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INDIGENOUS INTERPRETATIONS OF THE RIGHT TO EDUCATION INCORPORATING GANDHI'S VISIONARY PHILOSOPHY TO EDUCATIONAL REFORM

ABSTRACT

Since the 1940s, there has been a growing movement for the promotion of education. There is now an obligation in the international community to ensure that every child has the resources to exercise his or her right to education. Two problems have emerged from this obligation. First, international agreements define the right to education ambiguously but require countries to adhere to strict and unrealistic deadlines. This has burdened developing countries. Second, there has been an increase in violent opposition groups targeting children to protest the promotion of education. To combat these problems, states should incorporate Mahatma Gandhi's educational philosophy. Gandhi advocated that education should be free but self-reliant, emphasize learning by doing, and be based on indigenous culture. Tanzania has implemented policies similar to Gandhi's proposals and has been successful in ensuring access to education. This Comment argues that the Tanzanian model may be a promising approach to promote the right to education in developing countries.

INTRODUCTION

Is it possible to guarantee that every child in the world obtains a formal education? The international community believes that universal access to primary education is indeed attainable.¹ Since the 1940s, there has been a growing movement for the promotion of primary education as evidenced by the ratification of over five international agreements.² Most recently in 2000, the United Nations (U.N.) launched the U.N. Millennium Campaign, which

¹ See G.A. Res. 217 (III) A, Universal Declaration of Human Rights art. 26(1) (Dec. 10, 1948); G.A. Res. 2200A (XXI), International Covenant on Economic, Social and Cultural Rights art. 13(1) (Dec. 16, 1966) [hereinafter Economic, Social and Cultural Rights]; G.A. Res. 44/25, Convention on the Rights of the Child art. 28(1) (Nov. 20, 1989); Org. of African Unity [OAU], African Charter on the Rights and Welfare of the Child, ¶ 11(3)(a), OAU Doc. CAB/LEG/24.9/49 (Nov. 29, 1999); G.A. Res. 55/2 Millennium Declaration, ¶ 19 (Sept. 18, 2000).

² See Universal Declaration of Human Rights, *supra* note 1; Economic, Social and Cultural Rights, *supra* note 1; Convention on the Rights of the Child, *supra* note 1; African Charter on the Rights and Welfare of the Child, *supra* note 1; Millennium Declaration, *supra* note 1.

formulated a set of eight Millennium Development Goals (MDGs) to be accomplished by 2015.³ In terms of education, the United Nations pledged that it would “ensure that, by . . . [2015] . . . children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.”⁴ As these international agreements demonstrate, the right to education has become a human right and the international community now has an obligation to ensure that every child has the resources to exercise that right.⁵

Reflecting on the past decade since this international movement towards universal education began, it is evident that there have been great advances in protecting the right to education.⁶ Research shows that “the number of children enrolled in primary education more than doubled between 1990 and 2012, from 62 million to 149 million.”⁷ In developing regions where access to education was most scarce, the school enrollment rate “increased from 83 per cent to 90 per cent between 2000 and 2012.”⁸

However, the school enrollment rate is not a sufficient method to determine whether universal access to education is being achieved. The school completion rate is a more accurate measure. Research indicates that while children may enroll in school, many drop out.⁹ Between 2000 and 2011, there was a twenty-seven percent drop-out rate in the developing world.¹⁰ In Oceania, only “one in two pupils” completed primary schooling in that same time period.¹¹ These data indicate that the international community is far from achieving universal access to primary education.¹²

This Comment examines two major problems that have come about since the emergence of the right to education. First, international agreements define

³ The eight goals listed in the Millennium Campaign are: (1) eradicate extreme poverty and hunger, (2) achieve universal primary education, (3) promote gender equality and empower women, (4) reduce child mortality, (5) improve maternal health, (6) combat HIV/AIDS, malaria and other diseases, (7) ensure environmental sustainability, and (8) establish a global partnership for development. Within each goal, there are specific targets that the international community has pledged to achieve. See Millennium Declaration, *supra* note 1; THE MILLENNIUM DEVELOPMENT GOALS REPORT 2014, at 56 (2014) [hereinafter MDG REPORT].

⁴ Millennium Declaration, *supra* note 1.

⁵ Johan D. van der Vyver, *Constitutional Protection of the Right to Education*, 27 SA PUB. L. 326, 326–27 (2012) [hereinafter van der Vyver, *Constitutional Protection of the Right to Education*].

⁶ MDG REPORT, *supra* note 3, at 16.

⁷ *Id.* at 17.

⁸ *Id.* at 5.

⁹ *Id.* at 18.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

the right to education in a broad manner, which has placed an unrealistic burden on developing states to provide education. Developing countries in Oceania, sub-Saharan Africa, and Western Asia saw declining progress in the promotion of education between 2000 and 2011.¹³ Of these areas, sub-Saharan Africa yielded the least access to education.¹⁴ The region has the lowest percentages of primary school enrollment and attendance.¹⁵ According to 2005 estimates from the United Nations Education, Scientific and Cultural Organization (UNESCO), an “estimated 45 million children do not attend primary school in Sub-Saharan Africa.”¹⁶ These numbers indicate that international agreements promoting education have set goals that developing countries simply do not have the resources to meet.

The second problem in achieving the right to education is the increase in violent activities targeting schools and children that have emerged in response to recent international efforts to promote education. Terrorist organizations such as Boko Haram and the Pakistani Taliban have resorted to kidnapping and killing young children to express their opposition to Westernized education.¹⁷

In order to address both problems that have arisen since the emergence of the right to education, a new approach in interpreting the right is required. This Comment will suggest incorporating Mahatma Gandhi’s philosophy of education into efforts promoting the right to education for all. Gandhi’s thoughts are appropriate to discussions on the right to education for three reasons: (1) his ideals originated in a political and economic environment similar to that currently faced by developing countries;¹⁸ (2) he had a personal connection with Africa where access to education is most scarce;¹⁹ and (3) his approach towards education reform is unique since it was not developed from a strictly academic standpoint.²⁰ Gandhi identified miseducation and lack of

¹³ *Id.*

¹⁴ See generally SERGE THEUNYNCK, THE WORLD BANK, SCHOOL CONSTRUCTION STRATEGIES FOR UNIVERSAL PRIMARY EDUCATION IN AFRICA (2009).

¹⁵ *Id.*

¹⁶ *Id.* at xi.

¹⁷ See Farouk Chothia, *Who Are Nigeria’s Boko Haram Islamists*, BBC NEWS (May 4, 2015), <http://www.bbc.com/news/world-africa-13809501>; Mushtaq Yusufzai et al., *Death ‘All Around Me’: Victims Relive Pakistan School Massacre*, NBC NEWS (Dec. 16, 2014, 7:13 PM), <http://www.nbcnews.com/storyline/pakistan-school-massacre/death-all-around-me-victims-relive-pakistan-school-massacre-n269011>.

¹⁸ See K.S. BHARATHI, THOUGHTS OF GANDHI AND VINOBA 19 (1995); Johan D. van der Vyver, *The Right to Self-Determination of Cultural, Religious and Linguistic Communities in South Africa*, 14 POTCHEFSTROOM ELECTRONIC L.J. 1, 5 (2011) [hereinafter van der Vyver, *The Right to Self-Determination*].

¹⁹ BHARATHI, *supra* note 18, at 15.

²⁰ *Id.* at 127.

education as flaws of the educational system and argued that education should be free and compulsory, have practical purposes, and be based on indigenous values.²¹

What is fascinating is that Tanzania achieved success in promoting education through incorporating the principles that Gandhi spoke about. Although Tanzania did not explicitly incorporate these proposals, its policies are comparable if not identical to those that Gandhi advocated.²² Since Tanzania's educational reforms led the country to place more children in schooling compared to other countries in sub-Saharan Africa,²³ an approach that encompasses Gandhi's philosophy may be an ideal way to promote education in other developing countries.

