



Dear GEMR Team

### **GSF response to the Concept Note for the 2021 GEMR on non-state actors**

The following submission is a response to the [Concept Note](#) for the 2021 Global Education Monitoring Report on non-state actors. We thank you for the opportunity to input. I am the Founding Director of a UK-based non-profit organisation called the [Global Schools Forum](#) (GSF). GSF aims to strengthen the education sector by working with non-state organisations in developing countries who are serving children from low income backgrounds. Our (currently) 49 members span 32 countries. Our members are collectively running or supporting over 17,000 schools which provide education to close to 2.5 million children. They are a mixture of for-profit and not-for-profit organisations; both fee-charging and non-fee-charging.

GSF works to secure the rights of children to quality education. In line with human rights law and international agreements, we believe that governments should be the guarantors, but not necessarily the sole providers, of education. We work on the basis not that private is better than public, but that the non-state sector can complement and support government provision of basic education — when invited to do so — and also bring new ideas, funding and energy to the sector. We believe that democratically elected governments should determine the best way to provide education — whether public, private or a combination of both — as long as this complies with human rights law and can be effectively monitored and regulated.

In fitting with the functions of the GEMR and the focus of the Concept Note, our response below is structured around four themes: (i) the **scale of private financing and provision of education**, and the case for support, (ii) the **legal, regulatory and policy environment** (global and country levels) for non-state actors, (iii) **evidence on the effectiveness of non-state provision**, and implications for policy, (iv) **GSF policy recommendations** to harness the contributions of non-state actors to SDG4.

#### **1. The scale of private financing and provision of education, and the case for support**

**Private sector enrolments in basic education are growing fast in low- and middle-income countries, particularly in urban and peri-urban areas.** As the GEMR Concept Note states, the UIS data points to the share of enrolment in private institutions rising between 1990 and 2018 from 23% to 42% in pre-primary education, 9% to 18% in primary education and 19% to 26% in secondary education. Survey data shows even higher levels of enrolment<sup>1</sup>.

**There is a strong case for investment in non-state education that serves the poor, including using government resources and international aid.** The case is perhaps five-fold:

- i. these schools are here to stay; they are educating a very large and growing number of poor people with education of questionable quality, and so it is in the public interest to make them work better;

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<sup>1</sup> See, for example, research by [Capital Plus Exchange](#) and by [Innovations for Poverty Action](#).

- ii. governments and others should respect the choices of parents, whose liberty to choose schools other than public schools for their children is specifically protected by human rights law
- iii. even with projected fair-to-good economic growth, the fiscal realities of providing education for rising populations – Africa, for example, will need to educate 1 billion children by 2030<sup>2</sup> – will necessitate private sector capital and delivery solutions<sup>3</sup>;
- iv. investment from governments and aid agencies in low fee private schools is tiny relative to their share of total education provision – the overwhelming majority of education funding should and does support public education systems;
- v. the private sector is not necessarily better, but it has shown that it can achieve equal or better outcomes at significantly lower cost – this alone justifies proportionate investment and experimentation;
- vi. it is for governments to decide how to finance and provide education; the international community should respect these choices by sovereign governments where they are made within the boundaries of international and national law and agreements, and accompanied by effective and proportionate regulation (for which the international community should provide support).

## 2. Legal, regulatory and policy environment (global and country levels) for non-state actors

**We are pleased that the GEMR Concept Note recognises that ‘international partners have sketched a role for non-state sectors in SDG4’,** with reference to the Incheon Declaration and to relevant articles of human rights law, including: the Convention against Discrimination in Education; the International Covenant on Economic, Social and Cultural Rights; and Article 26 of the Universal Declaration of Human Rights.

**Human rights law and international agreements are clear in establishing the international legal and regulatory parameters for non-state actors, which can be summarised as follows:**

- the state must always be the guarantor of quality basic education for all, ensuring that no child is denied the right to basic education;
- however, the state need not be the sole financer nor provider of basic education; sovereign governments should decide themselves how to organise their own education systems, within the boundaries of international law and agreements;
- in the case of non-state financing and provision of basic education services, the state has a critical regulatory function to ensure that: (i) non-state providers meet clear & realistic standards and guidelines, (ii) no child is unable to go to school because of costs;
- international human rights law states that private actors have the liberty to establish schools, and parents to choose schools other than public schools for their children.

**Additionally, countries have established national legislation consistent with international law and international agreements.** It is worth noting that recent analysis<sup>4</sup>, commissioned originally by the Global Partnership for Education (GPE), notes that around two thirds of GPE’s developing country

<sup>2</sup> ‘The Business of Education in Africa’, Caerus Capital, 2017

<sup>3</sup> The Education Commission costings show that SDG 4 requires a near tripling of annual education spending on education in LICs & LMICs from \$1.2 trillion today to \$3 trillion per annum in 2030 – this will simply be unachievable for governments, given demographic & fiscal pressures, without private sector financing and delivery.

