organizing with these organisations? How are they affected by them, since student organizing greatly depend with students as opposed to the communities? The unification of the progressive political forces to speak in one voice is constantly infiltrated by continuous threats from the state and student organizing is not an exception. During organized strikes and demonstrations, state sanctioned violence is usually imbued including police brutality, arrests and unlawful detention of students to suppress these actions.

**Could there be a way-out tactics for us youth to afford a safe landing strategy**

Opportunity meets a prepared mind; we can only create an alternative of safe landing by: bringing back to life intellectual and progressive debates in university politics through fashioning ideological and political training as done by progressive political parties and organizations like that of the Communist party of Kenya. This will prepare a recipe of values of responsibility that can propel generation and disseminations of scientific ideas of social contract between the people and the government, erasing the cognitive impairment among students that they need to realize their aspirations in the limited and already strained assets of production.

*"Let us be alive to the opportunities that the transition authority is already creating for those of us above the threshold of the formal sector. For those of us in the informal sector without enough individual asset capital, we have no other choice but to spice up our preparedness to beckon and attract devolved funds and technical support from*

*the government. We must reconcile with everyone irrespective of our current political alters and mobilize ourselves into groups and generate ideas that create asset value of the little we have. Let us unlock our potential to meet the opportunities that the new government will create"*

The kenyan youth should desire to have populism driven by the true knowledge among the people, not rhetoric that seems appealing, but, can never translate into real gains. The use of propaganda and agitation can enhance recruitment of students from working class and poor backgrounds or those ignited with revolutionary/class consciousness which will help sharpen their vigilance, propel the revolutionary critical consciousness and concretize them with their immediate struggles. We can start by;

Enhancing and building avenues for dialogue exchanges and capacity training to propel an unison outward shift in attitude among the youth through addressing a myriad of impediments deeply rooted at the societal level that manifests in cluster of

forms and have been imposed either through political, social or economic hardships to the youths i.e through informing a plethora of this threats that exists, it is in this lens that youths in prospects can serve as norm entrepreneurs and articulate panacea and prescribe that which can wield an inordinate prosperous participation in progressive politics.

Working towards expounding the field of political education of the youths through an intensive mobilization strategy that forges an increasing number of youth participants linked in identity to the Leftist political parties and movements who would stand to be the architectures in fragmenting the structural divide of classes to yield an equal classless society informed by Marxist-Leninist thinking. Instead of championing the spirit of patriotism as hummed by the national anthem, loyalty pledge, national flag, court of arms and the values of nationhood that encourages us to trust the elected leaders and maintenance of peaceful coexistence and reconciliation despite the calamities brought by the political orientations.

Expand relations with other clubs such as drama, music, art and theater clubs. Begin process of revolutionary art in environments where explicit political confrontations are being erased. It is time to construct restorative initiatives, build ideas, map out who to talk to, when to talk to them, how to talk to them and effect more operations from the dialogue which will ultimately forge alliances with student and workers union at the university in the numerous interactions with each other.

In conclusion, Student organizing in Kenya is a potent force that can shape the country's political landscape and address societal challenges. However, it faces numerous challenges, including ethnic divisions, external influence, and state suppression. To navigate these obstacles, the youth must prioritize intellectual development, economic preparedness, knowledge-driven populism, unity, and political education. By doing so, they can create a brighter future for themselves and their country.



Prof. Filipe Melo  
BRAZIL

# The erosion of international law

The situation that the Palestinians and Israelis have reached in 2023 is the result of an accumulation of non-compliance with resolutions passed by the United Nations (UN) and the failure to apply International Law.

In general, press coverage of what is happening in the Middle East is very flawed, as it does not provide a historical contextualization of the main events that are fundamental to understanding such a complex subject.

Palestine was divided in 1947 by the UN as follows: 55% of the territory should constitute the State of Israel, 45% should form the Palestinian State and the city of Jerusalem should be under UN administration. In 1948, when Israeli troops arrived to occupy the territory designated by the UN, they found resistance from neighboring Arab countries which, at that time, did not accept the partition of Palestine. Israel emerged victorious

and occupied not only the territory designated by the UN, but advanced on palestinian territory. Result: Israel occupied 78% of Palestine and the Palestinians occupied 22%.

For Palestinians, this event is known as Nakba (The Catastrophe), as more than 500 Palestinian cities and towns were destroyed and around 750,000 Palestinians were expelled or fled Israeli forces to escape death. These are the people who make up the Palestinian refugees and who, to this day, wait for International Law to be applied. UN Resolution 194 of 1948 establishes that refugees from the 1948 war have the right to return to their places of origin. On the other hand, Israel refuses to comply with this resolution.

The borders between Israel and the Palestinian territories remained unchanged between 1948 and 1967, when, in a surprise attack, Israel occupied the rest of the Palestinian territo-

ries (I mean, East Jerusalem, the West Bank and the Gaza Strip), the Golan Heights (Syria) and the Sinai (Egypt). It was the Six Day War. Israel began to occupy the entire Palestine. From that year onwards, Israel established a policy of colonization of the occupied territories, with the construction of settlements that continue to grow to this day. Every year, Palestinians see how their territory is taken away by the occupying army. Israel has built a network of roads in the Palestinian territories that connect the settlements to Israel. Several of these roads are for the exclusive use of Israeli citizens. The entire Palestinian territory is controlled by Israel, which controls the borders of the West Bank and the Gaza Strip. Egypt signed a peace agreement with Israel in 1978 and recovered the Sinai Peninsula. Syria remains without access to its Golan Heights territory.

In 1967, the UN Security Council passed Resolution 242. This resolu-

tion establishes that Israel must return to its pre-Six Day War borders. Israel never obeyed this resolution. In 1979, the UN Security Council approved Resolution 446, on the settlements built by Israel in the Palestinian territories, including East Jerusalem. According to this resolution, the settlements are illegal and constitute a serious obstacle to fair peace in the region. Once again, International Law was violated and not fulfilled.

According to the Israeli Non-Governmental Organization Peace Now, in 1993, when Israel and the Palestinian Authority signed the Oslo Accords, there were 110,000 settlers in the West Bank and 140,000 in East Jerusalem. In the agreement, the main obligation of Israel was to stop occupying Palestinian lands. Israel never fulfilled the agreement. In 2023, there are 465.000 settlers in the West Bank and 230,000 settlers in East Jerusalem. The application of International Law is the key to pacification in the Middle East.



## South African Transport and Allied Workers Union

## SATAWU's Position on the War in the Middle East



The South African Transport and Allied Workers Union (SATAWU) having been invited to the second lecture on the war in the Middle East under the title *“What Role Trade and Student Union/ Organisations Can Play for Peace-Keeping in the Middle East?”*, wishes to categorically place on record and reiterate its unequivocal solidarity with the people of Palestine before grappling with the question at hand. As a social movement union that played a role in the liberation of South Africa through domestic and international solidarity, we hold a view that our freedom is incomplete without the liberation of oppressed countries within the African continent, the Middle East, in general, and Palestine in particular.

Our conviction as a revolutionary trade union is to ensure that the virus of apartheid and neocolonialism ceases to replicate itself subtly in developed countries and aggressively in the Global South. When we talk about subtle and aggressive forms of oppression, we mean that, on one hand, suppression has been normalised through democratic and legislative processes, and on the other hand, subjugation is imposed through acts of violence and genocide such as the case in Palestine. The new wave of genocide is a consequence of ongoing terror attacks, humiliation, and oppression of the Palestinian people since they were placed under forced occupation for over seventy (70) years.

The current crisis has gripped the Middle East and equally polarised geopolitical conditions owing to competing vantage points, world outlooks, and ideological differences. We are also implicated in these developments by expressing, campaigning, and resisting any form of oppression, subjected to all workers of the world, and in this case the Palestinian proletariat and its broader working-class strata. The crisis in the Israel/ Palestine war has reached a level that has

not been seen before. Two Million Five Hundred Thousand (2.5 million) people in Gaza are living under some of the most terrible conditions in the world. The Palestinian people are essentially trapped in what has been described as the world's biggest open-air prison. These are the daily experiences of ordinary men, women, and children of Palestine.

Israel, with the support of the United States of America (U.S.A) and other Western allies, has been illegally occupying Palestine (in particular Gaza and the West Bank). This occupation has been characterised by constant military and police checks, blockades of food and other necessities from coming into those aforementioned regions, prevention of critical medical equipment and other health products from being brought in, as well as constant airstrikes.

These unbelievable conditions are a clear indication of neo-colonialism, where the indigenous people have their land forcefully taken, are imprisoned, and are subjected to sub-human conditions at the hands of external oppressors. Unfortunately, the Israeli state refuses to be open to the idea of a society where Israelis and Palestinians coexist peacefully and harmoniously. The concepts of power and resistance are being manifested through this conflict. It is in this very important context that groups such as Hamas emerge and embark on attacking Israel in a broad attempt to resist the actions of this state and end the occupation. The resistance however will have to continue and will have to be fought on many fronts. This will require that the trade union movement globally use its collective power to show resistance against Israeli occupation, as well as support and solidarity for the Palestinian people.

SATAWU has never been one to back away from issues that may be considered controversial. In both 2009 as well as 2021 the organisation embarked on a campaign at the Durban Port to refuse to offload goods that were from Israel. This was in line with the BDS (Boycott, Divestment,

and Sanctions) movement as well as global union action in solidarity with the Palestinian cause. The Congress of South African Trade Unions (COSATU) of which SATAWU is an affiliate has played a crucial role in the establishment of the Coalition for a free Palestine. It has also participated in the Russel Tribunal on Palestine in 2011, as well as pushed for the inclusion of Palestine into UNESCO (United Nations Educational, Scientific and Cultural Organisation). Furthermore, in 2010 the federation sent a delegation to Palestine which was subsequently attacked by Israeli police. Joint programmes have also been conducted with Palestinian alliance partners in seeking to address this crisis. In a nutshell, the Federation, its affiliates and SATAWU continue to wage collective forms of action against the Israeli Apartheid state, however, we believe that there is still room for significant improvement. In answering the question, our recommendations are as follows:

1. Strengthen solidarity with the people of Palestine by working with progressive movements that share a commonality of interest to obliterate any form of colonialism and apartheid.
2. We must fight for the liberation of discourse that clarifies the material conditions affecting the people of Palestine as opposed to what the mainstream media preaches.
3. We must create, within our organisations, conditions that enable the work of progressive organisations such as PoliTeknik, to find expression within our existing political circles. These issues will then be disseminated and shared with our members such that the correct narrative can be widely communicated. This is important as it will give us a first-hand account and/ or live-experience perspective as opposed to only an analytical interpretation of the crisis.
4. We commit to strengthening our relations with BDS and also expand our networks with progressive organisations. This can also be achieved by activating the agency of our members as and when it is time

to put our progressive ideas and perspectives into action.

5. We pledge to allow our members to participate in various workshops and campaigns on issues regarding Palestine, and we will also initiate joint and/ or progressive seminars to strengthen our collective knowledge and analyses. This will allow us to strategize to find pressure points that will strengthen our anti-apartheid Israel campaigns within the sectors that we organise.

