Right to Basic Quality Education for Decolonisation in Africa’s Re-emergence

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Declaration

I, the author, declare that this journal article is my original work and has indubitably not been presented to this or any other publisher for the benefits that accrue from such a publication herein alluded to as well as specified. All references consulted have been dully acknowledged.

Abstract

_Africa continues to exhibit colonial baggage virtually in all of its spheres overtly in its modus vivendi. Varied institutions in Africa have had a fair share of nostalgia for there has been a superfluous incessant aberrant allusion to her colonial masters’ more than half a century subsequent to most of the countries having been given or attained independence. The irksome concern consequently is how could Africa be reawakened from this doctrinaire torpor along with untangling itself from the fetters of imperialism. The study contends that the antidote to the foregoing quandary is the provision of basic quality education by the duty bearers such as the dissimilar States and Governments in Africa. The research utilises analytic approach coupled with four distinct albeit inextricable theories in explicating the erstwhile intractability for they complement each other in their logical sui generis nature and array, which comprise the: Social Contract Theory; Sociological Systems Theory; Conflict Theory; and Distributive Justice Theory. Having examined the aforesaid, the study establishes that an aptly constant facilitated engendering of basic quality education to the citizenry enfranchises them to know what and how to reason by crafting and posing the right questions in an apposite context. Decolonisation calls for an epistemological panacea._

I. **Introduction**

The clamour of how to better Africa has remained a silver lining aspiration within the ambit of the dark cloud of expansionism hangovers. The research commences by analyzing the subject matter of decolonisation and later on ventures into the applicable theories. The underlying tenets for examining the _telos_ of a renaissance in Africa is by its very nature an introspection of the essence of this promising continent. Africa carries on to suffer from a knowledge-oriented predicament which necessitates an urgent provision of basic quality education as a right for all facilitated by the wide-ranging duty bearers. Bearing this in mind, a concerted endeavour ought to be put in place so as to ensure that Africa realises its noteworthy desires by investing and focusing on the education sector. There has to be a duty-bound pertinent establishment of a dichotomy between the particularity and universality of basic quality education for the rationale of contextualising it in the African milieu.

II. **Telos of Basic Quality Education**
A proper comprehension of basic quality education is the gateway to other sorts of rights. Reminiscing this mere fact that sundry societies have grappled with in terms of ensuring that their members enjoy this *sui generis* category of right, humanity is duty-bound to endeavour to guard invidiously the innumerable benefits that come along with this elementary quality right. When education is deemed from its etymological stance, its rationale is realised to be dichotomized, that is to say, primarily it is preordained to transform the learner’s character while secondarily, to utilise that transmogrification in the bettering of humanity within the society in varied approaches. Illumined by this construal, basic quality education becomes a tool that is both in nature and array a *conditio sine qua non* for the decolonisation agenda as a stratagem for the re-emergence in Africa. At the core of basic quality education are values which ought to be the essence of any sober society that aspires to congeal the roadmap of its posterity around sound unity of purpose. The dearth of values is increasingly alarming as this is depicted in virtually all the spheres of human existence in Africa but not as an exception to the rest of the globe. The centre proffers an impression of having ceased to hold, thus, inviting urgent measures such as the call for basic quality education in Africa. It is only through basic quality education that is value laden that the citizens of respective countries, States and Governments in Africa may exercise a genuine aptitude of formulating and posing correct questions as a probe strategy into the diverse malaise that ail Africa. Decolonisation being a process calls for a yonder of thinking to reasoning as a panacea to the nostalgia of colonisation that incessantly manifests itself in multifarious facets. In the main, basic quality education anchors deconstruction which is pertinent for the course of decolonisation.

### III. Decolonisation

Colonialism entails both colonizers and colonizers' intense cultural and psychological exploitation, as well as significant economic, political and legal changes.\(^1\) Therefore, decolonization must go far beyond the creation of new nation-states or even the reformation of neocolonial economic structures. The decolonisation of our minds and bodies must also be involved.\(^2\) For example, there is a greater and more immediate need to comprehend the complex ways in which people were brought into the imperial system for the reason that, despite the apparent independence gained by the former colonial territories, their impact is still being felt. Imperialism’s reach into 'our heads' challenges those who belong to colonized communities to fathom how this happened, partly for we perceive the need to decolonize our minds, to recover, to claim a space where a sense of authentic humanity can develop.\(^3\)

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Perhaps even more important for the colonizer is this process of decolonization. These processes have penetrated and changed not only the minds and bodies of the colonized but also those within the dominant power structures of Euro-African thought. In a way we are now exchanging colonial cultures.\(^4\) There needs to be a much greater understanding of the colonial experience's intense complexity for both the colonized and the colonizer and the realization that groups, individuals, even nationalities as a whole, have experienced colonization as both a victim and a perpetrator. Europeans saw indigenous peoples and African slaves in almost the same way as they saw Jews and Muslims and later all non-European peoples come to perceive them. The malevolent depiction transmitted to women as well. During the debate at Valladolid about the humanity of indigenous peoples, Sepulveda likened New World Indians to barbarians and wild beasts. The Indians, slaves and animals, he claimed, had no souls. We know that this debate over whether or not Indians had souls was part of the great debate about what 'humanity' meant during this time. The argument will then be translated into secular terms, that is, whether or not indigenous cultures, women or non-Europeans were entitled to rights as individuals.

