

The role and status of forced migrant teachers in education in emergencies

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Introduction

Access to education as a human right is confirmed by a number of declarations and conventions. The 1990 Jomtien World Conference on Education for All (EFA) and the 2000 Dakar World Education Forum reaffirmed that the right to education persists even in situations of armed conflict. Education in emergencies has increasingly become seen as the ‘fourth pillar of humanitarian action’ (Machel, 2001, p. 94), along with food, health and shelter. Much of the literature surrounding education in emergencies focuses on the impact of armed conflict on children. Surprisingly little focuses explicitly on teachers, and even less on forced migrant teachers.

Qualified, experienced teachers tend to be significantly under-represented in forced migrant populations. Often they are replaced by members of the displaced community who receive only minimal training. This can have an adverse effect on education quality,

access and inclusiveness. The reasons teachers leave the profession include gaps in the policy environment and legislative framework managing migration. This paper examines the connections between the issues faced by forced migrant teachers, the protection of these teachers’ rights, and the contribution forced migrant teachers can make towards emergency education provision.

Impacts of emergencies: quality, access and inclusiveness

The importance of teachers in children’s lives dramatically increases in situations affected by armed conflict: children may have lost or been separated from their parents, and parents may be less able, for many reasons, to support their children (Kirk and Winthrop, 2005, p. 18). Without teachers, there can be no schooling, and



Photo: Jonathan Penson

Children listen to their teacher in a child-friendly space in a camp for internally displaced persons seeking refuge from intense conflict

teachers can help re-establish community bonds (Rose and Greely, 2006). The breakdown in formal institutions during a conflict can provide an opportunity, during both emergency and post-emergency provision, to work towards an improved education system (Buckland, 2005; Nicolai, 2009). This is true of both the country from which refugees are fleeing and the host country (Rose and Greely, 2006).

However, despite their widely acknowledged importance, in emergency or post-conflict situations there is often a lack of trained and/or experienced teachers. Typically, the response to the loss of teachers is not to provide incentives for the teachers to return to teaching, by understanding and addressing the institutional issues, but to train replacement teachers from among the remaining refugee population. While this is a worthwhile activity, the loss of qualified and experienced teachers and their replacement by new recruits has an impact on education quality, access and inclusiveness.

In their study on Eritrean refugees in Ethiopia, Kirk and Winthrop (2007) found that experienced teachers tended to exit the system, or else 'migrate up' from primary to secondary teaching positions due to the higher remuneration and status afforded by the latter. 'Spontaneous teachers' were thus recruited to replace the qualified teachers, but the researchers found that they were 'tentative' about teaching, having not previously planned to teach. This lack of confidence was found to affect quality, especially at primary

level. In earlier work on Ethiopia and Afghanistan, Kirk and Winthrop drew attention to the link between teachers and access to education, and the connection with recognition of qualifications:

In areas with acute teacher shortages, teachers who have not completed established certification processes but who possess 'alternative qualifications' should be formally recognised. This is especially important for promoting access to education in early reconstruction contexts such as Afghanistan (2005, p. 21).

In their study of Burmese refugees living in camps in Thailand, Oh and van der Stouwe link the institutional arrangements for managing refugees and the impact on the quality and inclusiveness of education. The inability to earn resulting from Thai regulations prohibiting employment outside camps kept incomes low and continued the refugees' dependence on NGOs. In turn, the limitations placed on teachers, together with the less than optimal management of teachers in particular and the education system in general, contributed towards the continuation of entrenched patterns of exclusion of certain groups, as well as poor uptake of the opportunity to increase the quality of the education system. Oh and van der Stouwe relate this institutional situation to the EFA Framework, 'which mandates that a government is responsible for guaranteeing access to quality education for all learners residing in its country' (2008, p. 593).

The difficulties presented by the camp arrangements meant that many teachers exited the education system. Aside from the inevitable effect on quality when a class teacher leaves and is replaced, there is a negative impact on the children's sense of normalcy from seeing their teacher, and with whom they may have built up a relationship of trust. It seems clear that reducing teacher turnover would have beneficial impacts on education quality, access, inclusion and psychosocial well-being. There are also efficiency gains to be made in utilising pre-qualified teachers, in whom training investment has already been sunk.

Legal status

The 1951 UN Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees provide a clear international framework on refugees' rights. Institutions for determining the status of forced migrants, however, may be weak or compromised by influxes of migrants, adding to the uncertainty for teachers:

Despite the legal framework, which is both clear and objective, asylum systems set up to protect and safeguard the rights of refugees ... are often fraught with compromises necessitated by lack of resources and overburdened systems (UNHCR, undated, p. 1).

