

## **Right to Education Under Sri Lankan Law in Ensuring National Security – A Comparative Study.**

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### **1.0 INTRODUCTION**

*“Education is the most powerful weapon which you can use to change the world.”* These words of Nelson Mandela express deep hope and encouragement. The genuine factor that can foster genuine peace and security is education. Right to education should be approached from a universal and broader perspective. Right to education has to be focused, both as a right in itself and as a means of promoting national security. Basic education and higher education together need to focus on sharing knowledge, skills, values and perspectives throughout a lifetime of learning in such a way that it encourages the national security of the respective country. Education should be directed to the overall development of the human personality and to strengthen the respect for human rights and fundamental freedom. It should promote understanding, tolerance and friendship among all nations, racial or religious groups, parallel to national security and sustainable development of each respective country. Education should be a milestone for global peaceful co-existence and collaboration in each and every country.

### **2.0 WHAT IS NATIONAL SECURITY?**

Security has been defined as an “absence of threats to acquired values” (Arnold Wolfers 1952) or a “low probability of damage to acquired values” (David A. Baldwin 1997). National Security is primarily focused on safeguarding the country’s sovereignty and territorial integrity. Priority for the security of the state and its sovereignty and territorial integrity are the main views of national security in the theories of international relations (Jervis 1982).

### **3.0 RIGHT TO EDUCATION**

#### **1.1 International Standards**

It is evident that education enables human beings to progress on their own initiatives and it plays a vital role in promoting empowerment, promoting human rights, promoting democracy and protecting national security. Education is an essential right to achieve their highest level of dignity and the dignity of their respective countries. Consequently, the right to education is regarded as an essential right that enables human beings to promote and enjoy another right. It is explicit that throughout the world, most of the countries are providing compulsory general education on a free and equitable basis and launching suitable programmes to meet these basic needs.

Right to education has been guaranteed in several international instruments. This right was originally expressed in terms of Article 26 of the Universal Declaration of Human Rights, 1948. It states the following;

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and profes-

sional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Further, the United Nations Convention on the Rights of the Child (1989) in Articles 28 and 29 state that;

“the State must recognize the right of children to education on the basis of equal opportunities, provide compulsory and free primary education, vocational information and guidance, higher education according to capacity, and take measures to ensure school discipline that is consistent with human dignity. The education provided must promote personality development, respect for human rights, fundamental freedom, cultural identity, national values and prepare the child for responsible life in a free society”.

International Covenant on Economic, Social and Cultural Rights (ICESCR) in Articles 13 and 14 has also recognized the right to free education.

*Article 13* of the Covenant recognises the right of everyone for free education (free for the primary level and «the progressive introduction of free education» for the secondary and higher levels)....”

*Article 13.2* lists a number of specific steps parties are required to pursue to realise the right of education. These include the provision of free, universal and compulsory primary education, «generally available and accessible» secondary education in various forms (including technical and vocational training), and equally accessible higher education...”

*Articles 13.3 and 13.4* require parties to respect the educational freedom of parents by allowing them to choose and establish private educational institutions for their children, also referred to as Freedom of education. It also recognises the right of parents to «ensure the religious and moral education of their children in conformity with their own convictions.”

*Article 14* of the Covenant requires those parties which have not yet established a system of free compulsory primary education, to rapidly adopt a detailed plan of action for its introduction «within a reasonable number of years.»

## **1.2 Domestic Standards**

Sri Lanka has a long history of excellent education system dating back to 200 B.C. During the 1658–1796 periods; the Dutch colonial government introduced a free and compulsory education system in Sri Lanka. During the 1796–1948 periods, the British colonial government further developed the

education system. In 1945, prior to the independence of Sri Lanka, the then Minister of Education, Dr.C.W.W.Kannangara, placed education on firm grounds with the introduction of free education for all the children from kindergarten to university; the adoption of the national languages as the mediums of instruction; and the establishment of Central Schools which for the first time provided the poor children from rural areas the opportunity to obtain good education ([www.moe.gov.lk](http://www.moe.gov.lk)).

Right to education is an indispensable right which has been recognized by the national laws of Sri Lanka. The Sri Lankan government has taken various measures to ensure right to education by providing general compulsory education from Grade 1 up to university level in a free and equitable way and promoting right to education in the last six decades. Sri

Lanka under chapter IV Article 27 and by Judicial Activism through Doctrine of Equality expressly and impliedly accepted the right to education. But the main question is whether the right granted is helping to ensure the national security of Sri Lanka in the post conflict era through reconciliation and sustainable development.

The constitution of Sri Lanka states that “ the complete eradication of illiteracy and the assurance to all persons of the right to universal and equal access to education at all levels”(Constitution of Sri Lanka, Article 27) is one of the directive principles of State policy and fundamental duties of the State. But, directive principles are not justiciable. Therefore, it is difficult to claim Education as a fundamental right. The Education Ordinance No.31 of 1939 (as amended) is the only law regarding the right to education in Sri Lanka. According to Part V, Article 37(1) of the Ordinance, the Minister of Education has the power to make regulations for the purpose of giving effect to the principles and provisions of the Ordinance. Apart from the regulations concerning administrative issues, there are circulars by the Secretary to the Education Ministry.

It is evident that Sri Lanka has fulfilled the requirements of the right to education, because it is providing compulsory general education for all children from kindergarten to university on a free and equitable basis and launching suitable programmes to meet educational needs.

