

Human Rights, Human Capital, and Capabilities as a Normative Basis for Social Justice and Sustainable Society Development. Sub Saharan African Countries a Viewpoint

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Abstract

Corona Virus Diseases -19 (COVID-19) exposed high gaps of inequalities and social injustices that exists in societies. This raises questions into the adequacy of the existing human rights education frameworks to achieve the right to education to the end of achieving sustainable development and social justice in societies in general and in specific developing countries. This study submits the argument that the observed inequalities and social injustices provide evidence that the conceptualisation of education based on the human rights approach alone is insufficient to attain the rights to education and the goal behind this right. This conceptual paper thus assesses the grounds for an alternative conceptualisation that provide the right to education normative basis for achieving social justice, and sustainable development in societies. This paper begins with a discussion of the rights to education. A proposal is suggested to incorporate the human capital theory and the capabilities approach instead of discarding the human rights-based approach or leaving it to stand alone. The incorporation of the human rights, human capital, capabilities approach to the universal rights to education system will enrich the human rights-based education framework to provide a comprehensive perspective for attaining the normative basis for rights to education to promote the development of peoples' capacities to their full potentials, creation of conditions necessary for capabilities to be realised and the rights to be exercised. Such as an integrated education approach is envisaged contribute towards building sustained development and social justices in societies. Implications for practice, policy and theory are drawn.

Keywords: Right to Education, Human Capital Theory, Capabilities Approach, Sustainable Development, Social Justice, Sub Saharan African Countries

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Introduction

This study examines the relationship between rights to education, human capital, and capabilities as a normative basis for achieving social justice and sustainable society development using Sub Saharan African countries as a viewpoint. This is because it is important to understand how the conditions in the society determine the ways through which education is converted into normative opportunities that create social justice and sustainable development. The concept of sustainable development is defined in the 1987 Report of the World Commission on Environment and Development (WCED) as a “development that meets the needs of the present without compromising the ability of the future generation to meet their own needs”. In pursuit of promoting sustainable development, the United Nations (UN) (2007) recognised eradication of extreme poverty and inequalities within and between countries as a requisite for creating and sustaining inclusive development. The UN (2015) in its Sustainable Development Goals (SDGs) reaffirmed and builds upon the previous sustainable development principles by proposing a new integrated approach towards building inclusive and sustainable growth in societies through a set of goals and targets that countries should strive to each. The UN (2015) identified inclusive and equitable quality education and promote lifelong learning opportunities as Sustainable Development Goal 4 (SDG4). This indicated that education is expected to play a role that contributes to sustainable development and social justice in societies. As such, it is imperative to conduct a study that investigates how the rights to education can be augmented by the human capital theory and capabilities approach to create a normative basis for social justice and sustainable development. Insights from such a study may highlight supplementary principles that should be integrated in the existing rights to education approach to strengthen its contributions to sustainable development

Presently, there are millions of people living in deplorable conditions and in great poverty, inequalities high level of unemployment, inadequate health services and lack of access to water in developing countries (World Bank, 2022). These conditions already existed before the rights to education was adopted to address and transform the society into one where human dignity, freedom and equality prevails. The continued appalling conditions observed indicates that, the aspirations of sustainable development through rights to education have not yet materialised. De Vos, Freedman, Brand et al (2014) describe the rights to conditions and resources for material wellbeing of people such as the right to things such as food, water, housing, education, health, and social assistance as social -economic rights. This indicates that, the scope of welfare rights that education is expected to address. This also suggests that the exercise of rights to education should be observed in conjunction of other rights to attain social justice and sustainable development. This suggest that the pursuit of right to education as conceptualised in the SDG4 alone might be insufficient to attain sustainable development without consideration of the contextual conditions. Against this backdrop it is important investigate complimentary approaches that may augment the right to education to become a normative for promoting social justice and sustainable development.

