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THE RIGHT TO EDUCATION AND HUMANITARIAN ACTION

Webinar June 15 and 16, 2020

Introduction

There are 7.1 million refugee children and adolescents at school age in the world. Before the pandemic, 3.7 million did not go to school, but this number has increased due to the Covid-19 emergency. This new crisis has also increased the number of minors at risk of never returning to school. The reason is that in emergency contexts such as the present, education is the first right to be lost, but also that which takes the longest to recover, tending to be an evil that becomes even more chronic in long-term crises such as that we are currently experiencing.

In this new situation, on 15 and 16 June, Entreculturas organised a seminar on education in emergency contexts under the title **'The right to education and humanitarian action'**. The meeting brought together 20 participants from various organisations and administrations, who discussed the current situation and the challenges faced in guaranteeing the right to education as a priority in humanitarian action. The two working days also served to address education in emergencies in humanitarian action in the context of the COVID-19 pandemic, and to identify the future challenges of education in Spanish humanitarian action from a multidisciplinary perspective, as well as the best ways to face them.

The seminar was held on-line given the extraordinary circumstances caused by Covid-19. The virtual meeting that had the support of the Ministry of Foreign Affairs, the European Union and Cooperation was brought to a close by the Secretary of State for International Cooperation, Ángeles Moreno Bau and Ramón Almansa, Director of Entreculturas.

The seminar started with interventions from Luis Eduardo Pérez and Alistair Davies, who reflected on the right to education in humanitarian action and the impact of Covid-19 on education in crisis contexts prior to the pandemic. Both interventions are included in this publication.

The subsequent discussions, and the different interventions that Entreculturas requested of Luis Zambrano from ECHO Venezuela, Beatriz Sierra from AECID, Méline Szwarcberg from Save the Children Spain, Paco Rey from IECAH, Rayhana Itani from JRS Lebanon in the Baalbek area, Noelbis Aguilar from Fe y Alegría Venezuela and Pilar López-Dafonte from Entreculturas were very productive. With our thanks to all of them for their collaboration and their daily commitment to human rights, we have tried to briefly collect some of the ideas and reflections exchanged during the two days.

List of participants

1. Alicia Flores: Head of the Education and Infancy Service of the AECID.
2. Alistair Davies: Development and humanitarian aid project consultant.
3. Annalisa Lenti: ALBOAN head of humanitarian action in Africa.
4. Beatriz Sierra Santos: Office of Humanitarian Action of the AECID.
5. Belén Llera: AECID Office of Humanitarian Action.
6. Francisco Rey Marcos: Founding member and joint director of the IECAH.
7. Gloria Mínguez: Office of the State Secretariat for International Cooperation.
8. Irene Ortega: Entreculturas Citizens Area coordinator.
9. Isabel Miguel: Director of Education for Global Citizenship. UNRWA Spain.
10. Ligia Flores: Head of the Education Service of the AECID.
11. Luis Eduardo Pérez Murcia: Doctor in Development Policy and Management.
12. Luis Zambrano: ECHO Programme Assistant. Venezuela.
13. Macarena Costa: Entreculturas expatriate technician in Venezuela.
14. Méline Szwarcberg: Education technician in Save the Children Spain.
15. Michela Ranieri: Technician for Foreign Policy and Advocacy. Save the Children Spain.
16. Miguel Santiuste: Entreculturas expatriate technician in Lebanon.
17. Noelbis Aguilar: National director of the School programme of Fe y Alegría Venezuela.
18. Pilar López-Dafonte Suanzes: Entreculturas Head of Humanitarian Action.
19. Pilar Orduña Garcia: Humanitarian Lead in Intermon Oxfam.
20. Rayhana Itani: Pedagogical Coordinator of JRS Lebanon in Baalbek.
21. Ramón Almansa: Entreculturas Director.

Seminar close:

- Ángeles Moreno Bau: State Secretary for International Cooperation.
- Ramón Almansa López: Director of the Entreculturas Foundation.

Chair:

- Lucía Rodríguez Donate: Entreculturas Department of Political Advocacy.

Secretary:

- Marcos Andrés García: Entreculturas Department of Political Advocacy.
- Macarena Romero Álvaro: Entreculturas Department of Political Advocacy.
- Elisa Orbañanos Hernando: Entreculturas cooperation area.

entreculturas

ONG JESUITA PARA LA EDUCACIÓN Y EL DESARROLLO

The right to education in contexts of humanitarian action

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Luis Eduardo Pérez Murcia [1]

Introduction

This document discusses the scope of the right to education in contexts of humanitarian action and explores some of the challenges *and political tensions that States and humanitarian actors face in guaranteeing this right both in emergency situations and in the transition between emergency and development.*

The document starts from two fundamental premises: **firstly**, every human being has the right to education; and **secondly**, the States are obliged to take all possible measures, to the extent of their available resources, to respect, protect and guarantee said right in all contexts and places, including contexts and places where emergencies arise.

These two premises have two fundamental implications for the design and implementation of humanitarian interventions. **Firstly, the holding of the right to education is not lost in emergency conditions and therefore cannot be suspended.** On the contrary, people's right to education when living in an emergency situation demands **special** protection from the States, given the situation of **threat** and the **particular** situation of **vulnerability** to which they are exposed as a consequence of the emergency. Such **special** protection is legally enforceable and demandable before the States based on the right to equality and the principle of non-discrimination enshrined in international human rights law, including the Universal Declaration of Human Rights (arts. 10 and 26).

The second implication refers to the States' duty, in concurrence with humanitarian actors, to take all necessary and appropriate policy measures to continuously guarantee the protection of the right to education. In all contexts, this right must be guaranteed without jeopardising the fundamental rights to life, freedom, integrity and personal security of both people in emergency situations and humanitarian personnel. Such measures may include rapid response plans, for example mobile schools, and the adoption of detailed plans to respond to the emergency and prepare for the time when the humanitarian personnel depart. These measures entail establishing a close link between humanitarian assistance measures and development assistance measures, as well as coordination between the institutional actors responsible for their design and implementation. [2]

Within the framework of this document, the expression 'emergency' refers to disasters associated or not associated with climate change, humanitarian crises associated with contexts of internal or international armed conflict, and crises associated with States' fragility to preserve democracy and/or meet the social demands of its population. In both cases, such emergencies involve both people trapped in disaster areas or confined in conflict zones, and people forced to flee their usual places of residence and/or work in such emergencies as subjects of special protection. In other words, humanitarian action requires developing specific actions both for confined populations and for those fleeing within and outside the borders of their countries. That is, internally displaced people, refugees and asylum seekers living both in 'refuge camps' and in other forms of settlement. [3]

[1] PhD, Development Policy & Management, Manchester University, UK.

[2] The humanitarian manual developed by Trócaire (2016) offers a detailed guide to develop humanitarian interventions. This includes guidelines for the design and implementation of humanitarian measures as criteria for determining when the humanitarian personnel depart.

[3] A formal definition of the concepts of emergency and of the principles of humanitarian action, as well as of the different subjects and population groups requiring special humanitarian protection, exceed the scope of this document. For those interested, we suggest consulting Trócaire (2016; 3-7) and Sphere (2018: 10-15; 29-31).

With this introduction, the document contains four sections. Based on international human rights law and international humanitarian law, section two describes the minimum content of the right to education that must be guaranteed in all contexts, including humanitarian emergencies. Section three discusses some of the potential tensions facing States and humanitarian actors in protecting the right to education in the so-called transition between emergency interventions and development interventions. The document ends in section four with a series of concerns and questions to guide the conversation between the seminar participants.

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La protección del derecho a la educación en las operaciones humanitarias.