Gandhi's principles contributed to Tanzania's successful path towards ensuring that children are not deprived of their rights to education; however, the approach is open to criticism. This Comment will address two possible criticisms. First, the argument could be made that indigenous interpretations of the right to education directly conflict with universal standards of the rights of girls.²⁴ This Comment acknowledges the potential conflict and argues that the international community cannot resolve it by simply demanding that the right to education take precedence over all cultural norms in a particular society. Cultural transformation, a process that looks to legitimize human rights, must take place but can only be done by locals in their specific cultural context.²⁵ Second, the argument could be made that Tanzania was exceptional in that it had strong leadership under President Julius Nyerere, and therefore this approach cannot be used by other countries that lack strong leadership.²⁶ This Comment acknowledges the potential criticism and argues that for countries with less stable leadership, forming partnerships between non-state actors and local communities is the most suitable option.

²¹ See *id.* at 133; G. Ramachandran, *The Gandhian Contribution to Education*, in 3 FACETS OF MAHATMA GANDHI 340 (Subrata Mukherjee & Sushila Ramaswamy eds., 1994); K.G. Saiyidain, *Basic Education*, in 3 FACETS OF MAHATMA GANDHI 332 (Subrata Mukherjee & Sushila Ramaswamy eds., 1994).

²² See CHRISTOPHER COLCLOUGH ET AL., *ACHIEVING SCHOOLING FOR ALL IN AFRICA* 124 (2003).

²³ *Id.*

²⁴ See Tamar Ezer et al., *Child Marriage and Guardianship in Tanzania: Robbing Girls of Their Childhood and Infantilizing Women*, 7 GEO. J. GENDER & L. 357, 366 (2006).

²⁵ See ABDULLAHI AN-NA'IM, *HUMAN RIGHTS IN CROSS-CULTURAL PERSPECTIVES* 1, 2 (1991).

²⁶ V.H. Hundsdörfer & H. Hinzen, *Education in Tanzania*, in *THE TANZANIAN EXPERIENCE* 1, 7 (V.H. Hundsdörfer & H. Hinzen eds., 1979).

Part I of this Comment provides background on the emergence of the right to education. This Part is intended to provide a thorough understanding of how the right to education became a human right. Part II discusses two major problems that have arisen since the development of the universal right to education. First, the movement towards universal access to education burdened developing countries by placing unrealistic expectations on them. Second, there has been a rise of violent resistance from terrorist organizations—including recent attacks by Boko Haram—against universal education.²⁷ Part III provides an overview of Gandhi’s philosophy of education. It highlights his views on the problems with India’s educational system and recommendations for reform. Part IV illustrates how Tanzania implemented educational policies that mirrored Gandhi’s proposals and as a result, successfully increased the rate at which its children completed primary schooling. Part V discusses potential criticisms of the Tanzanian model.

I. EMERGENCE OF A UNIVERSAL RIGHT TO EDUCATION

Before discussing the parameters of how best to promote the right to education, it is essential to first comprehend why and how education became a human right. This Part provides a historical background of the right to education.

A. *Right to Education Before the 1940s*

Before the 1940s, the international system was based on the Westphalian state order.²⁸ This system was brought about in 1648 with the signing of the treaties of Münster and Osnabrück.²⁹ The Westphalian state order was based on the idea that “states are constitutionally independent (sovereign) and have exclusive authority to rule within their own borders.”³⁰ The state was the “highest point of decision and authority” and therefore, social, economic, and political life centered around it.³¹

²⁷ See Chothia, *supra* note 17 (discussing attacks by Boko Haram).

²⁸ See James A. Caporaso, *Changes in the Westphalian Order: Territory, Public Authority, and Sovereignty*, 2 INT’L STUD. REV. 1, 1 (2000); Kanishka Jayasuriya, *Globalization, Law, and the Transformation of Sovereignty: The Emergence of Global Regulatory Governance*, 6 IND. J. GLOBAL LEGAL STUD. 425, 425 (1999).

²⁹ Caporaso, *supra* note 28; Jayasuriya, *supra* note 28.

³⁰ Caporaso, *supra* note 28, at 2.

³¹ Richard Devetak & Richard Higgott, *Justice Unbound? Globalization, States and the Transformation of the Social Bond*, 75 INT’L AFF. 483, 485 (2000).

The rise of globalization following World War II gradually eroded this structure.³² Globalization is characterized as a process of “massive exchanges of economic activities, human movements, and information flows across borders.”³³ Great advancements in technology contributed to “the integration of markets, nation-states and technologies to a degree never witnessed before.”³⁴ The current world system is no longer a system “built around division and walls,” as was the case under the Westphalian state system, but is now “a system increasingly built around integration and webs.”³⁵

This increased integration and interconnectedness across borders has brought about new actors who are “attempting to voice their concerns in a global public sphere.”³⁶ These actors are dictating and contesting policy agendas that were once in the exclusive jurisdiction of states.³⁷

It is in this new world order “that the notion that the human rights of every individual should be protected gained international legitimacy and diffused throughout the world.”³⁸ All human beings can claim human rights simply by virtue of being human.³⁹ What is implicit in this notion is that all human beings have something in common.⁴⁰ The concept was advocated by formal international human rights institutions, nongovernmental organizations, and individual activists.⁴¹ The right to education was one of many human rights that emerged in this era of globalization.⁴²

B. Emergence of the Universal Right to Education

The right to education can be traced back to 1948 and the Universal Declaration of Human Rights.⁴³ The Declaration states: “education shall be

³² *Id.* at 487.

³³ Seo-Young Cho, *Integrating Equality: Globalization, Women's Rights, and Human Trafficking*, 57 INT'L STUD. Q. 683, 683 (2000).

³⁴ THOMAS L. FRIEDMAN, *THE LEXUS AND THE OLIVE TREE* 9 (2000).

³⁵ *Id.* at 8.

³⁶ Devetak & Higgott, *supra* note 31, at 491.

³⁷ *Id.* at 484.

³⁸ Christine Min Wotipka & Kiyoteru Tsutsui, *Global Human Rights and State Sovereignty: State Ratification of International Human Rights Treaties*, 23 SOC. F. 724, 725 (2008).

³⁹ Kate Halvorsen, *Notes on the Realization of the Human Right to Education*, 12 HUM. RTS. Q. 341, 347 (1990).

⁴⁰ *Id.*

⁴¹ Wotipka & Tsutsui, *supra* note 38.

⁴² Halvorsen, *supra* note 39, at 341.

⁴³ Universal Declaration of Human Rights, *supra* note 1.

free, at least in the elementary and fundamental stages.”⁴⁴ However, the Declaration was considered only as a statement of moral and ethical intent and was “not legally binding.”⁴⁵ It was not until 1976 that a legally-binding document was put forth.⁴⁶ Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) declares “primary education shall be compulsory and available for all.”⁴⁷ The Covenant expressly states: “education is [] a human right in itself.”⁴⁸ Thus, the ICESCR is more specific than the Universal Declaration in terms of the right to education and its implementation.⁴⁹

The most recent and prominent legally-binding instrument discussing the right to education is the U.N. Convention on the Rights of the Child in 1990.⁵⁰ It has been ratified by 193 states.⁵¹ Article 29(1) delineates the expansive nature of the right to education.⁵²

In 2000, the U.N. General Assembly passed the Millennium Declaration.⁵³ The Declaration lists eight goals that U.N. member states agreed to achieve by 2015.⁵⁴ Under each MDG, there are specific targets that the international community pledged to achieve.⁵⁵ Goal 2 is to achieve universal primary

⁴⁴ *Id.*

⁴⁵ Mary Ann Glendon, *The Rule of Law in the Universal Declaration of Human Rights*, 2 NW. J. INT'L HUM. RTS. 1, 4 (2004).

⁴⁶ Economic, Social and Cultural Rights, *supra* note 1.

⁴⁷ *Id.*

⁴⁸ *Id.*; see also van der Vyver, *Constitutional Protection of the Right to Education*, *supra* note 5, at 326.

⁴⁹ Halvorsen, *supra* note 39, at 342.

⁵⁰ Convention on the Rights of the Child, *supra* note 1.

⁵¹ *U.N. Issues Call on Member States to Ratify Convention on Rights of the Child*, U.N. NEWS CTR. (Sept. 19, 2013), <http://www.un.org/apps/news/story.asp?NewsID=45894#.VpQIdUqANBc>.

