

**THE RIGHT TO PRIMARY EDUCATION OF CHILDREN OF PASTORALIST
COMMUNITIES IN ETHIOPIA**

**A SENIOR THESIS SUBMITTED TO JIMMA UNIVERSITY COLLEGE OF SOCIAL
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BY

DEBEBE ADUGNA

ADVISOR

SHIMELIS MENGISTU (LL.B, LL.M)

AT

COLLEGE OF SOCIAL SCIENCE AND LAW

SCHOOL OF LAW

JIMMA UNIVERSITY

JIMMA ETHIOPIA

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Certification

I hereby certify that this thesis entitled THE RIGHT TO PRIMARY EDUCATION OF CHILDREN OF PASTORALIST COMMUNITIES IN ETHIOPIA, by DEBEBE ADUGNA submitted for LL.B degree at Jimma University, School of Law is carried under my guidance and supervision and is a bona fide work. The thesis as not been previously submitted to any University for the award of any degree, diploma or other similar title.

Date; June_____

Signature of Advisor_____

Declaration

I declare that this thesis, entitled; THE RIGHT TO PRIMARY EDUCATION OF CHILDREN OF PASTORALIST COMMUNITIES IN ETHIOPIA, which I am submitting for the award of the degree of bachelor of laws (LL.B) is my original research work carried under the guidance of Mr Shimelis Mengistu (LL.M), Jimma University. Ideas and expressions borrowed from other authors and materials are duly acknowledged and properly cited. I further declare that thesis, whole or in part, has not previously formed the basis for the award of any degree, diploma or other similar titles.

Name of Student _____

Signature _____

School of Law

Date; June _____

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Acronyms and Abbreviations

ABE- Alternative Basic Education

ACRWC- African Charter on the Rights and Welfare of the Child

CEDAW –Convention on the Elimination of all forms of Discrimination Against Women

CRC- Convention on the Rights of the Child

EFA – Education for All

ESDP- Educational Sector Development Program

ETP- Education and Training Policy

FDRE – Federal Democratic Republic of Ethiopia

ICESCR- International Convention on Economic, Social, and Cultural Right

MDG- Millennium Development Goal

SNNPR –Southern Nations, Nationalities, and People’s Region

UDHR- Universal Declaration of Human Right

UNESCO – United Nations Educational, Scientific, and Cultural Organization

CHAPTER ONE

1. GENERAL INTRODUCTION

1.1 Background of the study

This thesis concentrates on the right to primary education of children of pastoralist area is to dig out the availability of education to the children of pastoralist community in Ethiopia by analyzing it with the global consensus on the right to education. Now after wards, the movement for recognizing right of education by global societies as general and the measures forwarded to implement in pastoralist communities will be scrutinized.

The world declaration on “education for all” clearly announced that everyone should get an educational opportunity.¹ It is a direct political and human right response and international humanitarian organizations, among others, who understood the role of education in promoting the establishment of good governance and democracy as well as the respect of human rights and dignity. It has drawn due attention to the need to “eliminate educational disparity with in countries and ensure that at particular groups didn’t suffer any discrimination on access to learning opportunities.”²

It also encourages learning through a variety of delivery systems and the adoption of “supplementary alternative programs”. Therefore, equal and equitable educational access is appropriately thought to be an essential means of escape from socio-economic and political marginalization for different socio groups in developing nations.³

Many international human rights standards and instruments there by placing binding commitments on ratifying states have applicable to education.

Those most directly relevant provisions on the right to education inclusive of human rights value appear in such treaties as the United Nations Educational Scientific and Cultural Organization,⁴

¹ United Nations Educational, Scientific and Cultural Organization (herein after the UNESCO), 1990

² World Declaration on Education for All, 1990, Art. 3 (4) UNESCO-WEF(Jomten declaration)

³ Id, Art. 5

⁴ . UNESCO, cited at note 1

Universal Declaration of Human Rights,⁵ Convention Against Discrimination in Education,⁶ International Covenant on Economic, Social and Cultural Rights,⁷ the United Nations Covenants on the Rights of the Child,⁸ and African Charter on the Rights and Welfare of the Child.⁹

The committee on the rights of the child provides further in sight in to the aims of education under Article 29 of the convention on the rights of child¹⁰. The committee highlights the holistic nature of the right to education and, as the committee on economic, social and cultural rights does in its general comment underscores the role of education in powering individuals.¹¹

The education for all movement is, as its name suggests, directed towards all people, children youth and adults. The convention on the rights of the child highlights the particular significance of education for young people, and this documents focuses primarily on the educational rights of children, but the right to education has no age limit, additionally, education for all emphasizes the need to provide access to education for traditionally marginalized groups, including girls and women, indigenous population and remote rural groups, street children, migrants and pastoralist communities or nomadic populations, people with disabilities, and cultural minorities.¹²

“Education is not a static commodity to be considered in isolation from its greater context: it is an ongoing process and holds its own in haven’t value as a human right”. Not only do people have the right to be equipped with the skills and knowledge that will ensure long term recognition of and respect for all human rights.¹³

As the committee on economic, social and cultural rights observes in the opening lines of its General comment, No.13 education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their comments. Thus “the right based approach to education is imperative, schooling that is respectful of human rights, both in words and in action, in school books and the

⁵ . Universal Declaration of Human Right (hereinafter the UDHR), 1948

⁶ . Convention Against Discrimination in Education, 1966

⁷ . International convention economic, social and cultural right (hereinafter the ICESCR), 1966

⁸ . The united nations covenants on the rights of the child (hereinafter the CRC), 1989

⁹ . African Charter on the Rights and Welfare of the Child (hereinafter the ACRWC), 1990

¹⁰ . CRC, cited above at note 8, Article 29

¹¹ . ICESCR, cited above at note 7, General Comment No. 13.3

¹² . CRC, cited above at note 8, Article 28

¹³ . Claudia Lohrenscheit, Human Rights Based Approach to Education. ([http://www.udhr.org\(UDHR\) default htm](http://www.udhr.org(UDHR) default htm)) last visited on April 11

school yard is integral to the realization of quality education for all”. A rights based approach to education plays a key role in overcoming such obstacles. However, until today there is the fundamental problem of education with pastoral people.¹⁴

Pastoralists are people who live and derive most of their food source and income from raising domestic livestock. They have no recognized place in search of pasture and water. Pastoralists as one of the marginalized groups constitute a large portion of the population in Africa.¹⁵ Similarly, the problems evident among Ethiopian pastoralist communities are challenges in regard to children education.

