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Governance and duty in global refugee education: a Kantian perspective

Inga C. Storen*

Department of Education, NLA University College, Bergen, Norway

The broad adoption of the human-rights based approach to refugee education has not only accentuated the link between education provision and the realization of human rights; it has re-framed refugees as right-bearers. This conceptual shift from 'refugee as victim' to 'refugee as right-bearer' carries with it immense implications also for the way we think of the duty-bearers of refugee education. Once we re-conceptualize refugees as right-bearers, we acknowledge, too, the primacy of duty-bearers and 'global moral obligations'. In this article, I first consider the history of global governance of refugee education, dating back to the ratification of the 1951 UN Refugee Convention. In tracing the shifting role of stakeholders in refugee education, I note, in particular, how the burden of responsibility of education policy and provision has oscillated between local host communities and the UN High Commissioner for Refugees (UNHCR). Next, I look at how rights and responsibilities are conceptualized in forced displacement context, that is, in the absence of a nation-state—traditionally considered the primary duty-bearer of human rights. Finally, I turn to Kant's duty-based ethics, and suggest a Kantian perspective can help expand our understanding of duties and duty-bearers in global refugee education.

KEYWORDS

global refugee education, refugee rights, duty-bearers, Kantian duty-based ethics, UNHCR, forced displacement

1 Introduction

Over half of the world's school-aged refugee children—around 7.5 million—are not in school (UNHCR, 2023a). When refugees do access education, this is mainly at the primary level, where the gross enrolment ratio is at 65 percent (UNHCR, 2023a). Refugee enrolment in secondary education is around 41 percent, while in tertiary the rate is as low as 6 percent (UNHCR, 2023a). But despite what aptly can be called a refugee education crisis, only around 3 percent of humanitarian funding goes toward education (Jalbout and Bullard, 2022). Faced with these numbers, many are led to ask *how* refugee education might be expanded and improved. In this article, however, I am more concerned with the question of *who*: Who has the duty to ensure that refugees' right to education is realized? Of course, as Zambeta and Papadakou (2019) assert, states are bound by the international treaties they have ratified, to guarantee access to education to *all* children who reside within their borders. But what about the millions of refugee children who remain in camps or urban settlements in low-income countries? Does the moral duty to assist these children rest solely on the nation-state in which they physically reside? Or can we in such situations speak of a *collective* duty of all nation-states—and in particular high-income countries—to ensure that the most vulnerable in our global community have their basic human rights fulfilled? Might even 'humanity' be considered

a moral agent[1] in the face of global crises akin to what we see in mass forced displacement?

To answer these questions, I first consider the history of global governance of refugee education, dating back to the ratification of the 1951 UN Refugee Convention. In tracing the shifting role of stakeholders in refugee education, I note, in particular, how the burden of responsibility of education policy and provision has oscillated between local host communities and the UN High Commissioner for Refugees (UNHCR). Next, I look at how rights and responsibilities are conceptualized in forced displacement context, that is, in the *absence* of a nation-state—traditionally considered the primary duty-bearer of human rights. Finally, I turn to Immanuel Kant, and his duty-based ethics. I suggest that a Kantian perspective can help expand our understanding of moral duties and duty-bearers in global refugee education.

At this point, it is important to make clear that this article is primarily concerned with refugees in low- and middle-income countries in the Global South; not those who have been granted residence in high-income countries in the Global North. I focus on the former group, not only because the vast majority of the world's refugees—76 percent—live in the Global South (UNHCR, 2022a), but also because these refugees rarely, if ever, have a pathway to citizenship. Furthermore, refugee-hosting nations in the Global South often struggle with meeting the basic needs of their 'own' citizens, much less the refugees living within their borders. It is *one* thing to reflect on the state as the primary duty-bearer in wealthy, democratic countries, but an entirely different matter to do so in contexts of extreme resource-constraint and political instability. Then, of course, there is the issue of nations-as-duty-bearers altogether. As I alluded to above—and will expound on later—the very concept of nations as moral agents raises several issues in contexts of global forced displacement. Global crises demand collective global efforts to mitigate them, yet when it comes to refugee education, we still see refugee-hosting nations being pointed to as primary duty-bearer. Recent international co-ordination efforts—such as the Comprehensive Refugee Response Framework (CRRF)—does use terms like 'responsibility-sharing' and 'burden-sharing'. However, the 'burden' of *hosting* refugees has not shifted; indeed, low-income refugee-hosting nations are now expected to include refugee children in their national school system.

The CRRF, mentioned above, was introduced in 2016, and later became part of the 2018 Global Compact on Refugees (GCR), a 'blueprint' for international cooperation in matters of refugee protection and assistance. A core driver for the GCR was the increased protractedness of refugee situations, which prompted a shift from short-term humanitarian assistance to a more long-term development-oriented approach (Carvalho and Haybano, 2023). Alongside growing criticism of humanitarianism in refugee assistance, came a re-framing of refugees, from 'victims' to 'right-bearers' (Betts and Collier, 2017). This conceptual shift carries with it immense implications also for the

way we think of the duty-bearers of refugee education. For, as the UN's High Commissioner for Human Rights (OHCHR, 2012) states, "rights imply duties, and duties demand accountability" (p. 5). Thus, once we re-conceptualize refugees as right-bearers, we acknowledge, too, the primacy of duty-bearers and so-called 'global moral obligations' (Wringe, 2010; Schwenkenbecher, 2013).