While Sepulveda represents a particularly virulent type of European superiority even the gentler de Vitoria claimed that sometimes it was appropriate to have 'just war' on the Indians. Decolonization is a phase of psychological change at its heart, not just political, economic or social.\(^5\) Barstow makes a compelling point that the root of all of this aggression that Spain and other European powers displayed was the desire to rid themselves of all the 'other' internal and external.\(^6\) It was clearly a continuation of Christian Europeans' policies against Muslims during the Iberian Peninsula's Crusades and Reconquista, Southern Europe and most of modern Russia. Jewish genocide or deportation often became especially virulent before the colonial period, and co-terminous with it. It is illustrated most clearly by the famous case of the deportation of all Jews from Spain in 1492.

The desire for European people to expel the 'other' from European society applied not only to immigrants and outsiders including Muslims and Jews but also to women with their own languages and cultures. The division between mind and body and its intense exacerbation during the modern era is arguably one cause of this hysteria. As Sepulveda had written, the animals were like Africans and slaves. They did not have their own souls, only bodies that were to be manipulated and used or destroyed. Therefore, 'war' was justified on these peoples because they were not really human, but they were a part of nature itself, the product of European Man's despoliation and destruction. Often this virulent sundering of the intellectual and spiritual from the corporeal was traced to the deepening schism between Catholic and Protestant Churches that coincided with this period as well. Those people who fell on the equation's corporeal side were defined as lesser, different, evil, the 'other.'

Nevertheless, it should be remembered that twenty to thirty years before Luther’s break with Rome, there was the first major justification for the witch-hunts, the first massacres of indigenous peoples in the Americas and the first enslavement of Africans. The dehumanization process more closely resembles the expulsion and killing of Jews and Muslims, a part of the holy Christian war against the infidel. Colonialism had been an extension of the Crusades in a very real sense. We are still fighting this ancient, holy war at the beginning of the twenty-first century but with major variations. Most of the dispute between Christian and Turk in ex-

\(^4\) Smith, Decolonizing Methodologies, 45.
Yugoslavia could be clarified in terms of the ancient feud. It also surfaces with the intense discrimination in Bulgaria, Germany, France and elsewhere against the Turkish and other Muslim populations. In characterizing Islam as 'fundamentalist' and inextricably linked to terrorism and anti-modern forces, we can perceive evidence of this ongoing and very ancient conflict, while modernism and rationality are represented by the West and its proxy in the Near East, Israel. An significant perspective on the ongoing holy war between Christianity and Islam is the use of Jews by Christians as either allies or enemies in their fight against Islam over the last thousand years and the occasional sheltering and protection of Jews by Muslims for the same reasons. The formation of Israel's nation-state contains clear echoes of this constantly shifting balance in the internecine conflict between what Muslims call Judaism, Christianity and Islam themselves the 'peoples of the book.'

Women were and are the subtlest of 'Others.' We are not aliens; we do not live anywhere else. We live in the very homes, and are part of men's very bodies. However, it is this body-association that has proved fatal. The insanity of misogyny, which during the witch-hunts reached its greatest extent, is a reproduction of the ultimate purging of all that is corporeal, treacherous and liable to deviate from the one-minded pursuit of national and colonial ends. Women were not only compared to slaves and Africans. Any culture that respected women was to be doubly feared not only since it was itself different from the 'other' but also for it was not in itself afraid of the Otherness.

Thus, when Europeans discovered sophisticated societies outside Europe, such as in North and South America, capable of accommodating powerful women and giving women an equal voice in political and economic decision-making, European men had multiple reasons to respond with neurotic fear and destructive action. Yet the terror and destructiveness is not the story as a whole. Though indigenous cultures were being displaced, they retained much of what they valued, mostly secretly and with great difficulty. The preservers of indigenous cultures have always been so denigrated by their colonial rulers, and are these very same people.

Not all of their languages and cultures had died. For some cases, these older cultural traditions are now being revived, re-imagined by indigenous and colonized peoples pursuing to reconstruct lives that are no longer dominated by Europe. Furthermore, traces of those older practices still live on within largely African cultural traditions. Human rights, democracy, federal systems of political organization and the concept of unity within plurality, and the 'rule of nations' itself, have much more varied and complex cultural origins than many commentators would have us believe in the monolithic and universalist arguments.

IV. Theoretical Framework

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The study utilises varied theories in its explication of the decolonisation agenda in Africa by contending that basic quality education is the sui generis gateway to the respect, enjoyment and perpetuation of the other fundamental freedoms and rights. The theories comprise: the social contract theory; sociological systems theory; conflict theory; and distributive justice theory.