⁵² Article 29(1) states:

1. States Parties agree that the education of the child shall be directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment.

Convention on the Rights of the Child, *supra* note 1.

⁵³ Millennium Declaration, *supra* note 1.

⁵⁴ MDG REPORT, *supra* note 3, at 3.

⁵⁵ *Id.*

education.⁵⁶ Target 2.A in Goal 2 requires states to “[e]nsure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.”⁵⁷

From these international agreements, it is evident that the right to education has become a human right.⁵⁸ As Professor Johan D. van der Vyver of Emory University School of Law explains, education has come to be seen as important because it “provides knowledge, prepares one for meaningful and lucrative employment, promotes a healthy life style, cultivates an understanding of the complexities of historical eventualities and current affairs, instills in a learner a certain moral consciousness, and stimulates conduct that is conducive to a better future.”⁵⁹ The development of this right has undoubtedly created more opportunities for children to have access to education.⁶⁰ However, the emergence of the right to education has also brought about two major problems, outlined in Part II, that the international community must address.

II. PROBLEMS ARISING FROM THE RIGHT TO EDUCATION

The development of the right to education has brought about two problems in the international community. First, international agreements pushing for the protection of the right to education have established unrealistic expectations that developing countries simply cannot meet. This Part will discuss why developing countries are unable to live up to the expectations of protecting the right to education. In addition to the problem of placing undue burden on developing countries, international efforts to promote education have led to an increase in violent activities by local terrorist groups.⁶¹ This Part will discuss attacks by Boko Haram and the Pakistani Taliban to illustrate the resistance to universal education.

⁵⁶ *Id.* at 16.

⁵⁷ *Id.*

⁵⁸ Van der Vyver, *Constitutional Protection of the Right to Education*, *supra* note 5, at 326.

⁵⁹ *Id.*

⁶⁰ *See* MDG REPORT, *supra* note 3, at 4.

⁶¹ *See* Chothia, *supra* note 17.

A. *Problem 1: Efforts to Promote Education Place Undue Burden on Developing Countries*

Research indicates an overall failure in developing countries to implement successful steps towards achieving universal access to education.⁶² This failure to provide education is attributable to the broad definition of the universal right to education that international agreements have put forth.⁶³

This Part will discuss how international agreements concerning the rights of the child are ambiguous because they do not clarify who should define and protect these rights. Then, it will look to how the vague definition of the right to education has created an undue burden for developing countries by establishing unrealistic timetables and expectations that disregard contextual diversity. This Part concludes by arguing that international agreements offer no clear definition of the right to education but at the same time pressure developing countries into abiding by strict deadlines and expectations that they do not have the capacity to meet.

International agreements that take up the rights of the child are ambiguous⁶⁴ because children cannot promote and implement their own rights—they depend on adults to do so.⁶⁵ The question then becomes which group of adults should protect these rights: the state or the family.⁶⁶ As Professor Abdullahi An-Na'im of Emory University School of Law explains, “[w]ith respect to the rights of the child, there are bound to be significant differences between the perceptions of childhood, and circumstances affecting behavior regarding children”⁶⁷ Thus, this question should be answered in the cultural context of the community.⁶⁸

However, international agreements do not address whether the roles of states and parents regarding the rights of the child should be determined in the cultural context of the community, and instead reflect the “‘universalization’ of norms and institutions of dominant cultures.”⁶⁹ At the time the agreements

⁶² See MDG REPORT, *supra* note 3, at 18.

⁶³ See Halvorsen, *supra* note 39, at 342.

⁶⁴ *Id.*

⁶⁵ *Id.* at 348.

⁶⁶ *Id.* at 348–49.

⁶⁷ Abdullahi An-Na'im, *Cultural Transformation and Normative Consensus on the Best Interests of the Child*, 8 INT'L J.L. & FAM. 62, 65 (1994).

⁶⁸ *Id.* at 63.

⁶⁹ *Id.* at 80.

were drafted, states were pressured to put differences aside to “produce a document that might in the future stop the spread of nationalism and racism that led to World War II.”⁷⁰ The agreements are based on the consensus that “future generations were left with a hollow document waiting to be given meaning and direction.”⁷¹ The text of the international agreements leaves open questions for interpreting the right to education, such as “what are the types of education included here, what are the possibilities and the limitations of this right; and what are the problems connected with the implementation process.”⁷² Thus, the right to education is still interpreted in an abstract manner, which has caused confusion.⁷³

In addition to their ambiguous definition of the right to education, these agreements are problematic because they require all countries to abide by strict deadlines and expectations.⁷⁴ The goal of attaining universal primary enrollment is biased against developing countries because it is written as a “level goal of 100 percent primary completion rates by 2015,” which means that “changes in either relative or absolute terms” are not taken into consideration.⁷⁵ Developing countries particularly in Africa are prone to fail simply because there is “an obvious bias against the region that starts farthest from the absolute target.”⁷⁶ The MDGs did not clarify the details for providing primary schooling.⁷⁷ The goals simply required that education should be available to all within fifteen years.⁷⁸

International agreements have also placed unrealistic expectations on countries in the promotion of education. Developing states in particular are struggling to meet the expectations of international agreements because these agreements fail to account for major differences in cultural and political

⁷⁰ JOEL SPRING, *THE UNIVERSAL RIGHT TO EDUCATION: JUSTIFICATION, DEFINITION, AND GUIDELINES* 3–4 (2000).

⁷¹ *Id.*

⁷² Halvorsen, *supra* note 39, at 342; *see also* Maya Fehling et al., *Limitations of the Millennium Development Goals: A Literature Review*, 8 GLOBAL PUB. HEALTH 1109, 1115 (2013) (“MDG 2 particularly fails to ensure quality issues such as availability of teachers, school infrastructure and maintenance . . .”)

⁷³ Halvorsen, *supra* note 39, at 363.

⁷⁴ *See, e.g.*, Susan Comrie, *Target Practice*, AFR. DECISIONS, <http://www.africandecisions.com/health/target-practice/> (last visited Oct. 23, 2015).

⁷⁵ William Easterly, *How the Millennium Development Goals Are Unfair to Africa* 7–9 (Brookings Global Econ. & Dev., Working Paper No. 14, 2007).

⁷⁶ *Id.*

⁷⁷ *See id.*

⁷⁸ *See id.*

concepts of rights between states.⁷⁹ For example, there are broad international laws and norms that prohibit child labor so that children are encouraged to attend school.⁸⁰ However, regardless of these laws, children in developing countries continue to drop out because they need to work for economic reasons.⁸¹ It is in this way that international agreements do not address issues which may be hindering the promotion of education in a specific country. There is an expectation that children will want to and be able to attend schooling if it were provided. However, the international community must recognize that the reality in developing countries is that many children simply cannot afford to go to school.⁸²

In sum, international agreements concerning the rights of the child, and specifically the right to education, do not provide clear definitions.⁸³ However, at the same time, they require countries to meet strict deadlines and expectations that developing countries do not have the capacity or resources to meet.⁸⁴

B. Problem 2: Efforts to Promote Education Contribute to Violence Targeting Schools

International efforts to promote education have been met with strong resistance in several countries.⁸⁵ The actions of two terrorist groups, Boko Haram and the Pakistani Taliban, illustrate how the universal promotion of education is contributing to an increase in violence directed against schools.⁸⁶ An examination of the origin of both organizations, including their recent violence targeting schools and their viewpoints and goals behind those attacks, demonstrates how the lack of consideration of indigenous values in international efforts to promote education has driven terrorist organizations to violence.

Boko Haram and the Pakistani Taliban have recently gained considerable attention in the media for their violent attacks on schools and young children.⁸⁷

⁷⁹ See SPRING, *supra* note 70, at 3–4.

⁸⁰ An-Na'im, *supra* note 67, at 72.

⁸¹ *Id.*

⁸² *See id.*

⁸³ See Halvorsen, *supra* note 39, at 348.

⁸⁴ See, e.g., Easterly, *supra* note 75.

⁸⁵ See Chothia, *supra* note 17; Yusufzai et al., *supra* note 17.

