

# Enabler or inhibitor? The role of low-fee private schools in fulfilling the right to education

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## **Abbreviations**

BIA	Bridge International Academies
CADE	United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education
CESCR	United Nations Committee on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
DfID	British Department for International Development
GPE	Global Partnership for Education
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFC	International Finance Corporation
LFPS	Low-fee private school
NMFA	Norwegian Ministry of Foreign Affairs
Norad	Norwegian Agency for Development Cooperation
OECD	Organisation for Economic Co-operation and Development
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
SDG	Sustainable Development Goal
SSA	Sub-Saharan Africa

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# 1 Introduction

## 1.1 The education crisis in sub-Saharan Africa

*“Education is a human right with immense power to transform. On its foundation rest the cornerstones of freedom, democracy and sustainable human development.” - Kofi Annan<sup>1</sup>*

In sub-Saharan Africa (SSA), the right to education is challenged every day, with millions of children being denied an education because of states’ varying capacity to fulfil their duty towards this fundamental right. In the gap left by inadequate public school provision, private providers, such as the so-called low-fee private schools (LFPSs), have mushroomed. How the international human rights community and aid system envisage the role of these actors is a key question when discussing how to improve children’s right to education.

Whilst the net enrolment rate of children globally participating in primary education was 89 per cent in 2017, this number dropped to 78 per cent in SSA.<sup>2</sup> Despite years of targeted investment to achieve universal primary education, there are twice as many children at primary school age who are not enrolled in primary school in SSA than the global average. The region has the highest level of out-of-school children in the world: In 2018, one in five children of primary school-age were out of school – approximately 34 million children – and the number only increases at higher levels of education.<sup>3</sup> Additionally, the quality of education in SSA is at the bottom of world rankings, with only 61 per cent of teachers in the region being trained, whilst the world average is roughly 85 per cent.<sup>4</sup>

In the absence of attaining universal primary education, SSA has seen a massive growth of LFPSs, which are for-profit private schools targeting low-income families. In Kenya, about 36 per cent of pupils attend private schools, a large proportion of whom come from the poorest households (43 per cent).<sup>5</sup> One such school is Bridge International Academies (“Bridge” or “BIA”), a U.S. based multinational company with notable investors like Bill Gates and Mark

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<sup>1</sup> UNICEF, 1999, 4.

<sup>2</sup> UNESCO Institute for Statistics, n.d.

<sup>3</sup> UNESCO Institute for Statistics, 2018, table 1.

<sup>4</sup> UN Statistics Division, 2018.

<sup>5</sup> Oketch et al., 2010, 28.

Zuckerberg which operates across Africa and India.<sup>6</sup> According to their website, their aim is to provide school access to children from low-income families in countries where there is a shortage of learning opportunities.<sup>7</sup> Since 2009, BIA claims to have reached more than 500,000 children.<sup>8</sup>

While this scale may at first glance seem impressive, it is not unproblematic. Primary education is regarded by international organizations and treaties as a state responsibility, increasingly expected to be fee-free, which these private schools are not.<sup>9</sup> Additionally, they have been widely criticized for violating the fundamental values and principles underpinning the right to education by privileging those with means, providing inadequate teachers and teaching facilities, increasing inequality and marginalizing the poorest.<sup>10</sup> The Special Rapporteur on the Right to Education has accused companies like BIA of “taking advantage of the limitations of Government capacities to cope with rising demands of public education”.<sup>11</sup> The EU Parliament adopted a resolution in November 2018 specifying that EU member states must not support private for-profit establishments in their aid to education due to their obligations under the framework for action for achieving SDG 4 and the Universal Declaration on Human Rights (UDHR).<sup>12</sup>

Yet, others have argued that these schools provide higher quality education<sup>13</sup> and that the real cost difference between public and private schools are minimal due to “hidden” costs associated with public schools.<sup>14</sup> Additionally, corruption, lack of transparency, and poor monitoring frequently inhibit efficient use of government resources, including those obtained through aid.<sup>15</sup>

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<sup>6</sup> Bridge International Academies, n.d. a-b.

<sup>7</sup> Bridge International Academies, n.d. a.

<sup>8</sup> Bridge International Academies, n.d. a.

<sup>9</sup> See *inter alia* UN General Assembly, 2015, target 4.1; ICESCR, art. 13.2(a); UNESCO art. 4(a); CRC art. 28.1(a).

<sup>10</sup> EI & KNUT; UN Human Rights Council, 2015a; UN General Assembly, 2014 paras. 36, 71-72;

<sup>11</sup> UN General Assembly, 2014, para. 32.

<sup>12</sup> European Parliament, 2018, para. 12.

<sup>13</sup> See for example Tooley, Dixon & Stanfield, 2008.

<sup>14</sup> See for example Rolleston & Adefeso-Olateju, 2014.

<sup>15</sup> Dixon, 2012, 202.

The British Department for International Development (DfID) has chosen to incorporate support for private providers of education, including BIA, in its education aid.<sup>16</sup> The British government believes that their expertise with “mixed market provision, finance, accountability and approaches to raise overall standards can provide valuable lessons for partner governments”.<sup>17</sup>

Education is considered an essential human right, enshrined in UDHR and several international human rights treaties, including the three core education treaties: The International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>18</sup>, the Convention on the Rights of the Child (CRC),<sup>19</sup> and the UNESCO Convention against Discrimination in Education (CADE).<sup>20</sup> Achieving universal primary education has also long been the target of international commitments, starting with the Jomtien Declaration on Education for All (EFA) in 1990,<sup>21</sup> and the following commitment to achieve EFA by 2015.<sup>22</sup> In 2000, the UN Millennium Declaration established an education-related Millennium Development Goal (MDG) with the following formulation: “Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling”.<sup>23</sup> The adoption of Agenda 2030 in September 2015 sought to fulfil both EFA and the MDGs and set out an even more ambitious education plan, with goal 4 being to “[e]nsure inclusive and equitable quality education and promote lifelong learning opportunities for all”.<sup>24</sup>

The challenges already faced by countries in SSA to achieve education are magnified because the region is the fastest growing and has the youngest population in the world.<sup>25</sup> Keeping pace with the continuously increasing education demand puts a heavy burden on already strained national budgets.<sup>26</sup> The United Nations (UN) therefore contends that donor aid will be essential in achieving education for all.<sup>27</sup> In response to this, Norway has positioned itself as a key actor

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<sup>16</sup> DfID, 2018, Box 8.

<sup>17</sup> DfID, 2018, Box 8.

<sup>18</sup> UN General Assembly, 1966, arts. 13-14.

<sup>19</sup> UN General Assembly, 1989, arts. 28-29.

<sup>20</sup> UNESCO, 1960, arts. 1-5.

<sup>21</sup> UNESCO, 1990.

<sup>22</sup> UNESCO, 2000.

<sup>23</sup> UN General Assembly, 2000, para. 19.

<sup>24</sup> UN General Assembly, 2015, SDG 4.

<sup>25</sup> UN Department of Economic and Social Affairs, 2017.

<sup>26</sup> Norad, 2017a, vi.

<sup>27</sup> UN Department of Economic and Social Affairs, 2017.

after it in 2013 decided to increase foreign aid to education substantially. Between 2013 and 2016, the percentage of Norwegian aid earmarked education rose from seven to twelve per cent, making Norway the third largest bilateral donor to basic education. Among the largest recipients of Norway's education aid are three countries in SSA: Malawi, South Sudan and Ethiopia.<sup>28</sup> Whilst aid to education is primarily channelled through multilateral organizations focusing on the public provision of education, and there is no direct support of LFPSs similar to that of DfID, some indirect support of LFPSs can be traced via funding to the International Finance Corporation (IFC) and Norway's Development Finance Institution's (Norfund) investments.<sup>29</sup>

In light of this heated debate currently plaguing the international community about the role of LFPSs in fulfilling the right to education, this thesis seeks to further investigate how Norway, as a central education aid donor, considers the merits of LFPSs as a partner in its efforts to support education globally.

## **1.2 Context: Public versus private provision of education**

In order to frame the debate about the role of LFPSs in fulfilling the right to education, this section will introduce the role envisioned for private education in international human rights law. This is a topic that has been experiencing much debate in recent years. A testament to this is that whilst this thesis was being written, *The Abidjan Principles on the human rights obligations of States to provide public education and regulate private involvement in education* were adopted.<sup>30</sup> These principles were developed through three years of participatory consultations and drafting. They are based on *inter alia* international human rights law, empirical research, concluding observations from human rights bodies, UN Human Rights Council Resolutions, case-law and academic articles.<sup>31</sup> The following section will include references where relevant to these principles.

As a human right, education imposes certain obligations upon the state which are frequently divided into three levels: the obligation to respect, protect and fulfil.<sup>32</sup> Whilst the obligation to

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<sup>28</sup> Norad, 2017a, vi.

<sup>29</sup> Norfund, n.d.; Utenriksdepartementet, 2018, post 73.

<sup>30</sup> Abidjan Principles, 2019.

<sup>31</sup> Abidjan Principles, 2019, 4.

<sup>32</sup> CESCR, 1999, para. 46.

respect means that states must refrain from inhibiting the right to education,<sup>33</sup> the obligation to protect requires the state to take measures to prevent third-parties from interfering with the right to education.<sup>34</sup> The obligation to fulfil the right to education, means to provide for the right to education.<sup>35</sup> The right to education also entails some essential features that states must strive to achieve: Education must be available in sufficient quantity; accessible to everyone without discrimination; the form and substance of education must be acceptable; and education must be adaptable so as to respond to the changing needs of society.<sup>36</sup>

Whilst states are generally free to choose their economic system, provided it is democratic and respects human rights,<sup>37</sup> the three core education treaties – ICESCR, CRC and CADE – have specified that education must be made universal and free of charge.<sup>38</sup> As long as these requirements are met, the conventions do not establish whether education is to be delivered by private or public actors. This has resulted in a range of different governmental approaches.<sup>39</sup> According to international human rights law, parents are also awarded the liberty to choose private education in conformity with their own convictions, but this option should exist only as an addition to free schooling guaranteed by the state.<sup>40</sup> When private actors are involved in the provision of education, the state is required to adopt and enforce effective regulatory measures to ensure that the right to education is safeguarded.<sup>41</sup>

With regards to the privatization of education, the monitoring committees of ICESCR and CRC have warned that whilst it is not prohibited, it must be subject to strict regulations in conformity with the states' obligations in line with the conventions.<sup>42</sup> The Committee on Economic, Social and Cultural Rights (CESCR) is especially concerned that private provision of public goods, such as education, may render these goods unaffordable for many, or with decreased quality as

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<sup>33</sup> CESCR, 1999, para. 47.

<sup>34</sup> CESCR, 1999, para. 47.

<sup>35</sup> CESCR, 1999, para. 47.

<sup>36</sup> CESCR, 1999, para. 6.

<sup>37</sup> CESCR, 1990, para. 8.

<sup>38</sup> ICESCR, art. 13.2(a); UNESCO art. 4(a); CRC art. 28.1(a).

<sup>39</sup> Tomasevski, 2006, 31.