6. Based on the nature of the relations we build, the union will be in a better position to introduce and integrate departmental and sector-specific programmes focusing on conditions in the Middle East. For example, Our International Relations, Gender, Education, Campaigns and Collective Bargaining departments, etc, must have a component of the Palestinian question in the work that they do. This would be subjected to the networks that we build and collaborative programmes that would emerge thereof.

7. We strongly believe that building international solidarity depends on establishing and strengthening networks and activating domestic agencies based on our vantage points or activist positioning.

In conclusion, we hope that the outcomes of this engagement will lead to practical solutions in the foreseeable future, where activist organisations develop joint programmes emanating from the experimentation of strategies and tactics informed by revolutionary theory. The surgical removal of this neocolonial virus also demands that we sharpen our campaigns, educational programmes, and other forms of action that will enable us to suppress and prevent it from ever replicating. Our first form of countervailing action is to pledge unwavering and unequivocal solidarity to the people of Palestine, and the rest will follow from our convictions to have a prosperous Global South irrespective of race, gender, and religious beliefs.




United Textile Employees-UNITE - LESOTHO

# United Textile Employees' Position on the War in the Middle East



## I will fight no more forever (?)



**POSITIONS FROM SOUTH AFRICA  
ON THE WAR IN THE MIDDLE EAST**


**Prof. Lucky Mathebula**  
(CEO and Founder Thine Foundation)

**Prof. Salim Vally**  
(NRF SARCHI Chair in Community, Adult and Workers Education & Prof at UJ's Faculty of Education)

**Letihogolo Dire**  
(South African Students Congress-SASCO)

**Ntima Makhetha**  
(United Textile Employees-UNITE)

**DATE : 29 OCTOBER 2023**  
**START : 14:00 . GMT**  
**LANGUAGE : ENGLISH**



*I am tired of fighting. Our chiefs are killed; Looking-glass is dead. Too-hul-hul-suit is dead. The old men are all dead. It is the young men, now, who say 'yes' or 'no' [that is, vote in council]. He who led on the young men [Joseph's brother, Ollicut] is dead. It is cold, and we have no blankets. The little children are freezing to death. My people—some of them—have run away to the hills, and have no blankets, no food. No one knows where they are—perhaps freezing to death. I want to have time to look for my children, and see how many of them I can find; maybe I shall find them among the dead. Hear me, my chiefs; my heart is sick and sad. From where the sun now stands, I will fight no more forever!*

**Chief Joseph's surrender to General Nelson A. Miles, October 5, 1877.**

**CHIEF JOSEPH (1840-1904)**

This poster is an image of the online lecture held on 29 October 2023 under the title: POSITIONS FROM SOUTH AFRICA ON THE WAR IN THE MIDDLE EAST

Influenced by the idea of nationalism from the French revolution and anti-Semitism from Europe, Jewish activists started calling for a Jewish state where they could be free from the portrayal of a greedy Jew. Europe looking to get rid of Jews looked for a place to send them to. The contemplated Argentina, South Africa and other but the rabbis choose Palestine for its religious significance, easy to justify and create a cult by using fear, bible, science, suffering.

One might say that Europeans knew that giving them that land based on previous invasions will lead to more wars for them to benefit from the resources the Middle East possesses but not enough evidence to substantiate the claim.

The land was given, war broke and time and time again that has shown that Israel is not prepared to give

out anything without bloodshed. Everything taken by cohesive means, force, and imperialism is never returned willingly as shown by apartheid South Africa and successive regimes after 1994 when countries like Swaziland, Botswana and Lesotho were asking for their land back. Furthermore, 1964 Palestine (PLO party) was pro one state but that didn't work hence why the only option left for the people under oppression is to in order to make a statement or free themselves.

We live in a system where blood, suffering are used as a justification for success of science, religion, ideas and the driver of human morals. That survivalist mentality removes humanity from the equation as one looks at people who want recognition as rebels as shown by the *prison psychology experiment* by **DR Philip Zimbardo**.

Being an apartheid state, Israel uses fear as a weapon to control its citizens from mingling, interacting and uses the certainty that war brings which peace or quietness does not bring because behind it lurks deceit and peril. Israel also understands that if things are not going on well in one space scapegoating also gives any regime a breather in order to come up with solutions.

### Battle of ideas, power, emotions

Using cognitive biases and psyche effects to badmouth Palestinians struggles: Israel has mastered the battle of ideas and emotions to psychologically make defenders of its cause from different continents without them being affiliated or having any form of historical basis or knowledge of the topic. Using negative bias, they paint Palestinians (Hamas) as terrorists beheading innocent people pushing for anti-Semitism. Mainstream

media, movies are also added to the equation to shape our beliefs creating a ripple effect to further enforce an already created bias.

### Way forward

First step is the removal Netanyahu and his Zionist buddies whether being journos, generals and other instigators of this war. Even though the lines of having a one state have being blurred a lot it's still a logical solution with better results than a continuous warfare which kills the working class woman and man while enriching the warmongers. In the process of forging a one state solution: truth and reconciliation, compensation, reparations need to be instituted in order to undo the wrongs of the past.



Prof. A. Reis Monteiro  
University of Lisbon - PORTUGAL

# UNESCO: A Disappointing Report



An International Commission on the Futures of Education, composed of eighteen members, established by UNESCO in 2019, prepared the Report *Reimagining our futures together: A new social contract for education* published in November 2021. It has an introduction, three parts, an epilogue and appendices.

- The Introduction, after pointing out that the survival of humanity is at risk, justifies the need for a “new social contract for education”, which implies the redefinition of the ends of education.
- Part I contains a general diagnosis of the state of education and the world, in two chapters, highlighting the effects of poverty, the threats to the planet, the erosion of democracy and the future of work.
- Part II proposes the renewal of education, in five chapters, focused on “pedagogies”, “curricula”, “teachers”, “schools” and “education throughout life”, each one concluding with four “Principles for dialogue and “action”.
- Part III, with two chapters, calls for a new research and innovation agenda for education, as well as global solidarity and international cooperation. Each chapter concludes with “four key priorities”.
- The “Epilogue and continuation” makes proposals for a new social contract, calls for action through dialogue and participation, and invites continuation and “actualisation” by all those working in the education field.

## 1. The “new social contract for education”

According to the Report: “Forging a new social contract for education is a critical step towards reimagining our futures together.” The starting point of the new social contract is “a shared visi-

on of the public purposes of education”, for enabling “individuals and communities to flourish together”. It requires not only “adequate and sustained public funding for education” but also “a society-wide commitment to including everyone in public discussions about education”.

The new social contract is about the urgency to “reinvent education to help us address common challenges. This act of reimagining means working together to create futures that are shared and interdependent.” It must be based on human rights principles and, in particular, on the right to education, especially on “two foundational principles”, namely: “an expanded vision of the right to education throughout life, and the strengthening of education as a public and a common good”. What is intended is “to think differently about learning and the relationships between students, teachers, knowledge, and the world”.

## 2. For “renewing education”

The new social contract points to “five dimensions for changes needed” in education: pedagogies, curricula, teachers, schools, education throughout life.

### • Pedagogies

“Pedagogy should be organized around the principles of cooperation, collaboration, and solidarity”, for “replacing longstanding modes of exclusion and individualistic competition”. It “should be based on shared principles of non-discrimination, respect for diversity, and reparative justice, and framed by an ethic of care and of reciprocity”. It is a “work of creating transformational encounters that are based in what exists and what can be built”.

### • Curricula

“In a new social contract for education, curricula should grow out of the wealth of common knowledge and embrace

ecological, intercultural and interdisciplinary learning that helps students access and produce knowledge while building their capacity to critique and apply it.” Also: “Curricular approaches should link the cognitive domain with problem-solving skills, innovation and creativity, and also incorporate the development of social and emotional learning and learning about oneself.” With the aim “to unite and liberate”, their priorities “are intended to support inclusion, gender equality, the dismantling of injustices, and the broad struggle against inequalities needed to reimagine our futures together”. In other words, curricula and learning must be shaped by “human rights and democratic participation” as “foundational principles”, in order to “transform people and the world”.

### • Teachers

“Teachers remain central to the futures of education”, but the teaching profession’s appeal is increasingly eroded. “A strong professional identity for teachers should be encouraged.” Teaching should be recast as a “collaborative profession” and teachers “recognized as reflexive practitioners and knowledge producers” who “contribute to growing bodies of knowledge needed to transform educational environments, policies, research, and practice, within and beyond their own profession”. Accordingly, “talented candidate [should be selected] providing them with high quality and relevant initial preparation, supporting them effectively in the first years of teaching and with continuous professional development, structuring teacher jobs in ways that foster collaborative professionalism”.

### • Schools

“To enable pedagogies of cooperation and solidarity and strengthen relationships with the knowledge commons, it is crucial to have times and spaces

dedicated to these purposes.” School is “one of humanity’s most essential and powerful educational institutions”. If it “did not exist, we would need to invent it. Schools are a central component of larger educational ecosystems. Their vitality is an expression of a society’s commitment to education as a common good. Schools provide children and youth with unique environments to participate in the knowledge commons.” However: “To achieve what we need them to achieve, schools must break with the rigid, uniform organizational models that have characterized a large part of their history over the past two centuries. Renewal is vital.” Its “organizing principles should centre on inclusion and collaboration.” Schools should be “reimagined to better promote the transformation of the world towards more just, equitable and sustainable futures”. Consequently: “All schools, regardless of who organizes them, should educate to advance human rights, value diversity, and counter discrimination.”

### • Education throughout life

“The right to education needs to be broadened to be lifelong and encompass the right to information, culture, science and connectivity.” It “will need to apply more clearly to all people, and not only children and youth. It will need to more clearly address education that takes place across a multitude of sites, and not only classrooms and schools.” In other words: “An expanded right to education throughout life requires commitment to breaking down barriers and ensuring that the knowledge commons is an open and lasting resource that reflects the diverse ways of knowing and being in the world.”

### • Other proposals

- A new research agenda centred on the right to education and “inclusive of different kinds of evidence and ways of knowing”.

- "A call for global solidarity and international cooperation" to meet the "needs of asylum seekers, refugees, stateless persons and migrants, in particular".

### 3. After the Faure Report (1972) and the Delors Report (1996), a failed Report

I deeply regret to conclude that this Report is deceiving when compared with its two other similar predecessors: *Learning to Be: The world of education today and tomorrow* or 'Faure Report' (1972), and *Learning: The treasure within* or Delors Report (1996). This conclusion does not put into question, of course, the personal competence of the members of the International Commission. It only results of an appraisal of their collective choices.

The Faure Report was prepared by an International Commission on the Development of Education, composed of seven members, chaired by Edgar Faure, former French Prime Minister and Minister of Education, whose mandate was to elaborate and make proposals on the future of education. It was an unprecedented initiative.

The Faure Report had an overt French and Enlightenment pedigree, as well as New Education Movement inspiration, which is also ingrained in UNESCO philosophical roots.

Elaborated in the wake of the *Mai 1968* students' unrest, it had a rather philosophical-pedagogical tone, with an optimistic perspective, trusting the Welfare State. It strived to rescue the profound humanist sense of education from its economicist instrumentalisation, and to propose a true democratisation of education, which requires "*lifelong education as the master concept for educational policies in the years to come for both developed and developing countries*" that "is the keystone of the learning society". An ideal taken up, a quarter century later, by the Delors Report.