In his work on Kantian duties in the face of global poverty, Igneski (2023) argues that while moral philosophy cannot dictate what must be done to *end* poverty, it does help enlighten whose moral obligation it is to try. This article aims to do the same in the field of global refugee education.

2 Governance and provision of refugee education: from past to present

A meaningful discussion on duties and responsibilities in refugee education necessitates an understanding of the governance structures underpinning the global refugee regime. Here, education governance refers to the "institutions and dynamics through which education systems allocate roles and responsibilities, determine priorities and designs, and carry out education policies and programmes" (OECD, 2019, p. 144). Within the system of nation-states, it is the government that determines the structure of the education system—including its financing mechanisms—as well as the overall goals of education. In the case of refugee education, however, matters of autonomy and governance are somewhat obscured. Existing outside the nation-state system, refugees fall under the mandate of what Waters and LeBlanc (2005) notoriously refer to as a "pseudo-state," namely the UNHCR. Although refugees' right to education is enshrined in the 1951 UN Refugee Convention (as well as in the 1948 UN Declaration on Human Rights and the 1989 Convention on the Rights of the Child), the view on whose responsibility it is to *secure* that right has shifted over the years.

When the 1951 UN Refugee Convention was initially adopted, the responsibility for overseeing refugee education was given to the United Nations Educational, Scientific and Cultural Organization (UNESCO). However, after the 1967 Protocol was adopted—which removed the geographic and time-based limitations of the 1951 Convention—the mandate of refugee education was formally handed over to the UNHCR (Dryden-Peterson, 2016; Morrice, 2021). While the 1967 Protocol expanded the *scope* of the Refugee Convention, the content remained unchanged. On the issue of refugee education, Article 22 of the Convention states that the host nation shall be responsible for providing elementary education for all refugees, while in the case of post-elementary education, refugees are to receive treatment as "favourable as possible" (UN General Assembly, 1951, p. 24). Besides its rather vague description of refugees' right to post-primary education, the Refugee Convention suffers, too, from an over-zealous optimism regarding the brevity of forced displacement. When the Convention was written, in the wake of the Second World War, it was generally believed that refugees would be able to return to their home countries as soon as reconstruction efforts had taken effect. It was not unreasonable, then, to expect host nations to take on the responsibility of providing refugees with primary education for the duration of their stay. Since the 1950s, however, the world's 'refugee problem' has changed significantly—both in nature and longevity.

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1 Moral agent here refers to someone with the ability to discern right from wrong, and the capability to act accordingly (Gert and Gert, 2020). Essential conditions of moral agency thus include rationality. Children, adults with limited mental capacities, and even psychopaths and irrational egoists, may have little to no moral agency. Kantianism is considered particularly strict in its prescription of moral agency (Haksar, 1998).

Protracted Refugee Situations (PRSs), also called chronic or long-term refugee situations, are (rather crudely) defined as situations "where more than 25,000 refugees from the same country of origin have been in exile in a given low- or middle-income host country for at least five consecutive years" (UNHCR, 2023b). In the 1950s and 60s, the issue of PRSs was small, encompassing some tens of thousands of refugees trapped in camps in Western Europe (Loescher and Milner, 2006). The Cold War, however, propelled protracted forced displacement—most notably of millions of refugees from Indochina and Central America (Chimni, 2004; Loescher and Milner, 2006). The increase in the world's refugee population was further exacerbated by state collapse and conflict in a recently independent Sub-Saharan Africa. But while refugees from the East were resettled in the West, refugees from the Global South were generally not as welcome (Parekh, 2020). Instead, what emerged on the African continent were large refugee camps, which by the 1980s hosted millions of refugees (Betts and Collier, 2017). Initially, UNHCR was not involved in the organization of refugee education during this time, focusing instead on post-primary scholarship to a small elite of refugees (Dryden-Peterson, 2016). However, as encampment became the new norm in global refugee assistance, significant shifts took place in the approach to international education assistance writ large.

Ushered in by World Bank rhetoric on 'rate of return' and 'structural adjustment', the 1980s became a decade of investment in basic education (Salmi, 2016; Edwards and Storen, 2017). Further solidifying the global commitment to primary education—largely at the expense of higher education—was the World Conference on Education for All (EFA), hosted in 1990 by the World Bank, UNESCO, and three other UN agencies. Later described as a "global movement for primary education" (Dryden-Peterson, 2010, p. 10), the EFA had significant ramification for the provision of refugee education, as well (though it would take another 15 years for refugees to specifically be mentioned in global education agendas). For one, UNHCR shifted its attention from small-scale post-primary scholarships to large-scale involvement in the provision of primary education for refugees. In fact, by the mid-1980s, 95 percent of UNHCR beneficiaries in refugee education were at the primary level (Dryden-Peterson, 2016). Given the existing camp-structure, refugee education largely took place in isolated schools, separate from nationals, where the curriculum and language of instruction typically aligned with that of refugees' country of origin (Dryden-Peterson, 2016). The consensus going into the 1990s was that refugee education should prepare children for repatriation; a view only strengthened when the Cold War ended, and resettlement no longer was the preferred solution for refugees fleeing communist regimes (Aleinikoff, 1992). Indeed, UNHCR declared the 1990s "the decade of repatriation" (Chimni, 2004, p. 59). Refugee education played a crucial part in the repatriation efforts, and by the early 2000s, education had become one of UNHCR's global strategic priorities (Morrice, 2021).