<sup>40</sup> ICESCR, arts. 13.3, 13.4; CADE, art. 2(b).

<sup>41</sup> Abidjan Principles, 2019, principle 4; CESCR, 2017, para. 21; CRC, 2013, para. 28; UN General Assembly, 2014, para. 1.

<sup>42</sup> CESCR, 2017, para. 21; Committee on the Rights of the Child, 2013, para. 33.

more attention is paid to profit.<sup>43</sup> The Special Rapporteur on the Right to Education has been a vocal critic of the privatization of education, which is believed to undermine the right to education.<sup>44</sup> The implementation of Agenda 2030 has caused a further bias towards the public provision of education. In the 2030 Education Framework for Action, the private sector's role is argued to be important, but only insofar as it "strengthen[s] public education".<sup>45</sup> Yet, it also states that private actors can "increase inclusive education opportunities by providing additional services and activities to reach the most marginalized within the framework of state-regulated standards and norms."<sup>46</sup> Whilst this statement is not clarified or given further context in the document, it does suggest a recognition that the state is often incapable of fulfilling its obligations towards the right to education.

Making education available and accessible to all children requires considerable investment. The lack of public resources is a major reason why countries in SSA have not been able to achieve the right to education. According to the EFA Global Monitoring Report, the annual financing gap for reaching the education-related targets contained in SDG 4 in low- and lower middle income countries is about \$US39 billion annually.<sup>47</sup> The issue of funding was recognized in ICESCR, which is why the right to education is subject to progressive realization.<sup>48</sup> Those governments who are unable to achieve the right immediately, are under an obligation to elaborate a plan of action for improving provision, and to seek international assistance.<sup>49</sup>

However, even though the obligation to fulfil the right to education is not immediate, states are obliged to adhere to the principle of non-discrimination.<sup>50</sup> Allowing the emergence of fee-charging schools in areas where public school services are inadequate or non-existent may therefore effectively be a violation of international human rights if it results in some children being financially barred from attending school. The Special Rapporteur on the Right to Education suggests that states unable to fund adequate public school provision should meet the education demand through not-for-profit-, NGO-, community- and religious schools, or contractual

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<sup>43</sup> CESCR, 2017, para. 22.

<sup>44</sup> UN Human Rights Council, 2015a, paras. 40-46.

<sup>45</sup> UNESCO, 2016, para. 82.

<sup>46</sup> UNESCO, 2016, para. 82.

<sup>47</sup> UNESCO, 2015, 1.

<sup>48</sup> ICESCR, art. 2.1.; CESCR, 1990, para. 9.

<sup>49</sup> CESCR, 1999, para. 51.

<sup>50</sup> CESCR, 2009, para. 7.

arrangements between regions and private schools.<sup>51</sup> The Abidjan Principles state that as a time-bound measure in cases where it is demonstrated to be the only effective option to advance the right to education, states may fund, directly or indirectly – including through international assistance – private education providers.<sup>52</sup> This must however be subject to strict regulations, and must not include support for commercial education institutions.<sup>53</sup> However, many states, often aided by international financial institutions, have instead allowed largely unregulated for-profit private educators to fill the gap.<sup>54</sup>

The Abidjan Principles establish that international assistance must prioritize “free, quality, public pre-primary, primary and secondary education for all”.<sup>55</sup> The public versus private education debate is therefore highly relevant also for donor states like Norway. Whilst the provision of education is primarily a domestic concern, states are bound by extra-territorial obligations towards the right to education. States are under an obligation to contribute to the realization of the right to education globally through international cooperation,<sup>56</sup> to provide assistance to other states so they achieve the right to education,<sup>57</sup> and to refrain from acts or omissions that risk impairing or nullifying economic, social and cultural rights extraterritorially.<sup>58</sup> As such, supporting LFPSs through education aid puts states at risk of breaching international human rights law, insofar as these schools infringe on the right to education.<sup>59</sup>

In sum, international human rights law is biased towards the public provision of education but is in theory neutral on the question as long as primary education is available for free and in sufficient quantity. The role of for-profit private education is only meant to constitute an option *in addition to* free education, even when the state is unable to provide universal primary education. However, if commercial LFPSs improve *de facto* accessibility, availability and quality of education, can they be regarded as part of the solution to the education crisis in regions like

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<sup>51</sup> Un Human Rights Council, 2015a, para. 66.

<sup>52</sup> Abidjan Principles, 2019, principle 5, para. 65(a).

<sup>53</sup> Abidjan Principles, 2019, principle 5, paras. 66(iii), 73(b).

<sup>54</sup> Tomasevski, 2006, 55-56.

<sup>55</sup> Abidjan Principles, 2019, principle 2, para. 38.

<sup>56</sup> CRC art. 4; CRC, 2003, para. 6.

<sup>57</sup> CRC, art. 28.3; CRC, 2003, para. 6.

<sup>58</sup> Maastricht Principles, 2011, principle 13.

<sup>59</sup> See *inter alia* Right to Education Project, 2016, 6.

SSA? How different donor states envisage and interpret their obligations in line with international human rights treaties appear to be of key importance. In light of this, the following research question has been defined:

*What is the role of low-fee private schools in fulfilling the right to education?*

In order to answer this overarching research question, two sub-questions that specify the focus of the thesis have been developed:

*1. How do Norwegian public aid authorities regard the right to education, and specifically the role of low-fee private schools in its support to education?*

*2. What role can low-fee private schools play in achieving the right to education in a specific country like Malawi?*

### **1.3 Definitions and clarifications**

For the purpose of this thesis it is necessary to provide some clarifications and key definitions. First, the research questions introduce the term *low-fee private schools (LFPSs)*. Private schools can be defined as schools that depend on user fees to cover all or part of their operational- and development costs.<sup>60</sup> However, as some public schools also charge fees, the distinguishing feature between public and private schools is here understood to be that private schools are predominantly managed independently of the state, and are owned and/or founded independently of the state.<sup>61</sup> LFPSs are therefore defined as private schools that target the relatively poor through comparatively low user fees, and that have private owners and/or are founded independently of the state. LFPSs can be both transnational companies, such as BIA, or they can be single proprietor schools, often founded by local entrepreneurs. The focus of the thesis will be on commercial transnational companies.

Second, the term *Norwegian aid* will here refer to what is elsewhere labelled Norwegian Official Development Aid (ODA). ODA is defined by the OECD as “government aid designed to promote the economic development and welfare of developing countries”.<sup>62</sup> *Norwegian aid to*

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<sup>60</sup> Ashley et al., 2014, 4.

<sup>61</sup> Ashley et al., 2014, 4.

<sup>62</sup> OECD, 2019.

*education* is the proportion of aid that goes to support education-related activities. The focus of this thesis will be the proportion that goes to long-term development work, and not the proportion of education aid that is part of a humanitarian response as LFPSs are not equally relevant in this context.

The term *Norwegian public aid authorities* is introduced in the first sub-question. This term will refer to all public actors working with Norwegian aid, focusing in particular on the Norwegian Ministry of Foreign Affairs (NMFA), the Norwegian Agency for Development Cooperation (Norad), which is a directorate under the NMFA and the Ministry of Climate and Environment, and government representatives.

Third, in order to narrow the research focus, I have chosen to concentrate on *primary education*. This is because primary education has long been the target of international aspirations, and the goal to achieve compulsory and free primary education is one of the most central targets of the three core education treaties, CRC, ICESCR and CADE. Primary education has also been the main target of LFPSs.

Finally, the thesis will have a geographical focus on *sub-Saharan Africa (SSA)*, as this region has the highest level of education exclusion in the world and is a major priority for both international education efforts generally, and Norwegian aid specifically.

## **1.4 Methodology**

This section will set forth the methodological approach of the thesis, presenting both the rationale behind the chosen methods and explain how they have been applied.

### **1.4.1 Research design**

In seeking to understand the role of LFPSs in achieving the right to education, this thesis applies a *single case study* approach that is *qualitative* in nature. It will present the case of Norwegian aid to education: How do Norwegian public aid authorities view the role of LFPSs in achieving the right to education, and what are the implications of this policy if we consider a specific recipient of Norwegian education aid, namely Malawi? Case study was chosen as research design for this thesis because it seeks to understand the complexity and particular nature of a

case.<sup>63</sup> Given the heated debate on the role of LFPSs in achieving the right to education, a case study of how Norwegian actors in education aid view this role, and a hypothetical discussion about the extent to which LFPSs could improve the right to education in Malawi, will provide insight and may help nuance the debate. The case study can as such be categorized as an *exemplifying case*, in line with Yin's distinction, because Norwegian assistance – being key to international education aid – provides a suitable context to shed light on the research question.<sup>64</sup>

The study can be characterized as what Levy calls an *inductive case study*.<sup>65</sup> Inductive case studies are ideographic in the sense that they seek to “describe, explain, interpret, and/or understand a single case as an end in itself”.<sup>66</sup> Inductive case studies are often highly descriptive and lack a stated theoretical framework.<sup>67</sup> Despite not having a theoretical framework, the thesis will be guided by concepts and hypotheses that will be presented in Chapter 2, which introduces the debate about LFPSs and the right to education.

The critique that case studies lack *external validity* is often voiced.<sup>68</sup> External validity is one of the most common criteria for evaluating the quality of research, and concerns whether the results of the thesis can be generalized beyond the specific research context.<sup>69</sup> However, it must be noted that this thesis does not intend to make any generalizable conclusions, rather it seeks to elucidate how different considerations affect one donors' approach to the dilemmas inherent in the debate.

In terms of *external reliability*, i.e. the degree to which the study can be replicated, this is a criterion that is difficult to meet in a qualitative case study. As noted by Bryman, social settings and phenomenon change over time, and the study will be influenced by the researcher.<sup>70</sup> In order to increase transparency, and as such the possibility of replication, all phases of the research project have been recorded. This will give peers the opportunity to evaluate whether correct procedures have been followed and assess whether the conclusions made are justified.

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<sup>63</sup> Bryman, 2016, 60.

<sup>64</sup> Yin, cited in Bryman, 2016, 48.

<sup>65</sup> Levy, 2008, 4.

<sup>66</sup> Levy, 2008, 4.

<sup>67</sup> Levy, 2008, 4.

<sup>68</sup> Bryman, 2016, 62.

<sup>69</sup> Bryman, 2016, 42.

<sup>70</sup> Bryman, 2016, 399-400.

## 1.4.2 Research method

The data collection consisted of document studies and semi-structured interviews. This research method is called *triangulation*, defined as “the use of more than one method or source of data in the study of social phenomenon so that findings may be crossed-checked”.<sup>71</sup> It is a method frequently used to establish greater confidence in the results, as observations made from one source of data, here document studies, are checked against another source of data, here interviews. This section explains how and why these sources of data were gathered.

### 1.4.2.1 Document studies

There is a range of different documents that are relevant to the research focus of this thesis, including: official white papers from the Norwegian authorities on relevant policy areas, strategies for implementing these policies, and official statements from representatives of Norwegian aid to education. These documents can give insight into how Norwegian public aid authorities view the role of LFPSs in achieving the right to education, both in terms of the language applied, and the justifications made for the policies. The choice of documents to be studied was based on *purposive sampling*. According to Bryman, the goal of purposive sampling is to strategically choose cases/participants/documents that are relevant to the research question posed.<sup>72</sup> The list of documents studied is provided in the reference list under the heading “core documents”.