The right to education is explicitly enshrined in international human rights law and international humanitarian law. Although the two regulatory frameworks were originally intended to operate in different contexts, it can be argued that both frameworks complement each other to specify the scope and content of the right to education. On the one hand, international human rights law defines the scope and content of the right to education in contexts of peace, or maybe better said in contexts of non-conflict. [4] On the other hand, the Geneva Conventions and their additional Protocols prescribe special protection for the educational community and the educational infrastructure in contexts of internal or international armed conflict. Humanitarian law formally raises schools to the level of a civil asset protected by international humanitarian law and recognises children and young people as civilians who enjoy special protection.

In accordance with humanitarian regulations, humanitarian infractions are not only the attack or destruction of schools. These also occur when either party to the conflict uses the school as a place to shelter, dig in, or, for example, whenstudents or teaching staff are used as human shields. [5] The prohibition on these and other conducts, which not only threaten the enjoyment of the right to education of students in contexts of armed conflict, but also put their lives, those of their families and of the teaching staff at risk, are expressly

[4] A systematic analysis of the scope and content of the right to education in international human rights law can be found in Tomasevski (2004) and Beiter (2006).

[5] A detailed analysis of the scope of international humanitarian law in the protection of the right to education, the protection of students, teachers and staff working in educational contexts, and the protection of schools and other educational spaces can be found in Hausler, Urban, & McCorquodale, 2012. See particularly chapters 3-5). A critical analysis of legal ambiguities and tensions in the protection of schools and educational personnel in war contexts can be consulted in Bart (2010).

prohibited in the Declaration on Safe Schools. Although this declaration does not have the regulatory force of an international treaty, it is important for the purposes of this document because it reiterates the commitment of the signatory countries to protect educational establishments and the educational community in contexts of armed conflict. [6]

Based on the human rights standards and international humanitarian law, as well as the work of legal interpretation of the rules of international law by the Committee on Economic, Social and Cultural Rights (1999), it can be argued that the right to education supposes the components of availability, access, acceptability and adaptability. [7] As stated in the introduction to this document, it can also be argued that, based on the right to equality and the principle of non-discrimination, people living in emergency conditions are entitled to special protection of the right to education. Such special protection is precisely the legal basis, in concurrence with national and international humanitarian actors, of the States' obligation to design and implement humanitarian and development interventions to protect the right to education of those who are clearly vulnerable. Said special protection is understood to be guaranteed until the factors that caused it are overcome.

Table 1 illustrates some of the measures of respect, protection and guarantee of the right to education that are necessary in contexts of humanitarian action. They are based on a socio-legal reading of a broad set of norms of international human rights law, which are analysed from a perspective based on the needs to protect the right to education in emergency contexts. Formally, the content of Table 1 finds regulatory support in the following standards: Universal Declaration of Human Rights (art. 26), International Covenant on Civil and Political Rights (art. 18), International Covenant on Economic, Social and Cultural Rights (art. 13 and 14), Convention on the Rights of the Child (art. 28 and 29), Convention for the Elimination of All Forms of Discrimination Against

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[6] Details on the content of the declaration and information on the signatory countries can be found on the website of the Global Coalition to protect education from attacks (https://ssd.protectingeducation.org/). Information about the international conferences on safe schools (Oslo, 2015; Buenos Aires, 2017 and; Palma de Mallorca, 2019) can also be consulted on this portal.

[7] A detailed analysis of the content of the right to education and the State's obligations in the field of international human rights law can be consulted in Committee on Economic, Social and Cultural Rights. General Observation no. 13 regarding the right to education (art. 13). 21st sessions period, 1999. Document. E/ C.12/1999/10.

Women (art. 10), International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 and 7), Convention No. 169 on Indigenous Peoples and Tribal Organisations in Independent Countries (art. 26 to 31) and Convention on the Rights of People with Disabilities (art. 24). [8]

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[8] There are also a number of standards applicable regionally that include the right to education; the European Convention on Human Rights (art. 2), the American Declaration of the Rights and Duties of Man (art. XII), and the African Charter on Human and Peoples' Rights (art. 17), among others.

Table 1:

Minimal observance of respect, protection and guarantee of the right to education in emergency contexts

COMPONENT	Scope of state obligations in emergency contexts
AVAILABILITY	• Availability of educational infrastructure. This can take the form of temporary schools located in places far from the emergency zone in order to ensure the protection of the life and integrity of the educational community. • The school infrastructure must be provided with drinking water and spaces to meet the students' physiological needs. In all contexts, the school must protect the students' health and control the possible factors of illness and/or transmission of viruses and infections. • Availability of staff ethically and pedagogically qualified to teach. • Availability of didactic and pedagogical material appropriate to the educational level. • Availability of on-line educational plans and platforms to accompany students wherever school attendance is not possible because of the emergency conditions.
ACCESS	• Access to education has social, economic, physical, and geographic components. In any emergency situation, the right to education must be guaranteed without discrimination. In cases of ethnic conflict, for example, States and humanitarian actors must take special protection measures to ensure that no ethnic group is left out of the educational system. In any case, the right to education of the most defenceless must be especially protected, such as girls and women, internally displaced persons and refugees and other victims of human rights violations. • In terms of economic accessibility, education should be free for everyone at the basic levels and progressively free at levels of higher education. As a measure of compensation for victims of violence, free higher education may be an alternative to ensure victims' rights to reparation. • Regarding physical and geographical accessibility, humanitarian action must ensure that schools are accessible to all people and within a reasonable distance from places of permanent housing and/or temporary accommodation for people living in emergencies. In cases where such proximity is not possible, financial support must be provided for transportation and special precautions taken in areas contaminated by mines and other unexploded war ammunition.

ACCEPTABILITY	• Acceptability involves two fundamental elements: having quality education and respect and protection of human rights in all educational processes. In the first of these and as indicated in the dimension of availability, humanitarian action must have teachers ethically and pedagogically qualified to teach. Depending on the context of the emergency, training for teaching staff may require training to attend to students who have experienced traumatic acts associated with disasters or acts of violence and forced displacement, for instance. • With regard to the protection of rights in school, emergency education and humanitarian action must not promoted as charitable measures, but rather as the responsibilities of States and humanitarian actors. Under no circumstances may students be subject to corporal punishment or misconduct by teaching staff. Special precautions must be taken to guarantee the rights of children who are victims of forced recruitment or of sexual violence. • Finally, humanitarian agencies must refrain from misusing images of students in emergency situations to promote their brand. Any advertising by humanitarian agencies must be governed by the highest ethical standards in terms of informed consent and of not promoting victims of disasters and conflicts as human beings whose fate depends on others.
ADAPTABILITY	• The adaptability component is designed to guarantee that students remain in the educational system until the end of their school years. The humanitarian action must therefore have specific plans to mitigate the causes of school drop-out and take positive measures to increase student retention until the completion of their educational levels. School feeding measures, as well as the allocation of temporary measures of financial assistance to families for transportation, uniforms and school supplies, can contribute to school retention and they must therefore be included in the provision of humanitarian operations. • Finally, and based on the Convention on the Rights of the Child (art. 28 and 29), the school and the educational community must adapt to the special learning needs of their students. Special assistance may be required for people with disabilities and whose physical or mental health has been affected by emergencies or armed conflicts. The humanitarian action should then have specific plans to ensure the adaptation of schools and all pedagogical practices to the needs of all.

Although the delimitation of the right to education in emergency contexts finds legal support in the aforementioned regulations, some gaps persist in their inclusion in humanitarian manuals. Education is not formally included as part of the right to receive humanitarian assistance in manuals such as that developed by the Sphere project. [9] This gap appears to be resolved to the extent that the manual makes it explicit that it does not include all aspects of humanitarian action and therefore suggests that it should be complemented by standards developed by peer organisations. For the specific case of education in emergency contexts, with the minimum standards for education established by the Inter-agency Network for Education in Emergency Situations. [10]

[9] "The right to receive humanitarian assistance is a necessary element of the right to life with dignity. This encompasses the right to an adequate standard of living, including adequate food, water, clothing, shelter and the requirements for good health, which are expressly guaranteed in international law". Sphere (2018: 30).