Despite UNHCRs push for repatriation—both through education and policy—the numbers of refugees returning to their countries of origin were very small. As the 2000s saw an increase in the number of PRSs around the world, UNHCR and other relevant stakeholders were forced to question their approach to refugee education (Morrice, 2021). The global focus on *primary* education had not diminished—indeed the 2000 Millenium Development Goals (MDGs) doubled down on the goal of universal primary education set forth in

EFA. However, it became evident that primary education for refugees could no longer be limited to the curriculum of the home country. Millions of refugees spent their entire childhoods in exile. This made refugee inclusion into local education systems a much more logical approach to refugee education. In 2012, the UNHCR adopted a new policy of integrating refugees into national systems (Dryden-Peterson, 2016). Some years later, the GCR was affirmed by all UN member states, laying out a responsibility-sharing strategy wherein refugee inclusion into national systems lay at the core.[2] The following year, UNHCR's Education Strategy was given the title "A strategy for refugee *inclusion*" (UNHCR, 2019a).

This global strategic shift from *repatriation* to *local integration* of refugees also denoted a shift in financing arrangements; from humanitarian to development (Carvalho and Haybano, 2023). For many refugee-hosting nations, this meant turning to the World Bank for financial assistance, more specifically the newly developed World Bank's IDA18 regional sub-window for refugee inclusion[3] (UNHCR, 2021). World Bank involvement in global refugee education has only increased since then, partly through funding of higher education scholarships (Storen, 2021), and more recently through their integral role in a multistakeholder pledge to include refugee children in national education systems.[4] In 2021, the Bank's position in the field was further solidified through a joint publication with the UNHCR on the *Global Cost of Inclusive Refugee Education* (World Bank and UNHCR, 2021). Of course, the World Bank has played a significant role in educational assistance and reform in the Global South going back to the 1960s (Mundy and Verger, 2016; Edwards and Storen, 2017). Their recent interest in forced migration, however, marks an important point in the evolution of global governance of refugee education. Although it is too early to say much about how World Bank involvement might impact global refugee education policy and provision, it is nonetheless important to note their arrival in the field.

A final observation on the evolution of the governance and provision in global refugee education involves the shifting priorities from primary to secondary and tertiary education. As noted above, the push for universal primary education became an integral part of global development efforts following the 1990 Education for All

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2   The 2018 Global Compact on Refugees (GCR) affirms the commitments made at the 2016 New York Declaration on Refugees and Migrants. The 2016 New York Declaration included a Comprehensive Refugee Response Framework (CRRF), which later became one of four core components of the GCR. Another central component of the GCR is the Global Refugee Forum, held every four years.

3   The International Development Association (IDA), is a World Bank fund specifically aimed at the world's poorest countries. In 2017, the 18th replenishment of IDA was introduced ('IDA18'), dedicating a total of US$75 billion to various development projects by 2020. Of these, $2 billion were allotted to the Regional Sub-Window for refugee and host communities (UNHCR, 2021).

4   The Multistakeholder pledge is hosted by the 2018 Global Compact on Refugees, a responsibility-sharing framework conceptualized at the 2016 New York Declaration. The Pledge involves a total of 144 stakeholders, among which are 43 host nations, 24 civil society organizations, 29 international organizations (including UNESCO and UNICEF).

Conference and the 2000 MDGs. These priorities were mirrored in global refugee education policies. In 2015, however, the UNHCR included mention of tertiary education in its Refugee Education Strategy. Four years later, their strategy included a pledge to increase refugee enrolment in tertiary education to 15 percent by 2030 (a pledge later labeled 'the 15by30 campaign') (UNHCR, 2019a). Refugee higher education is now garnering increased interest from a myriad of actors, including not only UNHCR, UNESCO, and the World Bank, but also international non-governmental organizations (INGOs), faith-based organizations, the private sector, and even universities in the Global North (Storen, 2021). Because higher education is funded through different mechanisms than that of primary and secondary education, there is generally less oversight of delivery and policymaking in the field. This allows for highly selective admission criteria, donor-driven decisions on which degrees are made available to refugees, and often implicit directions on where refugees should move upon graduation (e.g., back to their home country). The somewhat chaotic web of providers in refugee education also blurs the lines of responsibility, an issue I expand on shortly.