<sup>4</sup> ‘Analysis of Support to Private Sector Engagement in Global Partnership for Education Recipient Countries’, Francine Menashy for GPE (2018); elements of this unpublished report were later used for a 2018 ActionAid [report](#).

government partners support private provision of education in some form, including through Public Private Partnerships (PPPs) providing subsidies to providers or parents to reduce or remove the costs of education to low-income communities. We would welcome further analysis by the GEMR Team on national legislation and policy with respect to non-state provision of services.

**Given (i) the clarity of international law and agreements in establishing clear parameters for non-state provision of education, and (ii) the need to respect government laws and regulations established within these international parameters, it is disappointing to see international advocacy campaigns being waged against non-state provision of education.** These include campaigns conducted by the Global Campaign for Education, the Right to Education Project and Education International<sup>5</sup>. GSF also has significant reservations about the Abidjan Principles, on two grounds<sup>6</sup>: (i) the legal basis of some of the Abidjan Principles is still not clear to us; indeed, we feel they go beyond human rights law in some areas, (ii) of most concern is *how* they are being used; our experience is that they are being used to advocate for public sector schooling only; and to suggest that support for private education and PPPs is somehow contrary to human rights law and therefore should be rendered ineligible for funding (from governments or aid agencies). This is not consistent with human rights law.

### 3. Evidence on the effectiveness of non-state provision, and implications for policy

**Our reading of the evidence for the impact and cost-effectiveness of low fee private schools is that it is weakly positive.** In answering the question ‘Can private schools improve education for children in developing countries?’, the 2014 DFID ‘Rigorous Literature Review’ found *positive evidence* for 9 testable hypotheses including: better learning, better teaching, lower costs, informed choice, users participating in decisions, responsiveness to user demands, subsidies improving quality, complementing state provision.

**There exist also valid concerns over low fee private schools, including over equity.** The DFID Rigorous Literature Review found *negative evidence* for equal accessibility for girls, financial sustainability, affordability and state capacity to regulate. In particular, the risk of rationing access to education by price – thereby excluding the poorest – and the economic stratification that ensues, are considerable. These risks must be at the forefront of the minds of national governments and the international community. No parent should have to pay for education.

**This places a duty on governments, but also presents an opportunity: a duty to protect those who are unable to pay, and an opportunity to harness private finance for better education outcomes where households are willing and able to pay.** Above all, governments should manage the risks to equity of costs being a barrier to education access and quality. Governments and development agencies should invest first and foremost in public education systems, with a particular focus on the poorest and most marginalised such as the extreme poor, children with disabilities and potentially girls. But there are also considerable opportunities to use regulatory instruments and public subsidy to harness the non-state sector, including to remove cost barriers for the poor.

**There is some evidence that Public Private Partnerships (PPPs), particularly when targeted at disadvantaged populations, can engage the private sector to improve both access to education and learning outcomes.** There are three principal types of PPPs (i) contract schools: private management

<sup>5</sup> See, for example: [Global Campaign for Education](#); [‘Right to Education Project’](#); [Education International](#)

<sup>6</sup> See for example: ‘The ‘Abidjan Principles’ on private involvement in education: A useful framework or a step too far’, available [here](#); GSF participation in a recent debate at UNESCO IIEP Strategic Debate ‘Taking the right to education seriously’, available [here](#).

of public schools, with private operators under contract with government; (ii) subsidies for schools: public subsidy, often on a per-student basis, for operators of private schools; (iii) vouchers for parents: public subsidy to parents which they can redeem against school places, effectively meeting the costs of school fees. A 2017 review of the evidence on PPPs covers the evidence well<sup>7</sup>. The [online resource](#) recently established by Ark Education Partnerships Group and Cambridge University will also be a useful resource.

**In addition to PPPs involving public contracting and subsidies, there are opportunities for market-shaping – involving limited or no ongoing public or donor subsidy – to help make LCPS markets more effective.** Nigeria’s DFID-funded ‘DEEPEN’ programme seeks to develop an ‘enabling environment’ for private schools through four intervention areas: (i) rules and standards, (ii) market information, (iii) financial services, (iv) school improvement services<sup>8</sup>. Working with banks and non-bank financial institutions to provide cheaper capital and associated technical assistance, is potentially a very good ‘aggregator’ for engaging the generally single-provider small schools that dominate provision. Organisations including the IDP Foundation, Capital Plus Exchange, Opportunity International and Varthana are developing innovative models in this respect; although any attempt to extend the reach of these programmes to the poorest who cannot afford fees will probably imply public subsidy.

#### **4. GSF policy recommendations to harness the contributions of non-state actors to SDG4**

##### **4.1 Recommendations for all actors**

**The following are recommended as a set of *minimum* principles for governments and international actors with respect to education and non-state actors**, consistent with international human rights law and amenable to translation into policies and legislation.