Governments tend to see migration as a containment issue, as it involves the violation of a national border, and hence they take steps to regulate what can be viewed as an aberrant situation (Marfleet, 2006). Migrants moving from Zimbabwe to Botswana, for example, face a stringent regulatory environment that may discourage them from applying for refugee status. Dissuaded from pursuing formal paths, 'the majority bypasses the asylum system entirely and either cross the border illegally or use temporary visitors permits issued at the border' (Betts and Kaytaz, 2009, p. 19). The migrants are then dispersed around the country, working in the informal sector. As

Box 1

What is a 'forced migrant teacher'?

The term 'forced migrant teacher' is generally used to indicate a teacher migrating across a border to escape a life-threatening situation, regardless of whether they have formal refugee status in accordance with the UNHCR Refugee Status Determination (RSD) process. However, 'forced' and 'voluntary' are two extremes of a multi-stranded continuum. The reasons for migrating may be numerous for any one teacher, reflecting a complex interaction between 'push' and 'pull' factors. Similarly, it is not only teachers who are forced to migrate who are subject to vulnerability or insecurity in the destination community – voluntary migrants may be affected by them too. However, a teacher fleeing sudden onset conflict or natural disaster clearly has different needs to a teacher moving abroad in a considered and well-prepared effort to maximise their earning potential or to seek new horizons or professional development opportunities.

Migration is a millennia-old phenomenon. A distinctive feature of our times is the shift to smaller-scale, repeated, intra-national conflicts where civilians have increasingly become targets of violence (World Bank, 2011). Climate change is also predicted to increase the number of migrants escaping environmental stress (Thomas-Hope, 2011). Refugees can already constitute a sizable proportion of a country's population, and a persistent one (Marfleet, 2006). Developing countries host four-fifths of the world's refugees – arguably those with the least capacity, financially and institutionally, to manage such flows.

they are undocumented, their vulnerability increases. This phenomenon has two main consequences:

1. Scarce skills remain untapped, curtailing a positive impact of the flow of migrants.
2. Exploitative employment practices thrive, creating a negative effect of migration on jobseekers in the host country (Kiwanuka and Monson, 2009, p. 51).

The South African regulatory framework similarly presents obstacles to efficiently utilising Zimbabwean survival migrants in formal systems.

There are 'hard law' norms – in terms of international human rights law – but what is needed is a 'soft law' consolidation of those norms to highlight their implications for survival migration (Chanda, 2010, p. 28). Ochs (2011) found that there was a lack of effective collaboration between relevant ministries within some receiving countries. Ministries of education and ministries of foreign affairs often did not co-ordinate their registration processes for migrant teachers, even in non-emergency environments, yet establishing a co-ordinated and consistent plan of action would increase efficiency. That institutions are failing is clear: 'Stringent eligibility requirements, inconsistent application of rules and restrictive laws result in many refugees being undocumented, in some cases because they are forced underground' (UNESCO, 2011, p. 152).

Institutional frameworks may be volatile as well as weak. The unpredictable nature of emergencies, and uncertainties as to how long they may last, mean that governments may radically alter policies, where they have them. Changes in government may similarly mean major policy shifts. The adoption of long-term policies based on international frameworks would help to alleviate these insecurities.

The 1948 Universal Declaration of Human Rights enshrines the right to work. Among the economic rights protected under the Refugee Convention, Part III regulates 'gainful employment'. With respect to wage-earning employment, Article 17 requires states to accord to refugees 'lawfully staying in' their territory the most favourable treatment accorded to non-nationals in the same circumstances (Edwards, 2006, p. 6).

Betts identifies 'an absence of formal opportunities for teachers in destination countries ... Rarely, is clear thought given for how forced migrant populations can be brought into the labour market' (in Chanda, 2010, p. 29). Forced migrant teachers can represent a significant potential resource for refugee host countries. Yet countries can seem ill-prepared to cope with refugees or other migrants, resulting in reactive measures that may infringe the rights of people who move (Betts and Kaytaz, 2009).

Even where a teacher's qualification might be recognised, in an emergency there is a high chance that the certification is left behind in the evacuation. Furthermore, as Baxter and Bethke (2009) note, authorities seldom recognise teaching certificates given by NGOs or other non-formal providers. Attention has tended to focus on cross-border transferability of students' certification, rather than their teachers' (Kirk, 2009).

Planning for the possibility of an emergency could realistically include neighbouring countries comparing qualifications and

agreeing concordances in advance. Similarly, adaptable, internationally recognised, competency-based teacher standards could be developed to be used in an emergency as a means of rapidly assessing a forced migrant's ability to teach. Furthermore, these standards could also provide reference points for teacher education curriculum design and teacher performance appraisal.