A critique frequently voiced against document studies, is that they may not be credible due to biases.<sup>73</sup> However, for the purpose of this thesis, the biases of the documents were among the factors that made them interesting. The documents were chosen precisely because they could inform the study about how Norwegian public aid authorities view the potential role of LFPSs in aid to education and because they help explain rationales and priorities in education aid. Another limitation to document studies is that they are frequently assumed to be representations of reality.<sup>74</sup> This assumption has not been made in this research. Because the documents that have been studied are written and published with a distinct public and purpose in mind, it is not

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<sup>71</sup> Bryman, 2016, 386.

<sup>72</sup> Bryman, 2016, 408, 418.

<sup>73</sup> Bryman, 2016, 552.

<sup>74</sup> Bryman, 2016, 560.

assumed that they will provide a complete picture of the inner workings of public aid authorities, nor the underlying motivations for choice of policies and positions. In order to inform the thesis about these underlying social realities, document studies have been complemented by interviews with key persons working with Norwegian education aid.

#### 1.4.2.2 Interviews

In light of the shortcomings of document studies, semi-structured interviews with key informants working in the field of Norwegian education aid have been conducted. The interviews aimed to shed light on the motivations that shape policies and other information that is not available in public documents. The interviews were *semi-structured*, i.e. based on a list of questions, but granting the interviewee great freedom in how they reply, and the interviewer the opportunity to adapt questions to how the interviewee replies.<sup>75</sup> Given that the informants came from different backgrounds and experiences based on their place of work and positions, the flexible nature of semi-structured interviews was considered advantageous.

The choice of interviewees was also based on *purposive sampling*. For the purpose of the study, informants from the Norwegian aid system, including both governmental agencies and civil society actors, were considered relevant subjects due to their unique insight into Norwegian aid to education. By interviewing both public aid actors and representatives of civil society organizations, the study is able to gain different insights and experiences of Norwegian aid to education. Whilst Norwegian public aid authorities provide insights into motivations and discussions that have shaped policies and grant agreements, civil society organizations provide an external and more critical view of Norwegian aid to education. Potential participants were identified through a review of public information, reports and media articles about Norwegian aid to education and the role of private education providers. The list of informants was slightly altered by recommendations from initial contact with potential participants. This form of sampling is called *snowball sampling*.<sup>76</sup>

There is a range of opinions about appropriate sample size for a qualitative research.<sup>77</sup> For the purpose of this thesis, only a handful of interviews were conducted. This decision was made

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<sup>75</sup> Bryman, 2016, 468.

<sup>76</sup> Bryman, 2016, 415.

<sup>77</sup> Bryman, 2016, 417.

both because of time and resource constraints, but also because the sample was considered sufficient for the purpose of shedding light on data found through document studies. I interviewed five informants from different parts of the aid system: One interviewee worked with aid to education at Norad, one interviewee worked with development policy in the field of education at Save the Children, one interviewee worked with education in emergencies at Plan International, and two interviewees were from the Union of Education Norway (UEN), one worked primarily with commercialization of education in Norway, and the other with the union's international work, including commercialization of education. I also tried to get an interview with NFMA, but was informed that most of the NMFA's work with education aid has been outsourced to Norad.

A limitation to the data retrieved from the interviews is that it is difficult to infer generalizability.<sup>78</sup> The perceptions and opinions of my informants are not necessarily representative of all actors working with Norwegian aid to education, especially given the small sample size. Preferably, the study would include a larger sample, including actors working at relevant Norwegian embassies and Norfund. The data gathered from the current sample can therefore only be regarded as an indication of the opinions and perceptions of Norwegian aid actors.

The interview with the informants from the UEN was conducted as a group interview. This method was chosen as the initial contact from UEN wanted to bring along a colleague with experience in the field, but who predominantly works with education in Norway, and as such only had partial knowledge of the topic in question. By interviewing them together, they were able to complement each other's answers in a suitable way and present their common understanding of the UEN's viewpoints.<sup>79</sup> Because of the topics "benign" nature<sup>80</sup> and that they were representing their place of work and not their personal opinions, the group interview was considered a time-efficient method for collecting their viewpoints.

The list of questions is included in the *interview guide*, which is attached in the appendix. The questions are grounded in the research questions and shaped by the viewpoints and assessments

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<sup>78</sup> Bryman, 2016, 418.

<sup>79</sup> Frey and Fontana, 1991, 179.

<sup>80</sup> Frey and Fontana, 1991, 179.

made in previous research, UN reports and other documents. All interviews were *audio recorded* and later transcribed, with the consent of the interviewees. This was necessary to be able to account for not just what the informants said, but how they said it.<sup>81</sup> It also gave me the opportunity to pay more attention to what was being said, rather than focusing on taking notes, which enabled me to interrogate inconsistencies, and following up when interesting points were made.<sup>82</sup> A drawback to audio recording is that the informants may have become more self-conscious, resulting in the interviews being less informative than they could have been.<sup>83</sup> The benefits were still viewed to exceed this potential drawback.

*Ethical considerations* were made prior to the interviews taking place. According to Diener and Crandall, there are four main areas in which transgressions frequently cause ethical concerns: (1) whether there is *harm to the participants*; (2) whether there is a *lack of informed consent*; (3) whether there is an *invasion of privacy*; (4) whether *deception* is involved.<sup>84</sup> In relation to the first area of concern, particular attention was made to ensure that the participants' relationship with colleagues/supervisors was not harmed. The interviewees do therefore not appear with name, and they had the option to not include their job title. The questions did also not cover sensitive issues or ask for personal opinions. The second area of concern was managed by giving all interviewees an informed consent form, covering the aim of the thesis, how their personal data was stored, and requiring their consent for participating in the project. Invasion of privacy was avoided as the interview did not ask for personal opinions or require details about their personal or professional life. The only exception was that the study required the informants' place of work to be stated in order to give authority to the data retrieved. The final area of concern – deception – was avoided through the use of an informed consent form, which provided an account of the purpose of the study and their participation. The project was registered and approved by the Norwegian Centre for Research Data (NSD). All notes from the interviews, audio recordings and transcriptions will be deleted after the submission of the thesis.

The interviews were carried out in April 2019. They were all conducted in Norwegian, so any direct quotes have been translated to English, with the Norwegian wording presented in the footnotes.

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<sup>81</sup> Bryman, 2016, 479.

<sup>82</sup> Bryman, 2016, 479.

<sup>83</sup> Bryman, 2016, 480.

<sup>84</sup> Diener and Crandall, 1978.

### 1.4.2.3 Literature review

The literature presented in Chapter 2, which introduces the debate about LFPSs, was obtained through a literature review. The review was conducted using Oria, an online search tool for academic work. Relevant literature was found by searching for key terms, such as “the right to education”, “low-fee private schools”, “private education”, “aid effectiveness”, “sub-Saharan Africa” and “foreign aid”. I limited the search by using different combinations of the key terms and connected them with operators such as ‘AND’ and ‘OR’. I also found relevant literature by going through the reference list of the sources found through Oria.

### 1.4.3 Data analysis

The data was analysed through the use of *thematic analysis*. Thematic analysis is according to Braun and Clarke a “method for identifying, analysing and reporting patterns (themes) within data”.<sup>85</sup> According to Bryman, a theme is a category that can: (1) be identified by examining data; (2) relates to the research focus; (3) builds on codes identified in transcripts and document notes and; (4) provides a basis for a theoretical understanding of the data.<sup>86</sup> The identification of themes was guided and grounded in the literature review and the research question.

In accordance with the six-step guide provided by Braun and Clarke,<sup>87</sup> the analysis proceeded as follows. Step one was to familiarize myself with the data, which included transcribing the interviews and repeated reading of the material, searching for meanings, patterns and so forth. Step two was to generate initial codes from the data based on my opinion of what the interesting aspects of the data was. I wrote notes that I sorted under different headings to indicate potential patterns in the data. The next phase was to sort the different codes into potential themes. This phase involved some analysing, as it required me to consider how the different codes combined into key themes. I made a mind map in order to facilitate this process. Step four involved the refinement of the potential themes identified in the preceding step. I tried to ensure that the data within the themes were coherent and that clear and identifiable distinctions were maintained between the different themes. Once the thematic map was identified, step five was to establish the essence of each theme and determine which aspects of the data the different themes captured. This included conducting and writing a detailed analysis of each theme. The final step

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<sup>85</sup> Braun and Clarke, 2006, 79.

<sup>86</sup> Bryman, 2016, 584.

<sup>87</sup> Braun and Clarke, 2006, 86-93.

was to conclude the analysis by making an argument about how the data related to the research questions and the relevant literature reviewed in Chapter 2.

## **1.5 Structure of thesis**

In answering the research question, the paper is divided into six chapters. In Chapter 2, I introduce the debate about LFPSs by reviewing previous research on the topic. In this chapter, I will identify the research gap and locate the research questions within the current debate. Chapter 3 introduces Norwegian aid to education by providing an overview of Norwegian development policy, including Norwegian aid to education and the role of private actors in aid deliverance. Chapter 4 presents and analyses the main findings of the thesis about how Norwegian public aid authorities view the role of LFPSs in achieving the right to education. In Chapter 5 I discuss the potential role of LFPSs in a specific donor recipient country, Malawi. This chapter provides an overview of the situation for primary education in Malawi, including the role of LFPSs and Norwegian education aid to the country. It then reviews the hypothetical implications of Norway's policy towards private actors in education in light of the potential benefits presented by LFPSs in this specific case. Finally, a conclusion will be provided.

## **2 Introducing the Debate about Low-Fee Private Schools**

The aim of this thesis is to explore the relationship between the right to education and LFPSs. In order to give context to the research questions and the analysis of Norwegian public aid authorities' view of the merits of LFPSs, it is necessary to give an account of previous research on this topic. This section will first introduce research on why LFPSs emerged, before presenting the main stands in the debate about LFPSs. Finally, it will be established how the thesis will contribute to the existing body of research.

### **2.1 The proliferation of low-fee private schools**

In the 1960s and 1970s, there was a global consensus that primary education should be made free and compulsory,<sup>88</sup> especially in light of the adoption of CADE (1960) and ICESCR (1966). During this period, enrolment quickly expanded as education was made compulsory and free across the world, including the newly independent states in Africa.<sup>89</sup> Despite this consensus, the world was at this time divided between both the West and East, and the North and South.

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<sup>88</sup> Klees, 2008, 312.

<sup>89</sup> Tomasevski, 2006, 42.