i.  **The Social Contract Theory**

The pursuit for a basic quality education as a panacea and paradigm shift for decolonization in Africa is spectacularly underpinned by the Social Contract Theory that subsists between the leader and led, that is, the governments and citizens respectively. Moreover, the varied regional bodies along with the African Union ought to facilitate this noteworthy idea of bettering and actualizing Africans aspirations of ameliorating their living standards. The citizen is said to reside within liberal democratic political theory in a social contract in which he or she surrenders to the State certain forms of power, primarily the use of coercive force. In return, in some basic human activities such as speech, conscience, feeling, faith, affiliation, family life, private life in broad-spectrum, the State has responsibilities of non-interference. The foregoing is the classic definition of the relationship between the individual and the State as formulated by such divergent writers as John Locke and Jean Jacques Rousseau during the seventeenth and eighteenth centuries.\(^\text{10}\) The liberal ideal of the late eighteenth and early nineteenth centuries does not allow anything to stand between the individual and the State. Communities, religious institutions, private clubs, communities, employment and particularly the family are perceived as part of the private sphere where individuals negotiate with each other shorn of regard to gender, ethnicity, class or other dissimilarities theoretically.\(^\text{11}\) Democratic society, whether in the form of republicanism or constitutional monarchies, attempted from the eighteenth century onwards to eradicate the communal facets of an expanded class of people by restricting the influence of religious bodies, workers' or guild associations, racial and cultural groups as well as other forms of collective unity.

Modern State sought to focus attention on an individuality subject only to State control and construction itself, increasingly defined on nationalistic grounds. Nationalism refocused tribalism on the nation-state and viewed as dangerous latent allegiance to sub or supra-state bodies. The state-based accentuation comprised a number of power structures such as the military, hospital, jail, school along with other institutions that from the early nineteenth century onwards were increasingly dominated by State mechanisms. The upshot was to enshrine individual autonomy and State sovereignty as issues of ideological acceptance, ensuring high levels of conformity and uniformity among individual citizens loyal to the nation-state above all else.\(^\text{12}\) For first, a definition of citizenship focused on the rule of law and civil rights was limited to adult males who own white land. Nevertheless, the vision of freedom

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and democratic rule in a liberal State that promises civil rights has enormous attractiveness and the discussion of rights has tremendous potential to comprise the disenfranchised within its remit. As a part of this, the social contract was slowly sought and expanded in the nineteenth and twentieth centuries to former slaves, non-whites, the working poor and eventually, women and indigenous peoples. Nonetheless, behind these apparent non-interference guarantees lies a range of social and legal practices which ensure and enforce conformity to State ideals.

Moreover, not every nation-state has extended this liberal model of citizenship to its residents. Group loyalties, sexuality, gender, family relationships and appropriate social behaviour are not left unfettered but are inculcated by an assortment of techniques into every citizen until they become second nature. Deviating practices, including homosexuality, unmarried sexual intercourse, refusal to perform military or national service or juvenile behaviour labeled as delinquent, have all been and still are usually tightly controlled by a range of State enforcement-backed legal rules. Where the State or its organs are incapable of controlling individuals or collectives through non-coercive approaches to State mechanisms of an overtly coercive form may be called upon to include high levels of state official supervision. For this purpose, groups and individuals often include gay men and lesbians, juveniles, non-conformist girls and women, representatives of ethnic or cultural minorities, religious communities not subject to State control, propagators of divergent political ideas and indigenous peoples.

Most States have adopted this differentiation and discriminatory treatment such that deviant individuals or members of minority groups or sometimes, as in South Africa's apartheid era, majorities are routinely chosen for detrimental type special treatment. Even pluralist democracies like the United States of America, Canada and Australia have prisons, detention centers and other institutions full of those who do not or cannot meet the prevailing social and national needs. Where legislation has been passed to ensure beneficial special treatment, State organs, including courts, can interpret and use this to disentitle minorities. Aboriginal people are often singled out once again. The rule of law engenders a mechanism by which rights and freedoms could be exercised not only against other persons but also against the State itself and is essentially a core human right indispensable for political and economic stability within the Euro-American nation-state model integrating the social contract and democratic governance. Citizen’s legal identity and legal rights are central to the model. However, the rule of law may not actually benefit those who do not fit the individual citizen's accepted model. One specific example of the failure of the rule of law to protect groups or persons from State regulation and preferential treatment systems is the definition of race power under the Australian Constitution. The Constitution of the Commonwealth was amended in 1967 to grant the federal government the power to legislate in relation to citizens of any race for whom special laws are deemed to be apposite. In 1984, Federal Heritage Law expressly preserving indigenous cultural

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14 Especially young males.
15 Section 51 xxvi.
The law was modified in 1997 to require two developers to build a bridge in South Australia. The planned bridge to Hindmarsh Island impinges on what the Ngarrindjeri women claim is sacred ground.

The Kenya Constitution 2010 provides for fair justice before the law and, in particular, defense of minorities and disadvantaged groups. Therefore, the Constitution and other laws on education are read at face value. To ensure that the disadvantaged have access to the aforementioned right, the qualitative element of the right to basic education should be provided for all devoid of unique sound implementation mechanisms. Ideally, implementation mechanisms support distributive justice theory and can only be meaningful to the lives of these children if their legally assigned social economic roles are delivered by the relevant stakeholders with a strong focus on education. Social economic rights, which come under the category right to education, are known as rights of second generation. Despite these positive rights, they call for the government to strengthen the paths towards their realization, rather than the Kenyan government hiding behind gradual recognition. The preceding curtails successful enforcement, as a disadvantaged group, of the right to basic quality education in favour of those children. From a sociological-legal point of view, the definition of the defense of these rights by the States should not be regarded as a single endeavour, however, as a collective agenda; all related to social structures are called upon to contribute in their varied aptitude in this collective achievement. Furthermore, the sociological facet of education underpins this standpoint.