Incidentally the writer will discuss related problems such as the status of international human rights documents with respect to the Ethiopian laws, problem of implementation of human right declaration under Ethiopian laws. The problem evident among Ethiopian pastoral communities is low enrolment, male-based, high dropout rate, and urban oriented participation of children in primary education.¹⁶

1.2 Problems of the study

The provision of education to all citizens has become an international issue and a national agenda now a day. Any individual irrespective of age, gender, social status has the right to education as it is stipulated in the provision of the human rights of the United Nations. This right is also enshrined on the constitution of the federal democratic republic of Ethiopia. In Ethiopian federal democratic republic of Ethiopian constitution recognizes every child has the right not to perform work which may be harmful to his or her education, health or well-being (Article 36 (1) (d). However, the problem that in among Ethiopian pastoralist communities especially in rural area a work or labor that negatively affects the education right of children, the child labor in this area or there is a wide range of tasks that both boys and girls in rural areas are carry out, such as tending livestock, fetching water, collecting wood, cooking, taking the family’s sheep and goats in search of pasture, possibly engaged in early marriage, and household chores.

¹⁴ .Id, p.14

¹⁵ .R.carr-Hill, Education for Nomads in Eastern Africa; (2002), p.14

¹⁶ .Melese mekonnen, Provision of Primary Education for Pastoralist Children, the case DEBUB OMO Zone SNNPR: Ethiopia, (2012) P. 4

In Ethiopian pastoralist communities, their lives bound to the fate of their herds of cattle, sheep, goats and camels that they raise in one of the most forbidding environment on the planet. Children play a critical role in the pastoralist life style. As the result of this pastoralists often do not send their children to school. Even if they send to school, the children are forced to dropping-out of school as the result of the shifting agriculturalists area.

The mobility of these groups and the remote, often harsh environments in which they live are persistent obstacles to the provision of formal education and many of pastoralists children remain outside the education system. Having this in mind this thesis concentrated on the statement of problem whether Ethiopia is taking an extensive measure designed to protect children education to pastoralist communities of Ethiopia.

1.3 Specific Research Questions

- Whether Ethiopia maintains an extensive system of laws designed to protect children's education rights.
- Is there any law that recognizes educational right of children in Ethiopia?
- What strategies and measures are taken by the government to implement educational right of pastoralist children?
- What barriers encountered to implement educational right of children of pastoralist area?

1.4 General Objectives of the Study

The objective of this study which is entitled, the right to primary education of children of pastoralist communities in Ethiopia is to: examine the status of Ethiopian legal frame work designed to protect children's education right and its regarding to accessibility of primary education out comes.

1.5 Specific Objectives of the Study

- Identify strategies in placed to make primary education accessible to children in pastoralist area.
- Assess how expand equitable, quality and relevant education in pastoralist areas.
- Identify how to bridge the huge gap of participation in education that prevails between pastoralist areas and other parts of the country.

- Forward recommendation as to ways, addressing social issues within the education sector and promoting primary education in pastoralist areas.

1.6 Significance of the Study

Even if the research conducted is student thesis which should be taken as one course of learning L.L.B degree in law according to the university regulation, this study is significant for the governments of the federal and regional; and how non-governmental organization as well as those concerned with human rights. The lesson that draws from this study will be provided as starting point for reforming and improving the primary education for children of pastoralist communities by the federal and regional government body; for effective implementation an extensive system of laws by the regional educational bureaus and other institutions with the mandate to do so.

1.7 Limitation of the Study

The study is conducted for student thesis in which the researcher encountered limitations such as: The research is being carried out in Jimma, which is very far from area of pastoralist community, and this makes it difficult for me to carry out physical interviews and personal observation is impossible because of time and the money lacked for this. The book written on the same issue is not found. Literature review on such issue cannot conduct sufficiently; to conduct interview, the dwellers of the area are not found.

1.8 Research Methodology

The research tools in the approach used consist of review of primary sources of law are legislation, legal documents, international instruments and review secondary sources which is interpret and comment upon the law. Literature review is conducted, at least, on issues such as definition and history of pastoralist community.

1.9 Provisional Outline of the Chapters

The children's right to education is recognized under different national and international instruments. Article 27 of the international convention on right of children which includes mental development, the manses in which the in development can be ensured is education. Therefore, children, who are in legal language under 18 years of age, should be provided the education.

In Ethiopia, the pastoralist children's are more vulnerable in regarding to education than other parts of Ethiopia. Since, right to education is considered as human right by different legal documents, the governments and all citizens have duties to provide it for children. Under this thesis this and other issues are considered deeply, especially regarding to pastoralist children right to education.

The thesis is classified under four chapters, the first chapter deals with the historical background of pastoralist community in Ethiopia and the availability of education for the communities' children where, as the second chapter give an overview about children of pastoralist community and definition of pastoralist, the third chapter scrutinizes educational right of children recognized under different legal instruments. The fourth chapter concentrated on the implementation of educational right of children regarding to primary education in pastoralist community in Ethiopia.