As the above paragraphs have shown, the governance of refugee education has evolved from a matter of little significance, largely left up to local communities, into a global concern shared by a conglomerate of stakeholders. UNHCR remains firmly at the helm of the governing operation. However, apart from their DAFI tertiary scholarship program,[5] UNHCR does not play a direct and primary role in fulfilling the right to education for refugees. Instead, the primary responsibility of enabling refugees' access to education rests on local governments, INGOs, and—especially in the case of tertiary education—on charities, the private sector, and specialized programs within universities in the Global North. Other stakeholders in global refugee education include high-income donor countries, technical and financial partners, multi- and bilateral organizations, individual philanthropists, academic research networks, and civil society organizations (CSOs), the latter of which is unified in the Global Campaign for Education[6] (UNHCR, 2019b). The lack of clearly defined roles and responsibility in the global web of decision-makers and providers makes it challenging to hold anyone *accountable* for the realization of refugees' right to education. In other words, global refugee education has become a field where many wish to contribute, but few are willing to accept the role of duty-bearer. This article suggests that a Kantian moral philosophy can be useful in broadening our understanding of duties and responsibilities in refugee education. Before elaborating on Kantian duty-based ethics, however, I first examine the conceptualization of rights and duties in the context of forced displacement.

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5   The DAFI (Albert Einstein German Academic Refugee Initiative) scholarship program was established in 1992, and has to date covered the cost of higher education for around 24,000 refugees (UNHCR, 2023c).

6   The Global Campaign for Education (GCE) was established in 1999 and consists of over 120 civil society organizations. Their aim is to "unify and coordinate civil society voices in relation to the global education agenda" (GCE, 2024). In GCE's most recent education strategy, refugees are highlighted as a concern (GCE, 2023).

3 Rights and duties in refugee education

It is commonly asserted that the adoption of a human-rights based approach will "turn beggars into claimants" (Frankovits, 1996, p. 125). O'Neill (2000) further reminds us that, "claimants are not humble petitioners or loyal subjects […] They speak as equals who are wronged. They demand other's action" (p. 126). When speaking of refugees' right to education, then, we are invoking the language of claims and duties. For a right is a claim *against* someone (Feinberg, 1966). But to whom do refugees make claims? Who has the duty to realize the rights of refugees—and in particular their right to education? And, relatedly, who is held accountable when refugees' right to education is violated?

While we, in the previous section, became familiar with the actors who have taken responsibility for providing refugee education through the years, the present section will delve more deeply into the issue of rights, duties, and accountability. The correlation between human rights and duties is well established, and is often grounded in Shue's (1980) seminal work, which posits that human rights warrant duties to (1) respect rights, (2) protect rights, and (3) provide rights (pp. 51–63). Marta Nussbaum (1997)—another pillar in human rights literature—describes rights and their correlative duties as follows: "If A has a right to S, then it would appear there must be someone who has a duty to provide S to A" (p. 274). She goes on to say, however, that in international context, determining duties can prove problematic (Nussbaum, 1997, 2007). Glanville (2017), too, argues that while we generally have a good understanding of states' duty to assist and protect their own citizens—as well as states' duty to intervene when other states violate that duty—our understanding is lacking when it comes to duties 'beyond borders'. The main challenge in allocating duties toward refugees, of course, stems from the fact that the primary duty-bearer of human rights is the nation-state (O'Neill, 2000; McCarthy, 2018). Hannah Arendt (1973) captures this reality beautifully in her description of citizenship as "the right to have rights." In other words, it is only cloaked in citizenship that humans genuinely access human rights; the nation-states function, if you will, as the middleman between the abstract notion of universal, inalienable human rights and the concrete world in which we live. This clearly poses a challenge for refugee education—the right to which is protected in international treaties, but whose implementation is wholly dependent on local governments.

The gap between the global commitment to ensuring the right to education, and the local realization of that right in forced displacement was expressed first by Dryden-Peterson (2016) and has since been problematized by a handful of researchers, among them Yeo et al. (2020) and Rönnström and Roth (2023). A significant contributor to the neglect of refugee rights is, I argue, the lack of clear lines of responsibility, resulting in the absence of accountability. Accountability, after all, refers to the "process aimed at helping individuals or institutions meet their responsibilities" (UNESCO, 2017, p. 2). In the field of international development, notes Najam (1996), 'accountability' is often conflated with the concept of 'monitoring and evaluation'. These processes, however, are both narrower and more short-term that the type of accountability associated with ensuring peoples' access to rights. As shown above, global refugee education is not lacking in providers and advocates; yet the field *does* lack accountable duty-bearers, whose interest in securing

refugees' access to quality education lie not in charitable motivations, but in recognition of *moral obligation*—which, in a Kantian understanding of the term, is synonymous with *duty* (Walschots, 2022). Importantly, a human-based approach to development shifts the perception of stakeholders, from that of passive actors to right-holders and duty-bearers (The European Commission, 2021). We may hope, therefore, that recent efforts to re-conceptualize refugees as 'right-bearers'—as opposed to victims or "charitable objects" (Danewid, 2017)—will highlight the need for clearer allocations of duties. At present, however, there is little real consideration of duties and accountability in forced displacement contexts. This deficit in deliberations on duties is echoed in the literature on refugee education, as well.