[10] "The Sphere Handbook does not cover all aspects of humanitarian assistance that support the right to life with dignity. Partner organisations have developed complementary standards in several sectors, based on the same philosophy and commitments as Sphere's. These are available through Sphere [] Minimum Standards for Education: Preparedness, Response, Recovery: Inter-Agency Network for Education in Emergencies (INEE)". Sphere (2018: 7).

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Furthermore, as the United Nations (2018) reports, boys and girls are disproportionately affected in areas of armed conflict. In 2017, armed actions and attacks against children, adolescents, teachers and the educational infrastructure intensified in most countries in internal or international conflict, and in areas affected by terrorist actions. In many of these areas, the enjoyment of the right to education was seriously affected by the forced recruitment of students, as illustrated by the cases of the Central African Republic, the Democratic Republic of the Congo, Somalia, South Sudan, Yemen and the Syrian Arab Republic, among others. In all these contexts, the implementation of humanitarian measures and the guarantee of the right to education pose serious challenges and risks for both communities and humanitarian actors. [11]

As these and other humanitarian emergencies well illustrate, minimum standards of protection and guarantee of the right to education in emergency contexts are often unattainable for long periods of time, or simply ignored. Depending on factors such as the magnitude of the emergency, the countries' response capacity in technical and financial terms, the possible existence of contingent education plans, and the way in which the States' actions converge or not, the humanitarian actors and development cooperation, and the conditions to guarantee the right to education may be absent for several years and even decades.

Recognition of these challenges, however, does not mean that the right to education can be suspended while emergencies are overcome. As anticipated in the introduction, the suspension of the right to education in emergency contexts has serious practical implications in terms of educational policy, which directly affects people's lives. Perhaps the most obvious implication, but no less fundamental, is that education cannot and should not wait until the educational infrastructure is rebuilt or until the conditions that have given rise to the emergency are overcome.

The experiences of several of the countries in conflict mentioned in the preceding paragraphs teach us that those who lose access to school as a result of the emergency have a very low probability of returning to classrooms and are frequently caught in structural poverty traps from which they can hardly escape. [12]

Education, as the quintessential multiplying right as recognised by international law, opens up an infinite number of possibilities. Denial of the right to education, which is much more frequent in emergency contexts, also closes an infinite number of possibilities. As Amartya Sen (1997, 1999) well suggests in his analyses of education, freedoms and development, education allows us to speak in public without feeling shame, and the mere exercise of this freedom contributes to the exercise of our critical and active citizenship that facilitates access to many other freedoms.

Not starving and preventable and curable diseases are just part of a long list of fundamental freedoms that we should all be in a position to achieve if we enjoy a full right to education. The way in which humanitarian interventions and medium and long-term development policies are harmonised will largely depend on whether this aspiration becomes a reality. These issues are addressed in the following section.

[11] UNESCO (2011) offers a detailed analysis of the challenges of implementing the right to education in contexts of armed conflict and Boyden & Ryder (1996) offer a practical guide to implement the right to education in contexts of armed conflict. See also Trócaire (2016) and Sphere (2018).

[12] "Poor people realize that education offers an escape from poverty-but only if the economic environment in the society at large and the quality of education improve". Narayan et al., (2000: 5).

Between humanitarian action and action for development: Tensions for the protection of the right to education

When an emergency ends, it seems to be a fundamental question to determine the transit between humanitarian action and development action. Answering this question is not always a simple task, particularly in contexts of protracted humanitarian emergencies. Its response, however, has serious implications both for those who have lived through the emergency and face its consequences, and for those responsible for designing humanitarian and development operations.

With regard to the first of these, and depending on the nature of the emergency, an early departure of the humanitarian actors may result in the loss of the lives of the subjects of humanitarian intervention and impair their chance to enjoy social rights. In contexts of armed conflict, for example, the early departure of the humanitarian actors can result in further attacks by armed forces and loss of human life. In emergencies related to food shortages such as the many that occurred in the Sahel region in the 1980s and continue to occur today, the early departure of humanitarian actors and/or the late arrival of support for development has also meant loss of human life.

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In all these contexts, the protection of the right to education may not only be overlooked by the humanitarian actors, who focus on providing food, healthcare and shelter, but also ignored by the those responsible for designing and implementing measures for the transition towards development. Despite the fact that education is a right that can be demanded in both emergency and non-emergency contexts, as discussed in the previous section, its importance tends to be undermined in humanitarian interventions and then simply overlooked in defining priorities in the interventions in the transition towards development. It is tacitly accepted by a sector of humanitarian actors that education can wait and will be addressed in the transition towards development. The 'rationality' seems simple: in a humanitarian emergency lives are saved; medical care is provided to those who are at risk of death and food is provided to those who may starve. [13] Without making it explicit, it is silently accepted that no one will die for not going to school. What is ignored, as Amartya Sen (2002) well suggests in his analyses of the importance of rights in development, is that the denial of the right to education subjects the individual to ignorance and this significantly reduces their expectancies and present and future quality of life. Denial of the right to education may not kill in terms of loss of physical life, but it gradually, and for generations, eliminates the possibilities of leading a life in which the individual fully enjoys their rights.

Regarding those responsible for designing humanitarian and development operations, determining when a humanitarian emergency is overcome involves identifying the link between emergency and development. The definition of this link is problematic insofar as it must respond to the dynamics of the emergency and to the institutional dynamics of response. In the specific context of emergencies associated with the movement of people, for example, Zetter (2020) defines this link as a multi-sector approach adopted by multiple agencies to respond to so-called 'refugee crises'. Its fundamental objective is to search for mechanisms of complementarity between humanitarian interventions and development interventions considering a wide range of aspects such as financial sources of resources, assistance time and the identification of intervention priorities (Zetter, 2020). The fundamental idea, as Zetter (2020) puts it well, is to establish coordination mechanisms between short-term humanitarian assistance and sustainable development strategies that strengthen the resilience of the refugees and the communities in which they are settled.

The need to overcome the tensions between what is humanitarian and development and to look for complementary alternatives between the two, has been gaining more space on the agendas of humanitarian agencies (UNHCR, 2010; UNEG-HEIG, 2018; Save the Children, 2018; UNICEF, 2019), multilateral development agencies (World Bank 2017 & 2019), and people engaged in academia and research (Sande Le, 2017; Zetter, 2020). This concern emerges not only as a response to the growing demand for financial resources to address

[13] It should be remembered that, in accordance with humanitarian principles, for example present in the 1951 Geneva Convention on Refugees, humanitarian action must be governed by the principles of humanity, neutrality, impartiality and independence.

humanitarian crises, but also to the growing interest of the different actors to ensure sustainable livelihoods for the people facing these emergencies and the communities in which they settle. In other words, and following the example of emergencies associated with the forced displacement of people, what is sought is for them to move from the **emergency** to what is called **lasting solutions**. Depending on whether people seek refuge inside or outside their country, the transition from humanitarian to development focuses on finding one of three alternatives: repatriation/return; resettlement in a place other than the emergency settlement; and local integration (IASC 2010). Whatever the solution, it must be designed and implemented along criteria of voluntariness, security, and dignity; and whatever the times of transition between humanitarian and development, the right to education must be fully respected, protected and guaranteed.

Consequently, measures to make education a real right that individuals can enjoy on a day-to-day basis must be present in humanitarian plans, transition plans, and development plans. In all these plans, there must be clear responsibilities for the different times of the interventions: people responsible for the performance of the actions, for the monitoring and follow-up mechanisms, for the effective participation of the communities concerned, and human, technical and financial resources to start them up.