ii. Sociological Systems Theory

The quandary discoursed in this exhibition is not to be construed from a deprivation of the laws in place, but it is a matter calling for a paradigm shift. It does not give the impression sufficient to have enacted laws which allocate divergent roles to poles apart stakeholders on delivering the qualitative dimensions of education. The theory of sociological structures considers that the law itself is complex and reliability can only be accomplished by interdependence. The previous resonates with the theme of this exposition, that in order to effectively offer social economic rights to the varied States with the sole purpose of decolonizing Africa, synergistic resources must be utilised by all stakeholders as given by law.

In comparison to any stakeholder acting independently on how they perceive fit in the provision of socio-economic rights. The foregoing is taken from the connotation of the device. Therefore, a system consists of regularly interacting or interdependent groups of actions and sections forming a whole. The central theme of the theory of systems is the idea that if one part

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16 Aboriginal Heritage Protection Act 1984.
17 Hindmarsh Island Bridge Act 1997.
19 Articles 27, 42 and 256, Constitution of Kenya (2010).
of the system fails then the entire system is bound to fail. Ordinarily deciphered, if one stakeholder fails, fundamental quality education for Africa’s decolonization could be hampered. The States and other stakeholders need to pull together roles, resources and redistribute them to realize socio-economic rights. Niklas Luhmann a central proponent of the theory of social processes,\textsuperscript{24} argues that social systems are information systems and that culture is the most inclusive of social systems.\textsuperscript{25} Every mechanism has a distinctive identity that in its correspondence is constantly replicated and depends on what is considered essential and what is not. If a system does not maintain that identity, it will cease to exist as a system and dissolve back into the environment from which it emerged.

States should be able to communicate with other stakeholders regarding the social economic delivery rights like the right to basic quality education for unity of intention, decolonisation, in this sense. Delivering social economic rights effectively for decolonization is highly dependent on a working system. Here, the system involves the stakeholders who must work as a whole to deliver the right. The privileges are a device, as well. \textit{The Basic Education Act}, for example, provides for sanctions against parents who do not meet the requirement of the Act by ensuring that their children attend school.\textsuperscript{26} The quality control and standards devise the implementation procedures and organize. Heads of school should be on the lookout to realize which child has not attended school and report back to police and hand over the case to court. A secure environment that is key to delivering the right to education is squarely the State's duty but the States must work with the police. The duty is not well handled and, therefore, has a negative impact on the right to basic quality education which further impacts on other rights. The lack of cooperation has led to uneven resource allocations. Consequently, he brings us to the theory of conflict to describe the struggle as a sequel of African member-states non-cooperation.

\textit{iii. The Conflict Theory}

Even as this disquisition borrows some ideas from the theory of conflict, it is important to emphasize that the transition is here referred to as the mentality that later forms the other kinds of social changes, that is, systemic change(s). The erstwhile is a sociological concept which Karl Marx developed as a response to a capitalist form of the Western economic and political system. The previous tends to discriminate against citizens due to their social background and economic status.\textsuperscript{27} The theory suggests that tensions and conflicts can arise when resources, such as controlling status and power, are distributed unevenly among diverse groups in a society and that conflicts are the elements of change. In this context, power refers to the control of material resources and wealth accumulation, as well as the control of policies and institutions that constitute society and one's social status with respect to others.

Culture governs the discriminative use of material capital. Conflict is bound to arise as regards resources from competing demands placed on resources by various claimants within the society. Marx explains this in his dialectical materialism versus systemic reform and stratification; disagreements are the signs of social instability or transformation. From this

\textsuperscript{24} Niklas Luhmann was a German sociologist, philosopher of social science, and a prominent thinker in systems theory. Much of Luhmann's work directly deals with the operations of the legal system and his autopoietic theory of law is regarded as one of the more influential contributions to the sociology of law and socio-legal studies.

\textsuperscript{25} Luhmann, “The world society as a social system.”

\textsuperscript{26} Luhmann, “The world society as a social system.”

\textsuperscript{27} Luhmann, “The world society as a social system.”
stance, conflicts contribute to the preservation of social equilibrium by capturing certain challenges, changes, and developments within a given society or in terms of governance, which cannot be efficient short of quality basic education and distributive justice.

iv. **Distributive Justice Theory**

John Rawls, a supporter of the philosophy of distributive justice, believes that equality, fairness, and egalitarianism rely primarily on the equal distribution of benefits and burdens inside society. States need to take action to control institutions and have realistic legal approach. Otherwise, the basic rules would neglect the weak within society. The advantages and burdens in society include schooling, housing, healthcare, economic prosperity, political power and labour responsibilities that should be investigated by every State using the law in the light of justice. There is an uneven distribution of resources due to dearth of cooperation, thereby infringing Rawls' claim of fair distribution of resources. Unfair distribution can only be tolerated if it helps the least advantaged in society, including the Africans who still suffer from expansionist nostalgia. Only affirmative action will affect the positive discrimination.