Indeed, the question of responsibility for refugee education has only minimally been addressed in academe. One of the most relevant examples is Carvalho and Dryden-Peterson (2024), who suggest that the delegation of responsibility depends on stakeholders' understanding of the purpose of refugee education. If, for instance, the purpose of refugee education is seen as a pathway to integration into the host community, the responsibility to ensure refuge access to education increasingly falls on local host governments. We see, then, that *responsibilities* for education are tightly linked with the potential *benefits* of education. Often, however, the conceptualization of the purpose of refugee education and beneficiaries is as conflicting as it is varied (Storen, forthcoming). At times, providing refugee education is seen as an effective way to curb youth idleness, crime, and terrorist recruitment (Anselme and Hands, 2012; Storen, 2016; Avery and Said, 2017). In this case, states at risk of being victimized by crime and terrorism arguably have an added incentive to support refugees' access to education. Others see refugee education as a way to increase repatriation rates, that is, the number of refugees who return back to their countries of origin (Bellino, 2018). This latter view would cast refugee-hosting communities as a beneficiary of refugee education, as decreased number of refugees would lessen the financial, political, and environmental burden of accommodating large numbers of refugees. So-called 'education for repatriation' also makes the country of refugee-origin a potential beneficiary, as they stand to receive educated refugees, capable of contributing to development efforts. Should, then, the country of origin be held responsible for refugees' education while in exile?

By allocating responsibility of refugee education based on potential beneficiaries, we inevitably end up with 'best-interest' arguments, wherein costs and benefits are factored into our understanding of obligation. Carvalho and Haybano (2023) notes this phenomenon in their study on refugee assistance in Ethiopia, where investment in refugee education was seen as "both a responsibility of donors under a burden-sharing framework, but also in the best interest of high-income donor countries who may wish to slow the flows of refugees outside of the region" (p. 12). We see, then, that in the absence of clear allocations of duties, responsibility-sharing becomes a matter of incentivizing, 'best-interest' arguments, and the weighing of costs and benefits. This echoes, incidentally, the type of rationalization we find in the moral theory of utilitarianism—which, according to Vike (2024), is situated in "the tension between morality and instrumentality" (p. 45). Utilitarianism posits that the morally right thing to do is the action that produces the greatest good for the greatest amount of people (Tiedemann, 2021; Driver, 2022). This line of thinking, however, allows one to juxtapose the rights and benefits

of one group against another. In the case of educating refugees in low-income countries, this means considering whether *a greater amount* of people is served by tending to the needs and rights of citizens, than by assisting refugees. Let us consider, for instance, the scenario where a state must choose between providing free higher education to its citizens or expanding access to primary education for refugees. Does the state have a moral duty to sacrifice free higher education for nationals at the expense of assisting refugees?[7] A utilitarian might very well respond in the negative, seeing as investing in higher education for citizens likely would result in greater good for a greater amount of people. Kantian theory, however, does not factor in consequences (good or bad) in the conceptualization of morality and duty. In the field of global refugee education—which at present seem implicitly guided by utilitarian principles—a Kantian perspective may provide useful in expanding our thinking on duties and duty-bearers. Indeed, in his work on the morality of refugee protection, Tiedemann (2021) concludes that deontology (from the Greek word δέον, meaning 'duty') is the most appropriate moral theory when deliberating on moral duties and rights in refugee contexts. He further argues that "there are no good reasons for a utilitarian or an egalitarian foundation of refugee ethics" (Tiedemann, 2021, p. 5 of 28).

4 A Kantian perspective on moral duties toward refugees

Quite a bit of work has been done in recent years on the issue of morality and Kantian duty ethics in forced migration contexts.[8] However, much of this work centers on the question of moral duties toward refugees once they cross into Western countries, and not while refugees still reside in the Global South. Moreover, the focus in these articles is rarely on the specific task of providing education for refugees, but rather on the more general question of whether we are morally obliged to welcome and protect refugees who arrive at our borders. We see, for instance, frequent referrals to Kant's ethics of hospitality, and the view that hospitability towards 'the other' is not founded in charity or kindness, but in moral rights and duties (Benhabib, 2004; Kattago, 2019; Tiedemann, 2021). Although—as Schott (2009) points out—Kant's concept of hospitality is limited to cases of short-term displacement, Kantianism still provides a valuable framework for engaging in questions of duties in refugee situations. I see a need, therefore, for an exploration of Kantian duty ethics in relation to global refugee education.

Within Kantian duty ethics we should treat all humans with dignity and hospitality because it is *intrinsically* the right thing to do, not because we are led to do so by authorities, religious commands, self-interest, or even compassion (Misselbrook, 2013). Kantian duty ethics is anchored in rationality, not emotions, and—as noted above—the consequences of an action should never factor into one's decision to do that action (Tiedemann, 2021). It is particularly the emphasis on rationality—as opposed to charity—that makes Kantianism (or indeed

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7 See Bauhn (2019, p. 149) for further deliberations on this question.

