PUBLIC STATEMENT

JOINT CIVIL SOCIETY STATEMENT ON THE AFRICAN DEVELOPMENT BANK AND OTHERS' REPORT, *ASSESSING PROGRESS IN AFRICA TOWARD THE MILLENNIUM DEVELOPMENT GOALS*

Marrakech, 28th November 2014

The African Development Bank (AfDB), the Economic Commission for Africa (ECA), the African Union Commission (AUC), and the United Nations Development Programme (UNDP) recently published their annual report on the progress towards achieving the Millennium Development Goals (MDGs). The civil society organisations listed in this statement believe that this report makes unsubstantiated and shocking recommendations for increased private sector involvement in education as a solution to the education and development challenges faced by countries on the African continent. These recommendations are made despite evidence showing the risks of private sector involvement in education in relation to equity and quality, which may lead States to breach international standards.

The *MDG Report 2014: Assessing Progress in Africa Toward the Millennium Development Goals* is an important document for two reasons. Firstly, it reflects the positions of key organisations charged with finding solutions for realising economic and social development in Africa. And, secondly, it will influence the debate on the post-2015 development framework. The report is also significant as it may have help to shape the debate for the next development framework, post 2015. The *MDG Report 2014* rightly recognises the progress achieved by several African countries in expanding access to and completion of education. Importantly, it also highlights some of the major challenges that many education systems continue to face in Africa, including a shortage of funding, insufficient quality, and inequalities.

Regrettably, to meet these challenges, the report argues for: "the promotion of Science, Technology and Innovation (STI) combined with a greater involvement of the private sector". On the role of the private sector, the report states: "Africa must build a vibrant private sector that supports the development of a dynamic primary education system and the acquisition of new skills and capacities by the labour force".

In realising these recommendations, the report calls for the private sector to provide additional resources for the expansion and improvement of the quality of educations. It recommends that Governments support the involvement of private actors in education by:

- "*(i) Providing incentives, access to credit, land and facilities as well as an appropriate supply of infrastructure to support investments in education;*
- *(ii) formulating sound private investment policy aimed at developing school management skills, particularly in countries with a vibrant private sector; and*
- *(iii) in weaker performing countries, establishing a liberal and attractive regulatory framework that is conducive to profitable returns on investment while setting in place quality control mechanisms to monitor primary education outcomes*"

These recommendations are effectively calling on States to dramatically increase private sector involvement in education. Moreover, the type of private sector actors that the report authors report would like to attract is not only charities, communities or Diasporas, but investors and entrepreneurs – so-called "edu-preneurs" - who can make "profitable returns on investment".

This is, without doubt, a strong and unprecedented move towards the support of private education by the AfDB, the UNDP, the ECA and the AUC. This is a very worrying and regrettable evolution and one that runs counter to the internal logic of the report. More importantly, these recommendations also go against the realisation of human rights principles guaranteed in international law.

Against its own findings

The report recognises that two education policies have been particularly effective in expanding educational access and participation: the elimination of fees and long-term State investments in education. However, against all logic, the report's call for support of private actors could undermine the achievements in education that these two policies allowed to bring about.

- **The importance of the elimination of fees**

The report acknowledges that school fees and other education costs are a major barrier to access to education. For instance, it highlights that in Liberia, "although primary education is free and compulsory, the cost of learning materials makes schooling unaffordable for some communities". Conversely, Rwanda's successful increase of its enrolment ratio in primary education is "a result of the fee-free education for the first nine years of basic schooling, which was later extended to the first 12 years". The positive impact on school participation as a result of the elimination of user fees in education has been well documented. Most of the dramatic increases in primary school enrolment in Africa since 2000 came about after the elimination of fees and the report highlights the particular positive effect on girls' overall enrolment as a result of the removal of fees. Based on the report's own findings, it appears to be completely counter-productive to promote private education, which is largely fee-paying, and in particular the kind of private investment which is "conducive to profitable returns on investment".

- **The importance of public investment**

The report notes that countries such as Rwanda, Tunisia, Tanzania, Sao Tome and Principe, Egypt, Algeria, Malawi, and Zambia have made progress on quality of education through "long–term, consistent investment in primary education". In particular, Rwanda's "commitment to continuous and increased investment in education infrastructure and the number of qualified teachers has also been instrumental". The report further highlights that significant improvements in the level of educational participation "have been made possible through sustainable public investment". Thus, it is surprising that the report does not call for increased sustainable and long-term investments in education by, for example, calling on governments to commit 20% of their budgets or 6% of GDP to education as widely accepted benchmarks of good practice. Instead, it recommends private investments in education without providing evidence as to the positive and sustained impact of such policies, and without considering their impacts on the realisation of the right to education, and on inequality and discrimination.