The socialist countries of Eastern Europe were champions of free primary education, whilst the Western countries were more cautious to impede the free market, and allowed private schools to exist alongside public schools to a greater degree.<sup>90</sup> For the South, educational aspirations were frequently impeded by financial, social and practical barriers.<sup>91</sup>

The 1980s marked a turning point for the spread of free primary education. Firstly, consecutive economic crises triggered decreased public spending which adversely affected primary-school enrolment.<sup>92</sup> Secondly, international financial institutions, in particular the World Bank and the International Monetary Fund (IMF), aided the turn away from free primary education by starting to pursue neoliberal policies. These policies have been implemented in low-income countries worldwide since the 1980s through Structural Adjustment Programs (SAPs).<sup>93</sup> SAPs aimed to lift countries out of poverty through a mix of strategies, including: decreasing public spending; privatizing government operations; and charging for public services.<sup>94</sup>

In 1981, Malawi started charging fees for primary education as part of its loan conditions from the World Bank, something that resulted in a dramatic decline in enrolment.<sup>95</sup> Being the largest single provider of both funds and expertise to education programmes worldwide,<sup>96</sup> the World Bank's adoption of neoliberal policies has profoundly impacted education – many authors argue extremely negatively.<sup>97</sup> Already by the 1990s, SAPs had been tainted by evidence from countries like Malawi indicating that they were reinforcing poverty and inequality, rather than decreasing them.<sup>98</sup> According to the World Bank's latest education strategy, the Bank continues to support neoliberal policies, and the Bank's private sector investment arm, the IFC, has been given an expanded role in the education sector.<sup>99</sup> IFC is among the investors of Bridge International Academies.<sup>100</sup>

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<sup>90</sup> Tomasevski, 2003, 64.

<sup>91</sup> Tomasevski, 2003, 63; 69.

<sup>92</sup> Tomasevski, 2006, 42.

<sup>93</sup> Robertson, 2012, 190.

<sup>94</sup> Robertson, 2012, 190.

<sup>95</sup> Klees, 2008, 313.

<sup>96</sup> Menashy et al., 2014, 239.

<sup>97</sup> See *inter alia* Klees, 2008; Bonal, 2002.

<sup>98</sup> Robertson, 2012, 190.

<sup>99</sup> World Bank, 2011, 3, 5.

<sup>100</sup> Bridge International Academies, n.d a.

Former Special Rapporteur on the Right to Education, Katharina Tomasevski, has been a vocal critique of the World Bank's policies, arguing they are the primary reason why the right to education has been distorted.<sup>101</sup> However, authors such as James Tooley and Pauline Dixon have contended that the process of privatization and growth of LFPSs is the result of a bottom-up process of parents "voting with their feet."<sup>102</sup> According to these authors, the combined result of implementing free universal primary education, economic crises and the resulting reduction in public spending on education from the 1980s onwards, created both the need and opportunity for entrepreneurs to set up LFPSs in order to improve both access to and quality of education.<sup>103</sup> As such, the growth of LFPSs can be seen as a response to, and critique of, inadequate public education.

As discussed in section 1.2, the right to education demands commercial private educators such for-profit LFPSs to only exist as an *additional option* to free, publicly-funded education. Yet, if LFPSs are viewed as the result of a bottom-up led initiative to improve access to and quality of education, the question of their role in the right to education is complicated. This thesis therefore sought to further investigate what previous research had found on LFPSs' role in improving the right to education. What I found is that there are two contending approaches to the question, which I have labelled the *human rights-centred approach* and the *result-based approach*. These two views will now be presented and examined.

## **2.2 The human rights-centred approach**

Firmly based in international human rights law, many academics, human rights advocates and UN representatives argue that the growth of LFPSs is threatening the right to education and should therefore be firmly regulated and contained. Firstly, studies from countries like Nigeria, Ghana and Kenya found that despite the low fees of LFPSs, they remain unaffordable to the poorest households.<sup>104</sup> This financial hurdle is also contributing towards discrimination against girls, children with disabilities and low-performing students, as these are often not prioritized for private schools if parents have to choose.<sup>105</sup> These children are forced to remain in public schools with bad reputations, or excluded from education opportunities altogether. A study of

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<sup>101</sup> See *inter alia* Tomasevski, 2003; Tomasevski, 2006.

<sup>102</sup> Tooley, 2004, 6; Dixon, 2012, 196.

<sup>103</sup> Tooley, 2004, 6; Dixon, 2012, 196; Rolleston & Adefeso-Olateju, 2014, 28; Nishimura & Yamano, 2013, 274.

<sup>104</sup> Härmä, 2013, 560; Nishimura & Yamano, 2013, 272-273; Riep, 2014, 272-273.

<sup>105</sup> Nishimura & Yamano, 2013, 273; Rolleston & Adefeso-Olateju, 2014, 34.

Bridge schools in Kenya conducted by Education International (EI) and Kenya National Union of Teachers (KNUT) holds that rather than improving access to education in Kenya, Bridge is “indirectly contributing to existing educational divides in Kenya”.<sup>106</sup> Rolleston and Adefeso-Olateju argue that even if LFPSs have emerged as a result of a bottom-up demand for education opportunities in the context of a failing public sector, they still contribute to inequality and inequity when the poorest and most marginalized are not be able to pay their fees.<sup>107</sup>

Secondly, authors have argued that LFPSs are frequently a non-choice for parents who have become involuntarily excluded from a state system not able to provide school access in slum areas.<sup>108</sup> A study from Lagos, Nigeria, found that because of the massive increase in private schools, the government is no longer feeling pressured to improve the inadequate public school system.<sup>109</sup> Additionally, Watkins argued that when parents from relatively privileged backgrounds withdraw their children from public schools, the pressure upon the government to improve public education diminishes.<sup>110</sup> The result is a “vicious circle of under-investment in state-education”.<sup>111</sup> For poor households, the non-choice to go to private schools is expensive, and may come at the expense of their movement out of poverty, as they are not able to invest in small business or other livelihood opportunities.<sup>112</sup> This concern has been upheld by the UN Educational, Scientific and Cultural Organization (UNESCO), which has argued that “transferring responsibility to communities, parents and private providers is not a substitute for fixing public-sector education systems”, and further “[f]or the poorest groups, public investment and provision constitute the only viable route to an education that meets basic quality standards.”<sup>113</sup>

Thirdly, LFPSs, and Bridge in particular, have frequently been accused of breaching national laws and regulations. In the study by EI and KNUT on Bridge in Kenya, teachers were found

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<sup>106</sup> EI & KNUT, 2016, 38.

<sup>107</sup> Rolleston & Adefeso-Olateju, 2014, 26.

<sup>108</sup> Oketch et al., 2010, 31.

<sup>109</sup> Härmä, 2013, 549-550.

<sup>110</sup> Watkins, 2004, 11.

<sup>111</sup> Watkins, 2004, 11.

<sup>112</sup> Härmä, 2013, 549-550.

<sup>113</sup> UNESCO, 2009, 131-132.

to be highly unqualified in comparison to national standards.<sup>114</sup> According to their study, teachers' working conditions, including salaries, were also substandard.<sup>115</sup> In both Kenya and Uganda, there are ongoing legal cases involving Bridge. In Uganda, the company has been accused of failing to respect national standards concerning "teacher pupil interaction".<sup>116</sup> In Kenya, Bridge has been involved in several different legal proceedings, mainly for failing to meet minimum standards and for not being registered.<sup>117</sup>

On a more ideological level, Macpherson argued that the effect of LFPSs, and increased privatization in general, is that education is no longer considered a public or societal good grounded in values of justice and equal opportunity, but becomes an individualised private good.<sup>118</sup> This entrenches what he calls a "neo-liberal vision of society" at the expense of a humanitarian view.<sup>119</sup> A similar argument has been presented by the Special Rapporteur on the Right to Education, who argued that the UN's mission of social justice is being undermined by the proliferation of private education.<sup>120</sup>

However, the British government, which firmly bases its aid to education policy in human rights,<sup>121</sup> defends its support of LFPSs in cases where government provision is "so weak that the private sector has stepped in to fill the gap".<sup>122</sup> The fact that LFPSs have emerged in the context of state inability to deliver on two of the fundamental features of the right to education, namely accessibility and availability, do not seem to have been sufficiently accounted for by the human rights-centred approach. As accurately recognized by Tomasevski: "international human rights treaties tend to promise more than governments are willing and able to deliver".<sup>123</sup> The reality in many countries in SSA is that universal primary education exists on paper, but is not *available* in sufficient quantity, as demonstrated by evidence of overcrowded classrooms

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<sup>114</sup> EI & KNUT, 2016, 24-25.

<sup>115</sup> EI & KNUT, 2016, 26-29.

<sup>116</sup> EACH Rights et al., 2018, 1.

<sup>117</sup> EACH Rights et al., 2018, 2-4.

<sup>118</sup> Macpherson, 2014, 295.

<sup>119</sup> Macpherson, 2014, 296.

<sup>120</sup> UN Human Rights Council, 2015a, para. 60.

<sup>121</sup> DfID, 2018.

<sup>122</sup> Anderson, 2015.

<sup>123</sup> Tomasevski, 2006, 15.

and unqualified teachers.<sup>124</sup> They are also *de facto inaccessible* to parts of society due to discriminatory public spending, that education is not within safe physical reach,<sup>125</sup> or because of “hidden” costs such as those associated with purchasing books and school uniforms.<sup>126</sup> Although LFPSs have been associated with certain detrimental human rights impacts, it may be possible to remedy these through targeted international aid and strict regulation. The following section presents the viewpoints of those arguing that LFPSs contribute towards the right to education and therefore deserve the attention of the international aid community.

### 2.3 The result-based approach

For international aid agencies and donors, it is important to consider whether they should direct their funding towards improving public schools or channel aid through private education providers. What has here been defined as the result-based approach to LFPSs, argue that LFPSs increase *de facto* access to and quality of universal primary education, and should therefore be supported. Additionally, Walford and Dixon have argued in favour of LFPSs because aid to public education risks being inhibited by corruption, lack of transparency, poor monitoring and entrenched teacher unions not considering the best interest of the pupils.<sup>127</sup> Dixon has suggested that aid agencies should listen to the poor themselves, who are in the best position to determine where aid allocations should go.<sup>128</sup> According to her, they have already “voted with their feet” in favour of private schools as demonstrated by evidence of private school enrolment.<sup>129</sup> This is supported by Tooley, the co-founder and chairman of chains of LFPSs in Ghana and India,<sup>130</sup> who has asserted that:

“Across the developing world, poor parents are making their preferences clear. They want schools that are accountable to them, where teachers turn up and teach. They want private schools. It is time the development experts caught up with them.”<sup>131</sup>

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<sup>124</sup> Rolleston & Adefeso-Olateju, 2014, 35; Tooley, Dixon & Stanfield, 2008, 461; Nishimura & Yamano, 2013, 272; UN Statistics Division, 2018.

<sup>125</sup> Härmä, 2013, 560.

<sup>126</sup> Rolleston & Adefeso-Olateju, 2014, 29; Tooley, Dixon & Stanfield, 2008, 463.

<sup>127</sup> Walford, 2015, 318; Dixon, 2012, 202.

<sup>128</sup> Dixon, 2013, 149.

<sup>129</sup> Dixon, 2013, 149.

<sup>130</sup> Omega Schools, n.d.

<sup>131</sup> Tooley, 2004, 7.