Rights to education and sustainable development

United Nations Educational, Scientific and Cultural Organization (UNESCO) (2016) emphasised that whilst education is important like other SDGs goals such as health, growth, production, education however has the potential to accelerate the attainment the other sustainable development goals and targets. UNESCO (2016) in the SDG4 identified seven targets that ranges from ensuring inclusive and equitable education to education for all

genders, marginalised and vulnerable groups. The attainment of these seven targets is expected to enable education to the SDG4 is grounded on the principles of human rights, humanistic vision of education and development, based on the principles of human rights and dignity, social justice, peace, inclusion, and protection, as well as cultural, linguistic, and ethnic diversity and shared responsibility and accountability (UNESCO, 2016). It is evident that SDG4 targets seek to make use an integrative approach for sustainable development. Quality education is perceived as a foundational basis for achieving all the sustainable development goal suggesting that means that there is no sustainable development if there is no quality education. It thus means that if all people cannot get the opportunity to fulfil their full potential in dignity and equality then sustainable development is unlikely to be attained, that is, without the fulfilment of potentials of all people there are no possibilities of achieving sustainable development. As such it is imperative to find normative conditions that promotes sustainable development and social justice through the rights to education approach.

The vision and rationale of SDG4 as conceptualised by UNESCO (2016) highlight the important aspect of the ability to convert education into useful opportunities that promote inclusive intergenerational growth in societies among different generations. The conception for SDG4 is based on the affirmation of the principles of realisation of the human rights-based education approach (UNESCO, 2016). The human rights declaration in the UN Universal Declaration of Human Rights (UNUDHR) (1948) enshrined education as a fundamental right. Subsequently, several legal instruments such as International Covenant on Economic, Social and Cultural Rights of 1966 and the United Nations Convention on the Rights of the Child of 1989 promoted educational rights in their member states. In support of the human rights approach several efforts to increase access to education throughout the world were made. For instance, the Education for All (EFA) started by UNSECO that started in Jomtien, Thailand, 1990 and Dakar 2000 with the goal of achieving education for all by 2015. UNSCO (2007) describe the human rights-based approach to education as based on the aspiration of ensuring that every child has quality education that respects and promotes her or his right to dignity and optimum development. The goal of ensuring optimum development of every child through education demonstrates that, the right to education extend beyond promoting access to education and elimination of discrimination at different levels to promoting the unlocking of human capacities. The scope and focus of EFA was based on six goals that included expanding access to primary education, adult education, gender equality, quality education. Underlying each of the six goals was the respect and recognition of the right to education. It is imperative to note that conceptual framework for human rights-based approach was conceptualised and provided by UNESCO (2007) and it is constitutive of three aspects namely the right to access to education, the right to quality education and the right to respect in the learning environment

<p>1. The right of access to education</p>	<ul style="list-style-type: none"> • Education throughout all stages of childhood and beyond • Availability and accessibility of education • Equality of opportunity
<p>2. The right to quality education</p>	<ul style="list-style-type: none"> • A broad, relevant and inclusive curriculum • Rights-based learning and assessment • Child-friendly, safe and healthy environments
<p>3. The right to respect in the learning environment</p>	<ul style="list-style-type: none"> • Respect for identity • Respect for participation rights • Respect for integrity

Figure 1: Conceptual framework for holistic approach to education, reflecting the universality and indivisibility of all human rights. Source UNESCO (2007) a human rights-based education approach to Education for All.

Table 1 shows the elements that should be addressed for human rights to education to be realised. The right to access focuses on ensuring that education from childhood and beyond availability, and accessibility and equal opportunity. The right to quality education focuses on the broad, relevant, and inclusive curriculum, rights bases learning and assessment, health and safety environment. Lastly the right to respect in the learning environment involves the respect for identity, respect for integrity and many others. The SDG4 builds upon the previous progresses of EFA and Millennium Development Goals (MDGs). McCowan (2011) argues that mere provision of entitlement to a right does translate to the realisation of the rights. This suggest that supplementary ways of ensuring that the right to education are realised should be explored, vision of development of full capacities of every learner. This is because it is evident that the conceptual framework the right to education does not directly include principles human capital, social justice and sustainable development.