CHAPTER TWO

2. CHILDREN OF PASTORALIST COMMUNITY

2.1 Introduction

Children are the vulnerable members of our community. They need special care as indicated national and international instruments.¹⁷ However, children of pastoralist community the most vulnerable members of our community, because children of pastoralist community have very limited opportunity education, the reason behind is due to high illiteracy levels and attachment to cultural practice.¹⁸

2.2 Definitions of Pastoralist Communities

The first definition of pastoralist communities in the international context refers to a subset of indigenous and traditional peoples whose livelihoods depend on extensive common property use of natural resources over an area, who use of mobility as a management strategy for dealing with sustainable land use and conservation, and who possesses a distinctive cultural identity and natural resources management system.¹⁹

Pastoralist, one who raises livestock on grazing land, are people who drive more than fifty percent of their incomes from livestock and livestock products, while agro pastoralist are people who drive less than fifty percent of their incomes from livestock and livestock products, and most of the remaining income from cultivation.²⁰

Generally when we define pastoralists, they are people who live and drive most of their food source and income from raising domestic livestock. They have no recognized place of residence and move from place to place in search of pasture and water.

¹⁷. CRC, 1989, preamble, par.9

¹⁸. I58 children, child development in pokot, ([http://www.i58 children.org](http://www.i58children.org)) last visited on April 1

¹⁹. Dana declaration, Jordan, 2002

²⁰. Oromia Rural land use administration proclamation, 2007, Art. 2 (14) and (15) proc. No 130, mag. Oro.

2.3 Pastoralist Communities in Ethiopia

Ethiopia is a country where 78 million people, composed of different nations and nationalities, live together in a total area 1.1 million square kilometer. ²¹About 84% of the population lives in rural areas: 65 million people live in the high land temperature zone, while approximately 12 million live in the low lands that cover 60% of the country. The main occupation in the highlands is farming, while the lowlands are mostly occupied by pastoralists.²² Pastoralist in Ethiopia inhabit the peripheral lowlands which incurable the highlands. Because of its remoteness from the central major population, infrastructure and communication are generally poorly developed. The rate of illiteracy among Ethiopian pastoralists is very high.²³

Lack of consensus and common notions on the value and meaning of education lead pastoralists to view modern education as a threat to their culture and way of life.²⁴

2.3.1 Children of Pastoralist Communities

The convention on the rights of the child of 1989 defines more precisely the term “child”; a child is any human being below the eighteen years, unless under the law applicable to the child, majority is attained earlier. The idea, through this definition and all the texts concerning child welfare, is that the child is a human being with rights and dignity. What characterizes the child, it is his youth and vulnerability, indeed, the child is growing, a future adult, who has no means to protect himself. So, the child has to be the object of a particular interest and a specific protection²⁵. Therefore pastoralists and their children are considered one of the most vulnerable human groups in the world. This situation is due to the difficulties they face for the use of their grazing lands and the nomadic character of their way of life. This is limiting the protection of the child and their rights.

²¹. Ziyn Engdasaw, A fundamental Adult literacy for the pastoralist community in Ethiopia at challenges and prospects; p.4

²². Ibid

²³. Id, p. 6

²⁴. Id, p. 3

²⁵. CRC, 1989, Article 1

2.3.2 Children of Pastoralist Community in Ethiopia

In Ethiopia, the pastoralist children's are the most severally disadvantaged groups in the acquisition of education and other social service than other parts of Ethiopia, regarding to this the rate of illiteracy among pastoralists is very high.²⁶ This is contradicting with the law of the land which says every Ethiopian national has the right to the enjoyment of all rights, protection and benefits derived from Ethiopia.

2.4 Children of Pastoralist Community as Vulnerable Group

Children are the most vulnerable members of our community. Bearing in mind that, as indicated in the declaration of the rights of the child, the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth;²⁷ However, children of pastoralist community have very limited opportunities to education and the girls are more vulnerable to the effects of the outdated cultural practices. Due to high illiteracy levels and attachment to culture, the idea of global child rights, universal free primary education and issues to do with children cannot be explained to their satisfaction²⁸. To them, education is the art of teaching a child the traditional norms that must be observed at all stage of growth gender role and responsibilities will be outlined. The girl will know she must at all times feed the family, fetch water and firewood. Therefore, child has down played the roles of a girl child in the family, denying her an opportunity to receive education and contribute to the economic development of her community.²⁹

The boy child, on the other hand is introduced to grazing cattle. He has to ensure that the cattle have access to the limited pastures and water sources in the dry land. He begins being a pastoral at child age.³⁰

Being children of pastoralist community in Ethiopia, face some of the most challenging in educational opportunities for girls in Ethiopia is remote afar region are limited beyond primary school, due to some community resistance against educating girls. What makes the community a resistance to allowing girls to continue their studies, there is an underlining belief that studying

²⁶. Ziyn Ensdaew, A fundamental Adult literacy for the pastoralist community in Ethiopia at challenges and prospects, p.3

²⁷. CRC, 1989, cited above at note 17, par 9

²⁸. 158 children, cited above at note 18

²⁹. Ibid

³⁰. Ibid

outside of their district will result in the girls marrying in to a different nationality and leaving their culture or district.³¹

Many would prefer girls who have completed primary school to return home to herd their family's livestock. Early marriage is another reason for girls not to continue their education. For boys, on the other hand, the community supports and demands ongoing education.³²

³¹.Hannah Ford, the Afar pastoralist Development Association report, (<http://www.rodless.com/travelled.Net/blog/2012/11...>) last visited on march 20

³².Ibid

CHAPTER THREE

3. EDUCATIONAL RIGHT OF CHILDREN

3.1 Right to Education

Education is essential for human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, and to make decisions. Therefore, whether for child, youth or adult, the opportunity of education should be provided for them being free from any ground of discrimination.³³

The right to education is a universal entitlement to education; a right that is recognized as human right. According to the international covenant on economic, social and cultural right, the right to education includes the right to free, compulsory primary education for all.³⁴ It also adds that secondary education should be available and accessible to all by every appropriate means³⁵. The goal of right to education is to empower every human being by developing his or her skills, learning, and other capacities, human dignities, self-esteem and self-confidence. Education in this context goes far beyond formal schooling to embrace the broad range of life experiences and learning processes which enable human beings, individually or collectively to develop their personalities, talents and abilities and to live a full and satisfying life with in society.³⁶

A child, being a human being, cannot escape this right. Child is, according to article one of convention on the right of the child, any human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier.