Several authors have further argued that because basic education in SSA is of relatively poor quality, there is a need to look outside the public sector for solutions. Heyneman and Stern argued that human rights cannot imply that education must be delivered by the state when there is evidence of state inadequacy in delivering this service.<sup>132</sup> They further contend that if private schools are doing a better job at delivering quality education to the poor, it would be contrary to human rights to monopolize its delivery to the state.<sup>133</sup> This is especially relevant in regions like SSA, where many countries struggle to deliver effective, equitable and quality education, despite education taking up large proportions of state budgets.<sup>134</sup> In a similar vein, Dixon concludes after having reviewed past investments into government schools in India that “[i]t can only be a closed mind that would suggest continually pouring water into a bucket full of holes”.<sup>135</sup>

Several researches have investigated why parents choose to send their children to LFPSs. What they have found is that parents perceive these schools to be of better quality, as they have better teacher-pupil ratios<sup>136</sup> and because teachers are made accountable.<sup>137</sup> According to Bridge, their schools have outperformed the national average on the government national exams all pupils have to take when they finish primary school the past four years in both Kenya and Uganda.<sup>138</sup> A report funded by UKAid, found that pupils at Bridge schools generally had a higher attainment of learning than their peers at both other private schools and public schools.<sup>139</sup> Macpherson has challenged these results by pointing out that they may be caused by other factors, such as the fact that private schooling often goes hand-in-hand with private tutoring.<sup>140</sup> In a report reviewing existing research on LFPSs funded by DfID, it was found that a majority of evidence supports the assumption that private school pupils achieve better learning outcomes, but that few studies could explain the underlying causal processes.<sup>141</sup>

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<sup>132</sup> Heyneman & Stern, 2014, 13.

<sup>133</sup> Heyneman & Stern, 2014, 13.

<sup>134</sup> Rolleston & Adefeso-Olateju, 2014, 25.

<sup>135</sup> Dixon, 2013, 148.

<sup>136</sup> Rolleston & Adefeso-Olateju, 2014, 35; Tooley, Dixon & Stanfield, 2008, 461; Nishimura & Yamano, 2013, 272.

<sup>137</sup> Härmä, 2013, 559-560; Tooley, Dixon & Stanfield, 2008, 461-462; Ashley et al., 2014, 21.

<sup>138</sup> Bridge, n.d c; Bridge, n.d d.

<sup>139</sup> Edoren, 2018.

<sup>140</sup> Machpherson, 2014, 286-287.

<sup>141</sup> Ashley et al., 2014, 18.

In many cases, the real cost difference between LFPSs and public schools are found to be low because of the “hidden costs” of supposedly free public schools. Although tuition fees have been abolished in countries like Ghana, Nigeria and Kenya, there are indirect costs associated with purchasing textbooks, uniforms, transport and food.<sup>142</sup> According to Heyneman and Stern, the high costs associated with public schools was one of the main reasons non-government schools first developed in Kenya.<sup>143</sup> The DfID funded report refuted the claim that private schools were as affordable to users as state schools, but the evidence on whether the poor were able to pay private school fees was ambivalent.<sup>144</sup> Additionally, parents state that they send their children to LFPSs if they are “close to home” and “within the community”.<sup>145</sup> It may be considered a rational choice for parents to choose LFPSs if they are relatively inexpensive, perceived to be of higher quality and are located close to home.<sup>146</sup>

Tooley has maintained that by supporting LFPSs, he is not trying to achieve a “perfectly just society”, but rather “preventing manifestly severe educational injustice”.<sup>147</sup> Rolleston and Adefeso-Olateju have also conceded that when governments fail to provide quality education, this complicates the assumption that universal access to free primary education is the foundation for equity in education.<sup>148</sup> The authors argue that when the expansion of public-schools leads to inadequate quality of education, LFPSs could be pro-equity if it “brings wider access to higher levels of learning at affordable cost”.<sup>149</sup> However, their research did not find this to have been the result of the expansion of LFPSs in neither Nigeria nor Ghana.<sup>150</sup> For international aid actors this problem can be tackled by funding targeted voucher systems or cash transfers to those parents who are unable to afford the tuition fees.<sup>151</sup> In Pakistan, DfID is supporting targeted voucher schemes to allow more children to access LFPSs.<sup>152</sup>

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<sup>142</sup> Rolleston & Adefeso-Olateju, 2014, 29; Tooley, Dixon & Stanfield, 2008, 463.

<sup>143</sup> Heyneman & Stern, 2014, 7.

<sup>144</sup> Ashley et al., 2014, 28-29.

<sup>145</sup> Härmä, 2013, 561.

<sup>146</sup> Rolleston & Adefeso-Olateju, 2014, 29.

<sup>147</sup> Tooley, 2013, 451.

<sup>148</sup> Rolleston & Adefeso-Olateju, 2014, 26.

<sup>149</sup> Rolleston & Adefeso-Olateju, 2014, 26.

<sup>150</sup> Rolleston & Adefeso-Olateju, 2014, 26.

<sup>151</sup> Dixon, 2013, 152.

<sup>152</sup> DfID, 2018

In order to counter criticism that LFPSs are not adhering to national laws and regulations concerning education and the private market, DfID's aid to education policy includes supporting governments in their efforts to improve regulation of the non-state education market.<sup>153</sup> The U.S. Agency for International Development's (USAID) new education policy also emphasizes support for regulation when presenting the role of private actors in education.<sup>154</sup>

In essence, the result-based approach takes a “pragmatic stance on how services should be delivered”, as argued by a DfID spokesperson,<sup>155</sup> compared to the more uncompromising stance of the human rights-centred approach. To Walford, the “obvious answer” to reach universal primary education – that less economically developed countries improve the public education system – is unrealistic because of embedded corruption and other structural and political impediments.<sup>156</sup> He therefore advocates studying LFPSs for what they are and try to understand how less economically developed countries can use these schools to reach global education targets.<sup>157</sup>

This section has demonstrated that there are two contending approaches to the research question at hand: *What is the role of low-fee private schools in achieving the right to education?* The human rights-centred approach is deeply sceptical about their contribution towards human rights and advocates for a focus on the public provision of education, in line with international human rights treaties. The result-based approach, on the other hand, takes a more pragmatic stance, and argues that when LFPSs improve accessibility and availability of education – even if it cannot achieve complete equality – they deserve international attention and support. In many ways, the debate has become deeply politicized, with evidence presenting contradicting conclusions that could easily be used to both provide support for and criticism of LFPSs.

What is missing in this debate is an analysis of how donor states view the discussion and evidence presented, and what informs their choice of partner in aid to education. This question is of utmost importance as achieving the right to education and other internationally agreed education-related targets, is dependent on foreign aid. This is why the first sub-question that will guide the thesis and help answer the overarching research question is:

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<sup>153</sup> DfID, 2018, Box 8.

<sup>154</sup> USAID, 2018, 17-18.

<sup>155</sup> Anderson, 2015.

<sup>156</sup> Walford, 2015, 318.

<sup>157</sup> Walford, 2015, 318.

*How do Norwegian public aid authorities regard the right to education, and specifically the role low-fee private schools in its support to education?*

The thesis will also seek to explore the issue at hand in a specific context in order to demonstrate the implications of Norway's education aid policy. It will focus on what role LFPSs could have in achieving the right to education in Malawi, one of Norway's focus countries for aid to education. This research will be guided by the following sub-question:

*What role can low-fee private schools play in achieving the right to education in a specific country like Malawi?*

The purpose of this thesis is to research how a key international aid to education donor views the role of LFPSs in achieving the right to education. It does as such not aim to provide a normative argument in favour of LFPSs, rather it seeks to discuss and nuance the approach frequently taken by the human rights community – that LFPSs are baleful to human rights – and deliberate on the practical implications of choosing to support or not support these schools that have become an important source of education across SSA.

### **3 Introducing the Norwegian case**

In order to understand how Norwegian public education authorities view the role of LFPSs, it is necessary to have a contextual understanding of Norwegian aid to education. This chapter will therefore provide an overview of the Norwegian aid system, including actors and main policy documents. It will then provide the context for Norway's decision to "rise to the challenge" of declining aid to education worldwide before presenting how Norwegian aid, and aid to education in particular, is delivered. Finally, some concluding remarks about why Norway is an interesting case study will be provided.

#### **3.1 Norwegian development policy and actors**

Norwegian ODA has yearly amounted to about 1 per cent of Norwegian GNI the past decade, which makes Norway a large donor relative to its size.<sup>158</sup> The aims and priorities of Norwegian

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<sup>158</sup> OECD, 2019.

development policy is established by the Parliament on the basis of proposals from the government delivered in the form of white papers or propositions.<sup>159</sup> Based on the adopted policy, the NMFA determines cooperation strategies with the relevant countries.<sup>160</sup> The NMFA administers long-term state-to-state cooperation through its embassies, and manages Norwegian multi-lateral- and emergency aid.<sup>161</sup> The embassies are responsible for planning, implementing and following up on official Norwegian cooperation with the recipient country. Other ministries also participate in development cooperation, but the NMFA is responsible for the largest proportion of Norwegian aid.<sup>162</sup>

Norad is a directorate under the NMFA and the Ministry of Climate and Environment. Its main task is to contribute towards efficient management of aid funds by providing professional advice to those managing the aid.<sup>163</sup> The agency is also responsible for quality assurance of Norwegian aid measures, and manages funding to civil society organizations, international organizations, research, and business and industry working towards development purposes.<sup>164</sup>

According to Norad, the overarching aims of Norwegian development policy is poverty reduction and human rights.<sup>165</sup> Specific focus has also been established through different white papers, in particular on aligning Norwegian development policy with the SDGs in a white paper titled *Common Responsibility for Common Future*,<sup>166</sup> and promoting and mainstreaming human rights in all development efforts in a white paper called *Opportunities for All: Human Rights in Norway's Foreign Policy and Development Cooperation*.<sup>167</sup>

### 3.1.1 Aid to education

Since 2013, the Norwegian government has been increasing its efforts in the field of education. The new policy direction is described in a white paper titled *Education for Development*.<sup>168</sup>

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<sup>159</sup> Norad, 2015.

<sup>160</sup> Norad, 2015.

<sup>161</sup> Norad, 2015.

<sup>162</sup> Norad, 2015.

<sup>163</sup> Norad, 2015.

<sup>164</sup> Norad, 2015.

<sup>165</sup> Norad, 2011.

<sup>166</sup> Utenriksdepartementet, 2017.

<sup>167</sup> Utenriksdepartementet, 2014a.

<sup>168</sup> Utenriksdepartementet, 2014b.