⁸⁶ See Chothia, *supra* note 17; Yusufzai et al., *supra* note 17.

⁸⁷ See Chothia, *supra* note 17; Yusufzai et al., *supra* note 17.

Boko Haram is active in northern Nigeria.⁸⁸ The name “Boko Haram” means “Western learning is forbidden” in the Hausa language.⁸⁹ The group seeks to “create an Islamic state” in north-eastern Nigeria.⁹⁰

Boko Haram was responsible for the kidnapping “of 276 girls from the Government Girls Secondary School in Chibok, in Nigeria’s northeastern Borno state” in April 2014.⁹¹ The group’s leader at the time, Abubakar Shekau, stated that the act was carried out to promote the “ideology which views Western-style education in Northern Nigeria as the source for the region’s host of woes.”⁹² Boko Haram is also thought to be responsible for a second attack in December 2014 when militants occupied the Gumsuri village, kidnapping approximately two hundred young men and women and killing at least thirty-three.⁹³ President Barack Obama designated Boko Haram as “one of the worst regional or local terrorist organizations.”⁹⁴ What is alarming is that this group targets schools and young children.⁹⁵

Much like Boko Haram, the Pakistani Taliban has targeted students in recent years.⁹⁶ In 2012, a member of the group shot fifteen-year-old Malala Yousafzai in the head while she was riding the bus.⁹⁷ Malala was targeted because she publicly advocated for universal education with a strong emphasis on girls’ rights to education.⁹⁸ Malala published her thoughts on a blog entitled *The Diary of a Pakistani School Girl*, published in the news outlet BBC Urdu.⁹⁹ She began blogging after a local Taliban leader issued a warning in

⁸⁸ Alex Perry, *Boko Haram: Terror’s Insidious New Face*, NEWSWEEK (July 9, 2014, 5:53 AM), <http://www.newsweek.com/2014/07/18/boko-haram-terrors-insidious-new-face-257935.html>.

⁸⁹ See Abimbola Adesoji, *The Boko Haram Uprising and Islamic Revivalism in Nigeria*, 45 AFR. SPECTRUM 95, 100 (2010); Heidi Shultz, *Nigeria’s Boko Haram: Who Are They and What Do They Want?*, NAT’L GEOGRAPHIC NEWS (May 7, 2014), <http://news.nationalgeographic.com/news/2014/05/140507-boko-haram-nigeria-borno-state-maiduguri-mohammed-yusuf-abubakar-shekau-goodluck-jonathan-world>.

⁹⁰ Chothia, *supra* note 17.

⁹¹ Kirk Ross, *Why Boko Haram Wages War Against Western Education*, U.S. NAVAL INST. NEWS (May 16, 2014, 10:39 AM), <http://news.usni.org/2014/05/16/boko-haram-wages-war-western-education>.

⁹² *Id.*

⁹³ Chothia, *supra* note 17.

⁹⁴ Shultz, *supra* note 89.

⁹⁵ Howard LaFranchi, *Pakistan School Attack: Why Children Are Becoming a More Common Terror Target*, CHRISTIAN SCI. MONITOR (Dec. 16, 2014), <http://www.csmonitor.com/USA/Foreign-Policy/2014/1216/Pakistan-school-attack-Why-children-are-becoming-a-more-common-terror-target>.

⁹⁶ *See id.*

⁹⁷ Mishal Husain, *Malala: The Girl Who Was Shot for Going to School*, BBC NEWS MAG. (Oct. 7, 2013, 7:15 AM), <http://www.bbc.com/news/magazine-24379018>.

⁹⁸ *Id.*

⁹⁹ *Id.*

2008 that “all female education had to cease within a month.”¹⁰⁰ Wishing to silence Malala, the Taliban tracked her down, boarded the bus she used regularly, asked for her, and shot her in the head.¹⁰¹

The Pakistani Taliban was also responsible for the massacre of students and teachers at the Army Public School in Peshawar, Pakistan, in 2014.¹⁰² On December 16, 2014, the terrorist group stormed the school and killed at least 141 people, 132 of whom were children.¹⁰³ A military source recalls how “[t]hey literally set the teacher on fire with gasoline and made the kids watch”;¹⁰⁴ photographs from the scene show “pools of blood on the ground and walls covered in pockmarks from hundreds of bullets.”¹⁰⁵ On December 31, 2014, the Pakistani Taliban released footage of the massacre and claimed responsibility for the attack.¹⁰⁶

The attacks on students carried out by Boko Haram and the Pakistani Taliban are significant for two reasons. First, the attacks illustrate strong opposition to Westernization of the educational system.¹⁰⁷ Professor Ebrahim Moosa of the University of Notre Dame states, “[t]hey’re attacking what they see as the institutions of culture, and in particular institutions of Western culture.”¹⁰⁸ He further explains, “[t]hey see that the process of Westernization begins at school, so schools that violate strict Islamic education become targets.”¹⁰⁹ Second, these violent activities are significant because they target innocent children. The brutal massacre of children indicates how certain moral limitations on attacks against schools are failing.¹¹⁰ Terrorists groups are “look[ing] for more stunning and horrific ways to grab the international spotlight.”¹¹¹ The international community must address this increase in violence against schools and children enhanced by the emergence of the right to education.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Pakistan Mourns After Taliban Peshawar School Massacre*, BBC NEWS (Dec. 17, 2014, 6:39 AM), <http://www.bbc.com/news/world-asia-30507836>.

¹⁰³ *Id.*

¹⁰⁴ Yusufzai et al., *supra* note 17.

¹⁰⁵ *Pakistan Mourns After Taliban Peshawar School Massacre*, *supra* note 102.

¹⁰⁶ Lee Ferran, *Taliban Uses Child to Justify Campaign of Violence*, ABC NEWS (Jan. 2, 2015, 4:19 PM), <http://abcnews.go.com/International/taliban-child-justify-campaign-violence/story?id=27967394>.

¹⁰⁷ *See* LaFranchi, *supra* note 95.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

To summarize, this Part identified two problems that arose when the right to education became a human right. First, international instruments that address the right to education did not provide a clear definition of the right, but at the same time set forth strict deadlines and expectations.¹¹² This is problematic because developing countries cannot adhere to rigid guidelines that promote a vague concept of the right to education. Second, international efforts to promote education have contributed to increased violence targeting schools and children. Part III discusses a new approach to promoting education that could help resolve these issues.

III. PROPOSED SOLUTION: GANDHI'S PHILOSOPHY OF EDUCATION

As discussed in Part II, the emergence of the right to education has brought about two major problems in the realm of education. To overcome these obstacles, this Comment advocates that states adopt an approach to promoting education based on Gandhi's philosophy of education.

This Part first discusses why Gandhi's thoughts on education are applicable to current discussions about education reforms in developing countries. Then it details how Gandhi envisioned the right to education. This Part concludes by arguing that incorporating Gandhi's recommendations into education reform will contribute to an overall increase in ensuring that every child can exercise his or her right to education.

A. *Why Gandhi?*

Gandhi's philosophy on education is applicable to contemporary dialogues about promoting the right to education for three reasons. First, his proposals originated from a political and economic climate similar to those of countries currently struggling with promoting education.¹¹³ Second, Gandhi had a thorough and personal understanding of African culture.¹¹⁴ Lastly, his thoughts on education were unique because they were not derived from a purely academic perspective.¹¹⁵

First, the political and cultural environment in which Gandhi proposed his education reforms is substantially similar to the current environments in many

¹¹² See Halvorsen, *supra* note 39, at 348; Easterly, *supra* note 75.

¹¹³ See BHARATHI, *supra* note 18, at 11–34 (discussing the life and work of Gandhi).

¹¹⁴ See *id.* at 15.

¹¹⁵ See *id.* at 127.

developing countries, particularly in Africa. Both regions were under colonial rule and subjected to education systems with little cultural sensitivity.¹¹⁶ India was under British colonial rule until its independence on August 15, 1947.¹¹⁷ Likewise, the majority of developing countries that are currently struggling with promoting education were under colonial rule until after World War I.¹¹⁸ Most of these countries achieved independence after the implementation of the mandate system proposed by Woodrow Wilson.¹¹⁹ Namibia was the last colony to achieve independence in 1990.¹²⁰ Since his thoughts on education derived from similar post-colonial experiences, Gandhi's philosophy on education is pertinent to current discussions on promoting education in post-colonial nations.