Against international law and shared principles

The *MDG Report 2014*'s promotion of privatisation in education is also a move against all internationally accepted principles on education and potentially in violation of international law. In addition to international declarations and statements, all States in Africa have ratified at least one of the key international conventions protecting the right to education, whether the African Charter on Human and Peoples' Rights, the International Covenant on Economic, Social and Cultural Rights, or the Convention on the Rights of the Child. Most African States have ratified the three conventions. All African States are thus legally bound to guarantee the realisation of the right to education, and the international agencies operating in the region, such as the AfDB and the UNDP, must obey the principles binding their members.

Based on the wealth of research and evidence available on private education, the privatisation in education called for by the report could be in breach of the following internationally recognised principles:

- **State obligation to provide quality education**

Under international law, it is a core obligation of States to directly provide quality education for all. States must, as a matter of priority, build an efficient system of schools. Pushing States to use their scarce resources to support private providers of education through, e.g., tax incentive for private providers of education, is thus likely to be a move away from this principle. The UN Special Rapporteur on the right to education (UNSR education) emphasised that "under no circumstances should a State provide financial support to a private provider of education".

International standards clearly state that although private providers of education should, and must be allowed, private schools and investors should play a complementary role. However, research shows that private investment in education generally replaces public education, and the UNSR education warned in his most recent report that "soon, it may not be an exaggeration to say that privatization is supplanting public education instead of supplementing it", in violation of international standards.

- **Equality of opportunities and non-discrimination**:

Education policies should promote non-discrimination and equality of opportunity, rather than reinforce segregation and inequalities. As the *MDG Report 2014* acknowledges, many African countries are "still facing schooling gaps between the poorest and the richest households" and there is a need to "support governments that have not yet achieved UPE [universal primary education] to better reach the most deprived children". The African Union, through the Second Decade of Education (2006-2015) plan of action, reiterated the need to ensure equity. These principles are also strongly protected under international law.

However, increased private sector participation in education is a strong driver of segregation and inequalities of opportunities. Recent reports published on privatisation in education in Morocco, Ghana, Uganda, and Chile clearly document these effects. For instance, the UN Committee on the Rights of the Child (CRC) stated in a report in October that, in Morocco, "*private education is developing very quickly, especially at primary level, without the necessary supervision regarding the conditions of enrolment and the quality of education provided, which has led to the reinforcement of inequalities in the enjoyment of the right to education*".

A recent report submitted to the UN Committee on the elimination of discrimination against women (CEDAW) also makes clear that privatisation in education is detrimental to girls' access to and participation in education: when the cost of education increases, parents generally give priority to boys. There is clear evidence that, as the UNSR education put it, privatisation "flies in the face of prohibited grounds of discrimination based, notably, on 'social origin', 'economic condition', 'birth' or 'property' in international human rights conventions".[i]

- **Quality of education and regulation**

The *MDG Report 2014* justifies a call for increased private sector participation in education on the grounds that it could help improve quality. This is a sweeping statement based on no evidence.

International standards take a broad understanding of quality, which includes learning to know, learning to do, learning to live together, and learning to be. Crucial factors are adequate teachers' qualifications and training and decent working conditions. This is recognised by the report in its call for "improving teachers' professional development" and the detrimental impact on quality of recruiting unqualified teachers. Private investment in education is not the solution to these challenges. In many countries, private schools tend to employ unqualified and insufficiently trained teachers. In Ghana, for example, only 9.2% of primary level teachers are trained in the private sector compared to 69.4% in public schools.

The example of Morocco, moreover, shows that private investments in education do not lead to investments in quality. After almost 15 years of a rapid increase in private investment in education in the country, private schools have failed to train any teachers, but rely extensively on teachers from the public sector, thereby weakening it.