The exposition also discusses several approaches that could be implemented by stakeholders to achieve equality to legal, economic and cultural rights in the theory of distributive justice. The theory of distributive justice is based on the philosophy of utilitarianism which integrates three patterns: definition, equality and usefulness when deciding a situation. Institutions will implement policies that will ensure fair access to rights through the allocation of wealth to protect the least favoured and thereby increase satisfaction for the largest number in society. The ideology supports the right of deprived African States and governments to basic quality education, as it claims that no member of society should live in poverty because Africa is part and parcel of the global economy.

The theory contends that, for fairness, resources should be redistributed so as to restore the victims to the position they should be in before the non-cooperation conflict. In the discourse on human rights, it is the State which has the primary duty to take advantage of the right to basic quality education, but other statutes point to other stakeholders in the delivery of socio-economic rights, including education. Is there a policy that can be used to obtain the right for the decolonization of Africa to basic quality education?

v. **Decolonisation and human rights treaties**

The world order envisaged after World War II was also built on an agenda of decolonization despite the severe objections of France, Belgium and other colonial powers. Self-determination and contradictory interpretations of human rights have been included in the post-war reconstruction agenda, primarily by American and Soviet initiatives carried out against the immediate wishes of the old colonial powers. The preceding had also been a significant aspect of the post-World War I settlement with a noticeable lack of progress. While President Woodrow Wilson did not develop the idea of 'self-determination,' it owes more to Lenin he, nevertheless, made it a central part of his post-war negotiation strategy which would

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guarantee permanent peace under the Versailles Treaty and the League of Nations. However, Wilson was not even able to persuade his own Congress that this program was wisdom. After World War II decolonization became the principal means of self-determination. None of these words are in the Declaration, but, as Waltz points out, newly decolonized States took advantage of the drafting of the Declaration as an opportunity to expand the security of human rights outside the reach of colonial powers. Through the brief exception of United Kingdom under the post-war Labour government of Clement Attlee, Europe was not eager to rid itself of its colonial possessions.

However, self-determination and decolonisation came to be defined as the right of human beings, contained within collective entities called 'peoples,' to attain citizenship status within newly created nation-states or some other connection with an existing nation-state. The principle was crystallized in 1966 in Common Article I of the two major UN human rights conventions. Nevertheless, the rule of self-determination only grew gradually when it became clear that the old European empires could not be sustained by prolonged anti-colonial wars in French Indochina, Algeria and elsewhere in colonial Africa and Asia. The drive toward decolonization and the development of new nation-states rapidly accelerated after 1960. The foregoing was reflected in the attention the UN particularly paid to this process with the support of the Soviet Union and the Eastern bloc. By the late 1940s the United States had retreated toward a more conservative position and tended to see self-determination claims in terms of the Cold War and communism spread. Unquestionably, the division of the world into blocs had a distorting effect not only on the process of decolonization itself but also on the development of human rights and their division into separate categories of rights.

After this early expression of human and peoples’ rights, the UN and other international bodies have established comprehensive treaty obligations, both internationally and regionally. The covered rights include classic civil and political rights specifically derived from the late eighteenth-century Bills of Rights developed in France and the United States of America. Those include freedom of speech, religious freedom, the right to a fair hearing, the right to vote in political matters and other freedoms. International human rights also include economic, social and cultural rights established as a result of nineteenth- and twentieth-century Marxist, communist and anti-individualist movements. Such rights include the right to work, the right to fair pay, the right to an acceptable standard of living, social security, health care, education and cultural life participation, all of which are included in the Declaration.

More controversially, the rights of collectives or peoples were applied to the human rights that we would be most familiar with. These include the right to self-determination, a right to democracy closely aligned with one another, the right to development, the right to manage natural resources, the right to a safe environment and the right to peace. In addition to the two UN covenants specific conventions on genocide were drafted; refugees; human rights violations against civilians during war or armed insurrection; racial discrimination; women's rights; indigenous peoples; children's rights; and migrant workers. There are also conventions which deal with specific human rights violations such as torture. The 1998 Rome Convention calls for the creation of a permanent International Criminal Court to try persons for war crimes, crimes against humanity, genocide and aggression. Covenants are in effect in Europe, the

36 Hannam H, “Rethinking self-determination.”
37 UN Charter, Preamble, Arts 1, 2 and 55 and Chapters XI, XII and XIII.
Americas and Africa dealing with human rights abuses on a global basis. The Asia-Pacific remains the only part of the world that has no regional human rights system of its own. The European system was originally designed to cover only Western Europe, but many former Eastern European countries have joined or are trying to join European human rights structures since the collapse of the Eastern bloc and the Soviet Union from 1988 to 1991. The American Convention applies to western hemisphere countries. That has not been ratified by either Canada or the United States.

However, they are bound by Man's 1948 American Declaration of Rights and Duties. The Inter-American Commission on Human Rights can address complaints brought against a non-state party to the Convention under certain conditions under the American Declaration. There is a contentious history of the two principal covenants. The Declaration is supposed to represent global consensus on human rights but it was not possible to draft a single document when there was an attempt to create a binding convention incorporating the standards set out in the Declaration. It took another eighteen years to create binding, and to some extent enforceable, human rights provisions within the UN. Instead, two covenants were required mainly because of disputes between the Western and Eastern blocs over the priority given to civil and political rights versus economic, social and cultural rights. However, temporary political differences do not provide a complete explanation for the proliferation of human rights documents or profound divisions about the content and standing of particular human rights or indeed any human right.