Second, Gandhi's ideas about education are appropriate especially in African countries because he had a close personal connection with South Africa.¹²¹ Gandhi traveled to South Africa in April 1893 to assist with a lawsuit.¹²² It was during his stay in South Africa "that the shy, timid, inexperienced and unaided Mohandas came into clash with the forces that obliged him to tap his hidden moral resources"¹²³ He observed racial prejudices and other oppressive acts.¹²⁴ These experiences in South Africa initiated his journey in becoming an unforgettable human rights activist.¹²⁵ Since most of the countries struggling with promoting education are in sub-Saharan Africa,¹²⁶ Gandhi's close personal connection to and understanding of

¹¹⁶ See BHARATHI, *supra* note 18, at 129; Aïcha Bah-Diallo, *Basic Education in Africa*, JICA RES. INST. (Mar. 3, 1997), http://jica-ri.jica.go.jp/IFIC_and_JBICI-Studies/english/publications/reports/study/topical/sub_sahara/keynote_1.html.

¹¹⁷ BHARATHI, *supra* note 18, at 19.

¹¹⁸ See *Colonialism in Africa*, WORLD HIST. CONTEXT, http://ic.galegroup.com/ic/whic/ReferenceDetailsPage/ReferenceDetailsWindow?failOverType=&query=&prodId=WHIC&windowstate=normal&contentModules=&display-query=&mode=view&displayGroupName=Reference&limiter=&currPage=&disableHighlighting=false&displayGroups=&sortBy=&search_within_results=&p=WHIC%3AUHIC&action=e&catId=&activityType=&scanId=&documentId=GALE%7CCX3400100093&source=Bookmark&u=mlyn_c_montytech&jsid=2cbd7c923dd9a99f1fb469bec142a57c (last visited Jan. 25, 2016).

¹¹⁹ Woodrow Wilson proposed the mandate system in his second draft of the League of Nations Covenant. The concept was first developed by Jan Christian Smuts, a South African scholar who participated in talks at the Paris Peace Conference in 1919. See van der Vyver, *The Right to Self-Determination*, *supra* note 18, at 5.

¹²⁰ Howard Witt, *Africa's Last Colony Becomes Independent*, CHI. TRIB. (Mar. 21, 1990), http://articles.chicagotribune.com/1990-03-21/news/9001230677_1_namibia-black-majority-rule-independence.

¹²¹ See BHARATHI, *supra* note 18, at 15.

¹²² *Id.* at 13.

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ See *id.* at 13–15.

¹²⁶ See MDG REPORT, *supra* note 3, at 16.

the diverse cultures in Africa make him an ideal figure whose thoughts on education should be incorporated into reforms.

Third, Gandhi's teachings should be included in discussions about education reform in developing countries because his approach was unique. Gandhi developed his theories from his own experiences and not from a scholarly standpoint.¹²⁷ He was not a philosopher in the academic sense.¹²⁸ It is remarkable that although he envisioned his philosophy to specifically better the educational system in India, there are "certain elements of universal validity which bring it into line with the progressive educational thought of the age"¹²⁹ Thus, incorporating his views on education will prove advantageous in promoting the right to education.

B. Gandhi's Philosophy on Education

Gandhi believed that there were two shortcomings in the field of education: the "lack of education," and "miseducation."¹³⁰ First, Gandhi spoke about how only certain groups receive the chance to attend schooling.¹³¹ He looked to the influence of British colonial rule and noted how during that time, only some received an English education.¹³² This disparity between the two classes, "one of the learned" and the "other of the unlearned," lingered even after the demise of colonial rule.¹³³ In addition, Gandhi highlighted how those who did receive an education obtained the wrong type of education, which he called miseducation.¹³⁴ Gandhi states that children are "imparted with education which makes them good for nothing."¹³⁵ He advised that after proper education, "children should be capable of taking up some meaningful occupation enabling them to stand on their own foot."¹³⁶

In order to address these shortcomings, Gandhi advocated three changes. First, he proposed the idea that "education should be made free, universal, and compulsory."¹³⁷ He is quoted to have said "[m]an is neither mere intellect, nor

¹²⁷ BHARATHI, *supra* note 18, at 127.

¹²⁸ *Id.*

¹²⁹ Saiyidain, *supra* note 21, at 332.

¹³⁰ BHARATHI, *supra* note 18, at 133.

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.* at 134.

¹³⁶ *Id.* at 45.

¹³⁷ Saiyidain, *supra* note 21, at 333.

the gross animal body, nor the heart, nor soul alone. A proper and harmonious combination of all three is required for the making of the whole man”¹³⁸ Although education was to be free, Gandhi suggested that it would be “self-supporting” so there would be a harmonious combination of intellect, body and soul.¹³⁹ By self-supporting, he meant that the curriculum should include working as a component to education and this labor would then contribute to financing the school.¹⁴⁰

In addition to advocating that education be free and mandatory, Gandhi emphasized “learning by doing.”¹⁴¹ He claimed that “[t]here is no need to memorise great chunks of history or meaningless lists of kings,”¹⁴² but that there must be a practical emphasis to education. As a worker himself, Gandhi knew “that all real value is created through honest work . . .” and suggested that children learn by working.¹⁴³ He wanted “not only thinking brains but thinking fingers.”¹⁴⁴

Third, Gandhi wanted to “base education on indigenous culture.”¹⁴⁵ Gandhi argued that education should be built on indigenous culture because otherwise, it would “make them [students] foreigners in their own land.”¹⁴⁶ One of the methods in which to preserve indigenous culture was to designate the mother tongue as the medium of instruction.¹⁴⁷ Instruction in the native language was important because a “foreign language deprives them [children] of the spiritual and social heritage of the nation and renders them to that extent unfit for the service of the country.”¹⁴⁸ He disliked how British colonial rule stunted the development of Indian languages and sought to prevent the demise of indigenous culture.¹⁴⁹

The shortcomings that Gandhi identified strongly resemble those found in developing countries. Incorporating Gandhi’s proposals into education reforms for these countries should lead to increased schooling. Part IV demonstrates

¹³⁸ BHARATHI, *supra* note 18, at 128.

¹³⁹ *Id.*

¹⁴⁰ See Saiyidain, *supra* note 21, at 333.

¹⁴¹ BHARATHI, *supra* note 18, at 128.

¹⁴² *Id.* at 136.

¹⁴³ Saiyidain, *supra* note 21, at 335.

¹⁴⁴ Ramachandran, *supra* note 21, at 342.

¹⁴⁵ BHARATHI, *supra* note 18, at 128.

¹⁴⁶ *Id.*

¹⁴⁷ *Id.* at 129.

¹⁴⁸ *Id.*

¹⁴⁹ See *id.*

how Tanzania's successful education reforms mirrored Gandhi's philosophy of education and can serve as a promising model for the implementation of this approach to promoting the right to education everywhere.

IV. CASE STUDY—TANZANIA

Tanzania is an example of a developing country that has succeeded in interpreting the universal norm of the right to education to fit the country's needs and values.¹⁵⁰ Policies implemented in Tanzania are similar to Gandhi's viewpoints as described in Part III. Part IV first provides a background of the evolution of education in Tanzania to demonstrate the similarities between the political and economic environments in India and Tanzania. It then identifies the specific policies that the Tanzanian government has implemented that mirror Gandhi's principles about the promotion of primary education. Part IV concludes by arguing that Gandhi's philosophy of education proved successful in Tanzania and can be emulated in other countries to promote education.

A. Evolution of Education in Tanzania

Tanzania has undergone several education regimes.¹⁵¹ Education first emerged as a method of instilling and passing down tribal values.¹⁵² Then, with European colonization, the tribes were forced to implement secular schooling with Western ideals.¹⁵³ After decolonization, the state government reintroduced aspects of indigenous African education.¹⁵⁴

In the pre-colonial era, the purpose of indigenous education in Tanzania was to transmit inherited knowledge, skills, and values of the tribe from one generation to the next.¹⁵⁵ Education centered "on the need to maintain and preserve the cultural heritage of the tribe and transmission of codes of good behavior, inherited knowledge, skills and values of the tribe from one generation to another."¹⁵⁶ Education differed between tribes but was meant to

¹⁵⁰ See PHILEMON A.K. MUSHI, HISTORY AND DEVELOPMENT OF EDUCATION IN TANZANIA 33 (2009).