- **Education is a public good**

As the CRC recently recalled, it is clear that education is a public good, which must thus be protected against marketisation and commodification. States equally emphasised a few months ago in the so-called Muscat agreement, "through governments, the state is the custodian of quality education as a public good". In spite of this, the *MDG Report 2014* explicitly calls for commercialisation in education that "is conducive to profitable returns on investment". Profit making in education, especially where taking advantage of the aspirations of the poorest parents for a better life, is unacceptable. Whereas education is already highly resource constrained, it is inexplicable and intolerable that organisations such as the AfDB and the UNDP support an additional waste of resources through profit making in education.

Moving forward

A major shortcoming of the *MDG Report 2014* is to conclude that quality education is expensive and that therefore governments cannot provide it alone. There are, in fact, many other sources of funding, some of which the report authors highlight in other sections:

- States need to adequately mobilise domestic resources, in particular through taxation. This is strongly acknowledged in the report that calls, amongst other things, for strengthening tax enforcement capabilities, developing progressive tax regimes, losing loopholes that facilitate licit and illicit financial outflows.
- States need to prioritise the realisation of the right to education – and other economic and social rights – in their budgeting. According to international law, they must use the maximum of their available resources for the realisation of economic and social rights. This is still far from being the case across the continent, such as in Uganda.
- Corruption is a key source of loss of resources – for instance, US$21 million was lost to corruption in Nigeria over two years (2005-2006).
- Richer countries must be called to fulfil their responsibility and obligation to provide financial and technical support for the realisation of economic and social rights, in line with their international obligations to support international assistance and co-operation. Some development aid actors, such as the UK development agencies, DfID and the World Bank, are supporting fee-charging, profit-making private school companies in Africa. This is another waste of resources, not addressed by the report.

These are the real funding issues in Africa. Research and experience is unequivocal in showing that it is only through a strong, quality, public education system that societies can be just and prosperous. The report does not give any evidence to support its endorsement of private investment in education and, in fact, provides evidence that strong and sustained government investment is what is needed.

We therefore solemnly demand that the AfDB, the ECA, the AUC and the UNDP immediately withdraw the report, so as to reconsider the recommendations in support of privatisation in education and make alternative recommendations in line with their own and their member States' human rights obligations.

Material

The report *MDG Report 2014: Assessing Progress in Africa Toward the Millennium Development Goals* is available on http://www.afdb.org/en/knowledge/publications/millennium-development-goals-mdgs-report/

The last report of the UN Special Rapporteur on the right to education is available on http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNSR_Report_to_UNGA_Privatisation_2014.pdf

The research on the impact of privatisation on the right to education is available on http://globalinitiative-escr.org/advocacy/privatization-in-education-research-initiative/

Signatory organisations

Submitted by the African Network Campaign on Education for All (ANCEFA), Education International, ActionAid, and the Global Initiative for Economic, Social and Cultural Rights

This statement has been endorsed by the following organisations:

1. Global Campaign for Education
2. Privatisation in Education Research Initiative
3. Ghana National Education Campaign Coalition
4. ASO-EPT Niger
5. IBIS
6. Equal Education Law Centre, South Africa (EELC)
7. Right to Education Forum, India
8. EqualEducation, South Africa
9. Section27, South Africa
10. Kosovo Civil Society Consortium for Sustainable Development (KOSID)
11. Coalition des Organisations en Synergie pour la Défense de l'Education Publique, Senegal (COSYDEP)
12. Peace Point Action (PPA)
13. Mouvement Anfass Démocratique, Morocco
14. Coalition National EPT-Burkina-Faso
15. Lumière Synergie pour le Développement
16. Civil Society Action Coalition on Education for All
17. RESULTS
18. Foundation For Environmental Right,Advocacy & Development (FENRAD)
19. Foundation for the Conservation of the Earth (FOCONE)
20. Jamaa Resource Initiatives, Kenya
21. Confédération des syndicats autonomes, Senegal (CSA)
22. Alphabétisation et Développement (Alpha Dev)
23. Fédération Nationale des Associations de Parents d'Eleves et d'Edudiants, Senegal (FENAPES)
24. Collectif National de l'Education Alternative et Populaire, Senegal (CNEAP)
25. Association Nationale pour l'Alphébétisation, Senegal (ANAFA)
26. Syndicat Unique et Démocratique du Sénégal (SUDES)
27. Coalition des organisations Mauritaniennes pour l'Education (COMEDUC)
28. Centre for Social Impact Studies (CeSIS)
29. Alliance2015
30. Public Interest Law Center, Chad (PILC)
31. Committee for Peace and Development Advocacy (COPDA) – Liberia