Generally education, which can be attained by dealing the elimination of illiteracy and access to free primary education, has invaluable contribution in bringing stable and harmonious relations and friendship among nations, peoples, groups and individuals, a culture of peace, fostering mutual understanding, solidarity, social justice and respect for all human right. Therefore, it should be provided for all human beings, and there should be recognition as a right of pursuing of education for all.

³³. CRC, 1989, Art. 29

³⁴. ICESCR, 1966, Art. 13 (2) (a)

³⁵. Id, Art. 13 (2) (b)

³⁶. CRC, 1989, Art. 29 (1)

3.2 Legal Framework Granting Educational Right of Children under International Instruments

Under international law the right to education of children clearly provide for the principles of subsidiary in the context of alternative care for education for all. Therefore, there are five international instruments which grant education as a subject of international human right law.

3.2.1 Universal Declaration of Human Right (UDHR)

The declaration under article 26 recognizes right to education. It obliges the elementary and fundamental stages education to be free. Even if the declaration lacks binding effect, it makes elementary and fundamental stages education compulsory. Since the article says that everyone has the right to education,³⁷ the word “everyone” includes children and therefore child has the right to education as recognition by UDHR.

3.2.2 International Covenant on Economic, Social and Cultural Rights (ICESCR)

The same provision of UDHR regarding to right to education is recognized under article 13 of international convention on economic, social and cultural rights, the messages of both is more or less the same. It recognizes the right of every one to education; in which child is one of the right owners. It also lies down as the education should directly to the full development of human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms. It further guides that as the education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups.³⁸

3.2.3 Convention on Rights of the Child (CRC)

Convention on the rights of child is binding on state parties. Article 29 of the convention doesn't clearly specify educational right of child. However, it concentrated more to on what the education of the child shall be directed to. Non-specification of right to education under the convention cannot make us to conclude that it is not recognized under it. The reason is that,

³⁷. UDHR, cited at note 5, Art. 26

³⁸. ICESCR, 1966, Art. 13 (1)

putting down of the way to which the right to education directed itself shows as the convention prosily and indirectly recognized the right to education.³⁹

3.2.4 Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)

Article 10 of this convention recognizes equal right to education between men and women. This provision creates in mind of reasonable person that both girls and boys children have rights to education which based on equality.⁴⁰

3.2.5 The African Charter on the Rights and Welfare of the Child (ACRWC)

The right to education has been recognized under article 11 of the African charter on the rights and welfare of the child. Specially the reading of article 11 (1) of charter directly says that “every child shall have the right to education” it also lays down as the education of the child shall be directed to the promotion and development of the child’s personality and the sense of its dignity and shall strengthen the respect for human right and fundamental freedoms.⁴¹ Therefore education is entire process of social life by means of which individuals and social groups learn to develop consciously within, and for the benefit of the national and international communities.

3.3 Domestic Laws

Ethiopia ratified in 2002 the African charter on the rights and welfare of the child, in 1990; convention on right to children, international covenant on economic, social and cultural rights; and other international agreements recognized education right of children are deemed as part and parcel of law of the land by virtue of article 9 (4) of the FDRE constitution. In addition these conventions have been incorporated in to Ethiopian legal system in various ways and have been made part of many subsidiary laws.

Besides those international instruments, there are other domestic law, which recognized education right of children, these may include; in the FDRE constitution.

³⁹. CRC, 1989, Art. 29

⁴⁰. Convention on the elimination of all forms of discrimination against women (hereinafter the CEDAW), 1979, Art. 10

⁴¹. ACRWC, 1990, Art. 11

3.3.1 Federal Democratic Republic of Ethiopian Constitution, 1995

In Ethiopian constitution is the fundamental law of the country.⁴² This makes it a framework for all other laws and policies, and cannot be easily changed. All citizens, organ of states, political organizations, other association as well as their officials have the duty to ensure observance of the constitution and to obey it.⁴³ There are some provisions of the constitution that concentrate on right of education and the duty of government to comply the right. The state is the central actor in any claim to the right to education. It is the prime duty bearer and the prime implementer. The state must therefore be judged or challenged on the right to education.

Article 90 (1) of the constitution entitles every Ethiopian including children within the limits of the country's resources the access to education. Article 41 (4) also give the mandate to the state to allocate progressively increasing funds for the purpose of promoting the people's access to education.⁴⁴

Article 36 of the constitution which limit itself to rights of children, entitles children the right to be protected against exploitative practices, and not be permitted to engage in any employment which would prejudice their education.⁴⁵ Here, it is absolutely possible to say that right to education of children is recognized under our constitution for the constitution prohibit any circumstances offend education of children.

Ethiopia does not have a comprehensive code dealing with all the issue of children. So, in Ethiopia, children appear in several laws that do have different purposes.

The FDRE constitution further makes "all international agreements ratified by Ethiopia are an integral part of the laws of the land".⁴⁶ This shows international agreements regarding to right of children such as international convention on right of children, the African charter on rights and welfare of the child, international covenant or economic, social and cultural rights, and other international agreements recognized education right of children have all Ethiopian law gives protection for children.

⁴² .Federal Democratic Republic of Ethiopian Constitution (hereinafter the FDRE constitution), 1995, Neg. Gaz. 1st year, NO.1, Art. 9 (1)

⁴³ .Id, Article 9 (2)

⁴⁴ . Id, Art. 90 (1) and 41(4) respectively

⁴⁵ .Id, Art. 36 (1) (d)

⁴⁶ .Id, Art. 9 (4)

Despite the above agreements are part of Ethiopian law, there are problems of non translation of the convention to local language even if there is some progressive seen currently by work of human right commission. This makes judicial bodies and other organs of government to hesitate using such laws. This may be for the reason that most of Ethiopian people cannot understand English language. The constitution requires “president of the state to proclaim international agreements in the Negarit Gazeta”.⁴⁷ Many international agreements are approved by house of people representatives. But almost none of them are published in the Negarit Gazeta. Federal Negarit Gazeta establishment proclamation also allows judicial notice to be taken from the laws that published in Negrait Gazeta.⁴⁸ These reveal that Ethiopia follows that transformation than adoption method. In adoption method ratification by legislative organ itself is sufficient, to take international agreement as law of the land. However, in transformation method, in addition to ratification, the agreement should be translated to the workings language.