VI. On Education

Training is crucially germane. In 1954, in the famous case of Brown vs Topeka's Board of Education, the United States Supreme Court stressed the value of education by arguing that:

Education today is perhaps the most important state and local government function. Compulsory school attendance laws and great educational expenses both show our recognition of the importance of education to our democratic society. The success of our most important public duties, including service in the armed forces, includes this. The previous is the very basis for successful citizenship. Today, it is a significant instrument in awakening the child to cultural values, in preparing him for later vocational training, and in helping him adapt to his environment in a normal way. In these days, there is doubt that any child can reasonably be expected to succeed in life if the opportunity for an education is denied to him. Such an opportunity, where the State has undertaken to grant it, is a right which must be made available on equal terms to everyone.

Not only do these terms stress the importance of schooling. They also comment on what the term "education" means, as understood by the court. The court finds schooling a requirement for the ability to properly exercise the privileges and duties that citizenship entails. For example, an uneducated person will not be able to make an informed decision on election

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39 Dowrick, Human rights.
41 Brown vs Topeka's Board of Education (1954), The Supreme Court of the United States.
day. Similarly, he cannot stand for public office. He lacks the ability to participate effectively in the political processes which form the society he lives in. Training is often seen as involving making people conscious of their community's cultural and spiritual values. It is seen as a process of conveying those values from generation to generation.

It is also appreciated that education must provide every person with such knowledge and skills as to enable him or her to undergo vocational or professional training. Training is regarded as a *conditio sine qua non* for the capacity ultimately to carry out a desired vocation or career and to earn a living thereby. The court considers education essential if a person is to be able to face the challenges of everyday life. A person must be taught those life skills that allow him to adjust to his environment in a normal manner. The term upbringing can be defined in different ways. Education, in a broader sense, means all activities by which a human group transmits a body of knowledge and skills to its descendants, and a moral code that allows that group to subsist. Thus, understood, education refers to the transfer of certain skills required to effectively perform the tasks of daily life to a subsequent generation, and further to the inculcation of the specific community's social, economic, spiritual and philosophical values. The broad denotation was attributed to the term "education" in the 1974 *United Nations Educational, Scientific and Cultural Organisation (UNESCO) Recommendation on Education for International Understanding, Cooperation and Peace and Education Related to Human Rights and Fundamental Liberties.*

The article notes that education means "the whole cycle of social life by which individuals and social groups learn to actively build all their personal abilities, behaviours, aptitudes and skills within and for the benefit of the national and international communities." Education in a narrower sense means "instruction given, whether public or private, within a national, provincial or local education system." Thus, education in this sense refers to formal institutional instruction.

In this context the term is commonly used by foreign instruments. For example, the 1960 *UNESCO Convention against Discrimination in Education* describes education as "all forms and levels of education, including access to education, the standard and quality of education and the conditions under which it is provided." The European Court of Human Rights has also drawn the distinction between education in both a broad and a narrow context. The court states that education in a broader sense refers to the whole process whereby, in any society, adults endeavour to transmit their beliefs, culture, and other values to young people, whereas education in a narrower sense refers in particular to knowledge transmission and intellectual development. The right to education, as protected by international instruments and as addressed in this exhibition, primarily refers to education in its narrower sense. Education in specialized institutions connotes teaching and instruction. It means formal teaching or instruction, that includes basic primary education of quality. There are two things to consider at this point. Firstly, international law does not effectively safeguard the right to pre-primary education.

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42 Article 1(a), *United nations educational, scientific and cultural organisation*, 1974.
43 Article 1(a), *United nations educational, scientific and cultural organisation*.
44 Article 1(a), *United nations educational, scientific and cultural organisation*.
46 The European Court of Human Rights.
As a general rule, foreign treaties lack reference to pre-primary education. It was rightly stated that "this is an unfortunate omission as the opportunity to participate in pre-school education has been recognized as important as children's attitudes are often formed in preschool years, for example, on race." Secondly, to all individuals the right to education increases. While children are the main beneficiaries, adults too are entitled to the right. The Universal Declaration of Human Rights of 1948 explicitly recognizes this fact in declaring that everybody has the right to education.” Education is an interactive process; it should be emphasised. It comes down to learning. Merely attending educational institutions does not amount to education, without learning anything. Therefore, the right to education must be understood in the sense of a right to education. The problem arises which key knowledge or skills may be considered as education. The preceding concerns the issue of the educational content. No specific syllable is prescribed by international law. Accordingly, it must be accepted that the educational content may differ quite legitimately between different kinds of society. Therefore, while education must include knowledge and skills acquisition, there are no universally agreed requirements as to the particular knowledge and skills to be acquired. Education is a significant function of the public these days.