This policy development came after years of decreasing aid allocations to education: From allocating 13.3 per cent of foreign aid to education in 2005, only 7.2 per cent of ODA was earmarked education in 2013.<sup>169</sup> As the title of the white paper suggests, the prioritization of education is linked to its instrumental role in promoting development.<sup>170</sup> The main goals of Norway's global education efforts are stated to be that: (1) all children have the same opportunities to start and finish school; (2) all children and young people learn basic skills and are equipped to tackle adult life; (3) as many as possible develop the skills necessary to find gainful employment and improves the overall prospects of economic growth and sustainable development.<sup>171</sup>

Particular emphasis is placed on reaching marginalized groups, such as girls and minority children, ensuring education in situations of conflict and crisis, and on achieving quality education in light of challenges related to low learning outcomes and high drop-out rates worldwide.<sup>172</sup> In terms of geographical focus, SSA is given high priority because the region is lagging behind on education.<sup>173</sup> In line with Norway's resolution to concentrate its development efforts towards countries where Norway has expertise, experience, and resources, four focus countries for long-term development cooperation on education have been selected: Ethiopia, Malawi, Nepal and South Sudan.<sup>174</sup>

A large portion of Norwegian aid to education is channelled through multilateral organizations, as demonstrated in Figure 1. The main cooperation partners are the Global Partnership for Education (GPE), the UN's Children's Fund (UNICEF), UNESCO, and the World Bank.<sup>175</sup> Bilateral cooperation has traditionally been an important channel of education aid, but this has been gradually reduced out of a desire to facilitate easier administration, strengthen coordination and improve efficiency of aid.<sup>176</sup> In 2017, donor states' public sector received only 9 per cent of education aid.<sup>177</sup> Between 2013 and 2016, almost a third of aid earmarked education was channelled through civil society organizations, most of whom were Norwegian NGOs often working

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<sup>169</sup> Utenriksdepartementet, 2014b, para. 2.3.

<sup>170</sup> Utenriksdepartementet, 2014b, para. 1.

<sup>171</sup> Utenriksdepartementet, 2014b, para. 3.

<sup>172</sup> Utenriksdepartementet, 2014b, para. 3.

<sup>173</sup> Utenriksdepartementet, 2014b, para. 5.7.

<sup>174</sup> Norad, 2017b.

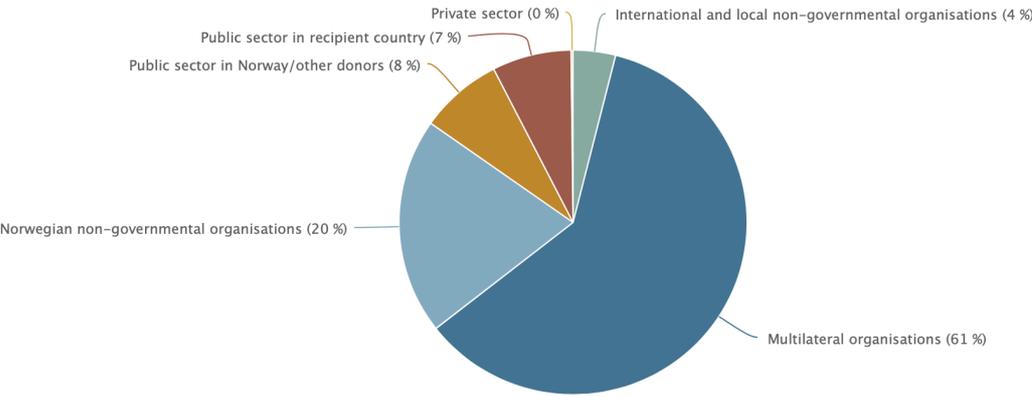
<sup>175</sup> Norad, 2017a, 86.

<sup>176</sup> Utenriksdepartementet, 2014b, para. 5.7.

<sup>177</sup> Norad, n.d.

with local NGOs to implement projects.<sup>178</sup> NGOs gained popularity in the 1980s as channels for aid due to discontent with how government actors used aid resources.<sup>179</sup> In particular, corruption charges have tainted the donor state’s legitimacy in ensuring efficient use of funds.<sup>180</sup>

**Figure 1:** Norwegian aid to education divided by partner in 2018



Source: Norad (2018).

As demonstrated in Figure 1, the private sector is only a minor partner for Norwegian education aid. In 2018, the private sector received 5.3 million NOK, amounting to zero per cent of Norwegian education aid.<sup>181</sup> Since the adoption of the new education aid strategy in 2014, this percentage has been stable.<sup>182</sup> In 2019, two private sector projects are receiving funding from the NMFA. One project aims at the economic empowerment of women in Nepal through training and work placement,<sup>183</sup> and the other at helping Syrian children learn to read Arabic and improve psychosocial wellbeing through smartphone applications.<sup>184</sup>

Whilst the private sector is a minor partner for direct Norwegian aid to education, there has been some indirect support of LFPSs. According to the proposed state budget for 2019, Norway

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<sup>178</sup> Norad, 2017a, 98.  
<sup>179</sup> Balsvik, 2016, 108.  
<sup>180</sup> Balsvik, 2016, 102.  
<sup>181</sup> Norad, 2018.  
<sup>182</sup> Norad, n.d.  
<sup>183</sup> Utenriksdepartementets tilskuddsportal, n.d. a.  
<sup>184</sup> Utenriksdepartementets tilskuddsportal, n.d. b.

will provide 75 million NOK in core funding to the IFC.<sup>185</sup> This funding is intended to support the IFC's work to ensure inclusive and sustainable growth, but it also indirectly provides funds to private, commercial education as the IFC has invested in BIA.<sup>186</sup> The Norwegian government's investment fund for business development in developing countries, Norfund, has provided indirect financing to BIA in Kenya through their investment in Novastar Ventures East Africa Fund.<sup>187</sup> Moreover, the GPE, one of the main channels for Norwegian education aid, has indirectly supported private education providers through their support to education sector implementation grants. This was uncovered in a mapping report conducted by the GPE in 2018, although it is not clear whether these schools are for-profit or not.<sup>188</sup>

### **3.2 Why Norway?**

This chapter has sought to demonstrate why Norway provides a suitable case study for this thesis, which seeks to investigate the role of LFPSs in achieving the right to education. In essence, there are two primary reasons why Norway is interesting to study. First, education is a highly prioritized area of funding for Norwegian aid to education, with the current government having established an education aid strategy and has an outspoken agenda to play a "key role" internationally to address the learning crisis. Second, whilst the private sector only plays a minor role in Norwegian education aid, some indirect support to LFPSs has been uncovered. This paper will seek to investigate Norway's position on the role of LFPSs in achieving the right to education and which processes and arguments provide the foundation for this position. It will also research whether more direct funding of LFPSs would be in line with Norway's aid policy, and what implications this could have on education aid to Malawi.

## **4 Norwegian aid to education: Any room for LFPSs?**

This section will present and discuss the results of the document studies and interviews conducted as part of this research. The findings have been divided into four themes. The primary finding of the research is that Norway lacks a clearly defined position on the role of LFPSs. The other three themes help unpack both why LFPSs have been side-lined in Norwegian development efforts, and what role is envisaged for the private sector in Norwegian development

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<sup>185</sup> Utenriksdepartementet, 2018, post 73.

<sup>186</sup> IFC Project Information Portal, n.d.

<sup>187</sup> Norfund, n.d.

<sup>188</sup> GPE, 2018, 22-25.

policy more generally. These are (1) the importance of human rights, (2) the centrality of the state, and (3) the importance of results and cost-efficiency.

#### **4.1 The conspicuous absence of LFPSs**

The primary finding of this research is that despite the ongoing debate internationally about the role of LFPSs in achieving the right to education and Norway's indirect support of these schools, the phenomenon remains conspicuously absent from official government white papers, speeches and other documents concerning aid to education. Not even "commercial private actors", "private schools", or "private education" is mentioned in the context of delivering education services.<sup>189</sup> According to my informant at Norad, the mentioning of "private actors" in the white paper concerning Norway's global education efforts, implicitly includes commercial private actors.<sup>190</sup> As highlighted by the informant, these private actors are mentioned as potential cooperation partners, but mainly in the area of providing technological solutions to expand access to and quality of education and providing vocational training, i.e. not as a supplier of primary education.<sup>191</sup> However, the informant revealed that there have been internal discussions at Norad about LFPSs, but because the term "private actors" is underspecified in policy documents, the agency has concluded that the decision to channel aid and cooperate directly with LFPSs must be taken at government level.

Yet, when questioned about the extent to which Norad is or has in the past supported LFPSs through education aid, my informant at Norad argued that the directorate does not support LFPSs "as far as we know".<sup>192</sup> With this, the informant was making the point that Norad does not support LFPSs intentionally, but that the mapping report from GPE had revealed that through Norway's funds to the GPE some aid has been channelled to the private sector, but that it is difficult to know whether these actors are commercial or not.<sup>193</sup> According to my informant at Save the Children, the government must take responsibility for this kind of indirect support, which is also provided through funds to the IFC and Norfund investments, as they are enabled by the current policies and guidelines from the NMFA.<sup>194</sup>

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<sup>189</sup> Found by searching through all core documents.

<sup>190</sup> Appendix 1, no. 1.

<sup>191</sup> See reference to Utenriksdepartementet, 2014b, paras. 3.5.2; 5.6.2.

<sup>192</sup> Norwegian wording: «Så vidt vi vet om», Appendix 1, no. 1.

<sup>193</sup> See GPE, 2018, 22-25.

<sup>194</sup> Appendix 1, no. 3.

The conclusion that can be drawn from this is that Norway has not yet taken a firm stance on the specific role of LFPSs in fulfilling the right to education, something both the Union of Education Norway (UEN) and Save the Children argued the Norwegian government ought to do.<sup>195</sup> In light of the current discussions at international fora, in particular the GPE where Norway is a key actor,<sup>196</sup> and the country's indirect support of these schools, there is reason to believe a more clearly defined position will be presented in the near future. The informants at the UEN and Save the Children agree that Norway's position must be that it is not acceptable to use Norwegian development funds to support and strengthen commercial schools when commercial education actors are not allowed in Norwegian primary schools.<sup>197</sup>

Although the exact stance remains unclear, this research has tried to uncover how current development policies affect the possibilities of partnerships with LFPSs. The central themes that have been uncovered are presented next.

## **4.2 Importance of human rights**

An important theme for Norway's approach to LFPSs is that human rights are central to all of Norway's development efforts. This was made clear in the white paper titled *Opportunities for All: Human Rights in Norway's Foreign Policy and Development Cooperation*.<sup>198</sup> This paper establishes that human rights are both a means and end to Norwegian development cooperation because it is at the heart of a responsible foreign policy and gives Norway credibility when engaging abroad.<sup>199</sup>

What this means for Norwegian development cooperation in the area of education is both that education is recognized as an important right that must be achieved in accordance with international legal frameworks, and that human rights must be mainstreamed in all education development efforts, ensuring that policies do not have adverse human rights impacts.<sup>200</sup> The funds that are provided to BIA through Norfund and IFC should therefore be subject to a human rights

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<sup>195</sup> Appendix 1, nos. 3, 4.

<sup>196</sup> The GPE is set to present a private sector engagement strategy in June 2019, see Edwards, 2019.

<sup>197</sup> Appendix 1, nos. 3, 4.

<sup>198</sup> Utenriksdepartementet, 2014a.

<sup>199</sup> Utenriksdepartementet, 2014a, para. 2.