8 Examples of this include: Barnes and Makinda (2021); Binder and Heilmann (2017); Kattago (2019); Kuosmanen (2013); Mieth and Williams (2023); Reeves (2017); Tiedemann (2021).

deontology more broadly) such an interesting frame for discussing refugee rights, and their corresponding duties. Much of today's global refugee regime depends on the generosity and good-will of host nations.[9] The call on stakeholders to aid refugees is nearly always couched in language of charity and altruism—not in duty. Applying Kantian moral philosophy to the field of forced migration highlights issues of moral rights and duties, for as Benhabib (2004) reminds us, Kantian obligations toward 'the foreigner' is not a matter of kindness, but of cosmopolitan rights. Kant's conceptualization carries massive significance for global refugee assistance, which in recent years have grappled with bridging the 'humanitarian-development divide'. Humanitarianism, it can be argued, reinforces the refugee-as-victim trope, demoting refugees from 'rights-claimants' to 'dependants'. Furthermore, as Dauvergne (1999) argues, "humanitarianism is not a standard of obligation [but] rather of charity" (p. 621). We cannot meaningfully speak of obligations and moral duties, then, while maintaining a humanitarian perception of refugees.

In the quest to deepen our understanding of duty-bearers in refugee education, it is interesting, too, to consider Kantianism in the face of global crises more broadly. A core query we find in the literature is whether mitigating global threats like climate change, extreme poverty, and mass forced displacement is a moral duty, and if so, by whom. In Kantian moral philosophy, "[o]nly agents can be bearer of duties" (Igneski, 2023, p. 264). Further to this—and in accordance with the Moral Agency Principle—"an agent can have moral duties only if the agent is a moral agent" (de Haan, 2023, p. 1693). But identifying Kantian moral agents in a globalized world can be challenging, first of all because Kantian ethics is centered on the notion of moral agents as individuals. A strict reading of Kantian duty-based ethics means that "only persons can be morally obliged" (Wringe, 2010, p. 217). Secondly, Kant's conceptualization of duty-bearers requires *capacity*, that is, an agent is morally obliged to help only if it is possible for them to do so—as encapsulated in the phrase 'ought implies can'. When it is not possible for any *one* agent to help someone, can they be considered a duty-bearer? This is where collective duties and group agency comes into play.

According to Schwenkenbecher (2013), recent concern for climate change and world poverty has ignited interest in so-called joint duties; duties held by groups or collectives. Hess (2018), for instance, argues that organized collectives like state governments or corporations can be considered Kantian moral agents because they do have the capacity to act according to moral law. Moreover, individual members of such groups can each hold moral duties, including the duty to act together to fulfil a moral obligation (Igneski, 2023). *Unorganized* groups or collectives on the other hand—such as 'wealthy nations' or 'humanity'—are seldom considered moral agents. However, Wringe (2010) and Korsgaard (2018) take issue with the somewhat narrow prescription of moral duties, arguing that non-agent groups (such as humanity writ large) can indeed be duty-bearers, and thus bound by

Kantian moral obligations. So, "*is* there a moral duty of all humans on earth to mitigate climate change or to end global poverty?" (Schwenkenbecher, 2013, p. 311, italics added). Following the logic of people like Kuosmanen (2013) and Igneski (2023), there is. This duty, however, need not entail every individual working to help refugees, but can instead refer to the duty to form global institutions with the capacity to reach every refugee. Every human being, then, can be understood as moral agents, with a joint duty to create the global collectives necessary to mitigate global crises.

Is this what we see in global refugee education today? Does the plethora of INGOs, philanthropists and multilateral organizations adequately fill the role of a global collective necessary to mitigate the global crisis in refuge education? I venture at a 'no'. As argued above, the field of global refugee education does not lack providers and stakeholders. It does, however, lack stakeholders who see themselves as moral agents, and who recognize their collective duty to fulfil the right to education for all. The failure to recognize and accept duties might stem from ignorance, self-preservation, selfishness, (conviction of) inability, or a combination of these. For instance, citizens in a wealthy country in the Global North might not recognize their duty to provide education for refugees residing in a low-income country in the Global South. But what if the citizens in the wealthy country was *responsible* for generating the mass forced migration to begin with? Would it then be *fair* to call on that country to do more to fulfil refugee rights? Pogge (2008) and Young (2006) contend that both mass forced migration and extreme poverty is fueled by an unjust global economic order; an order that arguably benefits citizens in the Global North. The argument can be made, that every person benefitting from, or contributing to, global economic injustice, is responsible for the global refugee crisis. By linking *fault* and *fairness* to duty, however, we are fast approaching the periphery of Kantianism, as we no longer consider the pure principality of a moral action, but rather take into account external qualifiers. However, as so much of the discourse on global responsibilities refer to arguments of 'best interest' and 'fair share', it is still interesting to make a brief detour into the utilitarian camp. Moreover, the inherent *injustice*—or, if you will, *unfairness*—in global forced displacement, prompts us to consider what a fair distribution of duties would look like. Morality cannot, after all, be unfair (de Haan, 2023). Taking the 'fair share' argument as a point of departure, Bauhn (2019) suggests that duties toward refugees should be "fairly distributed among all states in proportion to their capacity to contribute" (Bauhn, 2019, p. 150). And while this at first glance resembles the rhetoric of 'burden-sharing' we find in the Global Compact on Refugees, Bauhn's (2019) argument is of an entirely different nature. In fact, he criticizes the fact that poor host nations are expected to provide refugees with education when they do not even have the resources to provide free post-primary education (or other basic services) to their citizens. Why should countries in the Global South host 76 percent of the world's refugees, simply because they neighbor the conflict from which refugee flee? Is it not *unfair* that only 1% of refugees are resettled to high-income countries each year[10]?