The Delors Report was prepared by an International Commission on Education for the Twenty-first Century, composed of fifteen members, chaired by Jacques Delors, former President of the European Commission (European Union), with a mandate similar to that of the Faure Report.

The Delors Report was prepared in a different context, that of mounting Globalization of the world and of the dominating neoliberal ideology that was undermining State's functions and increasingly opening economic and social doors to private powerful actors. While sharing the main concerns of the Faure Report, mostly the trend to marketisation of education, and reaffirming its principal ideas, in

particular the priority of education as an end in itself, it had a more realistic and political tone. It proposed a conception of *Learning throughout life* – both lifewide (spatial dimension) and lifelong (temporal dimension) – as "the key that gives access to the twenty-first century", leading to "a learning society". Its most known sentence is that encapsulating the global purpose of education: "Education throughout life is based on four pillars: learning to know, learning to do, learning to live together and learning to be." *Learning to live together* was emphasised as "a necessary Utopia".

We may consider that what is expected from this kind of Reports may be summed up in the following traits:

- To reflect the universal values of the United Nations and UNESCO
- To account for the most general criticism of the state of education
- To lend their authority to the most advanced pedagogic thought
- To put forward original, inspiring and 'utopian' insights

The Faure and the Delors Reports resorted to human rights, in particular the right to education, and strongly reflected UNESCO's universal humanism. They shared the most common criticism of education and endowed with their authority advanced proposals for its transformation, but they did not limit themselves to echoing ideas. They offered sentences and insights that are 'utopian' "to the extent that any undertaking which aims at changing the fundamental conditions of man's fate necessarily contains a utopian element", as reads the Faure Report.

The idealism of both Reports could not avoid ideological and 'pragmatic' criticism, but while it is not easy to assess their effects on educational policies, their significant doctrinal influence is beyond doubt.

Another UNESCO Report deserves to be mentioned: *Rethinking education: Towards a global common good?* prepared by a Senior Experts' Group and published in 2015, in the context of the preparation of the Incheon World Education Forum.

The new Report under review is obviously committed to the United Nations and UNESCO values and principles, which are those of human rights and, in particular, the right to education. They are invoked as the normative framework of the "new social contract for education", but the Report does not go far in drawing the theoretical, political and practical consequences of their ethical-juridical legitimacy. The Report also ignores the rights of the child, which are not mentioned once.

One hardly finds something new in this Report:

- *New social contract* is a frequently used label, and its *two foundational principles* have already been put forwards, as we saw: right to education throughout life, and education as a public or common good.
- Education is recognised as a human right to quality education, but the quality criterion is never identified. It seems more focused on the instrumental role than on the personal signification of education.
- The "digital revolution" is approached with some detail, but the wave of privatisation of education is mentioned only in passing and the primary States' responsibility for human rights is not highlighted enough.
- The Report displays along its around 150 pages a somewhat anarchic litany of repetitive exhortations. It lacks the density and sobriety of a sound doctrinal compass.
- Its lightness and redundancy are epitomised in the following sentence at the ending page: "This Report is an invitation to think and act together in building the futures of education together."

In sum: The present Report lacks philosophical-pedagogical-political breath. Most of its contents could be found in a report by the Organisation for Economic Cooperation and Development (OECD) or even a World Bank Report. It is a lost opportunity.

What could it have been?

#### Conclusion

The densest sentence of the Report is probably the quotation from Mahatma Gandhi heading Chapter 4:

The real difficulty is that people have no idea of what education truly is. We assess the value of education in the same manner as we assess the value of land or of shares in the stock-exchange market. We want to provide only such education as would enable the student to earn more. We hardly give any thought to the improvement of the character of the educated. The girls, we say, do not have to earn; so why should they be educated? As long as such ideas persist there is no hope of our ever knowing the true value of education.

The significance of these words could have been explored in many directions to examine the value of education for the present and future of the human-kind.

The International Commission could have put a stronger premium on the human right statute of education when examining its worldwide realities and rethinking its contribution to redres-

sing many evils, both in families and schools, in rich and poor countries. This could have led the Commission to the following main conclusions:

- As a human right, education is an ethical value and a legal power and should be pedagogically and politically empowering and liberating. This means that the right to education is not whichever right to whichever education.
- The right to education is the right to a quality education whose criterion should be its normative integrity as agreed in International Education Law and reverberated in numerous national Constitutions and Education Laws.
- States are the principal responsible for the provision and regulation of the right to education. Their obligations include the establishment and financing of a public system of education and the protection of the right to education against its moral and economical instrumentalisation by private actors.
- The most powerful social contract could be a Convention on the Right to Education consolidating and densifying the normative content of the right to education according to its evolution – conventional, non-conventional, jurisprudential, doctrinal – from the 1948 Universal Declaration.

The International Commission could have started from the Faure Report and the Delors Report (evoked in the Foreword by UNESCO Director-General, but only the Faure Report is mentioned once in the Report), to take stock of their diagnosis of the ills of education, of the remedies proposed, of the vision inspiring them, in order to assess what progress has been made, what dead ends remain, what new problems have emerged, and to point, at the present juncture, what human beings we can and should want to become.

The International Commission could have concentrated its work in the school institution and the teaching profession. This could have been its most resounding contribution for a vision of education up to present and future times: *reimagining* the vital mission of school and the unique identity of the teaching profession, so that their gravity centre becomes no more just the 'transmission' of knowledge.

The International Commission also could have chosen an approach of its mandate combining the precedent approaches, in a luminous and enrapturing way, to produce a Report likely to become a milestone in UNESCO's history.







Müslüm Kabadayı  
TURKEY

# AN EXAMPLE OF DESTRUCTION BY EARTHQUAKE UNDER CAPITALISM: HATAY\*

The main theme of the 17<sup>th</sup> Karaburun Scientific Congress was determined as "Capitalism and Destruction", and the earthquakes that took place in Turkey on February 6-20, 2023 added a current meaning to the natural and social destructions that have reached more dangerous dimensions due to wars-conflicts-migrations as well as the plundering of nature as a result of the structural characteristic of capitalism, which is described as "profit-based growth". This paper aims to make our contribution to the discussion of this main topic by the congress by specifying the destructive aspects of capitalist policies in Hatay due to the magnitude of the problems caused by the devastation of the earthquake.

## ABSTRACT

Capitalism always produces crises in a structural way. The reason being that capital accumulation is carried out through the war for profit between monopolies. The capital accumulation, which is produced both by the increase of profits and by the seizure of surplus value, is sustained by destructive competition. This is also the cause of wars.

Since the accumulation of capital created during the "etaist" (statist), "import substitutionist" and "aper-turist" periods of Turkish capitalism reached the limits of the organized

development of capitalism, the 2001 crisis ushered in the period of "extrativism". This term, used in Portuguese in 1996 to describe the exploitation of forest resources in Brazil, has been used in Turkey since 2003 to describe a massive looting and destruction plan that started on Mount Ida and went as far as Akbelen, and from there to the Amanos Mountain of Hatay and the olive groves of Dikmece. The Order of Plunder and Destruction, which we codify as "OPD", is the economic policy of Turkey's most ruthless monopolies, which accumulate enormous capital by plundering forests and mines.

Apart from the destruction of natural life, the OPD, which we specify with tables and graphs, leads to the social destruction of forest farmers and peasants who live in the forests because of the plundering of agricultural land. Among the regions and provinces most affected by this scheme, stand out the areas where the earthquakes occurred on February 6-20. Among those provinces, Adana dropped from 8<sup>th</sup> to 27<sup>th</sup> and Hatay from 27<sup>th</sup> to 39<sup>th</sup> in terms of socio-economic development between 2003-2017. Hatay, the province most affected by the February 6-20 earthquakes, shelters people living in tents and containers in the districts of Antakya, Defne and Samandağ, who face the risk of epidemics, since after 9 months of the earthquake the drinking water prob-

lem has not been solved. According to the results of the analysis conducted by Chamber of Physicians of Hatay and Environmental Engineers of Istanbul, Antakya triples the criteria of the World Health Organization in terms of toxic particles in the air, and the problem is aggravated due to the non-compliance with the regulations during the removal and transportation of debris.

It is known that Antakya, which is one of the few cities in the world as well as in our country in terms of its historical richness, architectural and cultural texture, confronts the danger of cultural destruction with the conversion of 307 hectares of protected area into a risk zone with the Presidential Decree No. 7033. Such destruction has been largely avoided thanks to the struggles carried out by the inhabitants of Hatay through associations, chambers, unions and platforms. However, the institutions that are supposed to provide public services in this area have yet to develop and implement regional and municipal conservation zoning plans. This problem needs to be solved urgently by the City Protection and Rescue Board, which will consist of experts from the scientific-technical and cultural fields.

## INTRODUCTION

In Europe, especially in England, where capitalism was in its dawn, it

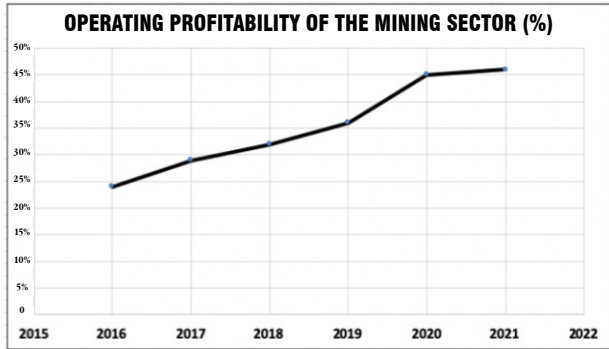
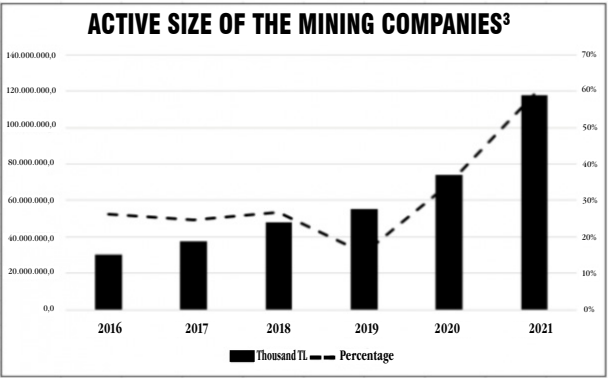
is known that the initial (primitive) accumulation of capital takes hundreds of years. It is proved that the development of Turkish capitalism occurred in dependence on European capitalism, which had entered the imperialist phase, and that industrialization, especially in the first period of the Republic, with the support of the Soviet Union, was accelerated by statist capitalism (etaism). After 1950, when the capitalist enterprises in agriculture intensified with the relationship of dependence established with US imperialism, it can be said that the accumulation of capital was ensured under the rules of "import substitution". Particularly, through the policy of "export-oriented capitalism" or "export-oriented economy", which was put into practice with the fascism of September 12, in addition to the intensive exploitation of labor for export, the privatization of the KITs (Public Economic Enterprises) allowed the flourishing of new conglomerates. We note that after these three stages of Turkish capitalism, which we have summarized in terms of capital accumulation regimes, a fourth stage took place, which overcame the 2001 crisis. So, what path did Turkish capitalism take with the AKP? The answer given to this question also serves us to explain an important feature of the great seismic devastation that took place on February 6-20 in 11 provinces, especially in Hatay.