The cumulative reading of article 9 (4), 71 (2) of the constitution, article 2 (3) of proclamation no.3/95 and the court practices shows has Ethiopia is following transformation method.⁴⁹ This seems for the reason that principle of legality command that every law should be clearly and sufficiently understood by the people. To effectuate this translation of laws to the language of people cannot make us to conclude right to education of children in Ethiopia is not guaranteed. Since FDRE constitution under article 36 (1) (d), provides that fall under fundamental rights to education. The constitution says also “human and democratic rights (fundamental rights and freedoms) of citizens and people’s shall be respected.”⁵⁰

All federal and state legislative, executive and judicial organs at all levels shall have the responsibility and duty to respect and enforce the provisions of fundamental rights and freedoms.⁵¹ These rights are rights which the government has the obligation to respect as per article 10(2) of the FDRE constitution. Likewise, individuals are entitled to the use of these rights as well as to bear the obligations that arisen there from.

⁴⁷ .Id, Art. 71 (2)

⁴⁸ . Federal Negarit Gazeta establishment proclamation, 1995, Art. 2 (3) pro. No. 3

⁴⁹ . Ibid

⁵⁰ . FDRE constitution, cited at note 42, Article 10 (2)

⁵¹ . Id, Article 13

CHAPTER FOUR

4. IMPLEMENTATION OF PRIMARY EDUCATIONAL RIGHT OF CHILDREN OF PASTORALIST COMMUNITY IN ETHIOPIA

4.1 Duties of Government in Providing Primary Education in Pastoralist Area

In 1948 education was agreed by the United Nations to be a fundamental human right.⁵² This is a right that across the global and despite decades of effort remains unrealized for many people. This global failure provides a continuing stimulus to review past progress and future prospects in making this right a reality for everyone. At present international attention is closely focused on the pending deadline of achieving the second millennium development goal for education by 2015.

The Ethiopian constitution also considers the right to education as human right. All rights that considered as fundamental rights and freedom should be enforced by the government.⁵³ The constitution gives to the government the duty to strive access of public education. However the article makes the right to education as non-justifiable matter. The phrase of the article says “to the extent the country’s resources permit...” shows that as the rights recognized there under are progressive rights rather than justifiable matter, the right that can claimed in court of law.⁵⁴

For the reason that international instruments that ratified by Ethiopia is part of law of the land, free and compulsory primary education recognized under ICESCR is also recognized and practicable currently.

Education services and literacy rate in pastoral areas are amongst the lowest in Ethiopia.⁵⁵ A commitment to improved pastoral education should be the center piece of the government’s settlement policy. Below the measures taken by the Ethiopian government regarding to the

⁵² .UDHR, cited above at note 37, Article 26

⁵³ .FDRE constitution, cited above at note 42, Article 13 (1)

⁵⁴ .Id, Article 90 (1) and (2)

⁵⁵ .Peter D.little, policy options for pastoral development in Ethiopia. Report No. 3, pastoral economic Growth and development policy assessment, (<http://www.future-agricultures.Org/workshop...>) last visited on April 19

policies and strategies used to promote educational right for children of pastoralist community will be considered.

4.2 Policies and Strategies used to Promote Education Right for Children of Pastoralist

Today, the Ethiopian government as a democratic policy and a signatory of international conventions has committed to providing quality education for all by 2015 irrespective of race, religion and geographic setting. This is also the major priority of education and training policy in general and educational sector development program four (ESDP IV) in particular. If education for all (EFA) and the Millennium Development Goals (MDG) are to be achieved, education for children should be provided for pastoral communities in Ethiopia.

The country recognized that education is a key instrument for development. A massive movement has been carried out in the country through successive ESDP's launched in line with the education and training policy.

The main objective of the Education and Training Policy (ETP) is to produce a trained work force at different levels that will competently participate in the various economic, political and social undertakings of the country.⁵⁶ In order to achieve this objective, continuous efforts have been made, to alleviate the longstanding problems of quality, accessibility and relevance of the education system

One of the general objective of education and training policy of 1994 is to develop the physical and mental potential and the problem solving capacity of individuals by expanding education and in particular by providing basic education for all.⁵⁷ This objective prescribes the expanding of education without discrimination on any ground especially regarding to basic education that focus on literacy, numeracy, environment, agriculture, crafts, home science, health services and civics.⁵⁸

The policy concentrated somehow regarding to access education to pastoralist. To effectuate the accessibility of education the policy concentrated as to special financial assistance will be given

⁵⁶. Federal Democratic Republic Government of Ethiopia Education and Training policy, 1994, (<http://www.moe.gov.et/mobile/resources/edu...>) last visited on may 25, p.10

⁵⁷. Ibid

⁵⁸. Id, p. 19

to those who have been deprived of educational opportunities, and steps will be taken to raise the educational participation of deprived regions.⁵⁹ One of those who deprived of educational opportunities is inhabitants of pastoralist area. The policy also commands as special attention will be given to those students who did not get educational opportunities in the preparations, distribution and use of educational support in puts.⁶⁰ It seems for this reason that the government differentiates the point of entrance to higher institutions on area of pastoralist. This indirectly initiates children to enroll in the primary education.