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9 A few examples of this include the following: "UNHCR welcomes *generous* US decision on refugee resettlement" (UNHCR, 2023f); "The government of Mauritania is a *generous* host to more than 100,000 refugees" (UNHCR, 2022b); India continues to *graciously* host and assist refugees" (UNHCR, 2023d), UNHCR is urging continued support for *generous* hosts to ensure refugees have access to adequate assistance (UNHCR, 2023e).

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10 Resettlement rates can be hard to calculate. Official numbers provided by UNHCR estimates that around 1 percent of refugees under its mandate is resettled annually, but this only takes into account refugees who resettle through UNHCR, and not alternative pathways (Storen, 2021).

These questions bring us to another common conundrum in the allocation of duties; that of proximity.

In the case of global refugee protection, it is common to conflate geographic proximity with moral agency and capacity. Singer (1972) famously brought up the impact of geographical distance on moral duties, by considering affluent nations' duties to help people starving in regions far away. The classical example often used in these discussions is of a child drowning next to you versus a child dying from hunger on a different continent: are you considered a moral agent toward both children? To what degree should our immediate capacity to help influence our moral obligation toward a child in danger? Binder and Heilmann (2017) are among those who draw on Singer's (1972) seminal work, and in their article *Duty and Distance*, they ask us to reflect on whether Lebanon has a greater duty to assist Syrian refugees than do the United States: "Does geographical distance affect our moral duties?" (p. 547). Of course, while Singer (1972) only considers *geographical* distance, or proximity, there are other forms worth considering, especially in the context of global forced migration. These include, for instance, emotional, temporal, and cultural proximity (Binder and Heilmann, 2017). Moreover, Hollenbach (2016) argues that increased awareness of refugees' plights in other parts of the world, puts people in intellectual or psychological proximity to the refugee crisis. This, argues Hollenbach (2016), leads to *moral* proximity.

Now, as *geographical* proximity reduces, one's capacity to help increase (as illustrated in the example with the drowning child above). An important question is whether the same is true for other forms of proximity. Might, for instance, the capacity to fulfil a moral duty increase as psychological proximity increases? Here, there are Kantian arguments to be made, regarding the role of emotions in duty-based ethics. Indeed, in his *Doctrine of Virtue*, Kant (1797/1964) writes on the 'duties of love', one of which is the duty of sympathy (German: *Teilnehmung*). Kant sees it as an indirect duty to "consciously cultivate emotions of sympathy and compassion toward vulnerable strangers so that they become more positively disposed to discharge their duties to care for their well-being" (Glanville, 2017, p. 1095). This seemingly contradicts the Kantian stance of basing morality solely on rationality, not on feelings. However, when Kant writes on the duty of sympathy, he refers not to instinctual emotions, but to *moral* feelings, based in rationality. In other words, *cultivated* feelings, according to Kant, are "feelings which have been subjected to some degree of moral scrutiny" (Fahmy, 2009, p. 40). Furthermore, emotions can help us discern whether concerns of morality are indeed significant (Thomason, 2017). Returning to the issue of proximity and refugee education, then, one may argue that our first duty must be to cultivate feelings of sympathy—or, to use Hollenbach's (2016) terms—to increase our psychological proximity. Importantly, the duty of sympathy need not be restricted to the individual. There is increased recognition that groups can collectively feel emotions, and further that such collective emotions can influence state actions and international law (Bleikner and Hutchison, 2014; Ariffin et al., 2016). A case can be made, then, that in addition to our joint duty to create collectives with the capacity to provide refugee education (as discussed above), there is a joint duty, too, to cultivate collective emotions that activate a sense of duty among stakeholders. Considering the magnitude of *negative* collective emotions often directed at refugees, Kant's duty of sympathy is of particular interest.

Delving into a discussion on the role of emotions in mobilizing support for global refugee education is, unfortunately, beyond the scope of this article. One would hope, however, to see further work on (Kantian) moral feelings and collective emotions in relation to global refugee education in the future.

A final issue I wish to consider in this Kantian reflection on duty-bearers in global refugee education, is the duty of refugees themselves. After all, right-bearers are duty-bearers, as well (Deigh, 1988; Guilherme, 2016). This means that refugees—despite being marginalized and disenfranchised—still can be considered moral agents. By conceptualizing refugees as 'right-bearers,' we also emphasize their moral agency: indeed, their duty to fulfill human rights. Guilherme (2016) even goes as far as suggesting that education should not be understood as a right at all, but rather as a duty—"an obligation all humans have toward themselves and their communities" (p. 5). With this understanding, it is entirely possible to suggest that refugees bear (some of) the duty to protect and provide the right to refugee education. A Kantian might, of course, take issue with placing refugees in the role of duty-bearer, as they hardly have the real capacity to address issues like the lack of access to quality education. To this, Deveaux (2015) challenges us to understand 'capacity' not as the power one *currently* holds, but rather the power one could have in the future, given the appropriate support (see Igneski, 2023, for further deliberations on this matter). Deveaux (2015) speaks of the 'guiding duty' to empower the marginalized to demand justice, suggesting, thus, that the core duty in global refugee education lie not in *providing* rights, but in *enabling* refugees to claim their rights on their own. Here, it becomes salient to look at the provision of secondary and tertiary education for refugees, as opposed to merely the elementary education refugees are entitled to through the 1951 Refugee Convention. If our duty is to enable (or empower) refugees to claim their right, this surely requires education beyond basic literacy and numeracy. The type of critical reasoning and sense of agency necessary to claim one's rights are, I argue, acquired at higher levels of education.[11]