<sup>200</sup> Utenriksdepartementet, 2014a, para. 4.4.1.

due diligence process, which ensures that these funds do not have adverse human rights impacts. The extent to which this is done is outside the scope of this thesis. However, it is interesting to note that both the CRC, CESCR and the Special Rapporteur on the Right to Education, in addition to two of the civil society organization interviewed for the purpose of this thesis, have expressed concern that LFPs, and BIA in particular, have harmful impacts on human rights.<sup>201</sup> The white paper establishes that the principle of non-discrimination and participation will receive particular attention as they are at the heart of human rights, and highlights that it is a fundamental principle to Norway's efforts that education is free and available to all.<sup>202</sup>

When asked about the importance of international human rights treaties for Norad's work, my informant at the directorate argued that it is the SDGs that provide the most important reference point.<sup>203</sup> However, this does not mean that education as a human right is deprioritized. Both the informants at Plan and Save the Children said that whilst human rights, and the CRC in particular, is fundamental to all of their organizations' work, the SDGs provide useful and relevant guidelines for the organizations as they are more current than the conventions.<sup>204</sup> Neither of them had ever experienced that the SDGs and the CRC provided contradictory guidelines when it came to education. As was discussed in section 1.2, the SDGs align with the core international education treaties on central issues.

As part of its efforts to streamline human rights in all foreign- and development policy, Norway should seek to ensure that human rights are prioritized by the boards of the World Bank Group, which includes the IFC, according to the human rights white paper.<sup>205</sup> My informant at Save the Children was of the opinion that this is an area where Norway should increase its efforts.<sup>206</sup> In line with Norway's human rights obligations, and the country's view of commercial education actors domestically, the informant argued that Norway should use its international status in the field of education to push for commercial education actors to be excluded from the IFC's financing.

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<sup>201</sup> CESCR, 2017, para. 22; UN Human Rights Council, 2015a, paras. 40-46; Committee on the Rights of the Child, 2016, paras. 17-18; Appendix 1, nos. 3, 4.

<sup>202</sup> Utenriksdepartementet, 2014b, paras. 4.4.1, 3.

<sup>203</sup> Appendix 1, no. 1.

<sup>204</sup> Appendix 1, nos. 2, 3.

<sup>205</sup> Utenriksdepartementet, 2014a, para. 4.4.4.

<sup>206</sup> Appendix 1, no. 3.

Despite the overarching importance of human rights to foreign- and development policy, there seems to be a lack of consistency in Norway's human rights focus. Even though international human rights treaties allow space for supporting private education actors, this is only in specific circumstances and must be subject to human rights guidelines.<sup>207</sup> According to the Abidjan Principles, commercial private actors like BIA should never be supported.<sup>208</sup> Norway's indirect support of BIA, which has been criticized for its commercial nature and detrimental impact on human rights, has not been justified or provided with context through any public documents or statements, something that makes the policy questionable from a human rights perspective.

### **4.3 The centrality of the state**

Both the interviews and document studies revealed that for Norway, the state is considered the most central actor when it comes to education. This is grounded in two pillars: That education is a human right, and that education is fundamental to development. As a human right, education is first and foremost the responsibility of governments.<sup>209</sup> My informant at Norad referenced human rights conventions when emphasizing that for the directorate it is important that the government has the primary responsibility for education.<sup>210</sup> Whilst the human rights aspect of education is central, the document studies revealed that Norwegian aid to education is first and foremost concerned with education insofar as it is a "catalyst for development".<sup>211</sup> In the speeches analysed, education is described as a priority for Norwegian aid due to its instrumental role in achieving development before it is recognized as a human right almost without exception.<sup>212</sup> As a development tool, Norway's education efforts aim at strengthening the capacity, systems and institutions in recipient countries in a sustainable manner.<sup>213</sup>

The centrality of the state in Norway's view of education has implications for potential partnerships with LFPSs. Firstly, the white paper about education for development emphasizes that

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<sup>207</sup> See section 1.2.

<sup>208</sup> Abidjan Principles, 2019, principle 5, paras. 66(iii), 73(b).

<sup>209</sup> Utenriksdepartementet, 2014b, para. 3.

<sup>210</sup> Appendix 1, no. 1.

<sup>211</sup> Utenriksdepartementet, 2014b, para. 2.4.

<sup>212</sup> The only two documents here reviewed that did not address education as firstly important to development, but rather as a human right were Astrup, 2018, and Solberg and Brende, 2015.

<sup>213</sup> Utenriksdepartementet, 2014b, para. 3.

whilst the goal is to improve state capacity and strengthen systems and institutions in recipient countries, these goals will be more effectively achieved in cooperation with a large network of actors, including private ones.<sup>214</sup> My informant at Norad argued that as long as the state retains responsibility for ensuring the right to education, it is in theory a subsidiary concern which actors – private or public – delivers education services.<sup>215</sup> This is a decision that must be taken at domestic level, in the recipient country. Whilst this position is in line with the recommendations from human rights monitoring bodies, it has been questioned by the human rights-centred approach which are concerned about the adverse human rights impacts of private education, in particular commercial education providers.<sup>216</sup>

Save the Children and the UEN worry that LFPSs are not system strengthening, rather they adversely impact the education systems in the countries concerned, especially because of reports that they “crowd out” public alternatives.<sup>217</sup> Referencing reports from EI, the informants at the UEN argued that once commercial private schools enter a national education market, even if only for a limited period in an area short of public alternatives, they create a market for private education and eventually start crowding out public alternatives.<sup>218</sup> Moreover, the informant from Plan International emphasized the importance of cooperating with local governments, instead of private actors, because it ensures sustainability of education efforts.<sup>219</sup> This argument was echoed by the informant at Save the Children who contended that even though the support of LFPSs may improve the education sector in a short-term perspective, the long-term impact is that the public education system is undermined instead of strengthened.<sup>220</sup>

Another important challenge with outsourcing education services – both long-term and temporary – is regulating the private market. This concern was brought up in the interviews with both Norad, the UEN and Save the Children. My informant at Norad acknowledged that in the countries where they work, the government is usually too weak to regulate the public education

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<sup>214</sup> Utenriksdepartementet, 2014b, para. 3.

<sup>215</sup> Appendix 1, no. 1.

<sup>216</sup> See section 1.2 and 2.3.

<sup>217</sup> Appendix 1, nos. 3, 4.

<sup>218</sup> Appendix 1, no. 4.

<sup>219</sup> Appendix 1, no. 2.

<sup>220</sup> Appendix 1, no. 3.

sector, let alone a private education sector.<sup>221</sup> The informants at the UEN were likewise deeply sceptical that the NMFA would be able to ensure that weak states receiving Norwegian aid would be able to regulate commercial education actors, especially given how difficult this is even in a country like Norway, where this is a relevant issue in the pre-primary education system.<sup>222</sup> Save the Children worried in particular that if commercial education actors enter the education sector, they will be able to assert great influence over domestic education authorities that result in an overall weakening of the public education system.<sup>223</sup>

The focus on improving the government's ability to fulfil its human rights obligations therefore means that there are certain types of partnerships with the private sector that are favoured. In the white paper on education, the private sector is mainly mentioned as a partner that can support efforts to make innovation and technology in the education sector available, or in the case of delivering education, this should be done as part of a public-private partnerships (PPPs) where the state remains in control of the education sector.<sup>224</sup>

Altogether, Norway's emphasis on improving state capability to protect and provide for the right to education are in line with UNESCO's standpoint that the transferral of responsibilities to other actors, like the private sector, will never be a substitute for fixing the public-school system.<sup>225</sup> Even though the NMFA is open to cooperate with private actors if this improves state capacity to deliver on its human rights obligations, both Norad and the civil society organizations interviewed have demonstrated a scepticism that LFPSs would be beneficial partners in this regard.

#### **4.4 Importance of results and cost-efficiency**

Whilst the Norwegian government is deeply concerned about human rights and strengthening the state, it is also preoccupied with achieving results in a cost-efficient manner. In the white paper regarding Norway's strategy to achieve the SDGs, it is argued that to ensure continued

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<sup>221</sup> Appendix 1, no. 1.

<sup>222</sup> Appendix 1, no. 4.

<sup>223</sup> Appendix 1, no. 3.

<sup>224</sup> Utenriksdepartementet, 2014b, para. 5.

<sup>225</sup> UNESCO, 2009, 131-132.

support among the Norwegian people for overseas aid, the government needs to be able to document results.<sup>226</sup> In terms of education, results would be the goals provided for in the education white paper, namely equality in quality and access to free primary education.<sup>227</sup> In order to reach these goals, the Norwegian government has pledged to “join forces with the authorities in recipient countries, multilateral organisations, other donor countries, NGOs and the business and private sector”.<sup>228</sup> In particular, they will cooperate with partners that have “comparative strengths in the form of geographical proximity or technical expertise and capacity”.<sup>229</sup> According to proponents of LFPSs such as Walford and Tooley, LFPSs have frequently proved to have such comparative strengths,<sup>230</sup> but the question remains whether Norwegian public aid authorities would agree with this position.

#### 4.4.1 Improving quality

In order for education to be an effective development tool, Norwegian public aid authorities place great emphasis on quality in education: It is not enough that children are in school, they must also learn whilst they are there.<sup>231</sup> By delivering relevant education of high quality, societies will be able to “fight poverty, create jobs, foster business development, improve health and nutrition, and promote gender equality, peace and democracy.”<sup>232</sup> This is also linked to a concern with ensuring equal opportunities for vulnerable groups in particular, something that will be discussed more in the next section.<sup>233</sup>

Quality of learning is primarily concerned with learning outcomes for Norwegian public aid authorities, with elementary literacy and numeracy skills mentioned specifically.<sup>234</sup> According to what has here been labelled the result-based approach, parents choose to send their children to LFPSs because these schools offer, or are perceived to offer, higher quality than public

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<sup>226</sup> Utenriksdepartementet, 2017, para. 1.1.

<sup>227</sup> See section 3.1.1.

<sup>228</sup> Utenriksdepartementet, 2014b, para. 5.

<sup>229</sup> Utenriksdepartementet, 2014b, para. 5.

<sup>230</sup> See section 2.3.

<sup>231</sup> Solberg and Brende, 2015.

<sup>232</sup> Utenriksdepartementet, 2014b, para. 1; see also Astrup, 2018; Brattskar, 2014; Brattskar, 2015; Brende, 2015; Søreide, 2018; Utenriksdepartementet 2017, para. 3.4.1.

<sup>233</sup> Utenriksdepartementet, 2014b, para. 3.4.

<sup>234</sup> Utenriksdepartementet, 2014b, para. 3.4.

schools.<sup>235</sup> Whilst the option of private actors running schools is theoretically available in the white paper on education, in particular through PPPs, the private sector is primarily identified as an important partner in improving quality by developing and offering innovative technology.<sup>236</sup>

My informant at Norad was open to the possibility that private actors like LFPSs could be engaged to improve the quality of education.<sup>237</sup> Yet, the informant argued that so far it is difficult to support LFPSs on this basis due to the substantial lack of evidence demonstrating that they offer higher quality education than public schools. As was shown in Chapter 2, the evidence for and against LFPSs is highly contradictory, with reports from *inter alia* UKAid finding that BIA students achieve better learning outcomes than their peers,<sup>238</sup> at the same time as there are legal proceedings against BIA in Kenya due to charges that the company is not complying with the national minimum standards.<sup>239</sup>

Whilst the lack of evidence that LFPSs improve quality education has been dissuading Norad from cooperating with them, the UEN expressed a more general concern with Norad's focus on "learning outcomes" when evaluating the cost-efficacy of Norwegian aid funds.<sup>240</sup> The informants argued that education is about more than learning basic skills such as reading, writing and mathematics: It is also about forming democratic citizens that can participate in the community, something that is difficult to examine through tests. The UEN therefore remained unconvinced that LFPSs should be supported even if they achieve better learning outcomes than public schools.