Rights to education linkages to human capital, social justice.

According to the World Bank (2018, 42) quality education fosters creativity, knowledge and ensures the acquisition of the foundational skills of literacy. Numeracy, analytical, problem-solving skills, a high-level cognitive, interpersonal, and social skills. The World Bank (2018) further explain that education develops the skills, values and attitudes that enable citizens to lead healthy, fulfilled lives, make informed decisions, and responsiveness to the local and global challenges through education for sustainable development (ESD) and global citizenship education (GCED). It can be deduced from these views that there are significant linkages between human capital, human rights, and capabilities. It means that, if necessary, conditions are created education can lead creation of sustainable societies. Olaniya and Okeminde (2008) describe education as a productive investment in human capital, which provides a ground for ensuring that everyone gets an equal opportunity to contribute to their own self development and that of the society as access to opportunities and resources available in the society. Gilles (2015) asserts that the human capital theory considers education as an investment that yield return to the individual in terms of income through salary and wages to the state through employment and economic growth. The human capital approach assumes that accumulated stock acquired from education and training has economic benefits to both the individual and the society. Education reduces poverty substantial reductions in the income gap between households across the income distribution (World Bank, 2018). Requestion of poverty and inequalities are essential elements of social justice. UNESCO (2016) elucidated that better education is central to promoting inclusion of people

from the marginalised groups such as persons with disabilities, girls, women, adults, and those whose lives might have been devastated by crisis and conflicts. It can be inferred from these views that education is an internal process that promotes human capital development and equal opportunities to participate in economic activities. This indicates that human rights, capability and human capital approaches share the common principles of development of the capacities and talents of every human being for the betterment of both the self and society. The right to education provides a legal entitlement to education to with the view of providing equal opportunities to develop abilities to enjoy the individual freedoms and rights.

	Individual/family	Community/society
Monetary	Higher probability of employment Greater productivity Higher earnings Reduced poverty	Higher productivity More rapid economic growth Poverty reduction Long-run development
Nonmonetary	Better health Improved education and health of children/family Greater resilience and adaptability More engaged citizenship Better choices Greater life satisfaction	Increased social mobility Better-functioning institutions/service delivery Higher levels of civic engagement Greater social cohesion Reduced negative externalities

Table 1: Benefits of education to the individual and society Source World bank Team 2018

Findings in table 1 shows that education consist not only of individual monetary but also of community benefits to the society. The findings by the World Bank (2018) indicated that the societal benefits of education range from monetary to the individual, family, community, and society. For instance, the table shows that monetary benefits to the individual include amongst other things higher earnings, greater changes of getting employment, reduced poverty as well as non-monetary benefits such a good health, better education and health for the society and more engaged citizenship. At community level education has several monetary benefits such as higher productivity, economic growth and long run development and non-monetary community and social benefits such as increased social mobility, greater social cohesion and reduced negative externalities. World Bank (2018) concluded that education is an instrumental tool for realisation of fundamental rights, dignity, and freedoms. Widarni and Wilantari (2021) affirms that education plays an important role in developing the community through empowering the productivity abilities that uplifts the individual and society. These recent findings assert the conclusion drawn in Olaniya and Okeminde (2008) that only quality education has the capacity to contribute meaningfully to economic growth thereby reducing poverty, unemployment, and other social economic ills. Education rights facilitates the attainment of social justice by granting everyone an equal opportunity to realise their rights to their capabilities through education. This demonstrates that the realisation of the right to education has significant influence on most if not all fundamental human rights. This means that violation of rights to quality education that creates human capital is infringement on human dignity in terms of limiting their abilities to derive individual monetary and non-monetary benefits which may potentially spill over to community and society benefits

This view affirms the human capital perspective that education leads to realisation the fundamental rights and freedoms. Human capital perspective argues that economic social development is dependent on the stock of skills that is created from education systems with a country (Matashu and Skeephe, 2022). On these grounds education is deemed to generate

great economic and social benefits for both the individual and society. Despite highlighting the relationship between education rights to education and human capital development these frameworks do not extend to consider the influence of conditions societies that determine how the teaching and learning is created into opportunities.