¹⁵¹ *Id.* at 3.

¹⁵² *See id.*

¹⁵³ *See id.* at 41.

¹⁵⁴ *See id.* at 4–5.

¹⁵⁵ *Id.* at 3.

¹⁵⁶ *Id.*

“reinforce the cultural solidarity of the society.”¹⁵⁷ The schools were “unenclosed by walls” and children were educated by their elders.¹⁵⁸

This tribe-centered structure of education collapsed under colonial rule from 1890-1961.¹⁵⁹ Secular schooling was introduced by the Germans and British in the 1890s and eventually took over the prior indigenous African education.¹⁶⁰ The colonial powers implemented policies that legitimized their colonial regimes and would best help in producing “raw materials, markets, cheap labour, and investment outlets.”¹⁶¹ The purpose of education changed from passing on knowledge and preserving the tribe to preparing individuals to serve the colonial government.¹⁶²

Although the Germans first introduced secular schools, the British, who took over the colony after World War I, had more of an impact on educational development in Tanzania.¹⁶³ In 1925, the British administration implemented the “Education for Adaptation” program, which focused on combining Western values with the needs of the local Tanzanian people.¹⁶⁴ After World War II, the British implemented a second educational policy, titled “Education for Modernisation” which focused on developing post-primary education.¹⁶⁵ The incorporation of this policy led to separate educational systems: “Education for Adaptation” was for the African masses while “Education for Modernisation” was for Asians, Europeans, and select Africans.¹⁶⁶

These separate educational systems implemented by the British led to a wide disparity among students in terms of language of instruction, curriculum, and employment opportunities.¹⁶⁷ Kiswahili was the language of instruction in African schools, whereas English was the language of instruction in Asian and European schools.¹⁶⁸ In terms of curriculum, African schools were geared towards providing vocational training and encouraging students to hone their agricultural knowledge while in Asian schools, the curriculum was created to

¹⁵⁷ *Id.*

¹⁵⁸ *Id.* at 29.

¹⁵⁹ *Id.* at 4.

¹⁶⁰ *See id.*

¹⁶¹ *Id.*

¹⁶² *Id.* at 41–42.

¹⁶³ COLCLOUGH ET AL., *supra* note 22, at 121.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *See id.*

¹⁶⁸ *Id.*

prepare students for post-primary education.¹⁶⁹ Because of these differences in language and curriculum, formal employment opportunities were vastly different. Students who went to schools under the “Education for Modernisation” policy were better equipped for formal employment because they were instructed in English and had the proper training.¹⁷⁰

Tanzania gained independence on December 9, 1961, and the new socialist government brought about a new agenda for education.¹⁷¹ The government, led by President Julius Nyerere, strived to reincorporate indigenous African values into the educational policy.¹⁷² The Arusha Declaration in 1967 was a milestone in establishing the ideology of *Ujamaa*,¹⁷³ which is roughly translated as socialism and self-reliance.¹⁷⁴ Under this ideology, Nyerere’s government introduced education reforms to give the “same structure, organization, curriculum, and criteria for access to higher levels for everyone.”¹⁷⁵ It also gave every village the opportunity to have a primary school built.¹⁷⁶

As the above history illustrates, Tanzania has undergone several education reforms. Next, this Comment will address the specific policies that the Tanzanian government has endorsed since its independence that align with Gandhi’s philosophy of education and have proven successful in increasing attendance in schools.

B. Tanzanian Model of Education Reform and Gandhi’s Philosophy of Education

Two major policies enacted by the state government of Tanzania mirror Gandhi’s suggestions for education reform. These policies contributed to an increase in primary schooling in Tanzania. First, Tanzania eliminated all school fees.¹⁷⁷ Second, the government drastically changed the curriculum so that education was based on indigenous values. Tanzanian history was incorporated back into the courses, all classes were administered in Swahili,

¹⁶⁹ *Id.*

¹⁷⁰ *Id.* at 167.

¹⁷¹ F.L. Mbunda, *Primary Education Since 1961*, in *THE TANZANIAN EXPERIENCE* 88 (V.H. Hundsdörfer & H. Hinzen eds., 1979).

¹⁷² Hundsdörfer & Hinzen, *supra* note 26, at 7.

¹⁷³ Mbunda, *supra* note 171, at 89.

¹⁷⁴ COLCLOUGH ET AL., *supra* note 22, at 124.

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ David Gartner, *Transnational Rights Enforcement*, 31 *BERKELEY J. INT’L L.* 1, 13 (2013).

and the purpose of primary schooling was refocused to instill practical skills into students so that they could contribute to society in Tanzania.¹⁷⁸ These policies are reflective of Gandhi's ideals.

1. *Policy 1: Abolishment of School Fees*

The abolishment of school fees contributed to the promotion of primary schooling in Tanzania. Although Tanzania's constitutional provision does not explicitly guarantee free primary education,¹⁷⁹ the Tanzanian government first abolished school fees in 1974.¹⁸⁰ With the implementation of this new policy, "by the early 1980s, primary schools existed in nearly every village in Tanzania."¹⁸¹ In 1992, the government reinstated school fees to deal with a major economic crisis and pressures from the international community.¹⁸² After the reintroduction of school fees, the gross primary enrollment declined from ninety-eight percent in 1980 to fifty-seven percent in 2000.¹⁸³ Recognizing that fee abolition at the primary level increased the likelihood that students enrolled in schools,¹⁸⁴ school fees were again abolished starting in 2002 through the implementation of the Primary Education Development Plan.¹⁸⁵

2. *Policy 2: Education Based on Indigenous Values*

Tanzania has been successful in promoting access to primary education as a result of state efforts to reincorporate indigenous values into the schooling system. President Nyerere fundamentally changed the educational system with the objective to "provide an education that was more meaningful and relevant to national values."¹⁸⁶ To accomplish this task, the government implemented two major reforms: (1) it changed the curriculum to include Tanzanian history

¹⁷⁸ Mbunda, *supra* note 171, at 88.

¹⁷⁹ See CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA, 1977 art. 11 ("[T]he government shall endeavor to ensure that there are equal and adequate opportunities to all persons to enable them to acquire education.").

¹⁸⁰ Gartner, *supra* note 177, at 13.

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ *Id.* at 14.

¹⁸⁴ *Tanzania Abolishes Secondary School Fees. But Does Anything Come For Free?*, GLOBAL EDUC. MONITORING REP.: WORLD EDUC. BLOG (Dec. 15, 2015), <https://efareport.wordpress.com/2015/12/15/tanzania-abolishes-secondary-school-fees-but-does-anything-come-for-free/>.

¹⁸⁵ See GOV'T OF THE UNITED REPUBLIC OF TANZANIA, PRIMARY EDUCATION DEVELOPMENT PLAN (2002-2006), at 5 (2001); *The Price of School Fees*, EDUC. TODAY (UNESCO, Paris, Fr.), July-Sept. 2004, at 4.

¹⁸⁶ Mbunda, *supra* note 171, at 88.

and language,¹⁸⁷ and (2) it altered the purpose of the primary schooling to instill practical skills in children so that they could become productive members of Tanzanian society.¹⁸⁸

First, the state government changed the primary school curriculum to include Tanzanian history and language.¹⁸⁹ Each student was taught Tanzanian history that had “an emphasis on national heroes who fought for emancipation from colonial rule, and a Tanzanian interpretation of the country’s contact with the foreign colonial powers.”¹⁹⁰ The government changed the language of instruction from English to Swahili.¹⁹¹

Second, the government altered the expectation of primary schools by creating opportunities for children to gain practical skills. In a policy directive on education issued in March 1967, President Nyerere explained, “we should not determine the type of things children are taught in primary schools by the things a doctor, engineer, teacher, economist or administrator needs to know. Most of our pupils will never be any of these things.”¹⁹² Instead, primary schooling should provide an education that is “designed to fulfil[] the common purpose of education in the particular society of Tanzania.”¹⁹³

In order to educate children on more practical ways of becoming productive members of society, President Nyerere suggested that each school community set up workshops or farms that make a contribution to society.¹⁹⁴ The farm would become an important component of education, as “the welfare of the pupils would depend on [the farm’s] output, just as the welfare of a farmer depends on the output of his land.”¹⁹⁵

In sum, Tanzania was able to successfully incorporate Gandhi’s philosophy into its educational reforms by making education free and including practical skills in the curriculum. However, Tanzania’s efforts were not without critiques, two of which will be discussed below.