The policy even provides incentives for teachers who assigned in such area. It says various steps will be taken to promote incentives to motive teachers especially to those assigned in hardship areas.⁶¹

Within the framework of the 1994 ETP the government of Ethiopia launched the first five year educational sector development program (ESDP-I) in 1997 as part of a twenty-year education sector indicative plan which has been translated in to improve educational qualities, relevance, efficiency, equity and expand access to education with special emphasis on primary education in rural and underserved areas, as well as the promotion of education for girls as a first step to achieve universal primary education by 2015.⁶² The second ESDP cover the year 2000/01-2004/05, the third was from 2005/06-2009/10 and ESDP -IV from 2010/11-2014/15.

The mission of the ESDP-III is to extend quality and relevant primary education to all school age children's take affirmative action to insure equity of female participation, pastoral and agro-pastoral and those with special needs in all education and training programs and increase their role and participation in development.⁶³ Notwithstanding the significant progress in access and the improvements was seen, participation levels at primary education remain much lower in some of the emerging regions and among pastoralist and semi pastoralist groups. In order to achieve universal primary education, Ethiopia is striving, under her ESDP-IV, to address problems such as low quality and transition between alternative basic education and the formal school system. Even if Ethiopia has implemented free primary education policies as of 1994,

⁵⁹.Id, p.35

⁶⁰. Id, p. 32

⁶¹.Id, p. 25

⁶².Ethiopia-pastoralist-Area-Education-Strategy, 2011, (<http://www.planipolis.iiep.unesco.org/Ethiopia/>) last visited on may 25

⁶³.Ibid

ESDP-IV is a historic landmark in making free primary education compulsory in order to give a major boost to education and to reach the remaining 17%, of which the net enrolment rate 83% at the year 2010/2011 of primary school aged children.⁶⁴ This is a major strategy Ethiopia has introduced towards achieving the education for all goals.

ESDP-IV design specific strategies to reach the millions of out of school children in pastoralist regions and disadvantaged communities. Specific programs such as opening Alternative Basic Education centers, where and when necessary, where possible, transforming existing centers in to formal schools are elements of ESDP-IV.⁶⁵

Ethiopia has also planned under her millennium development goal that to achieve universal primary education. The target under this goal ensure that, by 2015, children everywhere, boys and girls a live, will be able to complete a full course of primary schooling.⁶⁶ Therefore, it is possible to say that Ethiopia is striving to make accessible primary education to every where including pastoralist community.

It is impossible to address the educational needs of pastoralist children through conventional schooling alone. Thus, the employment and equity, and eventually realize the “education for all” and the “millennium development” goals of education has become the urgent task of the day. To this end, the strategies that would enhance primary education in the pastoralist areas of the country can be the followings.

First of all, as it is explained above the objectives of educational sector development program III are: expand access to equitable, quality and relevant education in pastoralist areas with the active participation of the community, and bridge the huge gap of participation in education that prevails between pastoralist areas and other parts of the country. From these objectives, it is possible to understand the silent strategies it requires to enhance primary education in the pastoralist areas of the country.

⁶⁴ Educational Sector Development program-four (hereinafter the ESDP-IV), 2011, (<http://www.planipolis.iiep.unesco.org>) last visited on may 5

⁶⁵ .Ibid

⁶⁶ .Millennium Development Goals: Ethiopia, between 1990 and 2015, goal 2

4.2.1 Expand Access of Primary Education

The following strategies are put in place to make primary education accessible to children in pastoralist area.⁶⁷

I. Institute a Variety of Educational Modalities

a) Alternative Basic Education

Alternative basic education (ABE) is a specific model of non formal education adopted in and adopted across Ethiopia. In this school equivalency program, learners cover the equivalent of the first four grades of primary school in just 3 years, and are then able to transition into the formal system⁶⁸. ABE is characterized by low-cost construction, community contribution to construction and school management, teaching in the local vernacular, selection of a facilitator from the local community, accelerated learning and active, learner-centered teaching methodologies and focus on underserved populations (girls, disabled, the remote, rural). ABE targets children ages 7-14, but practically youth, and even adults, attend the classes, ABE has been useful in opening up access to education for a number of rural, poor, remote and other vulnerable groups, the model has been particularly useful for pastoral groups.⁶⁹

The majority of regions and zones, government officials and civil society assessed that alternative basic education was the primary strategy they wished to employ to bring educational access to pastoral children in Oromia, Afar, Somali, SNNPR and other regions.⁷⁰

Building low-cost village schools in areas where the community is settled permanently or for at least eight consecutive months in a year, and making the time of learning flexible that is letting the beneficiary community to decide the time of learning and create a child friendly teaching-learning environment can be the mechanisms in which alternative basic education delivers to pastoralist children.

⁶⁷ .Katy Anis, Education for pastoralist: Flexible approaches, workable models, 2008, p.6

⁶⁸ .Id, p.13

⁶⁹ .Ibid

⁷⁰ .Ibid

b) Mobile Schools

Provide ABE through mobile schools (tents easily movable and simple structures that can provide shelter, flexible black boards, mat, etc) in areas where the duration of mobility of communities in a year is more than four months; and provide semi-mobile education by establishing temporary on site schools in areas where mobile communities make a short stay to ensure the continuity of education offered in the permanent villages of the communities⁷¹.

C) Para-boarding Schools

Establish low-cost Para-boarding schools that are in harmony with the life condition of pastoralists and in which the community makes active participation in terms of providing locally available building materials and labor as well as managing the schools, for second-cycle of primary education.⁷² Different strategies that would enable both formal and Para-boarding schools to generate their own income so that they can share the cost of education.

d) Hostels

Enable pastoralist children and youth who reside in areas where there is no second-cycle primary schools to continue their education by building low-cost hostels for them in areas where the schools are available.

e) Formal Primary Schools

Building low-cost formal primary schools in areas where settlement is sedentary and the size of population is sufficiently large.⁷³ They may or may not be located near a pastoralist area at all. In many cases, the curriculum has not been adapted to a pastoralist way of life, and the formal school's teachers tend to have little willingness to teach in evening hours or after grazing times and the teachers are usually not from the pastoralist community⁷⁴, so they tend to have little longevity in a remote pastoral area and little ability to blend in to pastoral life.