This section has provided an overview of some of the most relevant moral concepts to consider in the allocation of duty toward refugees, specifically in terms of fulfilling the right to education. These concepts include Kantian hospitality, moral agency, and collective duties, as well as fairness, proximity, and the 'duty of sympathy'. Finally, I also considered how the re-framing of refugees as 'right-bearers' infers their moral agency. As I explained in the beginning of this article, my aim was not to dictate what must be done to ensure access to education for all refugees. Rather, my aim was to help shed light on whose moral obligation it is to try. By highlighting some of the core tenets of Kant's deontology, my hope is that our perception of duties in forced displacement have been expanded, paving the way, thus, for some concluding reflections on governance and provision of global refugee education.

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11   Important to note here, is that acquiring higher education does not in itself secure refugees' access to decision-making power or positions from which they can realize their agency. Refugees with universities degrees are still frequently excluded from political, social, and economic participation in their host community.

5 Conclusion

As the prominent moral philosopher, James Griffin (2009) ascertains, "[w]e can know that there is a moral burden, without yet knowing who should shoulder it" (p. 103). In the case of global refugee education, there is little question about the grave moral failure in the fact that over half of school-aged refugee children are out of school (UNHCR, 2023a). A significant challenge in securing the human right to education in forced displacement lie in the vague and conflicting conceptualizations of duty-bearers of refugee education. Our inability to allocate duties is very much tied to the fact that refugees exist outside the global architecture of nation-states, while simultaneously being bound by nation-state logic. In the words of Yeo et al. (2020), refugee education is "awkwardly structured by global governance, national jurisdiction, and local management" (p. 48). As a result, refugee education ends up being the concern of many, but the duty of none.

Of course, host nations remain the *de jure* duty-bearers of education, also for refugees. And in a sense, it seems fair that states should be held accountable for providing refugee education, as it is the state system—and its adherence to national borders—which produce refugees in the first place. As Maley (2016) argues, "without states, refugees as we broadly understand the term would not exist" (p. 75). The issue, however, is that *poor* states host the majority of the world's refugees, while *wealthy* states have most of the decision-making power in matters of global refugee policy. The delegation of responsibilities, then, are tainted by severe power asymmetries, often exacerbated by aid dependency of refugee-hosting nations. Further obscuring—or *eroding*—duties in refugee education is the *de facto* requirement of citizenship to access rights. So-called 'universal' human rights are commonly denied non-citizens—or as Fiske (2016) provocatively describes refugees: 'non-people'. Without citizenship—and the 'right to have rights' (Arendt, 1973)—the provision of refugee education becomes less a matter of duty, and more a matter of benevolence on the part of the providers. Consequently, when refugees' access to education is limited or denied, we have no one to hold accountable in the same way we would if *citizens* were denied access to fundamental human rights. And despite calls to "decouple the rights to have rights from one's nationality status" (Benhabib, 2004, p. 68), human rights—and their correlative duties—largely remain tethered to the nation-state architecture.

In this article I have examined the inherent unfeasibility in identifying duty-bearers in global refugee education. I did so by first considering how the responsibility for refugee education has been allocated through the years, then by looking at how rights and duties generally are conceptualized in forced displacement, and finally, by turning to Kantian moral philosophy as a potential frame for understanding moral agency and duty toward refugees. As I argued above, Kantian duty-based ethics is particularly applicable in contexts of protracted emergencies and forced displacement, as it appeals to our rationality, rather than our kindness or sense of charity. In applying a Kantian frame to deliberations on duty-bearers in refugee education, we are no longer at liberty to *incentivize* duty by pointing at potential outcomes of educating refugees; it is no longer acceptable to *convince* stakeholders to provide refugee education by listing the benefits of doing so. Within Kantianism—unlike utilitarianism—refugee education cannot be conceptualized as an instrument to solve a problem; as a mere means to an end. At present, however, host states and other stakeholders must often be convinced to enable or provide refugee education by being shown political, social, economic, and environmental benefits—and those that *do* enable and provide, are praised for their generosity.

The gradual rejection of humanitarianism in global refugee assistance has re-framed refugees as right-bearers (Betts and Collier, 2017). However, 'right-bearer' remains a label void of meaning, unless we pay equal attention to the duty-bearers of refugee rights. For, as O'Neill (2000) declares, without anyone to *fulfil* a right, that right remains abstract and 'unclaimable'. A narrow understanding of duty-bearers limits any real chance of providing fundamental human rights for the ever-increasing number of refugees. And while Kantian duty-based ethics will not ensure the refugees' right to education is fulfilled, it might—in the words of Igneski (2023)—help identify whose moral obligation it is to try.

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