¹⁸⁷ *See id.*

¹⁸⁸ J.K. Nyerere, *The Overall Education Conception*, in *THE TANZANIAN EXPERIENCE* 26 (V.H. Hundsdoerfer & H. Hinzen eds., 1979).

¹⁸⁹ Mbunda, *supra* note 171, at 88.

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² Nyerere, *supra* note 188, at 26.

¹⁹³ *Id.*

¹⁹⁴ *Id.* at 27.

¹⁹⁵ *Id.*

V. CRITIQUES OF THE TANZANIAN MODEL FOR PROMOTING EDUCATION

The Tanzanian model is by no means a one-size-fits-all solution, and there are challenges that must be addressed when implementing this approach. This Comment addresses two critiques concerning the Tanzanian model of promoting education. First, it is arguable that indigenous interpretations of the right to education conflict with the universal standard for the rights of girls.¹⁹⁶ Second, the argument could be made that Tanzania was able to implement successful educational policies only because the country had a strong national leader. This Part will address both concerns.

A. *Critique 1: Indigenous Interpretations of the Right to Education Conflict with Universal Standards of Girls' Rights*

One criticism of the Tanzanian model is that allowing indigenous interpretations of the right to education opens the door for infringement of girls' rights.¹⁹⁷ Scholars, such as Tamar Ezer at Georgetown's International Women's Human Rights Clinic, point out that even though the model was successful in promoting gender equality in primary schools, unequal representation is still prevalent in secondary schools.¹⁹⁸ This is because education regulations "expel students for marriage or pregnancy."¹⁹⁹ In Tanzania, girls are expected to marry young; "almost half of women marry before age 18 and two-thirds marry before age 20."²⁰⁰ "The average age of school attendees in secondary school is fourteen to nineteen."²⁰¹ Thus, more than half of the girls in Tanzania are expelled from school due to marriage or pregnancy.²⁰² Girls are torn between the cultural pressure to marry at a young age and the desire to continue school.²⁰³ These critics claim that Tanzania should "eliminate the practices of child marriage and guardianship."²⁰⁴ Thus, the Tanzanian model of promoting education arguably creates a conflict between the right to education and the rights of girls.

¹⁹⁶ See Ezer, *supra* note 24, at 359.

¹⁹⁷ See *id.*

¹⁹⁸ *Id.* at 390.

¹⁹⁹ *Id.* at 391.

²⁰⁰ *Id.*

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ *Id.* at 390–91.

²⁰⁴ *Id.* at 423.

While these scholars make valid arguments concerning the right to education and its conflict with girls' rights, this Comment argues that simply proclaiming or declaring that a certain educational policy be abolished is not sufficient to invoke change. While laws matter, typically changing the law alone does not accomplish much.²⁰⁵ The international community must focus on legitimizing girls' right to education in that specific country and not simply mandating it. While indigenous interpretations of the right to education may at first conflict with the universal conception of the role of girls in society, with time, the indigenous society will evolve and learn to adopt new values and make it their own.

In order to reconcile the indigenous interpretations of the right to education and the universal notion of the role of women generally, a process called "cultural transformation" must be adopted.²⁰⁶ Professor An-Na'im proposed this process, which focuses on internal discourse and cross-cultural dialogue.²⁰⁷ He argues that universal standards "are unlikely to prevail without due regard for local cultural legitimacy and contextual understandings of these rights."²⁰⁸ An-Na'im illustrates how attempts to "transplant a fully developed and conclusive concept and its implementation mechanisms from one society to another"²⁰⁹ are likely to fail because they have not been developed and internalized by the people in that society, and "the way to get a universal idea accepted locally is to present it in local terms, which can best be done by local people."²¹⁰

Interestingly, the right to vote for women in the United States was legitimized by cultural transformation. In the United States, women were deprived of the right to vote until 1920 when the Nineteenth Amendment to the Constitution was passed.²¹¹ The fight for this right began in the early 1800s and took decades of organizing, petitioning, and picketing.²¹² This Comment

²⁰⁵ See NICHOLAS D. KRISTOF & SHERYL WUDUNN, *HALF THE SKY* 64–65 (2009).

²⁰⁶ AN-NA'IM, *supra* note 25, at 2.

²⁰⁷ *Id.* at 3.

²⁰⁸ Abdullahi A. An-Na'im & Jeffrey Hammond, *Cultural Transformation and Human Rights in African Societies*, in *CULTURAL TRANSFORMATION AND HUMAN RIGHTS IN AFRICA* 14 (Abdullahi A. An-Na'im ed., 2002).

²⁰⁹ *Id.* at 16.

²¹⁰ *Id.*

²¹¹ *19th Amendment to the U.S. Constitution: Women's Right to Vote (1920)*, NAT'L ARCHIVES & RECORDS ADMIN.: OUR DOCUMENTS, <http://www.ourdocuments.gov/doc.php?doc=63> (last visited Jan. 28, 2016).

²¹² *Id.*

argues that because there was a process of internalization, women's right to vote was legitimized and accepted into society. Women's right to vote did not come about simply because an external source mandated it; rather, gender equality became part of the American society because the right was interpreted locally and advocated by citizens.

The right to education must also be brought about in each country in a similar fashion, with specific attention to how it will enhance girls' education. External forces may encourage girls' rights to education but it will ultimately be up to individuals in that society to legitimize it and make it their own. With sufficient internal discourse and cross-cultural dialogue, this right to education should evolve to incorporate girls' rights to education. The focus on promoting the right to education must be based on legitimization in individual communities.

B. Critique 2: The Tanzanian Model Requires Strong Leadership, Which Other Countries Lack

Tanzania was exceptional in that it had a strong leader who placed education reform as one of his top priorities,²¹³ it may be difficult for countries with fragile leadership and political turmoil to promote education in this same manner. For states that may struggle with following the Tanzanian model exactly, this Comment suggests the partnership approach. Under this approach, partnerships should be formed between local communities and non-state actors that work towards defining and promoting the right to education in indigenous terms, since the state may not be able to do so themselves.

As was the case in Tanzania, the state government may hold the necessary tools to implement educational policies on a national level. However, non-state actors have become influential and can contribute to invoking change in the realm of education.²¹⁴ With the increasing accessibility of information, non-state actors have become prevalent in promoting education because they provide essential resources such as infrastructure and educators.²¹⁵ However, as Gandhi pointed out, it is necessary to restrict the work of non-state actors because too much foreign influence may undermine education initiatives.²¹⁶

²¹³ See MUSHI, *supra* note 150, at 95.

²¹⁴ Devetak & Higgott, *supra* note 31, at 491.

²¹⁵ KRISTOF & WUDUNN, *supra* note 205, at 177.

²¹⁶ BHARATHI, *supra* note 18, at 132.

The challenge is how best to work with foreign resources without compromising national integrity and indigenous values.

This Part first addresses the benefits of partnerships between non-state actors and local communities. It then discusses issues that local communities must look for to ensure that the partnership is advancing indigenous values. This Part illustrates these issues by describing Tanzania's experiences with non-state actors. While Tanzanian's success can largely be attributed to policies implemented by the state, non-state actors influenced the promotion of education as well.