THE PLUNDERING TENDENCIES OF TURKISH CAPITALISM

During the period of Özal's presidency, who was the executor of the January 24 Decisions adopted to satisfy the demands of the Turkish monopolies and the imperialist states (especially the USA) under the fascism of September 12, industrial exports based on white goods were followed by "opening to the exterior" in the textile and construction sectors. Capitalism, which is in constant structural crisis, initiated a practice of regulating the energy market in favor of the monopolies as a way out of the 2001 crisis in Turkey. Its purpose was to achieve capital accumulation by using mines, forests, water and wind as a source of mega-projects through the "great plunder". Some people call this fourth regime of capital accumulation "extractivism", which means "to dig, to excavate". I think it is more appropriate to call it "GPD", i.e., "great plunder and destruction". To put the "GPD" into practice, it was necessary for the working class to be disorganized and distanced from the class struggle and, therefore, social consent had to be obtained by resorting to religion. The 21-year-long rule of the AKP has been maintained as a regime in which imperialist countries, multinational companies and the Turkish bourgeoisie cooperate, and that capital accumulation regime is the main reason for the economic growth of religious sects and communities during this period, the CHP's failure to defend secularism, and the religionization and commercialization of education.

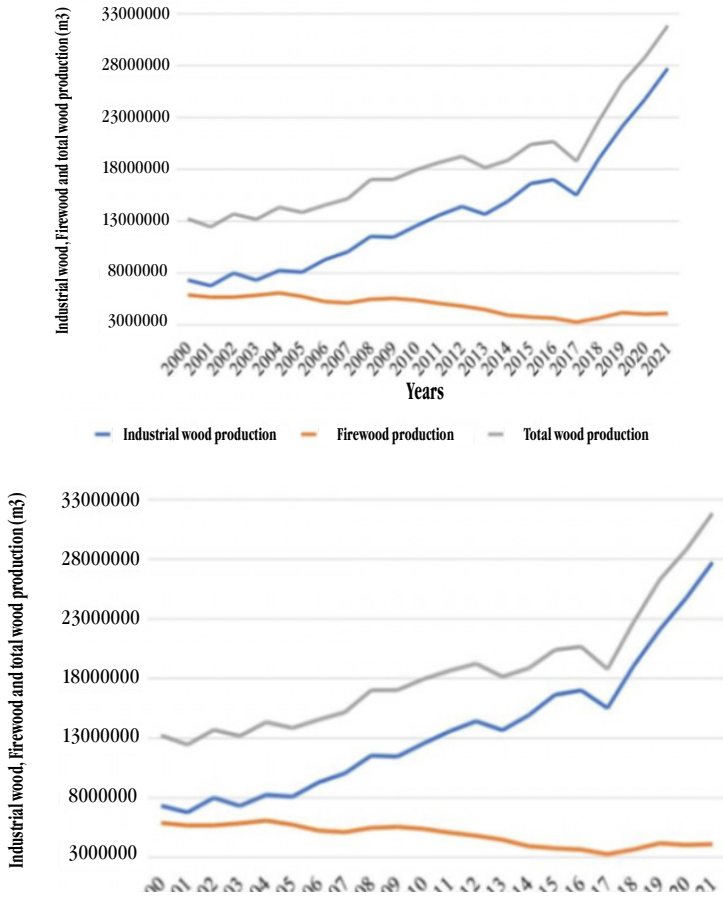
From the end of 2002, Turkish capital has been engaged in a massive looting plan in the fields of mining, forestry and energy. The following three tables show the clearest example of this. It is understood that there is a direct correlation between the rapid increase in the size of mining companies since 2016 in Table I and the gradual increase in the profitability ratio of the minerals sector since 2015 in Table II. Similarly, in Table III, the amount of wood in forest products has accelerated since 2003. In particular, the amount of industrial wood has increased rapidly. Likewise, there

is also a gradual increase in mineral-based production in the energy sector. Considering these tables, one can understand why monopolies such as Cengiz Holding, Limak, etc., which flourish in these sectors and represent the most oppressive-exploitative-pirate tendencies of Turkish capital, cut down forests in many regions of the country and plunder mines for thermal power plants. The table IV clearly shows that the accumulation areas led by the food and textile sectors in 2003 lost their leadership to base metal in 2021<sup>1</sup>. In summary, it can be easily stated that the capital groups, which try to explain themselves with dichotomies such as "Istanbul-Anatolia Capital", "TÜSİAD-MÜSİAD", "old-new", etc., have actually benefited together from the accumulation of predatory (primitive) capital during the AKP period, and therefore do not want this policy to change. Therefore, it is easier to understand why rural workers who lost their land, forests and olive groves to this regime of plunder are surrounded by sects. This is also why these groups of capital imposed the religionization of all areas of life to prevent workers, laborers and the poor from organizing and opposing a regime of predatory accumulation in which exploitation multiplies, plundering destroys nature and wants to condemn the people to live in misery and hunger.



Cuadro 6. Cifras de producción de madera industrial 2017-2021 (OGM, 2022)

Producto/Año	Unidad	2017	2018	2019	2020	2021	2017-2021 Cambio (%)
Tronco	m³	5.474.260	7.152.776	8.514.026	9.790.637	10.327.486	88,75 %
Poste para cables	m³	60.610	71.147	58.333	68.298	99.211	63,7 %
Poste para minas	m³	561.967	731.604	929.259	1.070.533	1.254.837	123,3 %
Madera industrial	m³	752.253	875.403	1.008.952	1.092.798	1.195.476	58,9 %
Madera de papel	m³	2.169.059	2.874.882	3.175.505	3.609.978	4.453.280	105,3 %
Astilla y fibra de madera	m³	6.494.371	7.361.714	8.417.096	9.105.038	10.388.354	60,0 %
Palo	m³	9.102	12.611	10.078	13.784	16.624	82,6 %
Total	m³	15.521.622	19.080.137	22.113.249	24.751.066	27.735.268	78,7 %



Once the general characteristics of the new predatory period of Turkish capitalism have been outlined, now we can better explain how the natural destruction of the earthquake was transformed into a capitalist destruction. The following table reveals, in this new predatory period symbolized by the AKP, the state of socio-economic development of the 11 provinces that were devastated on February 6 and especially Hatay, which suffered a second major devastation on February 20. When we examine the data for the first 14 years of predatory capital accumulation, we see that the 10 provinces hit by the earthquake have suffered a setback, that is, their resources have shifted to other provinces, especially to the western region, where predatory capital is concentrated. It is understood that Adana and Hatay suffered the greatest losses among the 10 provinces. This loss can be expected to double in Hatay with the earthquake.

Socio-economic Development Ranking of the Provinces out of 81 Province

	2003	2017
Gaziantep	19	30
Kahramanmaraş	44	58
Adana	8	27
Adıyaman	60	66
Hatay	27	39
Diyarbakır	58	68
Şanlıurfa	63	73
Kilis	54	62
Osmaniye	47	54
Malatya	39	44

(Source; DPT (State Planning Agency), "Socioeconomic Development Classification Study of Provinces", Edition Number: DPT 2671, May, 2003, Republic of Turkey Ministry of Industry and Technology, "Socioeconomic Development Ranking Study of Provinces and Zones", Sege 2017)



Soviet Union and started production in the 1970s, has become one of the prominent monopolies of the predatory period. As a result of this feature, it is claimed that the "New Life Park" called "Güvercinli Park" in İskenderun, which suffered great destruction in the February 6 and 20 earthquakes, was handed over to Tosyalı Holding to be opened for construction. According to the perspective of the laborers, it is significant that this green zone is being attacked, in other words, that those who accumulate looting capital have chosen this park. Because in this park press statements and protests have long been organized in İskenderun.

### THE SEISMICITY OF HATAY

Hatay is located at a geographical point where three major fracture zones converge. The Ölüdeniz (Lut) area in the south, the Eastern Anatolia area in the east and the Cyprus area in the west converge in the Amik plain. The presence of large earthquakes and major destructions in Antakya is due to this natural structure. Tuğçe Tezer, who is working on a PhD thesis about Antakya's urban culture and architecture, synthesizes the history of these destructions as follows:

*"Antakya, as we all painfully realize today, is a seismic zone and a city that has suffered many large and irreparable earthquakes throughout its history. An earthquake of magnitude 7.5 in the year 115 killed 260,000 people, followed by another earthquake of magnitude 7 in the year 526 that killed 250,000 people. In Antakya, where 89 earthquakes of magnitude 6-10 have been recorded between 148 BC and 1896 AD and another 100 earthquakes of magnitude 4-6 between 1900-2000, two earthquakes of magnitude 7 in 1822 and 1872 are considered earthquakes that significantly changed the physical, social, cultural and economic fabric of Antakya. In spite of the fact that the area on which the historical settlement of Antakya was established has suffered great destruction in all these great earthquakes up to the present day, the inhabitants of Antakya have been building their cities on the traces of this ancient settlement throughout history."*<sup>2</sup>

Why is Antakya still being built in the same place despite the destruction? I would like to quote a news item on this subject, as we have expressed the answer to this question during the promotion of our book "Hatay and the Earthquake Reality" in different cities.

"The fertility of Lake Amik and the Amik Plain, the vitality of Asi (Orontes), the protection of Mount

Habib-i Neccar (Silpius)... Unfortunately, since the 1950s, these three important natural beauties have been taken away step by step from the people of Hatay by the plundering forces. Fertile land has been drowned in glass and concrete. Hatay province, about which seismicity and the fact that an earthquake is expected in the near future was announced in the Hatay Governorate report published in 2021, suffered the greatest damage from the earthquake, with no action taken by the general government and local governments. Criminal complaints were filed and lawsuits were filed under the leadership of the Hatay Bar Association and expert lawyers to seek accountability in court. One of the values of this book, which we have prepared as Hatay Culture Art and Literature Platform, is that it includes these legal documents. In order not to bury our people under the rubble again, we must ensure that all those responsible for failing to prepare for the natural destruction of the earthquake and for not allowing earthquake-resistant construction are held accountable. We have to prevent the predatory approach of some municipalities by suspending zoning plans after the earthquake, and ensure the establishment of earthquake-resistant cities in the light of scientific and technical data."<sup>3</sup>

As we have demonstrated based on scientific research and legal documents in the 454-page book we wrote on behalf of the Hatay Culture, Art and Literature Platform, for which I was the term spokesperson between April 1 and June 30, 2023, the Provincial Disaster Risk Reduction Plan prepared by the Provincial Disaster and Emergency Directorate of Hatay Governorate together with AFAD in 2021 shows that seismicity poses a great risk and that a major earthquake is expected at any time, as no major earthquake has occurred for 150 years. In the following news article, it is explained that, with the great destruction caused by the earthquakes of February 6 and 20, the general and local administrations did not take measures in accordance with the decisions taken and the suggestions presented in the two workshops prepared on the basis of this report.