The question of when an emergency ends, however, is no easy task. This demands deep sociological awareness of both the context in which the emergency takes place and the possibility that the factors that cause it might be mitigated and/or perhaps overcome. To illustrate this, the question of when displacement caused by internal or international armed conflicts ends has been on the agenda of humanitarian organisations, development organisations, policy makers and academics for several decades (Mooney, 2005; Martin and Mooney, 2007; Kälin , 2008; IASC, 2010; Pérez, 2010; Fagen, 2011; Ferris and Halff, 2011; Ferris, 2013). From a practical point of view, it seems very clear to determine when the displacement emergency begins and, in some countries, there are comprehensive measures to respond to that emergency. Humanitarian protocols, expressed for example in the Guiding Principles on Internal Displacement, outline the components of humanitarian aid. In general, to provide immediate measures to make the civilian population safe, and to provide them with humanitarian attention during the time of the emergency. Depending on the context, the financial capacity of the States and the humanitarian actors, in addition, of course, to their political will to act, such assistance may include not only shelter and access to food and water, but also the provision of physical and psychological health services, and education. These Principles, like the legislation of some countries that have incorporated them into their internal regulations, even prescribe measures of transition between the emergency and what is sometimes known as the overcoming of the emergency.

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The application of this simple policy scheme is actually complex. As Zetter (2020; 354) well suggests in his analysis of the tensions between humanitarian action and development policies in contexts of forced displacement, "Many attempts have been made in the last three decades to promote and coordinate the response of humanitarian and development actors, but these efforts have had little traction". [14] It is not only difficult, for instance, to determine the duration of an armed conflict and the number of people affected, but also the time that States and humanitarian actors take to respond to such an emergency and the coordination between different actors. The cases of the thousands of Palestinian families who were displaced from their lands in 1948 and of the Colombian families who have been displaced since the early 1980s and who still claim their right to return to their places of origin are just two examples of what prolonged humanitarian emergencies can become and the need to establish clear links between emergency and development measures from the initial stages.

These two examples call into question the difficulties of rigid planning schemes for humanitarian aid and for the transition to development. As the examples from Palestine and Colombia well suggest, it is not easy to design and implement humanitarian interventions for conflicts and crises of more than seventy years, nor to determine when the role of humanitarian actors ends and when that of the development agencies begins. In practice, in this type of situation, humanitarian action and development action should not only be designed in parallel but should complement each other in their implementation. In some sense, it is about making progress in **designing humanitarian interventions with a development focus.** In other words, measures that not only contemplate immediate and short-term needs, but also medium and long-term measures aimed at the recovery of the population's livelihoods and the effective protection of their rights.

The tensions between the different forms of intervention and the need to seek strong mechanisms of coordination and complementarity between them do not only apply to contexts of armed conflict and forced displacement. They are also observed in cases of disasters and emergencies associated with climate change. However, in some of these cases, the duration of the emergency seems much more feasible to determine. This could be the case of emergencies related to the hurricane season or forest fires. However, the duration of their effects on people's lives and the magnitude of both the humanitarian and development interventions required to protect people's lives and promote the recovery of their livelihoods can become equally complex. This task is complicated when emergencies are repeated with a certain regularity. The droughts and the consequent famines and displacement of thousands of people in the Sahel region, mentioned before, can illustrate such complexities. Today they are not only repeated, but they threaten a greater number of people who face the risk of starvation. It is like an emergency that becomes permanent, and there again, the challenge for humanitarian actors is to intervene in education when people are starving.

More generally, what is essential for actors carrying out humanitarian and development interventions is to understand that humanitarian emergencies are generally of multiple causes and that this largely determines their duration and the communities' capacity to face such emergencies with their own strategies. The displacement of people inside and outside the borders, for example, generally responds to the confluence of many causes. Among others, emergencies associated with disasters and climate change (McAdam, 2010), the fragility of governments (Betts, 2013) and internal or international armed conflicts (Martin, Weerasinghe & Taylor, 2014). The fundamental challenge then is to understand the link between what is humanitarian and development in all these different contexts. Somalia, for instance, has experienced multiple displacements in recent decades, not all with the same cause. Armed conflicts, droughts, food insecurity and fragility in the state response, among others, seem to converge in all these humanitarian crises (Zetter, 2020). Overcoming all these structural factors, of course, goes beyond the humanitarian actors' capacity to provide medical care, supply food and water, build temporary accommodation and offer alternatives to continue educational processes. In other words, part of the solution lies in the way in which development actors join these efforts from the first symptoms of emergencies and how the communities' own efforts to overcome these crises are recognised and encouraged. In all of this, as Zetter (2014) suggests, it is important that both humanitarian and development actors promote the technical and financial participation of corporate sectors and that special attention be paid to interventions that promote the development of the affected people's capacities to face such crises.

[14] Proposals for assistance with a strong development orientation, which link a large number of humanitarian actors, development agencies and private organisations, seem to have been gaining strength in recent years, as initiatives such as the Global Compact for Refugees and the Global Refugee Response Framework (see Zetter, 2020) correctly suggest.

But what is the role of the right to education in this discussion? First, the right to education seems to be absent in the initial moments of the response of both humanitarian and development actors. The idea that the emergency is temporary and that it is therefore not necessary to take measures in education has led to the people fleeing conflicts, for instance, leaving school in large numbers and never returning. As works on the impacts of displacement on living conditions, including opportunities in education, well suggest, most of those who leave school in crisis contexts tend to face multiple forms of exclusion and become trapped in poverty for generations (Arboleda et al., 2004; Holtzman and Nezam, 2004; Bennett & McDowell, 2012). Once they have dropped out of school, the response becomes more complex and limited. People who did not attend school at the expected age are not likely to return to school and thus see their right to education permanently frustrated. As adults, their chances to legally demand their right to education is seriously limited and the alternative in many cases seems to come down to the figure of education for work and technical training. These may increase their job opportunities, but they seem to offer few alternatives for social mobility.

After several decades of attempts to strengthen coordination mechanisms between humanitarian action and development action, the challenges continue. The barriers on making such coordination effective in the field seem to remain the same. As Zetter well suggests (2020: 355), these seem to be associated with the "difficulty of designing and implementing a coherent and comprehensive framework for making development-oriented responses that involve the interests of many actors and governments, and the need to establish effective financial mechanisms for their performance".

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Questions to guide the discussion

Based on the conceptual reflections presented throughout the text, this section raises a series of questions that seek to promote debate among the seminar participants. They are designed both to identify the challenges and tensions for the effective protection of the right to education in contexts of emergency and transition to development, and to begin to identify possible points of consensus and divergence among the seminar participants.

- Are the current legal frameworks, in particular those that guide humanitarian action, sufficient to make the right to education enforceable in emergency contexts?
- Main challenges to address the right to education, life, food, a roof, ... in a comprehensive way.
- To what extent do the type and magnitude of the emergency determine the possibility of designing and implementing humanitarian operations guided by a development approach?
- What are the main challenges of inter-agency coordination to respect, protect and guarantee the right to education before, during and after the emergency?
- Are there standards/criteria for determining when the humanitarian actors depart? Do these standards apply to educational interventions?
- What are the limitations of these standards/criteria to guarantee the right to education in protracted crises?
- How to guarantee the informed and effective participation of people affected by emergencies in the planning of educational policies both at times of the emergency and in planning actions for the transition and in overcoming it?