Social status

In addition to their legal status being unclear, not least to them, forced migrant teachers may be subject to intimidation or abuse in their new surroundings. Their physical well-being may be diminished; they may be inadequately sheltered or nourished; their professional qualifications may be lost or not recognised; and their exit options may be limited or non-existent. Many forced migrant teachers will find themselves working for an NGO rather than a government, with different working culture, remuneration, and professional expectations. Perhaps the most striking issue is the lack of the formal and informal institutional frameworks that usually guide migration, such as information mechanisms, recruitment agencies, support offered by friends and relations, previously negotiated and agreed contracts, teacher organisations or position within an official body.

Economic status

Forced migrant teachers may find their power to negotiate is reduced, their access to information curtailed and their entry into the formal labour market barred. Many may also not be at all prepared for the sudden change in their situation. Both the *Guidebook for Planning Education in Emergencies and Reconstruction*, published by the UNESCO International Institute for Education Planning (IIEP), and *Guidance Notes on Teacher Compensation in Fragile States, Situations of Displacement and Post-crisis Recovery*, issued by the Inter-agency Network for Education in Emergencies (INEE), contain advice on compensating teachers. However, on the ground, much needs to be done to rationalise and co-ordinate incentives, and ensure that they are paid consistently (INEE, 2010). Penson and Tomlinson (2009) note the disruptive effect of the wide range of remuneration paid to teachers outside of the formal sector during the emergency in Timor-Leste by different NGOs, with some being paid nothing and others receiving relatively high allowances, making it difficult to deploy teachers efficiently.

Learning from experience

The main aim of the Commonwealth Teacher Recruitment Protocol (CTRP), adopted by Commonwealth member states in 2004, is as follows:

To ... balance the rights of teachers to migrate internationally, on a temporary or permanent basis, against the need to protect the integrity of national education systems and to prevent the exploitation of scarce human resources of poor countries (Commonwealth Secretariat, 2004, para. 2.3.1).

Ochs (2011) reviewed the implementation of the CTRP, finding important lessons for how (voluntary) teacher migration can best be managed. Chief among these are that preparation and planning

are key; institutionalisation through policy and law is important; data matters; and that co-operation is more likely to result in success when between equals than where the power relationship is unequal. Although the CTRP is not designed explicitly to manage forced migration, we can still apply the lessons from its implementation.

While it has been difficult to get destination countries such as the UK, Canada and Australia to abide by the Protocol when they recruit from poorer or smaller states, co-operation between equals has been more successful. Muvunyi (2011) notes how the Rwanda Government used the CTRP as a basis for negotiations with the Government of Kenya to manage the temporary migration of Kenyan teachers to work in the Rwandan education

system, resulting in mutual benefit to the countries and the protection of the rights of the migrant teachers. The benefit of co-operation between (near) neighbours provides another learning point.

As refugee status is often difficult to gain, and as recipient governments may be keen not to be seen to encourage further flows of migrants into their territory, ensuring forced migrants' rights can be difficult. Internationally agreed instruments that provide a framework to manage migration could assist with these difficulties by enhancing systemic stability and predictability, the establishment of minimum expectations in accommodating the needs of forced migrant teachers, and the exchange of good practice. When there is a balance between protecting the rights of

Box 2

April 2012 Statement of the Commonwealth Advisory Council on Teacher Mobility, Recruitment and Migration

The Advisory Council held its third annual meeting at the National Convention Centre of the UK National Union of Teachers. The meeting was attended by: Council members; CTRP Country Focal Points from Australia, Botswana, England, Grenada, Malta, Pakistan, Seychelles, Sri Lanka and Uganda; and by representatives from, among other organisations, the International Organization for Migration (IOM), the Ramphal Institute and the UK National Union of Teachers. The Commonwealth Secretariat was called upon to continue to support policies and practices consistent with the principles of the Commonwealth Teacher Recruitment Protocol (CTRP), and in particular to:

1. Pursue the possibility of establishing a mechanism for international data collection on teacher migration using a Standard Reporting Format, as well as:
 - a) continue to work in collaboration with UNESCO Institute for Statistics, member countries and teacher organisations in the establishment of this mechanism; and
 - b) disseminate to stakeholders a summary of the data that will establish a baseline for the analysis of teacher migration in the Commonwealth.
2. Include in its work a focus on forced migrant teachers, recognising that conflict and environmental change are major factors impeding countries from reaching the internationally agreed goals for education. This will involve:
 - a) working with governments to improve the development and implementation of policies concerning forced migrant teachers; and
 - b) highlighting the issues facing forced migrant teachers at the 18th Conference of Commonwealth Education Ministers (18CCEM).
3. Following the adoption by the Advisory Council of the Model Memorandum of Understanding for the Recruitment of Migrant Teachers,
 - a) to disseminate it widely, particularly at the 18CCEM, and subsequently monitor its use, including through CTRP Country Focal Points and teacher organisations; and
 - b) to offer technical assistance to Commonwealth countries in using the Memorandum.
4. Support the emergence of regional teacher recruitment protocols, offering technical assistance in their development and implementation.
5. Examine the extent to which the global demand for mathematics, science and technology teachers impacts on teacher migration flows, and what research, policies or activities are being undertaken by member countries to protect and encourage the supply of such teachers, e.g. through pre- or in-service training, special incentives etc. Furthermore, to:
 - a) identify whether this addresses gender concerns; and
 - b) consider adopting this theme for the 2013 Commonwealth Research Symposium on Teacher Mobility, Recruitment and Migration.
6. Continue to collaborate with the IOM, the International Labour Organization (ILO), UNESCO's International Institute for Capacity Building in Africa (UNESCO-IICBA) and other relevant organisations on the management of teacher migration, including exploring the possibility of:
 - a) engaging with the ILO, IOM and UNESCO-IICBA on a joint project to build capacity in the management of teacher migration in Africa;
 - b) working with the IOM to develop materials for the training of government officials that aim to promote effective management of teacher migration and co-ordination between stakeholders managing teacher migration, using the CTRP, the Model Memorandum of Understanding and the Standard Reporting Format as tools; and
 - c) using a data-providing agency to develop an online database that provides information on Commonwealth countries' teacher qualifications recognition.
7. Establish working groups of the Advisory Council on its future directions and on its research agenda.

a teacher and the needs of an education system, a framework of sound institutions is vital.

The INEE has reported that:

There is a dire need to convince national authorities to prioritize preparedness or conflict mitigation efforts. Frustratingly, unless there has been a natural disaster or conflict in recent history, there is often little sense of urgency amongst many of those working at a ministerial level on the impact of conflict and natural disaster on education (IIEP, 2010, p. 22).

Sinclair (2001) made a number of recommendations to enhance educational responses in an emergency. Among these are improving organisations' preparedness, strengthening institutional policies and inter-agency co-operation. Collaboration and consultation, particularly between governmental and non-governmental agencies, on establishing roles and responsibilities not only results in a clearer institutional environment, but also eases the process of transition of education sub-systems from NGO management to government. Therefore, according to Goldberg and Jansveld:

It is imperative that the state and its educational authority, on all levels, be involved as early as possible in educational interventions. This includes developing cooperative agreements, inclusion of authorities in planning and implementation, and capacity-building (Goldberg and Jansveld, 2006, p. 33).

Muñoz puts forward the following recommendation for governments:

Develop a plan that prepares for education for emergencies, as part of the general education program, to include specific measures for continuity of education at all levels and during all the phases of the emergency. Such a plan should include training for the teachers in various aspects of emergency situations (2010, p. 24).

To this should be added that governments consider in their plan the possibility that they might need to respond to an emergency originating not in their own territory but another, which nonetheless will encumber them with certain responsibilities for which they need to be prepared. Therefore, they need to train education managers and immigration authorities in emergency preparedness, and have in place a functioning institutional framework that enables refugee teachers to contribute towards ameliorating the situation.

Conclusion

Well-managed teacher migration can contribute both to increasing access to education for at-risk children and the quality of education children receive, even in emergencies. Developing a contingency plan for education in emergencies along the lines of those prepared by Inter-Agency Standing Committee Education Clusters is necessary but insufficient. Deeper penetration of the principles of preparedness is required, with policy and legislation in place that supports the positives and mitigates the negatives of forced migration. This should be reflected in national policy and programmes not just in education but also in other affected sectors.

The fact that the length of the emergency is usually unknowable presents particular difficulties in accommodating teachers. Host governments may be concerned that refugee populations may become permanent over time. They may be reluctant to regularise conditions for teachers as this might be seen to encourage settlement. This paper does not argue for policies that necessarily promote settlement as their primary objective. It argues for policies that facilitate opportunities for teachers to maximise their potential, regardless of whether they are in temporary, permanent or unknown situations.

Neither is it wished to make a special case for teachers per se. All migrants are worthy of and legally entitled to the same protection of their rights. It is recognised that immigration control is the right of a sovereign state, subject to its international obligations. However, it is also the duty of a state to realise the rights of refugees. Much has been written – justly so – about the rights of children to be educated in an emergency. But in order to be taught, children require teachers.

Endnote

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