The State is perceived as the foremost education provider. The State is allocating substantial budgetary resources to the education system and regulating the education provision. In international documents the State’s pre-eminent position is clearly recognized. Where the 1966 International Covenant on Economic, Social and Cultural Rights states that States parties to the Covenant acknowledge that, with a view to achieving the full realization of the right to education, primary, secondary, higher and basic education and a network of schools, the obligation to do so falls to the State. Nonetheless, it is not just the State that bears responsibility for the education of children. Traditionally, it was the parents’ responsibility to teach. In modern times the role of parents has diminished with the growth of education systems. Nevertheless, the determination of the form and quality of education the child will receive remains significant. The earlier is explained, on the one hand, by the essential role of the family and the closeness of the relationship between parents or children in most, if not all, human societies, and, on the other, by the desirability of a pluralistic democratic society, whose survival would be jeopardized by a State monopoly on education. Moreover, it is increasingly recognized that there is some form of responsibility in the field of education for non-governmental and other sectors. The World Declaration on Education for All, adopted by the World Conference on Education for All, held from 5 to 9 March 1990 in Jomtien, Thailand, notes that new and revitalized collaborations at all levels are important. In addition, comprising partnerships between Governments and Non-Government Organisations (NGOs), the private sector, local governments, religious groups and families.

VII. Philosophical Underpinning of Right to Education

In support of the argument that education should be recognized as a fundamental human right, several rationales can be invoked. Next there is the utilitarian social case. The emphasis here is on the importance to society of learning. In the case of Brown vs Board of Education, as noted above, the United States Supreme Court emphasized the value of education for the

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47 The European Court of Human Rights.
48 Article 26(1), Universal declaration of human rights, 10 December 1948.
49 International covenant on economic, social and cultural rights, 1966.
50 Article 7, World declaration on education for all, 1990.
fulfillment of public duties and for the proper exercise of citizens' rights. A minimum level of competence is deemed necessary in order to effectively exercise one's right to vote and to participate meaningfully in political activity. A well-educated citizenry is seen as crucial to holding democratic institutions and values alive. Training is therefore considered to be the main means of transferring society's ideals to the next generation.

In *Plyler vs Doe*, the U.S. Supreme Court's words that "we have accepted public schools as the most important civic institution for maintaining a democratic government structure and as the primary mechanism for transmitting the ideals on which our society rests" capture the essence of the social utilitarian approach.\(^{51}\) Second, is the argument that education is a pre-condition for individual development. The concern is that the individual cannot grow as a person and realize his or her potential without education. Many international instruments relating to human rights relate to this function in education for it shall be geared towards the complete growth of the human personality.\(^{52}\) The 1989 *Convention on the Rights of the Child* lays down that the child's education shall be geared towards the growth of the child's personality, skills and mental and physical ability to the fullest possible extent. Education should be recognized as a fundamental human right in terms of this approach, as only education enables one to realize one's abilities.\(^{53}\)

Thirdly, is the point for human health. Here it is argued that the citizen should have the right to those needs of welfare given by the society at large that he is unable to provide on his own. Education is held to be a welfare necessity that the individual cannot provide on his or her own. Therefore, he should be given a right to obtain education as otherwise he would suffer a serious and permanent handicap. To enable him to function effectively in his community, he should be assisted in achieving such a standard of literacy and numeracy. Education should enable the individual to secure employment, thus, satisfy his or her personal needs, such as food or shelter. The above arguments all provide a basis for the recognition of education as a fundamental human right in some measure. Nevertheless, in the view of this writer, the most important basis for a human right to education must be seen as the intrinsic integrity of man. Human dignity should be remembered as being the cornerstone of human rights. Education should be viewed as a human dignity requirement and therefore should be recognized as a human right. The could be argued that human integrity cannot adequately function as a philosophical notion to vindicate the validity of a right as a right of man. Some consider human dignity as nothing more than a prejudicial presumption. Nevertheless, the fact remains that today the notion of human dignity is accepted as being the moral basis of human rights.

The first preamble to the *Universal Declaration of Human Rights* of 1948 states that 'where the recognition of the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.'\(^{54}\) The General Assembly proclaims as a basic quality of achievement the *Universal Declaration of Human Rights* for all cultures and nations. Thereafter, the Declaration proclaims a human right to education. In consequence, it is seen that the protection of human dignity requires the acceptance of a human right to education.\(^{55}\) The 1966 *International Covenant on Economic, Social and Cultural Rights* unmistakably establishes the connection between education and

\(^{51}\) *Plyler vs Doe*, The Supreme Court of the United States.

\(^{52}\) Article 26(2), *Universal declaration of human rights*.


\(^{54}\) Article 26, *Universal declaration of human rights*.

\(^{55}\) Article 26, *Universal declaration of human rights*. 
dignity. The foregoing is stipulated averred devoid of equivocation. Education shall be aimed at the full development and dignity of the human personality. Therefore, the Covenant finds schooling a precondition for a dignified life. Education that makes knowledge and skills available, and trains the individual in logical thinking and reasoned analysis, is realized as a dignity prerequisite. Human integrity ought, therefore, to be viewed as the prime explanation why education has to be accepted as a human right.

VIII. Education as an Enfranchisement Right

The right to education may be described as a right to empowerment. The term originates from Jack Donnelly and Rhoda Howard, who differentiate between survival rights, personal rights, defense rights and rights of empowerment. Survival rights, such as the right to life, food, and health care, are meant to guarantee individual existence. Rights of membership are kept to ensure an equal position for the individual in society. Examples are Family rights and the prohibition of discrimination. Protection rights is claimed to protect the person from the State abuse of power. Examples consist of the rights to habeas corpus and to an independent judiciary. Ultimately, of empowerment rights it is claimed that they provide control over the course of his or her life to the individual and, in particular, control over not just security against the State. Instances are the right to a free press, freedom of association and the right to education.