Rights to education, capabilities, and sustainable development

Education in conception is understood to save the purpose of developing individual human capacities to the full potential through acquisition of specific skills, competences, abilities, values, and knowledge (Matashu, 2022). In this regard, the EFA, MGDs and SDGs framework aimed to fulfil the entitlement to education for all. However, despite the increased access to education developing countries these economies appear to struggle to stimulate economic growth through increased investment in education, yet it appears extreme poverty and inequalities continues to increase. Arguably, the conceptualisation of the right to education framework is insufficient to capture the realisation of the goal of the sustainable, that is to promote intergenerational prosperity in countries. This study thus introduces the capabilities approach to extent the right to education and human capital theory to enhance its normativity towards attaining social justice and sustainable development. Nussbaum (2000) and Sen (2004, 2005) argue that the realisation of the entitlement to education into practice was a challenge. McCowan (2015) explains that rights are limited to creating a fulfilment of legal obligation consequently this approach focuses on the narrow interpretation of the rights. This narrow scope approach to the interpretation of rights focuses on enforcing compliance to the legal obligation and does not extend to evaluate the implementation and achieved of outcomes. The study does not however discard the human rights approach but rather introduce alternatives approaches to address its inadequacies.

To start with the human rights approach provides the state with the legal obligation to fulfil the right to education as well as the need to provide its financing as much it must be provide the basis for conceptualisation of education. The rights-based education approach affirms the entitlement enshrined in the universal declarations of principles of indivisibility, interrelatedness, and independence of human rights (McCowan, 2011). These elements safeguard the rights to education through legislation as well as distinguishes the nature of the right. McCowan further elaborates the interdependence of the human rights-based education through three ways namely, the right to education that is the access aspect, rights in education as representing the learning environment and the rights through education that is development of capabilities for exercising the human rights. The human rights to education approach thus integrate the aspirations of the sustainable development approach in seeking to promote quality education that unlocks the intellectual potentials of the individual and society at large. This means that the right to education should not be considered as standing alone rather they must be understood in conjunction with other rights. The rights education framework as discussed above seems to suffer from deficiencies by mere focus on entitlement to education without incorporating the welfare rights and condition that embodied in the sustainable development approach.

Sustainable development is a global transformative development approach that seeks to eradicate poverty and inequalities within countries, to create peaceful, just and inclusive societies that protect human rights and dignities to ensure a sustainable protection of the planets and its resources. Within the same frames the sustainable development approach aimed to build conditions for sustainable, inclusive, and sustained economic growth and shared intergenial economic stability for all taking into cognisance the different levels of

national development and capacities (UN, 2015) While the idea of sustainable development has considerable merit in the conceptualising aspects of social justice, it cannot adequately address the processes aspects of social justice since sustainable development is characterised by aspiration for international development, it falls short telling us about the connections between education, human capital development and capabilities conditions that should exist to create a sustained economic growth. Oftentimes overlooked is the condition of sustainable development goal and targeted provided for at paragraph 55 of the UN 2015. Sustainable development should take into consideration that:

The Sustainable Development Goals and targets are integrated and indivisible, global in nature and universally applicable, considering different national realities, capacities and levels of development and respecting national policies and priorities. Targets are defined as aspirational and global, with each Government setting its own national targets guided by the global level of ambition but considering national circumstances. Each Government will also decide how these aspirational and global targets should be incorporated into national planning processes, policies, and strategies. It is important to recognize the link between sustainable development and other relevant ongoing processes in the economic, social, and environmental fields.