- i. the state must always be the guarantor of quality basic education for all, ensuring that no child is denied the right to basic education
- ii. however, the state need not be the sole financer nor provider of basic education services
- iii. in the case of non-state financing and provision of basic education services, the state has a critical regulatory function to ensure that: (i) non-state providers meet clear & realistic standards and guidelines, (ii) no child is unable to go to school because of costs
- iv. all actors should protect the liberty of private actors to establish schools, and parents to choose schools other than public schools for their children.

**All actors should commit to changing the terms of debate for non-state actors and education:** support a shift from ideology to evidence, and a focus on how the public sector can work more effectively with the private sector, rather than create a false binary choice of public or private.

##### **4.2 Recommendations for Governments**

**Governments should invest in research, data collection and corresponding administrative systems (e.g. EMIS) to understand and map the extent of private school provision.** The true extent of private sector provision in developing countries is not well known. Survey data almost always reveal higher number of LCPSs than administrative data. Understanding how education is financed and provided is the first step for a government to be an effective steward of its education system. Over time, this data collection this should be integrated into national Education Management Information Systems (EMIS).

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<sup>7</sup> ‘Public Private Partnerships in Education in Developing Countries: a rigorous review of the evidence’ Aslam et al., 2017.

<sup>8</sup> See for example, [DEEPEN](#).

**Governments should strengthen legislation and regulation, balancing the need for public oversight with the need to enable markets to function effectively and to work for the poor.** Governments should, however, be cautious about introducing (well-intentioned) minimum standards that are too stringent for LCPSs; they risk forcing out LCPSs with no net benefits for child welfare nor educational outcomes.

**Governments should be supported, where they see fit, to develop Public Private Partnerships, with a particular focus on equity, including targeted public subsidy for the poorest and most marginalised.** Governments must guarantee the right to basic education, but should not conflate the guarantee of that right with a necessary monopoly to provide all those services everywhere.

**Governments should strengthen accountability mechanisms that cover both public and private provision.** Many commentators attribute the crisis in learning in developing countries to a ‘low quality / low accountability equilibrium’ where is no information about levels of learning, and no sanctions nor rewards for learning achievement. The balance of the evidence does suggest that some forms of accountability are stronger in private schools. The best policy choice for governments is to invest in systems of accountability that apply to both public and sectors.

#### **4.3 Recommendations for the international community**

**The international community should invest the vast majority of their resources in the public sector, with a particular focus on equity; but they should also invest proportionately and experimentally in the private sector and PPPs.** The public sector should continue to attract the vast majority of development partner investment and energy. But allocating a small amount of resources to understanding how to improve a sector that accounts for upwards of 20% of basic education provision – and has shown itself capable of being innovative, cost-effective and potentially pro-poor – is surely a good use of resources. It should not be a binary choice: public or private. The future of education is a judicious mix of public and private, with strong public oversight and accountability for outcomes, particularly learning and equity.

**The international community should invest in global public goods related to non-state education, including research, innovation, experimentation and evaluation.** It is widely recognised that the evidence base for low fee private schools and PPPs is relatively young and shallow, and is insufficient to guide public policy and public and private investment. Global public goods such as research, innovation and the codification of good practice are a good use of donor funds, particularly in a sector (education) which dramatically under-invests in global public goods<sup>9</sup>.

**The international community should invest in support to non-state actors in fragile and conflict-affected states. The issue of LCPSs in conflict-affected and fragile states warrants particular attention by the international community.** This is for at least three reasons: (i) the weakness of sovereign governments in fragile states and their inability to deliver core services, (ii) the lack of public and private investment and the relative ‘under-funding’ of conflict-affected and fragile states by the international community, particularly for education<sup>10</sup>, (iii) the developmental need to establish stability and resilience.

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<sup>9</sup> ‘Rethinking the financing and architecture of global education’, Schäferhoff, Marco, and Nick Burnett. SEEK Development (SEEK) and Results for Development (R4D), April 2016. Background Paper for the Education Commission.

<sup>10</sup> According to [Education Cannot Wait](#), education receives less than 2% of humanitarian funding.

Finally, I am concerned that your otherwise excellent Concept Note positions, in some areas, a choice between public and private education, e.g.: “Those who support non-state education provision argue that...On the other hand, those who support state provision worry that...” (p.3). It is eminently possible – and indeed it is the position we hold at GSF – to support both public and private education. As stated at the start of this submission, GSF works on the basis not that private is better than public, but that the non-state sector can complement and support government provision of basic education — when invited to do so — and also bring new ideas, funding and energy to the sector. We would urge you in the full report not to pursue a narrative that offers a choice between public and private.

Once again, thank you very much for the opportunity to input. GSF and our members would be very happy to support your further work on this issue going forward.

Yours sincerely

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