"The report notes that the public is unaware of the danger of a potential earthquake due to Antakya's long period without earthquakes:

"Due to the long period of no earthquakes, the population is not aware of the danger of a possible earthquake. This situation further aggravates the magnitude of the danger."

### A CITY ON WEAK GROUND

*The report also warns the authori-*

*ties about the fact that construction in the city has been carried out on the weakest land: "Graben zones and fill zones along rivers are the weakest and most vulnerable terrain. ...Sadly, a large part of today's city is located on this land. Because of the characteristics of the soil, the intensity of a possible earthquake will be felt less than in weaker and weaker soils. The relationship between the existing settlement at Antakya and the soil properties raises concerns about loss of life and property in a potential earthquake."*

### EVEN A 7.0 MAGNITUDE EARTHQUAKE SCENARIO WAS CONSIDERED

*In the studies organized by the Governor's Office, the participants presented the scenario of a 7.5 earthquake.*

### URBAN TRANSFORMATION AREAS SURROUNDED BY AGRICULTURAL LAND

*The report enumerates the seismic risks associated with this scenario:*

- *Information on insufficient buildings*
- *There are unlicensed buildings; there is a lack of construction control,*
- *There is no obligation for all personnel working in the building production sector to be trained in the principles of earthquake-resistant construction.*
- *Subject seismic resistance testing of buildings to a fee and leave it to the will of the citizens,*
- *In Hatay, there is no transportation master plan, construction is interconnected with protected areas, buildings that have received residential permits as a result of the zoning peace are not known to be seismic-resistant, and ground survey laboratories are insufficient,*
- *The site selection areas in urban transformation works are limited, and the settlement area is usually surrounded by fertile agricultural land, forests and industrial establishments."*<sup>4</sup>

Without immersing ourselves in technical issues, the following data, which everyone knows, reveal that the predatory capital accumulation towards which Turkish capitalism has been oriented in the 2000s has been so negligent on the issue of earthquakes, as on any other issue, that it has not paid attention to the reports and warnings produced by scientists, relevant professional organizations and even state institutions:

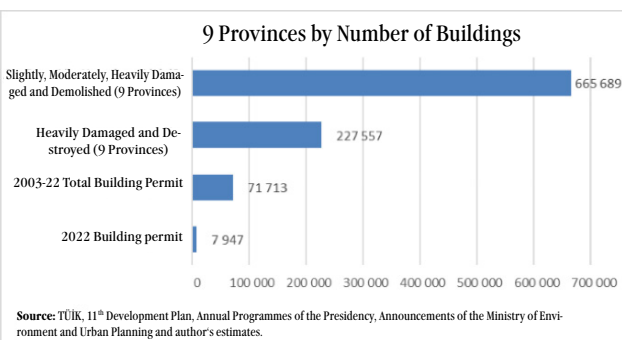
The "special communication tax" that is levied to prepare for earthquakes and finance earthquake dam-

age is nowhere to be found. After the 1999 earthquake, the earthquake tax came into effect and during the AKP government some \$40 billion was collected. Despite this huge budget, the state is still not present in Hatay. There is no one to help people without municipal and private help. They claim to collect a Special Communication Tax (SCT) for the earthquake zone, but they collect SCT from people living in the earthquake zone. Everything is increased by more than 200% through the ÖTV (Special Consumption Tax) there is no exemption for the earthquake zone. (...) The courthouse is closed, but the courts are open. Judges and lawyers suffer, they have nowhere to stay. The legal terms are still running. There are no schools to educate their children, if their children get sick, the hospitals to treat them are poorly equipped and there are no doctors. Law No. 7269 exists, but nobody knows how to apply it, not even the Courts. They continue to dump debris in the city, in the hydrographic basin and on agricultural and forest lands. We ask them to do the decomposition outside the city, nobody pays attention to us. We went to court, there is no sanction. But what is there: They declare urban and archaeological areas as 'risk areas' and delegate authority to the ÇSİB (Ministry of Environment, Urbanization and Climate Change) and TOKİ (Mass Housing Administration). We say 'The earthquake is already over, what's the risk?' no one listens to us. They say: 'Let's quickly build houses, let the builders make money'. Houses are very expensive for citizens. They have implemented something called in-situ transformation, nobody knows what it is. They say they will grant subsidies, but the subsidy will go to the company, not to the citizen. They say they will provide a loan if the grant is not sufficient. The loan will not be enough either, no one knows how we will complete the house. It is planned through expropriations and temporary seizures, to force people from certain settlements to emigrate and replace them with certain people. It is not possible for people who migrate to another city to make a living by paying rent. In addition, they are beginning to be treated like the Syrians."<sup>5</sup>

The data on the seismic reality of Hatay, presented by the attorney İbrahim Göçmen, who was also a victim of the earthquake, in the legal petitions that he prepared on behalf of KADOP, ASİ-DER and HATSEP with great dedication, are a historical note not only from the legal, but also from the technical and social point of view. The following table reveals another dimension of this reality.



## LOOTING OF WASTE AND DEBRIS



When we contemplate this table, we see that the construction sector, which constituted the most important pillar of capital accumulation of the "bourgeoisie opened to the exterior" in the 80's, will also create great resources from the "field of removal - transport - transformation of waste and debris" with the earthquake. In view of the following data, it is known that an allocation of 58 billion Liras is foreseen in the field of waste and debris removal-transport-transformation alone. Furthermore, it is indicated that construction in the earthquake zone will take up a share of 8% over 5 years of the Turkish budget.

**"The earthquake with epicenter in Kahramanmaraş caused a high level of destruction and damage in**

**a wide geographical area spread over 11 provinces.**

The 7.7 and 7.6 magnitude earthquakes that occurred on February 6, 2023 in the Pazarcık and Elbistan districts of Kahramanmaraş caused loss of life and destruction in 11 surrounding provinces. The earthquake has caused massive damage to people and materials in 11

provinces, namely Adana, Adıyaman, Diyarbakır, Elazığ, Gaziantep, Hatay, Hatay, Kahramanmaraş, Kilis, Malatya, Osmaniye, Osmaniye and Şanlıurfa. According to our estimates, 40% of the buildings in the earthquake zone suffered minor, moderate and severe damage.

**The massive destruction caused by the earthquake and Turkey's construction capacity and development needs indicate that the reconstruction of the region will take 5 years.** The buildings to be reconstructed exceed the annual construction capacity of the region and Turkey. According to the studies in the report, **650.000 independent units** in the earthquake zone are collapsed or in need of urgent demolition, **170.000**

**units** are moderately damaged, and **1.4 million** units are slightly damaged. The 650.000 independent units, that have been demolished or need to be demolished because of the earthquake, is approximately 7 times the number of housing units according to the certificate of habitability obtained in 2022 in the 11 provinces affected by the earthquake. It is also above the number of habitability certificates issued in 2022 throughout Turkey. In view of the rehabilitation and repair activities of other earthquake-damaged buildings and the current need for housing throughout Turkey, it is considered that it is not possible to compensate for the earthquake damage in one year.

Independent units consist of various structures such as residences, workplaces, warehouses, utility units within buildings. In the year 2022, the number of housing units according to the occupancy certificate issued in 11 earthquake-affected provinces is 632.000 nationwide and 96.000 in 11 earthquake-affected provinces. According to official statements, housing construction is expected to be carried out mainly by the public sector. Also, it is expected that half of the construction of workplaces will be carried out by the public sector in order to establish economic activity. On the other hand, it is estimated that the costs of repairing and reinforcing homes and workplaces

will be borne by homeowners.

**The report indicates that the earthquake will generate a funding requirement of \$150 billion over a 5-year period.** The largest percentage of this cost corresponds to the cost of reconstruction, reinforcement and repair of the superstructure and infrastructure caused by the destruction in the region. The construction of infrastructure and superstructure is estimated to cost about **US\$88 billion**, half of which will be financed by the public sector. The amount of this item is estimated at **US\$35 billion**. The estimated 3-year cost of temporary housing, food, labor and employment support for earthquake-affected households is **\$24 billion**. In order to compensate for the heavy impact of the enormous losses caused by the earthquake on the living standards and to support the most socially vulnerable households, it is recommended that temporary housing, food, work and employment subsidies continue for 3 years at a decreasing rate.<sup>76</sup>

When we observe the data in the field of new capital accumulation, which support the above data and perspectives, we see the following picture:

"According to data from the Ministry of Environment, Urbanism and Climate Change, damage assessment work was carried out in 387,410 buildings in 11





provinces affected by the earthquake. The number of buildings with moderate damage was found to be 11.114, buildings with slight damage 99.300 and buildings with no damage 180.355. As for the buildings examined, 50.576 were found to be heavily damaged or had collapsed, so the damaged buildings needed to be demolished urgently.

Experts in the industry estimate the cost of debris removal for each building to be about 250.000 TL. If 50,576 buildings are considered, the demolition and debris removal bill is estimated at 12.6 billion TL in the first phase. Representatives of the industry claim that a value of 5 billion TL can be created by recycling the rubble, and draw attention to another issue; that the recycling should be carried out under public control.”<sup>7</sup>

As a person who has closely followed the ruthless implementation of this capital accumulation regime in Hatay for 7 months, I would like to draw attention to the following statistical data:

"Within the scope of debris removal works carried out under the coordination of Hatay Governorate, debris from 12.052 demolished buildings was removed, 9.218 buildings that needed to be demolished urgently were demolished and demolition waste was transported. In total, debris from 21.270 buildings was transported to temporary dumping areas.

A total of 4.243 construction machines, including 1.038 excavators and 3.106 trucks, have been used in the debris removal work, 546.817 truck runs have been made so far, and the demolition waste transported to 26 temporary storage areas determined throughout the province has reached 7.028.946 cubic meters.

As a result of the evaluation of the notices and objections, the work and bidding procedures for the demolition of approximately 51.000 buildings in the province, which are in the state of heavily damaged buildings, and the transportation of demolition waste have been largely completed under the provisions of the State Bidding Law No. 2886.”<sup>8</sup>

#### PLUNDERING OF AGRICULTURAL LAND AND OLIVE GROVES

One of the notable examples of Turkish capitalism's policy of capital

accumulation through predatory destruction in Hatay is the expropriation of 7.000 decars of land consisting of agricultural land and olive groves in the Dikmece region of the central district of Antakya and its allocation for buildings to be constructed by TOKİ. A lawsuit for suspension of execution was filed against this decision, which reached the Turkish agenda with the resistance of the people of Dikmece, and the Court made an interim decision and requested documents from the relevant ministries and institutions. The resistance of the villagers and environmentalists to protect their land and olive trees is clearly shown in the following news item.

#### A large number of citizens gathered in the Çiftlik neighborhood to hold the "Great Meeting of Dikmece" and protest against the TOKİ project planned to be built in the region.

The struggle of the residents of Dikmece village in Antakya continues after the **expropriation** of agricultural land and olive groves. The neighbors and citizens from many parts of Turkey gathered at the Dikmece Great Gathering, which was expropriated after the earthquake and is **planned to be built** by the Mass Housing Administration (TOKİ)...