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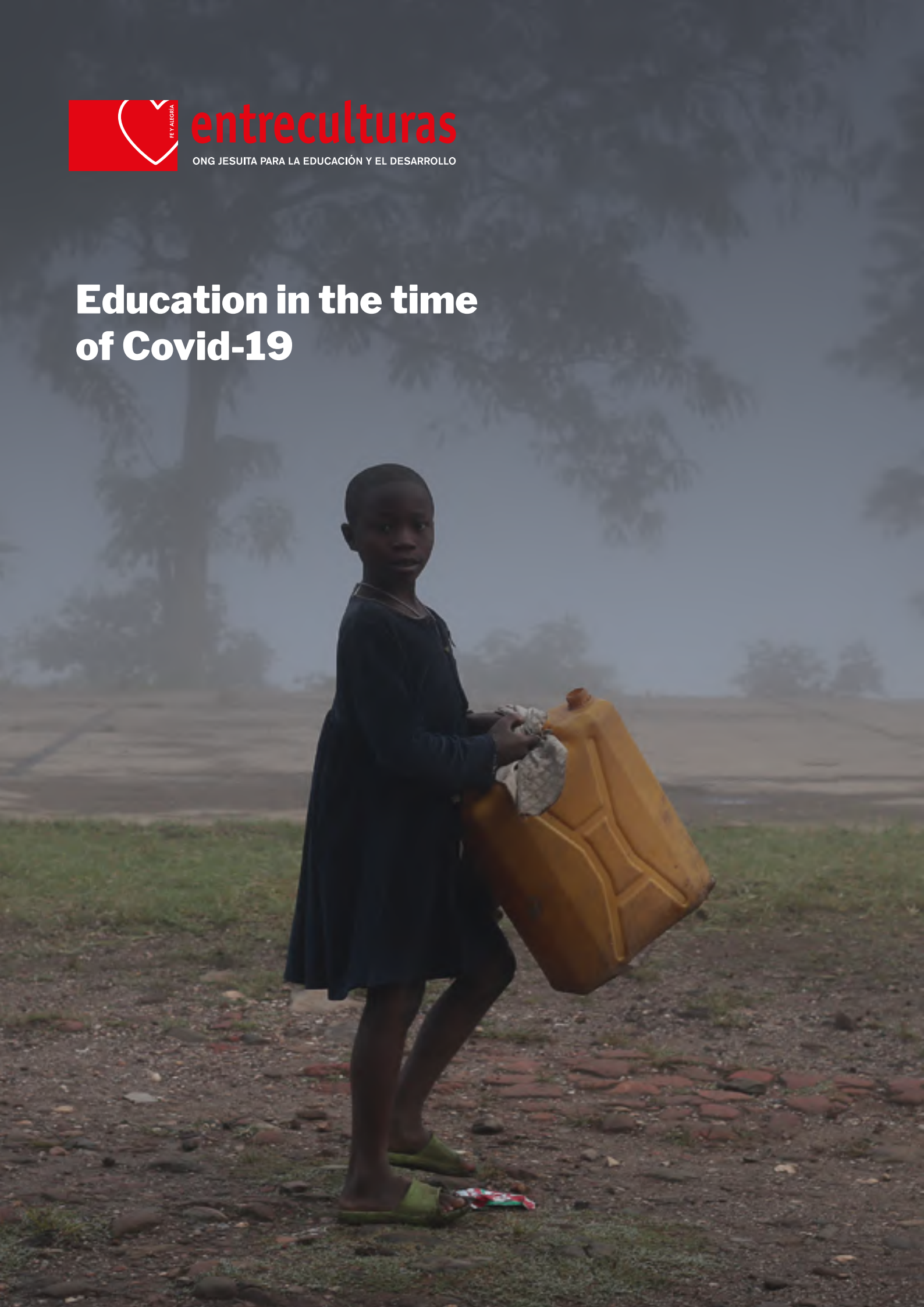
FE Y ALEGRÍA

ONG JESUITA PARA LA EDUCACIÓN Y EL DESARROLLO

Education in the time of Covid-19



Alistair Davies

Covid-19 and education

At the end of December 2019, the Wuhan Municipal Health Commission in China began to report a cluster of pneumonia-like cases in Hubei Province. On the 11th March 2020, the World Health Organisation (WHO) announced that the COVID-19 situation can be "characterised as a pandemic". More than twelve weeks later and the world finds itself in a situation unlike any faced in the last 100 years, with more than 6.6 million people infected and more than 391.000 fatalities. [1]

In response to COVID-19, governments around the world have applied wide-ranging measures in attempts to slow the spread of the virus including quarantines, social distancing and the closure of general daily life. In many countries this has included the closure of schools at all levels of education (pre-primary, primary, secondary and tertiary) and the switch to online learning.

According to UNHCR, the COVID-19 pandemic has disrupted schooling for almost 1.6 billion children and youth as governments enforce total or partial closures of schools in efforts to contain the spread of the virus. UNESCO estimates that 91% of those enrolled in formal education programmes have been affected.

But as we know, situations of emergency have their own characteristics and measures applied in stable and developed countries are often not valid or even possible in underdeveloped countries in crisis. Children, young people and adults in situations of emergency are already at a huge disadvantage and the arrival of the pandemic is likely to have greater negative effects on them and their education. In the following sections we will look at the impact of COVID-19 and the measures adopted by different actors in education in the humanitarian world to try and counter the negative effects.

[1] Source Center for Systems Science and Engineering (CSSE) at John Hopkins University.

Covid-19 and its impact on education in emergencies.

In countries like Syria, Iraq, Yemen, Afghanistan, South Sudan, and the Democratic Republic of Congo, children, young people and adults are experiencing serious levels of disruption to their schooling and missing out on one of their fundamental rights: Access to quality education.

The right to education does not cease to exist when a person is on the move, and it should not vanish even in a place with few resources, such as refugee camps, informal settlements, or temporary living spaces. When children and young people have fled across borders and find themselves in a new country, their right to education is protected by a legal framework, the 1951 Refugee Convention, and affirmed by multilateral commitments, such as the 2016 Comprehensive Refugee Response Framework (CRRF). [2]

However, the number of primary-age children out-of-school due to humanitarian crises accounts for half of the world's out-of-school girls and boys [3], and this is on the rise.

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[2] https://jrs.net/en/programme/education

[3] Currently 3.7 million refugee children are not in school – UNHCR Stepping Up: *Refugee Education in Crisis.*

For teenagers it is even worse, less than one-quarter of refugee adolescents make it to secondary education. When this is contrasted with the global average of 84 per cent, it is immediately clear that refugee adolescents are at a huge disadvantage as they strive to take the next step on their educational journey. [4]

Again, access to quality education becomes increasingly difficult as people get older, with only 3 percent of adult refugees gaining access to post-secondary education (compared with a global figure of 37%). [5]

Emergencies and protracted crises further weaken education systems that are already under-resourced, undermining the learning outcomes and potential of children and young people. In addition, frequent school disruptions and the psychosocial damage caused by traumatic events impede learning.

Education in emergency responses can take many different forms and offer many different activities, but all should be striving to give nursery and primary school-age going children and young people access to lifelong quality education, protective spaces where they can learn, play and connect with their friends and fellow students.

Life as a refugee or internally displaced person (IDP) is incredibly difficult. Forced from their homes, often able to take only what they can carry, they find themselves in many cases unable to work, unable to farm and totally dependent on aid agencies for all their basic needs. Their sense of control is completely removed and can lead to a sense of futility. Often education is the only thing in a camp that can provide a safe space, a place where there is a modicum of structure and order, and a vision and opportunity of a better future.

Unfortunately, in response to the COVID-19 pandemic almost all governments and aid agencies have suspended classes in refugee and IDP camps. This has meant that hundreds of thousands of children, young people and adults are currently being denied access to safe and protective environments as well as not being able to access learning which is vital for their personal and social development.

Without access to these safe spaces and education, there is a huge risk that an undereducated, lost generation will be left behind which, in the long run, will adversely affect the stability and development of many impoverished countries.

According to Lee Hudson, [6] consultant paediatrician and chief of mental health at Great Ormond Street Children's Hospital, schools play an important role in the wellbeing of all children and young people and a continued forced absence from face-to-face classes will be a disaster for many children. **"The negative effects of adverse social determinants of health in children, in particular education, is well established. Children carry the effects on their physical and mental health throughout their lives, and as such childhood and adolescence are key windows for many life outcomes. Right now, that gap is almost certainly widening with effects for many years to come"**. Factor in the adverse conditions suffered at home by many children in refugee and IDP camps and this effect will surely be multiplied.

In some cases the situation is extreme. For example in Kutupalong refugee camp [7] in Cox's Bazaar, Bangladesh, the educational situation was complicated to begin with [8], but currently all temporary learning spaces are closed and the fact that the Bangladesh govt. has cut internet access in the camp means that online learning is simply not possible.