### **3.0 EDUCATION AS A TOOL TO ENHANCE NATIONAL SECURITY**

The connections between national security and right to education have to be discussed further. The dominant power of the 21st century will depend on human capital; the failure to produce that capital will undermine security of a state. Being a Third World developing country, our political and socio-economic conditions have necessarily compelled education to support the country's security needs. There cannot be any development in the country without adequate national security, but due to the nature of education it has been handicapped. This has resulted in a deterioration of law and order. It has led to increase violence in the form of terrorism leading to a threat to national security. Solution for this problem is mainly depend on the system of education. It is clear that in Sri Lanka, the Right to education is fully recognized by the constitution and by judicial activism through equality principles. The classic basic education skills such as reading, writing, arithmetic and classic higher educational skills are no longer sufficient to ensure national security in Sri Lanka. The Right to education should contribute towards enhancing empowerment, awareness, cultural understanding and respect, social cohesion, morals and values which can strengthen national peace and national security. Executive, Legislature and Judiciary, the three organs of the government, have to enhance

the understanding on reconciliation process and sustainable development among students through education process, policies, judicial activism and legislations which paves a path for national security and sustainable peace.

#### **4.1 Citizen Empowerment through education**

In a major World Bank study, Ruth Alsop, Mette Bertelsen, and Jeremy Holland (2006) define empowerment as “the process of enhancing an individual’s or group’s capacity to make purposive choices and to transform those choices into desired actions and outcomes.” This involves the ability of actors to envisage and purposively choose options (largely predicted to their assets, which includes property, capacity, and attitudes), and ability that is framed by the opportunity structures they face under the rule of the game. Empowerment is also an end in itself (Alsop, Ruth, Mette Bertelsen, and Jeremy Holland 2006).

Education is important for everyone, but it is especially significant for students. This is true not only because education is an entry point to other opportunities, but also because the educational achievements of students, as future leaders, can assist in spreading knowledge about national security which will be helpful to maintain peace within the family and across generations. Educated and empowered society can recognize the importance of each and every issue affecting national security and know how to seek it for themselves and their society. Education helps to know the rights and to gain confidence to claim them.

#### **4.2 Awareness through education**

National security awareness can be designed in several ways to achieve several objectives. Primarily, an awareness programme should promote and facilitate the understanding of the national security concerns of a country. In this regard, the education system has to be structured in a way to educate both students and the society to ensure national security. An effective awareness through education can restore and promote the confidence about the present security system of Sri Lanka. In the post conflict era, especially people in the North and East have lost faith concerning the effectiveness of security system in Sri Lanka. By the effective awareness programme people will gain some knowledge about security issues, individually and nationally.

#### **4.3 Cultural understanding /respect and social cohesion through education (Reconciliation through education)**

##### **4.3.1 What is culture?**

Culture is defined as a system of shared values, beliefs, and rituals that are learned and passed on through generations of families and social groups. One’s own culture is often taken for granted, not examined, and accepted as the norm. This means we are often not aware of the filter through which we are looking (Bandlamudi, Ethos 1994).

##### **4.3.2 Why the understanding and respect for diversity education is important?**

The ways children and young people are educated affect not only their self-perceptions, but also the

views of nations and the image of nation in front of the international community. The negative image given of other cultures in young age do not encourage critical thinking, and negative perceptions may aggravate hatred and the indirect cause will be violence and war which will be potential danger for national security.

Ritzen and others in 2002 define social cohesion as a societal, not an individual phenomenon, that includes the level of trust and understanding of shared principles among groups in society.

As Sri Lankans, individually we are culture oriented and it is obvious in our social and cultural interaction due to the understanding between cultures, religion and races will strength our national security. Lack of cultural understanding and respect mainly caused the past three decades of war, and terrorism has become a huge threat to our national security.

The duty of building confidence on the national security and on peoples mind is basically conferred upon the government, and it can be achieved easily through an effective education system which includes ethnic cohesion among students. Apart from developing classical skills such as reading, writing, arithmetic and etc. the system of education should include multicultural studies. A deeper understanding about other cultures will diffuse and reduce all. By using multicultural education techniques such as cultural tolerance and understanding through education, we can inspire higher educational levels among young students in primary, secondary and higher educational levels.

## 5.0 RECOMMENDATIONS

The above mentioned goals of education are very important to enhance national security which inherently includes individual security. When implementing the above mentioned goals, the three organs (Legislature, executive and judiciary) of government have to play a vital role.

The role of judiciary in enhancing national security during war time is not different from the peace time. Judiciary has to play a role to enhance national security through their judgments, interpretation to the statutes and policies dealing with the education system of the respective country. And they have to pay due concentration to national security by compelling legislature and administration to implement required educational policies. Especially, the Supreme Court of Sri Lanka is giving more attention on guaranteeing the Right to education in light of the equality principle. But as mentioned earlier, solely, right to education cannot be justifiable as a constitutional right as it falls under the ambit of directive principles.

The legislature and executive should give due concentration to enhance national security through education by adopting correct measures, enacting legislations and amending legislations which are already existing by incorporating the changes to meet the aim of ensuring national security through education. And executive should execute the correct measures incorporated by legislature. As mentioned in the introduction, as the Education Ordinance No.31 of 1939 (as amended) is the only law regarding the right to education in Sri Lanka, it has to accommodate the prevalent security needs of the country.

## 6.0 CONCLUSION

As a concluding point, it is correct to state that all three organs (Legislative, executive and judiciary) of government should ensure the right to education. Merely ensuring the right to education with classical educational skills will not be sufficient to establish national security in Sri Lanka in this post conflict era to overcome the challenges of sustainable development. In today's globalized world, it is important to educate an open-minded, culturally sensitive, and intellectually engaged civil society that can, in turn, have some substantial impact on global politics and help decision makers to find innovative and lasting solutions to national security issues.

## REFERENCES

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