The resistance marched with banners reading "From Dikmece to Akbelen, let's grow the resistance against looting", "We will not surrender to expropriation", "Capital out, these lands are ours",

The march also counted with the participation of the **Akbelen resistance** who resisted for their lands in spite of the attack of the gendarmerie.”<sup>9</sup>

The following text, which legitimizes this resistance in constitutional-legal terms and deciphers the capitalist destruction concerning the food supply, the most basic need of humanity, adds an important dimension to the photograph of the process.

"Law No. 7456, known for short as the Omnibus Law, entered into force upon its publication in the Official Gazette of July 15, 2023 under number 32249.

The deadline to file with the Constitutional Court an appeal for the annulment of Article 25 of Law No. 7456, which foresees the spoliation of olive groves and forest areas in 11 provinces of the earthquake zone and which is contrary to the Constitution, ends on September 13, 2023. All parties of the Turkish Grand National Assembly, especially the main opposition party, deputies, press organizations, democratic mass organizations and public opinion are informed of this.

1. Article 25 of this law, published in the Official Gazette dated July 15, 2023 under number 32249, contemplates the opening of forests and olive groves for construction, so to speak, with an understanding that ignores the Constitution and the law.

2. Article 169 of the Constitution: *<The ownership of state forests can not be transferred. Such forests cannot be acquired by statute of limitations and forest boundaries cannot be reduced> Despite the fact that the Constitution clearly states this, enacting a law that provides for the concession of 1.000 square meters of forest per each right holder means disregarding the Constitution. The intention here is to massacre the forests for*

seismic reasons. This is another form of seismic opportunism. The forest ecosystems of the 11 provinces affected by the earthquake will be fragmented and destroyed and all plant and animal species will be harmed. Groundwater and spring water will be adversely affected in this time of water shortage.

3. The sentence *"In villages and rural areas where land selection has not yet been done"* in the relevant article is an indication of lack of preparedness, uncertainty and foresight. Villages in some of the earthquake-hit provinces have been converted into neighborhoods under the metropolitan law. It is not clear with what criteria and by whom the "rural areas" will be determined, nor how long this situation will last. Such a confusing law runs the risk of being applied in different ways in different provinces.

4. The amendments introduced by Article 25 are contrary to international conventions that Turkey has signed and to which it is a party. For example, they are contrary to the Convention on the Protection of Biological Diversity. They are also contrary to the decisions taken at the European Conference of Forestry Ministers held in 2007. The 2007 decisions clarify the following:

- Forests should be protected without a doubt because of their role in the production of clean water,
- They should also be protected within the framework of renewable energies.

5. The amendment contemplated in Article 25 is contrary to Law No. 3573 on the Improvement of Olive Groves and Grafting of Wild Olive Trees, and endangers Turkey's food security. Due to the opening of forests, olive groves and olive areas to construction, not only these areas, but also other ecosystems (forests, wetlands, agricultural areas, steppes, etc.) will be negatively affected and damaged. At the same time, the inhabitants of the region will also be socially, culturally and economically harmed.

Last year, the political power introduced on the agenda the draft law providing for zoning and construction on olive groves, which was withdrawn after the population went to the Parliament in Ankara and reacted. Through this omnibus law, the government has shown that it withdrew the bill not because it realized

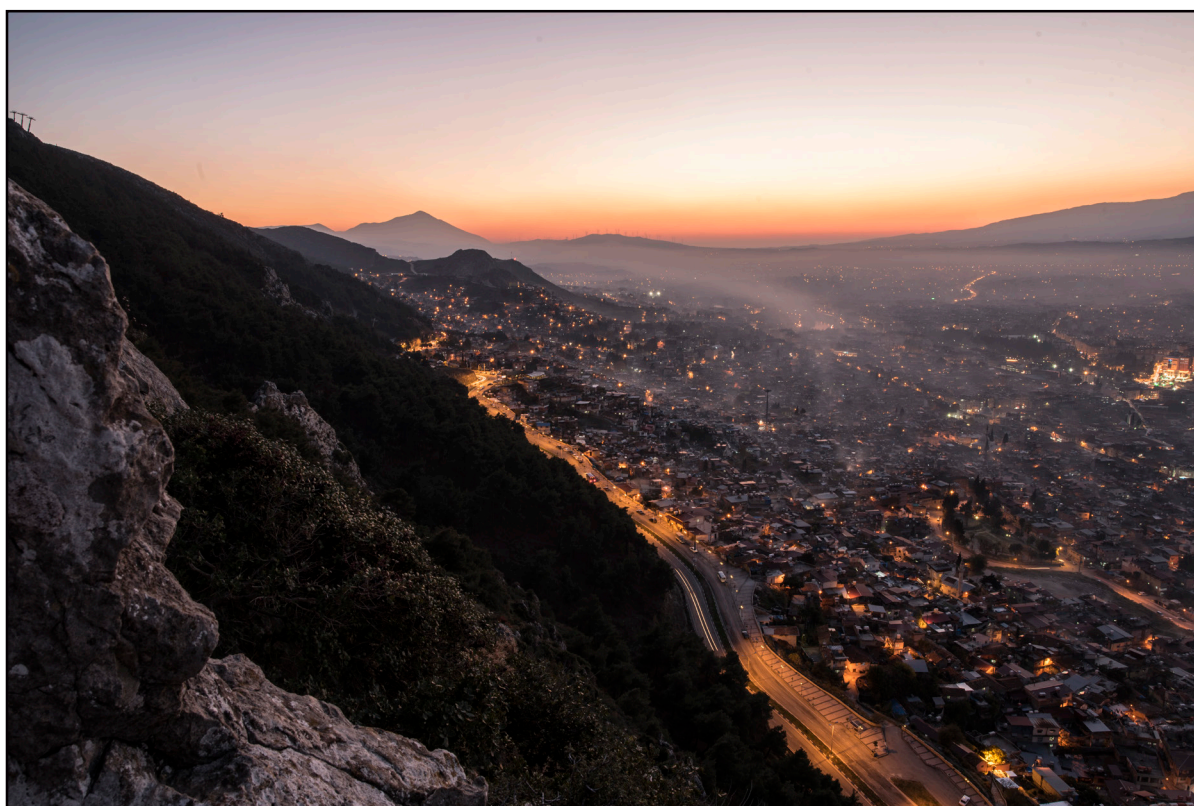


Photo: Mahmut Kayaş



its mistake, but because it feared the public reaction. Now, taking advantage of the earthquake, it has added Article 25 to the omnibus law. This omnibus law, which provides for the opening of forests and olive groves for construction with an understanding that neither the Constitution nor the law recognizes, must be annulled."<sup>10</sup>

### **CAPITAL ACCUMULATION BY DIS-REGARDING LIVING BEINGS**

The Chamber of Physicians of Hatay published the following report revealing that Turkish capitalism, with its predatory and destructive character, disregards human health and the right of citizens to live in a healthy environment, one of the most fundamental rights defined in the Constitution.

"In the continuous measurement conducted on June 10 and 11 for 22 hours and 13 minutes, the average PM2.5 was 48 µg/m<sup>3</sup>. This value is more than 3 times higher than the 24-hour reference value of the WHO. The highest PM2.5 value measured on the same day was 185 µg/m<sup>3</sup>.

In the continuous measurement conducted on June 16 and 17 for 23 hours and 16 minutes, the average PM2.5 was 16 µg/m<sup>3</sup>, above the reference value.

In the continuous measurement conducted on July 10 and 11 for 21 hours and 10 minutes, the average PM2.5 was determined to be 17 µg/m<sup>3</sup>. This value is higher than the 24-hour reference value of the WHO. The highest PM2.5 value measured on the same day was recorded as 121 µg/m<sup>3</sup>.

Considering only measurements taken during the period closest to the 24-hour measurement, the 24-hour average PM2.5 concentrations, which according to WHO should not be exceeded more than 3-4 days per year, were exceeded for 3 days. It is clear that the risk of exceeding this reference value is much higher if measurements are made without interruption."<sup>11</sup>

### **SOCIAL SOLIDARITY AND STRUGGLE**

The statements mentioned above by İbrahim Göçmen, one of the leading lawyers of the lawsuits filed with criminal complaints about the legal dimension of the destruction caused by the earthquake, provide a picture of what the plundering of the capital order has done in Hatay. One of the key points of this situation is the lawsuit for "annulment of Presidential Decree No. 7033 on the declaration of the area of Antakya district of Hatay province, whose boundaries and coordinates are shown in the attached sketch and list, as a 'risk area' in accordance with Article 2 of Law No. 6306 on the Transformation of Disaster Risk Areas" filed with the Supreme Court with the request for suspension of execution, in which ASİ-DER, KADOP

and HATSEP are also involved. This case, which will be analyzed in detail on pages 214-237 of our book "Hatay and Seismic Reality", is important because it shows that looting capital wants to turn the earthquake into an opportunity to plunder historical-cultural zones. As a result of the struggle conducted by the Hatay Bar Association, KADOP, ASİ-DER and HATSEP against the conversion of 307 hectares of the Antakya protected area into "risk zone", the transfer of the authority of this area to ÇSİB and TOKİ was prevented, and the authority was transferred back to the Ministry of Culture and Tourism in May 2023.<sup>12</sup> This would be a small example of the achievements of the struggle. As a result of another effort carried out by the same organizations, an achievement was reached on the issue of qualification or examination on the basis of vertical equality for the candidates who will participate in the "Examination for Higher Education Centers from the Earthquake Region". Other achievements have also been made in other areas before the Administrative Tribunals. It should be noted that these achievements are like sands in the desert.

The clearest proof that capitalists, who have no other concern than capital accumulation and profit, are driving our planet towards an uninhabitable point by causing climate change, is the unbearable heat of the summer of 2023. In the earthquake zone, especially in Hatay, thirst has become the main problem since the water networks in the cities were destroyed and were not repaired. People are desperately waiting in queues for water to be distributed by aid organizations.<sup>13</sup> General and local public institutions leave the population helpless, so it is very important that organizations show solidarity with the people of Hatay and provide solutions.<sup>14</sup> In order to show the technical dimension of social and political struggle...

The expropriation decision that opened the olive groves and agricultural areas in Dikmece to construction for TOKİ, as well as in Kazdağları, Akbelen, etc., is one of the important examples of capital accumulation of capitalism leading to social-cultural and environmental destruction in Hatay. The content and form of the struggle developed by the environmental organizations, in particular the residents of Dikmece, against this decision in July and August 2023 are also important. The residents, together with the mukhtar and the council of elders, need an overall strategy and tactics of struggle to jointly carry out the legal and operational struggle.

### **RESULTS AND ADVICE**

"Example of Destruction by Earthquake under Capitalism: Hatay" which we can support with many other examples, data and facts, clearly shows that the region is facing major problems, not only economic, but also social

and psychological: The Mayor of HBB (Hatay Metropolitan Municipality), Lütfü Savaş, stated that half of the population migrated out of the province. The inhabitants of Hatay, as if the trauma of the earthquake were not enough, were deeply shaken by the disintegration of families due to emigration, unemployment and the problem of adaptation to the new place. Despite not having exhaustive data, as studies on the issue are ongoing, our observations, interviews and analysis show that if this problem is not urgently resolved, very serious psychological destruction will occur.<sup>15</sup> Having already exposed through data the way in which the destruction of natural earthquakes has been turned into disaster by capitalism, and having already exposed that this is due to the political economy and structure of capitalism, to fail to see that the fundamental solution is the overthrow of the capitalist order it is necessary to close our eyes to the facts. We must urgently put on the agenda of the workers the imperative need to overthrow the regime of capital accumulation, which we have codified as "GPD", which destroys our source of life, nature, the consciousness of human beings to live in equality and freedom, and the value of social solidarity, and establish the regime of Socialist Turkey as a social order that puts equality and freedom at the center of the country's natural and human resources.