[4 y 5] Ibid

[6] https://www.theguardian.com/global/commentisfree/2020/may/17/reopen-the-schools-or-a- generation-will-bear-the-mental-health-scars?CMP=share_btn_link

[7] Widely recognised as the world's largest refugee camp with an estimated population of 800.000

[8] Formal education using the Bangladeshi curriculum for the refugees is not permitted so the children are taught using non-formal means

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In refugee camps in Greece the situation is also complicated as the Greek govt. has closed all schools in the camps. Some agencies are trying to put online learning into place but many refugees simply do not have the digital tools (mobile phones, tablets, computers) needed to access remote learning. Added to this is the issue of a lack of WiFi access, which is limited in many areas of the camps.

But education in emergencies does not only take place in refugee and IDP camps. The situation in Venezuela pre-COVID-19 was very complicated with the sanctions levelled on the country by the United States causing shortages of many products and leading to incredibly high levels of inflation. [9] This subsequently caused chronic economic problems, an increase in poverty levels and a large spike in levels of emigration with over 5 million Venezuelans leaving the country. This economic crisis has affected the education system, often the only place where the students were guaranteed a nutritious meal. Against this backdrop Fe y Alegría Venezuela [10] had managed to access ECHO [11] funds and was implementing a food security project in many of its schools. With the current COVID-19 situation this project has been forced to change in order to respond to the new challenges faced by the country. To do this FyA has incorporated some new aspects and now includes a basic basket of food products along with necessary cleaning and sanitary products.

Examples like these are common place and there is an urgent need to prepare strategies and responses to bridge the educational gaps that will surely result from this unexpected interruption in many children's education.

[9] The International Monetary Fund currently estimates inflation in Venezuela to be running at 15.000% - www.imf.org

[10] https://www.feyalegria.org Fe y Alegría is a federation of local organizations which offer educational opportunities to the poorest sectors of society in 21 countries across Latina America, Asia and Africa.

[11] European Civil Protection And Humanitarian Aid Operations.

The response to Covid-19 in education from the society of Jesus.

In the current study being carried out by the Jesuit Xavier Network, [12] there are currently **124 education in emergency responses** (second in number only to food security) being carried out by the Jesuits in 6 different continents.

The main actor in education in emergencies (EiE) sector in the Society of Jesus is the Jesuit Refugee Service (JRS) which serves refugees and other forcibly displaced persons in conflict zones in 56 countries around the world. [13]

Other Jesuit actors include the Fe y Alegría Network and the Nepal Jesuit Social Institute [14]

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[12] The Xavier Network is an international mission and development partnership between 13 Jesuit organisations. Members are present in over 87 countries, carrying out development and aid projects in close cooperation with local partners.

[13] www.jrs.net

[14] The Nepal Jesuit Social Institute (NJSI) was a response to the needs the survivors of the devastating earthquake in Nepal in 2015.

Organisation	Country	Response to Covid-19
Jesuit Refugee Service	Greece	Provision of food support to the students and families of the JRS Arrupe Centre, as well as exploring remote learning options, for students to continue their schooling.
Jesuit Refugee Service	Jordan	Some individual and group sessions via Skype have continued for students who have a stable internet connection. JRS teachers are preparing course videos to be shared online.
Jesuit Refugee Service	Kakuma refugee camp in Kenya	Provision of emergency counselling and visits to special needs school children who have medication/behavioural issues for which their parents need assistance.
Jesuit Refugee Service	Lebanon	Contact with students through WhatsApp groups and other online platforms.
Jesuit Refugee Service	Central African Republic	Training of parents and provision of education kits to help children continue school at home. JRS is exploring the possibility of community radio broadcasts where teachers will provide live lessons.
Jesuit Refugee Service	Dzaleka refugee camp in Malawi	Continuation of primary school lessons via camp community radio. In collaboration with partners, distribution of laptops and data bundles to students of the Digital Inclusion Programme so they can connect from home and continue improving their digital skills. Distribution of handwashing stations and food rations to families.
Jesuit Refugee Service	Afghanistan	Continuation of education service through online programmes.
Jesuit Refugee Service	Uganda	Education by radio in Adjumani camps.
Jesuit Refugee Service	Maban, South Sudan	JRS is piloting a remote learning model for final year teacher training students in 2 camps. Teacher Trainers currently in Juba (the capital) facilitate a Zoom or Skype classroom with up to 10 students in Maban in the JRS compound.
Nepal Jesuit Social Institute	Nepal	Emergency support (food) to the most vulnerable.
Fe y Alegría Venezuela	Venezuela	FyA Venezuela had managed to access ECHO funds and was implementing a food security project in many of its schools. With the current COVID-19 situation this project has incorporated some new aspects and now includes a basic basket of food products along with necessary cleaning and sanitary products.

The response to Covid-19 in education from international actors.

While recently there has been a marked improvement in the funding for EiE responses from many multilateral and national agency donors, [15] it still remains down the list of priorities when it comes to emergency responses (according to Education Cannot Wait [16] education appeals receive less than 2% of humanitarian funding). The response of multilateral and national Aid agencies (for example UNICEF, ECHO, DFID, USAID [17]) to the COVID-19 emergency has been to prioritise healthcare, water and sanitation, food and shelter to meet the basic needs of developing countries worst affected by the virus.

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[15] ECHO has increased their funding of EiE projects from 1% of the EU humanitarian aid budget in 2015 to 10% as of 2019.

[16] ECW is the first global fund dedicated to education in emergencies and protracted crises.

[17] The national aid agencies of the European Union, Spain, United Kingdom, USA.

However, there are some funds being released specifically for COVID-19 education responses, for example the Education Cannot Wait fund has managed to raise $24.5 million for interventions in 27 countries. At the same time The Global Partnership for Education has announced a dedicated $250 million fund to help developing countries mitigate both the immediate and long-term disruptions to education being caused by the COVID-19 pandemic. This fund will help sustain learning for up to 355 million children, with a focus on ensuring that girls and poor children, who will be hit the hardest by school closures, can continue their education.

UNHCR, the refugee agency of the United Nations, has the mandate to ensure that the 7.4 million school age refugees have access to education. In order to do so UNHCR partners with governments and international organisations to ensure quality protective education for refugee children and young people. They have included education as one of their four priorities in their response to the COVID-19: [18]

- In **Jordania**, UNHCR has been providing support to the Ministry of Education during the COVID-19 response and aiding the roll out of online learning platforms that allow host communities and refugees to have access to online learning opportunities.

  They have also been conducting training sessions for teachers on conducting student assessment online

- In **Uganda**, UNHCR in collaboration with partner ECW, has been providing refugee learners and select teachers with tablets pre-loaded with content to support upper-secondary learners preparing for national examinations.

  In collaboration with other partners UNHCR is providing teachers and learners with access to open online educational resources, though it can only be accessed free Wi-Fi connectivity offered by MyUG hotspots in Kampala and Entebbe. They don't mention what services they are offering the more than 800.000 refugees from South Sudan and DR Congo located in the camps in the north of the country.

  They have also been training teachers on the use of online materials.

- In **Egipto**, UNHCR is giving money to families to enable them to purchase internet data packages from their internet service provider to support access to the Ministry of Education learning platform so their children can access online learning and examination activities.

- In **Niger, South Sudan and Ghana**, UNHCR has been distributing learning materials (self-study packs, e-readers, radios) to facilitate home learning.

- In **Indonesia**, UNHCR and its education partners have moved to distance learning modalities using instant messaging and video-conferencing applications such as WhatsApp, Zoom and YouTube.

- In many countries, for example in **South Sudan, Chad and Kenya**, UNHCR is supporting education by radio initiatives.

- In a number of UNHCR operations (**Burkina Faso, Chad, Guinea, Liberia, Malawi, Mauritania, Somalia and Mozambique**) teacher incentives are being paid despite the closure of schools in order to provide income during times when many other livelihoods opportunities have ceased.