People not only need to be safe from the State attacks, they also need to be allowed to decide the form and direction of their lives. Empowerment rights allow the person to take responsibility for his or her life. They facilitate political, economic, social, and cultural participation. The right to freedom could be said to be a precondition for the exercise of other human rights. For various reasons the right to education is a right to empowerment. Training has tremendous potential for emancipation. Sometimes, educational institutions are used as a means of social regulation, of imposing intellectual conformity, rather than as a tool to encourage innovation and autonomy and to facilitate personal freedom. Nevertheless, 'regardless of how structured the curriculum, the skills acquired in educational institutions can be extended to the creation of ideas other than those approved by the State.' The previous is borne out by the considerable presence of well-educated citizens among political activists in several States of the world. Consequently, education helps the person to think about life critically. It helps him to carefully analyze potential courses of action and make reasonable decisions based on such an analysis.

Education also stands for political empowerment. Freedom of speech, expression, assembly and association, and the right to vote and to be elected, depends on a minimum education standard. Only those who can be informed, who can express their ideas and who can assemble to express their concerns can participate in political life. Similarly, only a knowledgeable person can make an informed decision and exercise his right to vote or stand for political office in due course. It was stated that for the reason that, well-educated and critical

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56 Article 13, International covenant on economic, social and cultural rights.
57 Article 13(1), International covenant on economic, social and cultural rights.
citizens can threaten a regime that suppresses their own people. In addition, some governments do not feel pressured or willing to spend much money and effort in education.

Moreover, education is the key to socio-economic development. Education promotes the realization of human rights, both economic and social. The right to eat can serve as an example. People can get taught how to secure their own supply of food. Hitherto, for case in point, other such rights often come to mind, the right to work, the right to an adequate standard of living or the right to health. These rights can only be exercised in a meaningful manner if attaining a minimum level of education. Ultimately, it is the individual who has been taught how to read and write who can acquire the indispensable knowledge and skills to propitiate the basic needs of both his and his family.

Education provides for economic and social integration. Just literate individuals can engage properly in the economic life and take full advantage of the incentives it engenders. Yet, in nearly all countries, education is one of the few ways a poor child could step up the social ladder rapidly. Education increases opportunities for participation in cultural life. The 1966 International Covenant on Economic, Social and Cultural Rights guarantees the freedom to take part in cultural life. Further, there is a very close connection between educational and cultural rights. The assessment of the recognition of the right to education represents to a large extent the status of enjoying cultural rights. Education is the most critical way for political, linguistic and ethnic minorities to maintain their cultural identity.

The Committee on Economic, Social and Cultural Rights, which regulates the International Covenant on Economic, Social and Cultural Rights, has stated the above-mentioned findings on the essence of the right to education, commenting as follows: Education is both a human right in itself and an essential means of realizing other human rights. As a right of empowerment, education is the primary vehicle through which economically and socially marginalized adults and children can rise from poverty and gain the means to participate fully in their communities. Education plays a crucial role in empowering women, protecting children from exploitative and harmful labour, sexual harassment, fostering human rights and democracy, protecting the environment and reducing population growth. Education is widely accepted as one of the strongest financial assets that States can produce. However, the prominence of education is not merely practical for one of the joys and rewards of human life is a well-educated, informed and productive mind, able to travel freely and widely. It could be resolved that the realization of the right to education at the same time promotes other human rights. Protecting the right to education greatly promotes the enjoyment of other civil and political, as well as physical, social, and cultural rights. In this way, the right to education renders all human rights interdependent and indivisible.

IX. Recommendation
The relevance of basic quality education cannot be gainsaid. It is of extreme import to accentuate the unadorned fact that there is no dearth of applicable laws. The fragile nexus

between the legislations and the citizenry is the failure on the part of the duty bearers, for instance, the State, which qualifies to be an issue of implementation. The State has a rudimentary duty of ensuring that the apposite laws have been executed informed by the political will of the varied regimes in Africa. Thus, the study endorses a resolute endeavour by the varied States, governments, parents, learners and learning institutions’ administration to reciprocally combine forces in the delivery of this sui generis right that calls for synergistic approach for it is the hallmark of decolonisation.

X. Conclusion

The objective of bettering Africa gives the impression of how elusive it has matured into being an aphorism. The research set out to probe de novo on the feasible resolution to this unending discourse. Inasmuch as there could be other proposals of how to re-emerge Africa, the extant study argues for an unceasing provision of basic quality education. It is only via the delivery of this essential right that Africa may realise a holistic category of development since it is anchored on the underpinnings of anthropocentrism. The citizens of varied countries in Africa can only add worth to their interactions in this eon of globalisation only after acquiring this core right. By and large, the right to basic quality education is the hallmark of all human rights for it augments the crafting and posing of the right questions that ameliorates the creative, analytic, objective and coherent tenets for the ought and is that are the great lacuna in Africa’s decolonisation exigent agenda.

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