Regarding what all workers and laborers in Turkey, and the people and institutions responsible for enlightening and organizing society, should urgently incorporate into the agenda...

To prevent a second disaster, the following urgent measures should be taken:

- There is an urgent need to develop a large-scale scientific plan on the seismicity of Turkey. At the same time, a new scientific report on the seismicity of Hatay should be prepared, taking into account the process after the February 6-20 earthquakes.
- According to the aforementioned report, earthquake-resistant zones for the resurrection of destroyed cities should be determined and built accordingly.
- The historical and cultural places of Antakya, Iskenderun, Kırıkhan, Samandağ and Arsuz should be ar-

ranged according to their texture. Protected sites must be preserved.

-The agricultural and forest areas of Hatay, and any such places in the country, should not be opened for construction.

- The cultural and demographic texture of the destroyed cities, especially old Antakya, should be preserved, and walkable urbanization plans should be implemented.

-In the same way as should be done in the entire earthquake region, measures should be taken to revitalize economic and social life to enable Hatay residents who migrated to return to their land.

- Educational, cultural and artistic institutions should be put into operation without delay.

\* This article is published simultaneously in PoliTeknik Turkish edition, PoliTeknik International and PoliTeknik Español.

<sup>1</sup> <https://www.gazeteduvar.com.tr/sermayenin-akbelendeki-besin-zinciri-makale-1630784>

<sup>2</sup> Tuğçe Tezer, "Antakya Earthquake in the Footprint of Continuity and Ruptures", Hatay and Seismic Reality, Editorial Sonçağ, Ankara, 2023, p.272-273

<sup>3</sup> <https://sendika.org/2023/07/hatay-ve-deprem-gercegi-halkla-bulusmaya-devam-ediyor-fiziki-sosyolojik-ve-psikolojik-yikima-karsi-dayanismanmayla-direniyoruz-689185/>

<sup>4</sup> <https://www.evrensel.net/haber/481724/felaket-gore-gore-geldi-hatay-valiligi-2021de-7-7lik-maras-depremi-senayosu-hazirlamis>

<sup>5</sup> Attorney İbrahim Göçmen, Correspondence from the Old Antakya Solidarity Platform, August 6, 2023.

<sup>6</sup> Burcu Aydın Özudoğru (Director of the Center for Economic and Structural Policies), EFFECTS OF THE 2023 KAHRAMANMARAS EARTHQUAKE AND POLICY RECOMMENDATIONS, [www.tepav.org.tr](http://www.tepav.org.tr) 3

<sup>7</sup> <https://www.aydinlik.com.tr/haber/depremin-yikim-ve-enkaz-kaldirma-bedel-ne-kadar-368305>

<sup>8</sup> [https://www.iskenderunes.net/haber/enkaz\\_kaldirildi\\_agir\\_hasarli\\_bina\\_yikimi\\_basladi-18478.html](https://www.iskenderunes.net/haber/enkaz_kaldirildi_agir_hasarli_bina_yikimi_basladi-18478.html)

<sup>9</sup> <https://haber.sol.org.tr/haber/dikmece-buyuk-bulusma-sermaye-halka-hesap-verecek-383191>

<sup>10</sup> Press release from the Board of Directors of the Association for Research on Rural Environment and Forestry Problems, August 23, 2023.

<sup>11</sup> [https://ttb.org.tr/haber\\_goster.php?Guid=c06b315c-4638-11ee-a2a3-83c14101434b](https://ttb.org.tr/haber_goster.php?Guid=c06b315c-4638-11ee-a2a3-83c14101434b)

<sup>12</sup> <https://www.dha.com.tr/politika/bakan-ersoy-antakya-nin-genelini-kapsayacak-bir-imar-yapisini-olusturacagiz-2291419>

<sup>13</sup> <https://www.cumhuriyet.com.tr/turkiye/hatayda-su-yok-sorun-cok-2099070>

<sup>14</sup> <https://www.gazeteduvar.com.tr/tnkp-hatayda-endustriyel-su-aritma-cihazlari-uretti-haber-1613785>

<sup>15</sup> Kemal Dil-Müslüm Kabadayı, "Report of Thoughts on Hatay", Hatay and Seismic Reality, Editorial Sonçağ, Ankara, 2023, p. 261-271.

04:17



Bishal Khanal

Former Secretary National Human Rights Commission of Nepal, Currently Faculty Member, Kathmandu University School of Law - NEPAL

# Child Marriage in Human Rights Perspective: A Nepali Experience



## Child Right: A Perspective

The UN Convention on the Rights of the Child (CRC) call for ensuring right to life, right to survival and right to development for all the children. The children deserve the right to participation in cultural and artistic life as well among various rights that are obliquely spelled out in the convention. At times they are rephrased into three rights like protection, provision and participation. The CRC prohibits use of children in unlawful sexual activities and sexual exploitation such as prostitution, pornography and other sex related practices. The CEDAW provides that the child marriage is unlawful so it must be prohibited, and all marriages should be registered.

In the spirit of CRC sexual orientation of children seems to be exploitative whether occurred with child marriage or otherwise. Child marriage is a threat to safe motherhood and healthy development of male children. It is against the right to sexuality and reproductive rights of women. Child marriage ignores the right to participate in decisions affecting children. Child marriage would grossly impair the right to development of children that may include right to participate in, right to contribute to and right to enjoy fruits of overall development endeavors. The Declaration on the Rights of the Child gives great emphasis to the healthy development of children, family size, child spacing, breast feeding and safe motherhood. And therefore child marriage impairs the human rights of children as enshrined in CRC and other international human rights instruments.

## Child Marriage: Myth and Realities

Over the millennia child marriage has been common in South Asia. The early scriptures assigned father to choose a bride or groom for the marriage of his daughter and son. The classical literatures that were recognized as rules encouraged parents to marry their children at young age. To avoid mythical penalty of sin and irreverence father was bound to perform his daughter's marriage before her first menstruation, bosom-up and other bodily signs of maturity. Traditionally, sight of daughter during menstruation period before her marriage was considered sinful or un-

holy. If such incident, daughter had to stay with relative's family for a week, to avoid the situation.

The age of puberty was the borderline in defining child and adult. The girl aged 12 and boy aged 16 were considered attaining maturity for engaging into sexual orientation. But marriage of girl below six was punishable with confiscation of parent's property. Many girls were married as early as eight years of age as per prevailing rules and to defy social affront. Since sense of sexuality was absent with new couple, as per consent of parents bride would stay at parental home until her 11-12 years in some families. Until six decades ago, if girl stayed unmarried until 16 year or above that would go against prevailing social norm thus a matter of social affront. There was an age in which some parents and particularly pregnant mothers would agree to get marriage of their incoming babies if born with different sexes.

Children were deliberately denied sexual education as it was considered an issue of strict seclusion and culturally, socially and religiously immoral. It was denied mainly with fear of learning about illicit sexual behavior with inapt girl and boys. It was evident in a caste based society with lots of social and cultural inequity. It was such a conservative society where opposite sex children were denied friendship. After sexual intercourse legal relation of those two would automatically convert into spouses. Women having sexual intercourse with very last man would automatically be her legal husband in a polygamous society.

The Code of 1854 encouraged to follow earlier practices. In February 1938 the Code was extensively amended and that set ten years of age for marriage. The Code of 1962 set 14 year for girl and 16 year for boy to marry with their consent. In terms of marriage arranged by parent or guardian marriageable age was set 16 and 18 years for girl and boy respectively. Since 2017 marriageable is made for 20 years for both girl and boy in order to comply with the right to equality (equal age) of the constitution. However historically, culturally and religiously embedded concept and practice of child marriage still largely exists.

The South Asians introduced child marriage to prevent children from harmful, immoral and corrupt sexual behaviors among children. Additionally it was considered fair to control excessive sexual desire during puberty ages. The Islamic and some African societies on the other hand devised the idea of male and female circumcision/genital mutilation to suppress excessive sexual desires during puberty period along with child marriage. In order of development they are considered harmful traditional practices. Efforts are now underway from both national and international levels to eliminate those practices. The age for marriage in early China was classified based on different periods. By 680 B.C. male at 20 and girl at 15 were allowed to marry. The Wei and Jin dynasties lost huge population in war so promoted early marriage to increase population. It is therefore law allowed marriage at the age of 15 and 13 to boy and girls respectively. During Song to Chin dynasties marriage was allowed at the age of 16 and 14 for boy and girls respectively. The life expectancy was about 35 year so people used to marry early to have children who replace them.

## Perils- All-around

Every child shall have the right to education, healthcare, maintenance, proper care, sports, entertainment and overall personality development. Child marriage is the bane for children's prosperity and therefore punishable. And therefore persons insisting, supporting and engaging for child marriage would also be liable for punishment.

Children are physically, mentally, emotionally, and psychologically, unfit for married life. A report entitled ending child, early and enforced marriage in Nepal reads that 'early marriage is a violation of human rights'.

The child marriage has several human rights implications and multiple adversities on overall wellbeing of children. It keeps them away from education and better livelihood skills. It may invite the risk of violence, abuse, ill health, or early death. The implications fall on the reproductive rights of women, safe motherhood, survival and development of newborn, labor and work related rights among others. Child

marriage is considered worst form of gender based violence.

The girls are found married in early ages than boys. The child marriage is now common among vulnerable population largely living in interior parts of the country. The vulnerable communities such as Dalit and indigenous communities largely follow this practice. Apart of culture and tradition, poverty is the main cause of early marriage of girl child. In dalit and indigenous community groom's family is supposed to offer dowry/grant as demanded by bride and her parents. The early marriage of girl therefore has threefold immediate benefit to parents. One is to acquire dowry amount and the other is to be free from liability for subsistence, education, healthcare etc after marriage. The third is to upholding their tradition in which bridegroom is liable to offer required labor and social support to father in law's family such as plough/farming, raring cattle, construction work etc. Indeed amount of dowry would provide economic support to the family for certain period.

As mentioned child marriage has deep cultural, religious and social roots. The idea has been placed in the heart and mind of people since time immemorial. It was set as a family obligation to uphold prestige of the kin. The earlier law virtually allowed child marriage with a view to have many children in the family. A women married in tender age was expected to give birth many children. Person having many children had larger influence and respect in the society.

Despite many efforts to end the practice, still child marriage has been widely prevalent. In an average child marriage constitute 46.2 percentages among marriages. Out of it 53 percentages are female and 33.8 are males. The family pressure, children's own desire and need of family work support are main reasons behind child marriage. Likewise social media mainly via mobile phone helped children to communicate and build consent to marry each other. Though child marriage is illegal and immoral but in certain communities love marriage helped to prevent dowry payment for daughter's marriage. Additionally education, culture, traditional

practices, poverty and food security too are the causes of child marriage in present times.