[18] *Supporting continued access to education during COVID-19* - UNHCR

Other multilateral agencies involved in the delivery of education to children in emergency situations are also trying to provide a semblance of normality to children. UNICEF is providing home-schooling kits to refugees in Turkey while in other countries, including **Venezuela, Yemen, Afghanistan, Bangladesh, South Sudan and Syria**, it is concentrating on providing hygiene advice and materials (handwashing sensitisation campaigns, distribution of handwashing stations, soap to schools and vulnerable families).

At Civil Society/ International NGO level, many organisations have adopted different strategies depending on the needs and resources in the countries where they are present. Many NGOs (for example Lutheran World Federation, Fe y Alegría, JRS, Save the Children) have included some form of distance learning (online, radio, TV and mobile) so that children, young people and adults in situations of emergency can continue with their studies, as well as providing them with home-based learning kits.
Organisations (including Save the Children, Oxfam) are also conducting hygiene awareness campaigns as well as distributing materials (handwashing stations, soap to schools and vulnerable families)

Another important inclusion in activities is psycho-social support to families and children.

To best maximise these resources and efforts, it is key that there is fluent coordination and communication between organisations, agencies and funders.

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Lessons learnt from other similar crises.

"What can we learn from each other? How can we look at the evidence, the history, expertise and response during Ebola and the response we have now to school closures? Where are the challenges, the loopholes, the gaps? What is the impact on girls?"

Dr. David Moinina Sengeh, Minister of Education, Sierra Leone

In an attempt to find solutions to the current COVID-19 crisis, perhaps we can look to another contagious disease outbreak for inspiration. The Western African Ebola virus epidemic (2013–2016) was the most widespread outbreak of Ebola virus disease in history causing major loss of life (estimates by WHO think many more than the 11.000 deaths officially recorded) in Guinea, Sierra Leone and Liberia. Ebola epidemics were also been recorded in the Kivu region of the Democratic Republic of Congo (DRC).

Some research has been carried out on the effects of the Ebola pandemic [19] on education in the countries affected and some of the findings can be very useful for us when considering our next steps and planning our responses once schools and learning centres can reopen.

Among the main findings [20] we can highlight:

a) The poorer and most vulnerable children are disproportionately affected by disease outbreaks

In Sierra Leone, Liberia, Guinea and RD Congo they discovered that, during and for some time after the crisis, poorer students were:

- Learning less. With schools closed and little access to alternative education platforms, the most vulnerable children had reduced access to education and educational materials, leading to slower progress and a reduction in learning outcomes.
- Eating less. Many children and adolescents rely on the meals that schools provide in order to have a healthy diet. The closure of schools had a hugely negative impact on their nutrition. Also it was found that when schools close, families (mainly mothers) have to arrange childcare meaning that absences from work to take care of their children, causing a loss of family income. [21] This drop in family income inevitably causes a drop in nutrition values.
- More likely to become victims of abuse at home and more likely to be exploited (especially girls). In Liberia it was the girls who assumed most of the domestic responsibility and so therefore were exposed to increased risks of sexual exploitation. At the same time, teenage pregnancies doubled.
- Less likely to return to education when the schools reopen. The research from the countries affected by Ebola shows that the most vulnerable children are most at risk of dropping out of education either from lack of funds for school fees or an incorporation in the world of work in order to raise income for the family. This disproportionately affects adolescent girls, leading to increased risks of sexual exploitation, domestic violence, early pregnancy and early and forced marriage.

[19] Entreculturas – Solidaridad en tiempos de crisis https://www.entreculturas.org/es/publicaciones/solidaridad-en-tiempos-de-crisis

[20] Global Partnership for Education – https://www.globalpartnership.org/blog/4-lessons-evaluations-education-response-ebola

[21] Monthly household income fell from $336 to $131.

With these findings in mind, once COVID-19 is over we will need to look at the different ways in which our organisations can protect the most vulnerable in our activities to ensure that they can continue to access education and do not get left behind.

Activities that target the most vulnerable students, for example school feeding programmes, distribution of learning materials, catch-up classes/accelerated learning programmes, and psycho-social support programmes, may help mitigate some of the negative effects caused to their education by the COVID-19 crisis.

b) Very little/no evidence that online learning had a positive role in supporting at-home learning.

While most organisations during the COVID-19 pandemic have been striving to develop and implement online learning platforms and materials, the research from the Ebola virus in West Africa suggests that education through radio is a much more effective and promising format.

This is especially true with community radios as there is already a relationship of trust built between the local radio stations and the communities where they broadcast.

Education by radio also avoids issues like the cost of purchasing and distributing tablets/computers to students as well as the problem of having to distribute data parcels so that the children can access online platforms.

Perhaps one of the first tasks to carry out would be to conduct a survey with the students on their opinions of the effectiveness of the online programme/platforms as well as conducting some basic evaluations on the level of the students to ensure that their learning has been adequate during the lockdown period.
However, the studies show that online learning has a more positive effect for adults so maybe teacher-training programmes can be delivered online with success.

c) The importance of psycho-social support.

Organisations in Sierra Leone and DR Congo recorded many instances of post-traumatic stress amongst their students which, if left untreated, can cause many issues.

Psychosocial support needs to be a priority after disease related emergencies so that children can heal.

Activities including arts therapy, crafts, dance and movement can be incorporated into the daily school schedule to ensure that the students are receiving the help they need.

The importance of training for teachers in psychological first aid was also stressed. Training in this issue would help teachers identify students who have psychosocial issues and so refer them to expert practitioners for treatment and follow-up supervision.

Covid-19, education in emergencies and the humanitarian - development nexus

Mainly due to the protracted nature of crises, inter-agency humanitarian appeals now last an average of seven years. [22] Humanitarian relief, development programmes and peacebuilding cannot be considered as serial processes, rather they are needed on different levels all at the same time.

To reflect this understanding, the concept of a *'humanitarian-development nexus'* [23] has developed. The idea is that it focuses on the work needed to coherently address people's vulnerability before, during and after crises, trying to make a seamless link between the humanitarian and the developmental stages of an intervention.
This nexus, especially in education in emergencies, challenges the traditional thinking of the aid system, which operates with little or no coordination between humanitarian and subsequent development interventions, meaning that the needs of the most vulnerable people are often not being met.

The issue that actors working in the nexus face (for example JRS) is that education is not considered a priority in humanitarian crises (as mentioned earlier, less 2% of humanitarian funds are directed towards education). Despite some improvement in agency funding (ECHO annual Education in Emergency tender for example), other sectors like WASH, health and emergency distributions (food and NFI) often take the lion's share of funding.
This means that it is often hard to fund what are very expensive and very complicated responses as they often have the same on-the-ground costs as other emergency responses.

Other challenges that actors in the nexus face are:

a) Lack of planning and coordination with other actors.

While large-scale humanitarian interventions are usually organised by clusters [24] (WASH, camp management, health, protection, etc.), this is not usually the case in the nexus or the developmental stage. This can lead to both gaps in provision and the repetition of activities (distribution of the same materials by different organisations is a recurring theme).

The fact that many humanitarian workers often stay in a location only for short periods of time means it is difficult to build relationships and work together on long-term partnerships.

Often issues arise when organisations are planning to shut down their humanitarian/nexus activities and have to search for another organisation to take over. Here, organisations which work in the humanitarian, nexus and developmental spheres (for example Jesuit education networks like JRS and Fe y Alegría) will have opportunities to work together to ensure smooth handovers and ensure that years of effort and achievement are not lost.

[22] Fuente: https://www.unocha.org/fr/themes/humanitarian-development-nexus

[23] OXFAM - *The Humanitarian-Development-Peace Nexus: What does it mean for multi-mandated organizations?*

[24] And even in clusters there may not be effective organisation of activities by NGOs

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b) Lack of capacity of the local authorities.