It is evident that, the above statement underscores the need to consider the contextual conditions which should exist for SDGs to be achieved. This implies that the rights to education are inadequate if the conditions that enable the rights to be exercised are not created. Given the inherent narrow perspective of the human rights approach it is important to expand it to ground it on broader conceptions of rights to embody the need for a sustainable societal development as envisaged by the SDGs. To ensure the rights to education leads to realisation of the sustainable development approach there is need to integrate the welfare rights that include human capital, capabilities, and social justice. Nussbaum (2007) in the capabilities approach proposed the need to develop conditions that enable people to develop their capabilities to function in key areas of critical importance (valued functionings). Nussbaum (2007) prescribes ten conditions that must not fall below a targeted threshold to ensure the development of all human being's capabilities. These capabilities consist of intrinsic and external capabilities such as life, bodily health, bodily integrity, and affiliation (Nussbaum 2000). McCowan (2015) argues that the capabilities approach provides an alternative framework for the implementation of rights to education instead of over dependence on the state obligations. McCowan (2015) elucidates the capabilities approach supplements the rights approach postulating that the right to capabilities can be discussed and enacted at different levels. In this regard the concept of capabilities needs to be introduced to the rights to education approach to enable education to fulfil the duty and responsibility of developing human functionings within different layers of the society. This indicates the need to further the mutual relationship between education, human capital, capabilities, and social justice.

Emphasising the human rights as the default framework for realising the rights, Nussbaum (2000, 2007) assign the government the duty and obligation to ensure the fulfilment of the rights and creating conditions that enable the rights to be realised. This implies that, the infringement of the rights to capabilities would deter the development of the key functionings that are necessary for all human being to have equal ability to enjoy their fundamental rights. The capabilities approach highlights the understanding of condition in which the rights to education is implemented as necessary for realisation of the recognised rights. Widarni and Wilantari (2021) points out that increases in the productivity of society

results in an increase in the gross domestic product and subsequently this is translated to increased performance of the communities within a nation. It can be deduced that human capital promotes economic growth and development, which subsequently translates to employment, poverty reduction and improved overall national wellbeing. In this regard the capabilities approach does reinforce the need create conditions that enable not only recognition of the rights to education as both an entitlement and moral claim for corresponding rights but also the realisation of these rights.

Implications for practice, policy, and theory

The tropical debate on economic growth, human capital and social justice is of special significance for developing countries. Developing nations are striving to stimulate economic growth through increasing investment in education yet it appears extreme poverty and inequalities continues to increase. The human rights-based education approach is rounded on the entitlement of education as fundamental human right it entails that those countries should uphold the rights to education as instrumental for the realisation of the fundamental human rights and freedoms. The human capital perspective argues that economic social development is highly dependent on the stock of skills that is created from education systems with a country. On these grounds education is deemed to generate great economic and social benefits for both the individual and society. However, what has been overlooked in the rights to education is the right to capabilities that must be intrinsic to the goal of the right. The capabilities perspective argues the need to positive welfare rights as threshold conditions for all human being as significant for attainment for human rights. Nussbaum (2007) recognises education as part of the welfare rights where a threshold should be reached for all human being such that infringement does not occur, thus giving it a moral claim. Capabilities approach provides a metric for measuring human development as based on 10 capabilities that must be realised for all human being for their rights not to be infringed. This entails in practice policy makers should ensure that conditions which influence the impact realisation of the rights to education should be identified and addressed jointly in promotion of acquiring quality education. The implications for theory are that the human rights to education should be supplemented by human capital, capabilities, social justice for sustainable development to be recognised.

Conclusion

Taken together, all matters discussed in this study leads to the argument that without addressing the issues of capabilities it is impossible for rights to education to contribute to human capital and economic development. This suggest that, the right to education should be realised in conjunction with the other welfare rights. It thus indicates that education framework should be extended to incorporate the principles of the capability approach. Although the capabilities approach does recognise the development of valuable functionalities as instrumental to the attainment of human rights it does not capture the human capital development principles. This indicates that human rights and capabilities approach needs to be extended with the human capital approach in order to lead to social justice and sustainable development in societies. As can be seen above the intersection between the human rights-based education, human capital and capabilities creates conditions that promotes the attainment of social justice.

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