1. Benefits to Partnerships between Local Communities and Non-State Actors

As mentioned above, globalization has brought about more actors in the international community.²¹⁷ There are now non-state actors voicing their opinions and working towards providing more access to education; the state is no longer the only actor with exclusive control over educational policies within its borders.²¹⁸ Thus, for countries without a strong national leader, local communities should seek partnerships with these influential non-state actors. These partnerships will help to legitimize the right to education because it will be interpreted and enforced in indigenous terms. This Part illustrates the several benefits of partnerships by discussing the success of one aid group, the Afghan Institute of Learning, and its work in promoting education in Afghan villages.

The success of the Afghan Institute of Learning provides a great example of how partnering with local communities is beneficial when promoting education.²¹⁹ The Afghan Institute of Learning is an educational organization in Afghanistan that is unique because it has successfully built and operated schools in a dangerous environment.²²⁰ Their schools were only attacked by the Taliban once, unlike many of the Afghan government schools.²²¹ Afghan Institute of Learning aid workers cooperated with local leaders and came up with a schooling system that catered to the needs of the community.²²² For

²¹⁷ Devetak & Higgot, *supra* note 31, at 491.

²¹⁸ *Id.*

²¹⁹ KRISTOF & WUDUNN, *supra* note 205, at 162–63.

²²⁰ *Id.* at 163.

²²¹ *Id.*

²²² *Id.*

example, they taught Quranic studies in a way that the community had never experienced before.²²³ The example of Afghan Institute of Learning and its work illustrates several benefits in forming partnerships between local communities and non-state actors.

2. *Working with Non-State Actors*

Although beneficial, these non-state actors also have the potential to hinder access to education. It is important for countries implementing the partnership approach to be aware of the potential downsides and difficulties of working with non-state actors so as not to open the door to undue influence. This Part discusses two potential issues that local communities should be aware of when cooperating with non-state actors. It will specifically discuss partnerships with non-governmental organizations (NGOs), which is a rapidly growing sector, especially in Africa.²²⁴

First, NGOs should be educated on the inherent characteristics of local communities because some ignore local needs²²⁵ and accountability.²²⁶ Second, local communities must ensure that the presence of NGOs is not disproportionately prominent in urban areas, since this would prevent equal access to education.²²⁷

Local communities should be aware that NGOs have inherently different understandings of indigenous needs and ultimately, the right to education. At its core, local communities tend to conceive social justice in quite different terms from human rights activists.²²⁸ As a result of this difference in the conception of social justice, the involvement of NGOs inevitably involves “tinkering with culture, religious, and family relations of a society” that are not fully understood.²²⁹ Thus, local communities cannot assume that NGOs

²²³ *Id.* at 164.

²²⁴ See Ian Gary, *Confrontation, Co-operation or Co-optation: NGOs and the Ghanaian State During Structural Adjustment*, 23 REV. AFR. POL. ECON. 149, 149 (1996); Glen W. Wright, *NGOs and Western Hegemony: Causes for Concern and Ideas for Change*, 22 DEV. PRAC. 123, 124 (2012).

²²⁵ SALLY ENGLE MERRY, *HUMAN RIGHTS & GENDER VIOLENCE: TRANSLATING INTERNATIONAL LAW INTO LOCAL JUSTICE* 103 (2006).

²²⁶ See Devetak & Higgot, *supra* note 31, at 126.

²²⁷ See Claire Mercer, *Reconceptualizing State-Society Relations in Tanzania: Are NGOs' Making a Difference?*, 31 ROYAL GEOGRAPHICAL SOC'Y 247, 249 (1998).

²²⁸ MERRY, *supra* note 225.

²²⁹ KRISTOF & WUDUNN, *supra* note 205, at 177. For example, a “Western aid group, trying to improve the hygiene and health of Afghan women, issued them bars of soap—nearly causing a riot. In Afghanistan,

understand the right to education or the needs of the local community in the same manner. To successfully promote education, local communities must ensure that non-state actors are respecting and abiding by their indigenous interpretation of the right to education.

In addition to having inherently dissimilar understandings of the right to education, NGOs also have different systems of accountability.²³⁰ Although an NGO should be accountable to its beneficiaries (the people whose lives the NGO's activities affect), this is not always the case, especially since the new phase of NGO discourse, termed the New Policy Agenda, has distorted this accountability.²³¹ The New Policy Agenda encourages Western governments to fund an increasing number of NGOs.²³² The problem with this agenda is that NGOs are held accountable to the entities that fund them—not local communities.²³³ In order to keep the funds flowing, the NGO “must account for the money according to a Western standard that emphasises numbers, statistics and efficiency over the qualitative aspects of development.”²³⁴ This means that NGOs gravitate towards specific quantifiable projects.²³⁵ Thus, this funding is problematic because NGOs neglect to provide long-term sustainable aid.²³⁶

Another issue that local communities should be aware of is the possibility that the presence of NGOs may create unequal access to education. Tanzania faced this problem.²³⁷ Although Tanzania's increase in access to education was largely brought about by policies implemented by the state, the country also partnered with foreign organizations to promote education.²³⁸ This issue of unequal access to education materialized when NGOs first became prevalent in Tanzania in the 1990s.²³⁹ The state began noticing unequal participation of

washing with soap is often associated with postcoital activity, so the group was thought to be implying that the women were promiscuous.” *Id.* at 162.

²³⁰ Wright, *supra* note 224, at 126.

²³¹ *Id.*

²³² *Id.* at 125–26.

²³³ *Id.* at 126.

²³⁴ *Id.*

²³⁵ *Id.*

²³⁶ *Id.*

²³⁷ Mercer, *supra* note 227, at 249. This problem of unequal access to aid programs was also prevalent in Afghanistan, where the resources did not reach far into the countryside where it was most needed. KRISTOF & WUDUNN, *supra* note 205, at 161.

²³⁸ Mercer, *supra* note 227, at 249.

²³⁹ *Id.* at 249 fig.1.

NGOs between urban and rural areas.²⁴⁰ Most of the NGOs were located in urban areas such as in the city of Dar es Salaam.²⁴¹ The current state of Tanzania is that there are grave disparities between areas in which NGOs are prevalent (urban) and areas in which NGOs are not (rural).²⁴²

In sum, there are two issues that developing countries should be aware of when implementing the partnership approach. First, countries must understand that NGOs have inherently different understandings of social justice and lack the tools to comprehend local needs. NGOs are also held accountable to their funders and may not provide long-term, sustainable aid. Second, countries must understand that the assistance of NGOs may lead to an inequality in the administration of education.

CONCLUSION

Since the 1940s, the right to education has developed into a human right.²⁴³ The emergence of this right to education has brought about two problems. First, the definition of the right to education in international agreements is ambiguous, but requires that developing countries abide by strict deadlines.²⁴⁴ This conflict has made it more difficult for developing countries to provide education. Second, there has been an increase in violence targeting schools.²⁴⁵ Terrorist groups may be killing children in part to protest Westernized education.²⁴⁶ In order to combat these problems, this Comment proposed that initiatives promoting education incorporate Gandhi's philosophy. Tanzania is a country that implemented educational policies similar to Gandhi's proposals.²⁴⁷ The country has been successful in increasing the number of children who complete primary school.²⁴⁸ The Tanzanian model for promoting education could be a new approach to protecting the right to education. However, this model may be criticized on two points. First, the argument could be made that allowing states to interpret the right to education in indigenous terms conflicts with the universal rights of girls.²⁴⁹ Second, the argument could be made that

²⁴⁰ *Id.* at 249–50 tbl.1.

²⁴¹ *Id.*

²⁴² *See id.*

²⁴³ *See supra* Part I.

²⁴⁴ *See supra* Part II.A.

²⁴⁵ *See supra* Part II.B.

²⁴⁶ *See id.*

²⁴⁷ *See supra* Part IV.

²⁴⁸ *See id.*

²⁴⁹ *See supra* Part V.A.

the Tanzanian approach is not applicable to other developing countries because Tanzania was unique in having a strong leader.²⁵⁰ This Comment proposed the partnership approach for countries with less stable governmental structures and listed two issues that local communities should be aware of when forming these partnerships. Partnerships between local communities and non-state actors may prove successful in bringing about universal access to education so long as local communities understand that non-state actors hold dissimilar understandings of the right to education and their efforts could potentially lead to an unequal administration of education.

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²⁵⁰ See *supra* Part V.B.

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