When the time comes for the humanitarian/nexus actors to hand over some responsibilities to the local authorities (especially the local education authorities), it is often the case that they do not have the human resources, material resources or skills to assume this responsibility. This can prove very frustrating as often the fruits of many years of work can be lost, a tragedy when a good education system has the potential to play an important part in any reconstruction efforts.

c) Difficulty in accessing funding when the intervention is neither strictly humanitarian nor strictly development.

Most donors and funding agencies prioritise either humanitarian work or development work. It is often challenging to find long-term funding for nexus education projects, which are usually very expensive.

So when designing our post-COVID-19 strategies we have to bear these issues (and many others) in mind. We must build into our nexus projects solutions to these problems in the design phase.

Questions regarding strategies in the post-Covid-19 era and the “new normality” in the education in emergency sector.


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In this final section I want to stimulate some debate with some activities and ideas which I feel should be included in EiE strategies in the post-COVID-19 era.

- We have seen from the lessons learnt from the Ebola epidemic that online learning was not shown to have positively affected learning. Why might that be the case? What has been the experience with online learning in your projects? What changes can be made to your own online platforms and materials to ensure a more positive effect? If online education is to take a more prominent role in education, how will student progress be monitored?
- How do you foresee the return to the classroom in your projects? What changes will have to be made? How will these be implemented? How can social distancing be maintained in a refugee camp situation when ratios of 100:1 in small classroom are the norm?
- What role will the Inter-Agency Network for Education in Emergencies (INEE) minimum standards [25] play in the design of new responses and strategies? Will they still be relevant? What challenges do you foresee?

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Conclusions

We now set out some of the reflections shared as well as some challenges identified ***in the two days of webinar that we held on June 15 and 16***.

'We must ponder on the contexts where education currently works, on how emergency contexts affect this right and what we should do in these settings"
Francisco Rey

'There is a grey area where there are several scenarios that do not qualify as humanitarian crisis, but where in practice, when we design projects, the intervention does correspond to what we call education in emergencies"
Méline Szwarcberg

'The States are responsible. That is why they must be held accountable so that they enforce the rights of their citizens"
Pilar López Dafonte

- Just as every human being is the holder of the right to education, all States are obliged to respect, protect and guarantee this right in all contexts and places. Therefore, **the right is not lost in emergency settings, and special protection is even necessary** given the threatening situation and the great vulnerability it causes.

  Therefore, the States' duty, in concurrence with humanitarian actors, is to take all appropriate and adequate policy measures to continuously assure the protection of the right to education. This obligation is legally enforceable and demandable before the States as it is based on the right to equality and the principle of non-discrimination enshrined in international human rights Declaration of Human Rights.

- **Education not only saves lives in both the short and long term, it also improves and dignifies them.** Therefore, it is essential to respect, protect and guarantee this right in any context, as it is also a means to achieve others. These measures of protection, health or nutrition make of school not just a building, but an integral space for both students and teachers.

- It is necessary to create **tools to identify those who are subjects of rights and subjects of obligations**. It is also important to identify and place oneself in the role of both figures to provide an effective response that takes shared responsibility as a starting point. Similarly, once the parties' roles have been clarified, it is also important to vindicate and demand that States fulfil their obligations.

- **Humanitarian action environments are both changing and demanding of agility and contextualisation** in each case. There are many emergency contexts that become chronic and stretch out over time, in which tensions are caused by the response capacities of each player involved, whether they are humanitarian or local agents.

- Players carrying out humanitarian and development interventions must be made to understand that emergencies generally respond to more than one cause. This largely determines their duration and the communities' capacity to face these emergencies with their own strategies. Therefore, each action must answer the particularities of each crisis.

- The educational crisis caused by Covid-19 will not be overcome only by incorporating connectivity and technical resources. It is important to strengthen the educational community to make the most of connectivity and to have sufficiently trained teaching staff. However, even

so, **the importance of school attendance must be stressed**, since the educational context is not only what can be transmitted on-line, but also contact with classmates and teachers. In short, the new schooling cannot waive physical attendance.

- Covid-19 has revealed that **students with fewer resources are more vulnerable to epidemics**, as they are disproportionately exposed. For this reason, the different organisations should examine the different ways in which they can protect children and adolescents living in crisis contexts in order to ensure that they can continue to have access to education and that they are not left behind.
- To date, the capacity of the humanitarian sector to adapt to international contexts is below the reality required, meaning an increase in the lack of coverage. The reason is that the sealed compartments into which interventions have traditionally been divided have prevented adaptation to new complex and changing crisis situations that have produced genuine humanitarian vacuums in communities.

Future challenges

'The misuse of the concept of emergencies is doing a lot of damage to the humanitarian field and more during the Covid-19 crisis, since it refers to something that emerges and then disappears. However, none of the crises we are experiencing now is an emergency. They are crises that emerge and last a long time."
Francisco Rey

'It is important to reflect on the practice and the type of intervention and mechanism we use when we implement a project in these contexts where humanitarian action coexists with other types of interventions."
Méline Szwarcberg

'We have to rethink the legal framework and make declarations that are not binding today, mandates with greater legal force to be able to reach and answer the complexities we face. Having a mandate with greater legal and binding force could give greater content to this defence of education in crisis contexts or in the field of humanitarian action."
Pilar López Dafonte

- Education in emergency situations is not the exclusive realm of humanitarian agents, so it should not be patrimonialised. Furthermore, in most chronic crisis contexts the humanitarian agents are not alone, and this is where **the challenge of complementarity and coordination** with other agents lies, and especially those with a deep educational vision.

  The humanitarian response in emergency contexts must be **multisectoral** and must be as **comprehensive** and combined as possible. To do this, the different players must strengthen and create new alliances, investing in the concept of complementarity. Only in this way could today's most important problem be faced: how to bring these rights into operation and how to confront this complexity.
- There is a great deficit in the regulatory instruments regarding education in emergencies. Even

so, the humanitarian agents have to find the tools to guarantee protection and respect for the legal framework and humanitarian principles. A mandate intended to remind us from where and for what purpose intervention occurs.

- As a sector, we must influence the **strengthening of the existing legal frameworks** in International Humanitarian Law. The goal should be to have mandates with greater legal implications that establish States also in crisis situations as subjects of obligations.
- Emergency education must necessarily have **more funding and be more diversified.** However, financing for this sector should come not only from humanitarian funds, but also from Official Development Assistance and multilateral commitments.
- We must **reflect on schooling and education in emergencies with a gender perspective**. The reason is that girls and adolescents are those most affected by the failure to respect their right to education in crisis situations. To solve this, it is very important to improve the instruments to make a gender analysis even in those situations in which it is necessary to act very quickly, such as emergency contexts.
- It is necessary to reflect on the **types of crises** occurring today; defining these emergency contexts as contexts of humanitarian action is to impoverish ourselves. These are multidimensional crises that have humanitarian consequences and which, despite our denial, expand over time and require both humanitarian and development responses.
- **Innovation** is key to responding to the current educational crisis both at a digital level to reduce the technological gap and at a methodological level. However, the characteristics of each field where humanitarian intervention is to be carried out must be analysed in order to maximise its efficiency and effectiveness.
- Spain must **strengthen the educational approach** both in the humanitarian sector and in development cooperation. The INEE standards and those developed by the Sphere Project must therefore be incorporated into its educational interventions to increase the quality of the actions either in analysis, coordination or participation.
- It is necessary to **strengthen NGOs' processes of political advocacy** with respect to the funding of educational interventions in emergency contexts. The objective should be to demand and press for more and more countries to accept instruments that are binding for the fulfilment of rights and obligations.
- Education is one of the sectors most affected by the absence of a **strong nexus between humanitarian and development interventions.** Coherently addressing people's vulnerability before, during and after crises is an objective that is becoming increasingly clear, but which is further complicated by the fact that education is not considered a priority in humanitarian crises. For this reason, work must go on and pressure must be exerted to place education in a more notable position on the international agenda.

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