The implication of child marriage is indeed serious. Study shows that out of all maternal death 41 percentages are from among married in child age. The survived young mothers complain of physical weakness, pain and multiple illnesses. Out of all drop outs 67 percent are from among married in child age. Among them 33 percent are boys and 67 percent the girls.

Girls Not Brides- a global partnership to end child marriage report tells that 'child bride's future is stolen by the adult' concerned. The Human Rights Watch in its report entitled 'our time to sing and play: child marriage in Nepal' has several findings. The report provides that 37% of girls are married before the legally recognized age. It identifies driving forces for child marriage, its impact on girls and the structural barriers to change as well. Report identifies that child marriage is deeply harmful to the girls.

After marriage girls usually drop out of schools and give early birth risking health of child and mother. Child marriage keeps girls and their families in a cycle of poverty. Married girls are more likely to be victim of domestic violence. Education remains a distant dream for married girls. Families are reluctant to invest in their education giving reason that schools are located away, they are expensive and brides are expected to involve in house hold chores. At times youngster choose marriage by loving each other. Some girls elope before they were pressurized for marriage by parents and kin. Some poor girls look for a husband who could provide her subsistence. Parents also seek out young, diligent and healthy bride who can properly discharge domestic chores.

Even worse is the practice of giving away underage girls for marriage with old and rich males particularly in some Islamic and impoverished communities. This happens in some other Asian and African countries as well. The main reason is the economic constraints of girl's family. Indeed religious belief, societal attitude and cultural perception towards women too plays key role to adopt this misconception. The practice has created immense suffering to women for over the periods. The early age marriage leave women vulnerable which results in maternal mortality rate, unsafe childhood, unplanned child spacing followed by serious physical and mental threat to women.

The child marriage is given relatively limited attention and space in human rights perspective. The child marriage would harshly goes against the doctrine of 'best interest of the child' devised in the CRC. Many states and communities views child marriage in criminal law perspective alike rape, sexual abuses

and so on. That is not a complete approach as it ignores the human rights concerns. The issue therefore requires strong human rights focus as well.

#### Mitigation Efforts

The consequence of WW-II changed socio-economic and political dynamics of various countries. The new world order advanced on the foundation of freedoms, human rights and justice. The advancement of human rights values and standards along with formation of the United Nations called upon ending harmful traditional practices that were revolving against freedom, justice and emerging concept of development. As one of the harmful traditional practices child marriage was an impending reform agenda for many states. In this pretext the Nepali National Code of 1962 criminalized child marriage or marriage of female below 14 and male below 16 years respectively. The consequent amendments of the Code increased minimum age limit for marriage firstly to 16 and 18 years and later 18 and 20 years for female and male respectively.

In order to respect and protect the rights of the child various legal reforms made for the mitigation and abolition of child marriage. The law enforcement agencies, human rights defenders, civil society, academia, child clubs, religious and community groups such as mother's group and others were encouraged to launch campaign and advocate against child marriage as a mitigation strategy. Albeit prevalence of child marriage still gives gloomy picture of the country. Over the years various initiatives taken such as awareness, campaigning, educational programs and legal sanction or punishment but the progress appears dismal. The effort needs serious consideration to abolish this menace forever.

#### Chief Strategic Interventions

As a party to CRC, CEDAW, ICCPR and other major international human rights and humanitarian law related treaties Nepal has an obligation to look into this issue as well. Ratification to those conventions would create obligation to abide by them during policy/law making and its enforcement processes. In addition to right to protection and promotion, the respect and fulfillment of rights of the child is also a state obligation. Abolition of child marriage in the country is therefore a state obligation. Nepali government reiterated its promise to abolish child marriage, and major strategies advanced to this end are as below.

1. *Legal Reform*- in all earlier marriage law reform initiatives, efforts were made discourage child marriage. The National Code of 1962 and its consequent amendments increased the age to marry for both girl and boys. The Code criminalized the child marriage by making liable for fine and imprisonment to those who assisted and in-

volved in performing child marriage. The National Criminal Procedure Code of 2017 that replaced the Code of 1962 provided much stern punishments to accessories of child marriage. In the spirit of CRC the Children Act defined child a human person below eighteen years of age. Nevertheless in terms of marriage the National Civil Code of 2017 allowed marriage between persons above twenty years only. The Supreme Court long ago directed the government to make law allowing same sex marriage with a view to respect rights of LGBTQ people.

The National Women Commission is mandated to work for legal and policy reform for the respect and promote women's rights. Its mandate covers developing planning and strategy to mitigating social ills against women, and implements them wherever possible. The commission is responsible to work for the elimination of female child labor and ensure the right to education, right to healthcare and so on for female. The Ministry of Women, Children and Social Welfare has also a mandate to work on this agenda. The Children Act has envisioned the idea of juvenile justice. Juvenile courts/ benches are established across the country to look into the issues of juvenile delinquency, and voluntary child marriage may fall in this category.

2. *Education and awareness*- The effect and impact of child marriage have been introduced in the senior school curriculum. The state agencies such as National Human Rights Commission, National Women's Commission, Child Welfare Council, National Children's Organization followed by non state actors such as political parties, Bar, civil society, NGO, religious groups, mother's groups, human rights defenders and social reformers frequently involve in dialogue, advocacy, lobbying, campaigning, sensitizing, counseling, publication and dissemination programs both jointly or separately. The government agencies including Ministry of Women and Children and Nepal Police among others launch various programs against child marriage.

3. *Structural set up*- At the governmental level different structures are set up under the administrative agencies such as department of women and social welfare, district administration, judiciary and Nepal police. The units and cells are established at different levels from center to the field. Those agencies involve discouraging and penalizing the menace of child marriage.

4. *Partnership and collaboration*- partnership and collaboration between the governmental, intergovernmental and nongovernmental agencies have been an effective strategy to address the problem. Their collaboration with national and international actors including in Girl is not Bride program has identified the causes and effect of child marriage. Those initiatives suggests to addressing the issue with strategies along with action plans. The human rights agencies both governmental and

non-governmental have undertaken partnership strategies and launch dialogue and advocacy with the local stakeholders including the schools and child clubs. At times campaigning and sensitizing programs have been launched in different locations. The results are realized but not statistically measured.

#### Conclusion

The abolition of child marriage is a common agenda of the world. As in many other countries child marriage is legally prohibited in Nepal too. In spite of child marriage being prohibited by law the practice is very different. In rural Nepal child marriage is still common. A number of school going children as below as 12 or 14 are found eloping to become a couple. Many parents in rural Nepal have still a hangover of the past and therefore intend early marriage of their children. Out of thirty to forty percent of present marriages one of the couples is below 20 year of age. A World Vision International report shows that Nepal is one of the countries having very high incidence of child marriage.

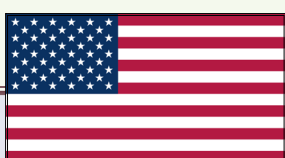
Child marriage is a socially challenging issue in Nepal and therefore a punishable offence. Efforts have been made to mitigate the problem though they do not seem sufficient. As mentioned in the report social action groups should form and work across the country to minimize it. The youth empowerment programs on sexual education, early pregnancy, and safer sex practices in the schools and community learning programs may be useful. In addition consolidated efforts of like minded agencies from center to local/household levels are desirable. Programs like girls not bride for awareness raising initiative could be useful to this end. The 78.3% of male and 69.3 female married child say role of parents is crucial to mitigate child marriage.

The Nepali administration appears committed to end child marriage. The government has also committed to ending child marriage by 2030 as a component of the sustainable development goals. The Government has been working with United Nations and other international development partners with Girls Not Brides Nepal strategy along with other related initiatives to end child marriage. The initiatives are in the implementation processes. Priority should be given for the implementation of sustainable development goals target. The national strategy has to develop and implement national plan of action to end child marriage. The plan should involve major actors of the state including governments, civil society, community leaders, Dalit and indigenous people's rights groups, faith-based leaders and young people. It should assign clear responsibility to all concerned government institutions. Adequate resources should be allocated to ensure time-bound and measurable progress.



Prof. William M. Epstein  
University of Nevada, Las Vegas | UNLV · School of Social Work - USA

# The Vegan Conspiracy



*I was coming close to going vegan, inspired by friends, the nutrition literature, and a desire to help out our planet. But the veil hiding the truth about veganism fell away while cooking kidney beans for dinner. I began thinking about the enormous number of mammals who are farmed and slaughtered to harvest their kidneys in the search for beans. Even if a kidney contains two or three beans, a simple soup would entail doing away with hundreds of relatively large mammals. Anything smaller than a pig or a goat would surely grow beans that are too small for human consumption. I totaled up the true environmental cost of a single kidney bean and it comes to an astonishing sixty-seven cents. These are hidden costs (external diseconomies to use the appropriate term) but still, can the planet afford something upwards of two hundred dollars for each serving of kidney beans?*

*If this is not enough, I conjured up the herds of cattle necessary to produce beefsteak tomatoes and the devastation of horses to get pinto beans to market. It has not yet become clear what part of the horse is used for horse radish, but something is bound to come up from a Google search. Additional research to estimate the extent of damage caused to mammals and meat by the vegan conspiracy resulted in a very grim reality of vegan predations.*

*Why are primates becoming endangered? Monkey tamarind and monkey jackfruit. Ivory is the vegans' red herring to distract from the real cause of elephant slaughter – elephant garlic and elephant foot yams.*

*The vegan madness for chickpeas, pigeon peas, egg plants, blood oranges, and chestnuts is wiping out large sectors of animals.*

*Even bugs are at risk from moth beans.*

*I became male-protective and even nauseated when I ran across references to gooseberries, cheetahnuts, and tiger nuts; think of the sadism of this harvest. Worse, I was driven to hysteria by elderberries. Is nothing sacred anymore? Are vegans now indulging in necrophilia and perhaps even cannibalism. Elderberries indeed; they have blighted by golden years.*

*Worse is yet to come as food fashion turns to human beans.*

*Contributions to Stop the Vegans! should be sent directly to the author in cash or by check made out to Bearer. Small donations are a waste of time and energy. Please send substantial amounts. For detailed instructions or explanation of the advanced concepts contained within the article, please write to [william.epstein@unlv.edu](mailto:william.epstein@unlv.edu).*

1/10/23



# ENDLESS INCRIMINATIONS OF THE TOP AGAINST THE BOTTOM (Example for Germany)



A terrorist sleeper cell  
ready to spread terror



A macho man  
prone to violence  
and honour killing



A person with  
integration disabilities



A foreigner who is  
impossible to  
adapt



A criminal who  
has made  
illegal gains



A fraudster  
on welfare



An enemy of the  
environment, an  
opponent of animal rights



Corona vaccine opponent, a  
public enemy who  
endangers public health



Climate Crisis  
Denier



Right-leaning  
East German



Putin apologist



An antisemite  
defending  
Palestinian radicals

SOONER OR LATER THE INCRIMINATION WILL BE  
EXPANDED TO INCLUDE THOSE WHO HAVE SO FAR  
REMAINED UNTOUCHED