⁷¹. Id, p. 21

⁷². Ethiopia pastoralist area education strategy, cited above at note 62, p.10

⁷³. Id, p.11

⁷⁴. Katy Anis, cited above at note 67, p.11

I. Address Cultural Barriers and Community Attitudes

The FDRE constitution mandates all organs of the government to respect and enforce the provision of the constitution; and also it requires all citizens to ensure observance of the constitution and to obey it.⁷⁵ Educational right is one of the provisions our constitution recognized. Therefore cultural barriers regarding to educational right is unconstitutional. The government and all citizens should strive to avoid cultural barriers regarding to educational right. The accotario reading of article 90 (1) FDRE constitution shows that the government shall not support cultures and traditions that are not compatible with the provisions of the constitution.

Therefore, the government in order to address cultural barriers and community attitude as one of strategy to access education to pastoralist children, should raises the awareness of pastoral communities on such pertinent issues as gender roles, harmful traditional practices, early marriage, value of secular education and co-education through continues workshops, adult education programs, local radio programs, etc, and the government should mobilize the community at lager to the attainment of the universal primary education in pastoralist areas.

II. Address Environmental and Economic Constraints Related to Dropping-out of School

This can be attained by making water sources available at school (center sites, providing separate latrines for boys and girls; providing various support (stationeries, textbooks, clothing, etc) to students, particularly female students who have difficult to pursue their education because of object poverty; expand school feeding program in areas of acute food shortage, alongside with the governments endeavors to make the community self-sufficient in food production, to deter students from dropping out of school, taking care that it does not lead to dependents from dropping out of school, taking care that it does not lead to dependency syndromes; and promote conflict resolution and peace education.⁷⁶

⁷⁵.FDRE constitution, cited above at note 42, Art. 13 (1) and 9 (2) respectively.

⁷⁶.Ethiopian pastoralist area education strategy, cited above at note 62, p. 11

4.2.2 Improve Quality and Relevance of Basic Primary Education

Ensure that curricular materials produced for Alternative Basic Education and Formal Primary Education: are related to the socio-economic and cultural realities of the pastoralist population, review and improve teaching learning materials and attain a 1:1 student-textbook ratio as far as possible, use the mother tongue as medium of instruction both in Alternative Basic Education and Formal Primary Education, make the teaching-learning process participatory and student-centered, upgrading the academic qualification (level of education) of facilitators through distance education or evening sessions of formal schools and upon completion of their secondary education raise them to the status of certified teachers through a combined summer face to face training and distance education program and the like.⁷⁷

4.2.3 Improve Regional, District (Woreda) and School Level education Planning and Management

Develop human resource through building capacity of Woreda education office and regional education bureau staff through training, exposure visits, experience-sharing and ongoing professional development and mentoring; and opening opportunities for correspondence, distance education, with special outreach to people in remote areas.⁷⁸

Developing a master plan to achieve education for all at regional, woreda and local levels. Build capacity in terms of facilities and infrastructure through adequately equipping education institutions with items needed to complete work, and ensuring adequate transport facilities for monitoring and supervision.⁷⁹ Improve governance practices at regional and infrastructure through building trust, transparency, and improving communication between regional sectoral offices, between regional education bureau and woreda education offices, among differing group (claims, ethnicities, etc).

Improve education budget allocation through increasing amount allocated for education in these regions; and preventing mismanagement or diversion of funds.

⁷⁷ .Ibid

⁷⁸ .Ibid

⁷⁹ .Id, p. 13

4.3 Challenges in Implementation of Children's Right of Primary Education on Ethiopia Pastoralist Areas

The major favorable conditions available for the expansion of education in pastoralist areas include; the implementation of decentralized administrative and education system at woreda level and the consequent reduction of the bureaucratic ups and downs, acceleration of the decision making process, harmonization between government and non-governmental organization led development projects as well as enhancement of community participation and sense of ownership in developmental activities; the establishment of a federal special support board composed of sector ministries including ministry of education, a corresponding technical committee composed of experts drawn from sector ministries and sections within sector ministries that are responsible for providing special support to pastoralist and agro-pastoralist regions in their respective sectors including the educational sector; and the commencement of inter-regional cooperative in which pastoralist and agro- pastoralist regions receive support and benefit from the experiences of neighboring regions in various development sectors including the education sector.⁸⁰

Even if the favorable conditions stated above available, the rate of growth still remain very sluggish compared to what has been aspired and what has been achieved at country-wide level. For instance, the average primary gross enrollment ratio for the country in 2005-06 (1998 E.C) grew to 91.3%. But the average primary gross enrollment ratio for Afar and Somali regions in the same year was merely 21.9% and 30.3% respectively.⁸¹

Primary education participation of pastoral children was characterized by very low enrollment, male-based, high dropout rate and urban oriented.⁸² Majority of the pastoralist communities were illiterate. Among the factors found to be the causes for low school participation of pastoral children are socio-cultural, socio-economic and school related factors.

⁸⁰ .Id. P. 5

⁸¹ .Ibid

⁸² .Melese Mokennen, cited above at note 16

4.3.1 Socio-cultural Factors

Socio-cultural factors that affect participation of pastoral children in primary education are the followings. The perception of pastoral parents for daughters as source of income, cultural pressure of early marriage, low level of pastoral parent's attitude towards education, absence of pastoralist role models in education for all of their children and the like are socio cultural factors that affect participation of pastoral children in primary education.⁸³ Low level of awareness on the importance of education and reluctant to send girls to school on the part of pastoralists that stems from deep-rooted back ward mind-set and harmful traditional practices is also one of socio-cultural factors.⁸⁴

The deterrent impact of mobility and low density of population has made the building of infrastructures and social services difficult. The long period of marginalization the pastoralist areas had suffered, which had been more acute than what was experienced by the other parts of the country, had also contributed for the non; implementation of children right of primary education in Ethiopian pastoralist areas.

4.3.2 Socio-economic Factors

The socio-economic factors those lowering the participations of pastoral children in primary education are many. The downtrodden economic status of pastoralists that is mainly based on back ward animal rearing practices and severely limits their capacity to support the education system financially and materially.⁸⁵

Occasional conflicts among different clans that arise from scarcity of pasture and water brings the subsequent displacement of families and dropping-out of school on the part of students.

The vulnerability of pastoralist areas to repeated drought and food shortage which in turns forces students to drop out of school in many areas where the problem is acute and school feeding program is not put in place.

⁸³ .Ibid

⁸⁴ .Ethiopia pastoralist area education strategy, cited above at note 62, p.3

⁸⁵ .Ibid

The demand for child labor in the various economic activities of the family and house hold chores is also one of the factors that hind the implementation of children's right of primary education in Ethiopian pastoralist areas.

The major socio-economic factors: the pastoralist way of life (mobility), sparse settlement, pastoral parents illiteracy, the demand for child labor, conflicts, poverty because of drought, shortage of primary 2nd cycle schools and absence of conductive market were the major factors lowering the participation of pastoral children in primary education.

4.3.3 School Related Factors

The school related factors that influence more the implementation of primary education is the fairness of the school. School distance made students to hesitant going to school due to inability to go far; and the parents do not want to send their daughter for fearing of abduction and rape.

Inability to delivery at least the first cycle of primary education (grade 1-4) in the vernacular language of pastoralist children (e.g. Afar region) and cute shortage of teaching-learning materials and teaching aids in primary schools in pastoralist regions, particularly in Somali region.⁸⁶ Contributes to the influences that hinder the implementation of primary education in pastoralist regions of Ethiopia.

In conclusion, the above mentioned socio-cultural, socio-economic, and school related factors affect the primary education participation of pastoral children.

⁸⁶ .Melese Mokonnen, cited above at note 82.

CONCLUSION AND RECOMMENDATION

Conclusion

The provision of education to all citizens has become an international issue and a national agenda now days. Any individual irrespective of age, gender, social status has the right to education as it is stipulated in provisions of the human rights of the United Nations. The right is also enshrined in the constitution of the Federal Democratic Republic of Ethiopia.

Accordingly, a new education and training policy that is aimed at tackling the deep-rooted problems of access, quality, relevance and equity of the education system, and providing quality education to all citizens has been put in place and is being implemented in all educational institution throughout the country. The policy document underscores that education should impart scientific and practically applicable knowledge and skills so that it can be a vital tool for solving problems. Furthermore, it unequivocally articulates the commitment of the government to offer special support to marginalized areas that would promote the enrollment of girls in education. In spite of the prevalence of the above stated conducive policy environment for the expansion of relevant and quality education in the country, the development of the education sector in pastoralist areas has never been up to expectation.

The pastoralist areas had suffered a long period of neglect and marginalization. Consequently, basic development infrastructures and social services, including education and training in these areas are very meager. The problems of pastoralist area closely associated with the socio-economic and natural they are found in. these include drought; poverty, school distance, harmful traditional practices, etc. The government of Ethiopia has given special attention and support to the development of education in pastoralist areas. Accordingly, on the basis of the education and training policy, the third education sector development program has given due consideration to mainstream pastoralist education in all the sub-sector of the education system.

It is true that the conducive conditions created for the development pastoralist education have resulted in some increment in enrollment in pastoralist areas. However, the rate of growth still remains very sluggish compared to what has been aspired and what has been achieved at country-wide level. Tackling the discrepancies of education in the pastoralist regions demands the concerted effort of all stakeholders and employment of multiphase's strategies appropriate to the way of life of pastoralists.

Recommendation

The FDRE constitution imposes on the government the duty to formulate policies which ensure that all Ethiopians can benefit from the country's legacy of intellectual and material resources (Art. 89 (1)). It also, under article 89 (2), imposes on the government the duty to ensure that all Ethiopians get equal opportunity to improve their economic conditions and to promote equitable distribution of wealth among them. Since the quality of a nation depends on the quality of the skills, abilities and ideals of its people, the government should use education as a means of improving nation's economy. Literacy enhances the quality of the people. It is a means to self-realization and self development. Therefore the government should devote all its power to access education to all its citizens in order to ensure the constitutional provisions mandated do it.

The concerned government and non-governmental organizations and other concerned bodies should work hard to create awareness about the importance of education for pastoral children, to eliminate the cultural influences and the traditional activities against children education through different mechanisms such as train, the communities, meeting, workshops, advice with their elders and educated pastoralist, local authorities in the pastoralist areas.

The education and training policy of Ethiopia, and its all strategies such as educational sectors development programs that divided to four phases and other strategies that concentrated to pastoralist areas are very attractive; however, changing to practice is still not satisfactory. In order to put it in practice the government should allocate budgets by collecting from both internal and external sources. The radical change regarding to education in pastoralist area should be come in order to pace our economy with global world.

Striving to make accessible primary education to all citizens by making it compulsory and free is not by itself sufficient. Its quality should be got equal recognition. Unless its quality, the accessibility itself has no meaning. To improve the quality of the education, the human resource on the field should acquire the necessary knowledge that can be found from training and different skill exchanging mechanisms. The teaching materials should be accessible and it should be prepared by the vernacular language of the region. The teachers those who are assigned in pastoralist area should receive different incentives to make them remain on the position and to influence them to assume the work positively. The management bodies found in different level in

pastoralist areas should be constructed systematically in order to be able to comply with their duty as required.

The cross-sectional bodies found in different levels and by different capacities should devote to making the pastoralist community start sedentary life by rearing their animals mechanically rather than quantity. For example, ministries of agriculture or agricultural bureaus of the regions should strive to select areas that can be suitable for agriculture, provide plants that are capable to grow in the area and use to change climate and pasture for livestock. The concerned bodies should supply water for both human and livestock. Then educational bureaus and ministries of education should provide education that keeps both its quality and standard.

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