#### 4.4.2 Increasing access

The NMFA also gives great priority to improving access to education, in particular ensuring that the poor and marginalized children receive education both out of a human rights concern,

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<sup>235</sup> See section 2.3.

<sup>236</sup> Utenriksdepartementet, 2014b, paras. 3.4, 5.6.2.

<sup>237</sup> Appendix 1, no. 1.

<sup>238</sup> Edoren, 2018.

<sup>239</sup> EACH Rights et al., 2-4.

<sup>240</sup> Appendix 1, no. 4.

and because it is considered a cost-effective way of catalysing development.<sup>241</sup> Educating people with disabilities, indigenous children and other minority groups is regarded as a precondition to economic development, as it increases the work force.<sup>242</sup> In particular, educating girls is “not just altruism; it is sound economics” according to the Norwegian Prime Minister and the former Minister of Foreign Affairs, due to the positive spin-off effects associated with high levels of educated girls and women for societies.<sup>243</sup>

Improving education access in order to reach these groups will prove both difficult and expensive according to the NMFA.<sup>244</sup> In a white paper concerning the role of business in development, the NMFA states that it will seek to strengthen PPPs, as these are considered a cost-efficient way for governments to exploit the private sector’s advantages in service delivery.<sup>245</sup> My informant at Norad also acknowledged that it could in theory be beneficial to cooperate with LFPSs that are running schools in educationally underserved areas as a temporary solution to improve education access.<sup>246</sup>

However, the question of access cannot be discussed without reflecting on the emphasis placed on primary education as a *free public good*, which is a fundamental principle for Norway’s aid efforts.<sup>247</sup> In order for cooperation with LFPSs to be in line with this principle, the informant at Norad suggested that the schools would have to be subsidised<sup>248</sup> – a similar approach to that taken by DfID.<sup>249</sup> Both the informants from the UEN and Save the Children questioned this policy stance, objecting in particular to using government funds to support commercial private

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<sup>241</sup> Astrup, 2018; Brattskar, 2014; Brattskar, 2015; Brende, 2015; Søreide, 2018; Utenriksdepartementet, 2014b, para. 3.2; Utenriksdepartementet, 2015, para. 2.1; Utenriksdepartementet, 2017, para. 3.4.1.

<sup>242</sup> Astrup, 2018; Utenriksdepartementet, 2014b, para. 3.2.

<sup>243</sup> Solberg and Brende, 2015; also discussed in Søreide, 2018 and Utenriksdepartementet, 2014b, para. 3.2.1;

<sup>244</sup> Utenriksdepartementet, 2014b, para. 3.2.

<sup>245</sup> Utenriksdepartementet, 2015, para. 4.1.

<sup>246</sup> Appendix 1, no. 1.

<sup>247</sup> Utenriksdepartementet, 2014b, para. 3.

<sup>248</sup> Appendix 1, no. 1.

<sup>249</sup> DfID, 2018, Box 7-8.

schools.<sup>250</sup> Save the Children was however not opposed to the idea of cooperating with community-based LFPSs that do not take out profit, as a temporary solution to lack of education access in certain areas.<sup>251</sup>

Even though Norwegian public aid authorities are theoretically open to cooperate with and subsidise LFPSs as a temporary solution, the informant at Norad expressed doubt that such a partnership would actually improve education access for the poorest and most marginalized as there is research indicating that these groups do not attend LFPSs.<sup>252</sup> This concern was echoed by the informant from Save the Children who argued that as long as LFPSs charge fees, they will never be able to reach the most marginalized.<sup>253</sup> At the same time, Norad could provide subsidies or cash-transfers to ensure not only that attendance at LFPSs is free, but also that out-of-school children are able to attend the schools if they are the only available option. This possibility was unfortunately not explored in the interview with Norad. Because LFPSs often provide the only *de facto* available education alternative, the informant at Save the Children did not believe LFPSs should be closed immediately. Rather it was suggested that governments develop a plan for the gradual removal of LFPSs in favour of public education. During this transitional period, the NMFA could provide cash transfers or subsidies to ensure as many children as possible are able to attend school.

In a similar way that Rolleston and Adefeso-Olateju argued that LFPSs could be pro-equity if it “brings wider access to higher levels of learning at affordable cost” in cases where the government is failing to provide quality education,<sup>254</sup> Norwegian public aid authorities are open to innovate partnerships with LFPSs, but do not currently believe the evidence-base encourages such partnerships.

#### **4.5 So where does Norway stand?**

This analysis has demonstrated that there is nothing in Norwegian policy papers or statements that proscribe LFPSs as channels of Norwegian aid. This is what has enabled their indirect support through both Norfund, the IFC and possibly the GPE. However, Norwegian public aid

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<sup>250</sup> Appendix 1, nos. 3, 4.

<sup>251</sup> Appendix 1, no. 3.

<sup>252</sup> Appendix 1, no. 1, see debate about effects of LFPSs in Chapter 2.

<sup>253</sup> Appendix 1, no. 3.

<sup>254</sup> Rolleston & Adefeso-Olateju, 2014, 26.

authorities' view of the right to education and the role of private actors more generally has varying implications for the possibility of cooperating with LFPSs. Three themes have been identified as particularly important in this regard: (1) all Norwegian aid efforts must be rights-based; (2) all education efforts must strengthen the state's ability to deliver quality education; (3) Norwegian aid must achieve documentable results in a cost-efficient manner.

Firstly, in line with human rights treaties, the NMFA is in theory open to cooperate with LFPSs, as long as the state retains responsibility for the education sector and that the schools do not have adverse human rights impacts, in particular on poor and marginalized groups. PPPs are envisioned as an effective temporary solution to increase equality in quality of and access to education whilst maintaining governmental control. However, this is not considered unproblematic by neither Norad nor the organizations interviewed. There is a concern that weak states will not be able to effectively regulate the private market, and that LFPSs will crowd out public schools, and as such undermine the public education sector. There is also a concern that LFPSs increase inequality, adversely affecting particularly poor and marginalized groups.

Secondly, the analysis has shown that there is a detectable difference in the respective approaches taken by the NMFA and the organizations interviewed. Whilst Plan International, the UEN and Save the Children displayed a somewhat uncompromising stance towards LFPSs similar to the one taken by the human rights-centred approach, Norad conveyed an approach more in line with the result-based approach: If LFPSs improve *de facto* access to and quality of primary education they can be part of the solution. This is primarily rooted in the NMFA's emphasis on finding cost-efficient solutions by cooperating with partners that have comparative advantages in delivering education services.

The NMFA's policy position is as such not dissimilar to the one taken by DfID, which is that non-state education actors could, and are in the case of DfID, be supported if they play an essential role in meeting basic education needs.<sup>255</sup> Like the NMFA, DfID highlights that support of private schools must be beneficial for the poor and marginalized, which is why they support regulation, monitoring and quality assurance of the non-state education market, and fund voucher schemes and subsidies to existing LFPSs.<sup>256</sup> The primary difference between the two

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<sup>255</sup> DfID, 2018, Box 8; see discussion about result-based approach in section 2.3.

<sup>256</sup> DfID, 2018, Box 7.

aid authorities is that whilst the UK seeks to “develop and be guided by the evidence base”,<sup>257</sup> Norad is still awaiting firm evidence that these schools improve equality in education quality and access, and not the opposite as some research suggests. For the NMFA, it is important to ground innovative solutions and new partnerships in knowledge.<sup>258</sup> The informant at Norad emphasized that the evidence they have been presented with is so ambiguous, it can be used to advocate both for and against LFPSs.<sup>259</sup> The informant also highlighted that LFPSs have become a highly politicized question, which is why the decision about whether Norway should include them as channels of aid must be taken at a political level.

Because the question about LFPSs is becoming increasingly relevant, in particular at the GPE where Norway is one of the largest donors, it would be reasonable to assume that a political decision about Norway’s stance on LFPSs will soon be made. In order to demonstrate the implications of such a decision, this paper will explore the existing or latent merits of LFPSs in one of Norway’s prioritized recipients for education aid, Malawi.

## **5 The potential benefits of LFPSs in Malawi**

In order to demonstrate the practical implications of the above analysis about the Norway’s policy towards LFPSs, this chapter will delve deeper into one of Norway’s focus countries for education aid, Malawi. It will present the situation for primary education in Malawi, and the challenges associated with achieving universal primary education. It will then present Norwegian aid to education in Malawi and make a hypothetical discussion about the benefits a partnership with LFPSs could present in this specific case. As such, it aims to help illustrate what implications a policy-decision to start cooperating with LFPSs could have for Norwegian aid effectiveness.

### **5.1 The situation for primary education**

Malawi is one of the poorest countries in the world. In 2012, the population was estimated at 15.9 million, with a poverty headcount of 50.7 per cent.<sup>260</sup> The primary goal of Malawi’s educational development is accordingly to catalyse socioeconomic development, industrial growth,

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<sup>257</sup> DfID, 2018, Box 8.

<sup>258</sup> Utenriksdepartementet, 2014b, para. 1.

<sup>259</sup> Appendix 1, no. 1.

<sup>260</sup> Government of Malawi, 2014, para. 1.3.

and empower “the poor, the weak and the voiceless”.<sup>261</sup> The government recognizes that if the education system is not able to provide the young generation with education, the country’s economic future is threatened.<sup>262</sup> On paper, the country has an ambitious education policy: The right to education is guaranteed in Malawi’s constitution, and the country is also party to both ICESCR and CRC.<sup>263</sup> In 1994, free primary education was introduced. Whilst this has tremendously improved both education access and attainment,<sup>264</sup> the education sector still faces great challenges, especially related to high drop-out rates and the low level of education quality.<sup>265</sup> The rate of education exclusion is at approximately 14 per cent, and only 35 per cent of girls and 41 per cent of boys finish the 8<sup>th</sup> grade.<sup>266</sup> The low education quality can be illustrated by a study conducted by the World Bank, which found that 95 per cent of pupils in the seventh grade had either “no achievement” or “partial achievement” when assessed in mathematics.<sup>267</sup>

The Malawian government roots these challenges in difficulties with matching the continuously increasing enrolments with adequate funding and management.<sup>268</sup> This in turn, has led to a shortage of qualified teachers, poor strategic management of teachers, inadequate and inferior physical infrastructure, inadequate teaching and learning materials, poor monitoring and supervisory systems, poor access for children with special needs, poor retention of girls, negative impact of HIV/AIDS, and poor participation of school committees and their communities in school management.<sup>269</sup> USAID has reported that high levels of teacher absenteeism – students in early grades reportedly received only 2-3 hours of teaching per day – high teacher-pupil ratios, and ineffective teaching are important reasons why there is a high level of student repetition- and drop-out rates.<sup>270</sup> The shortage of textbooks is also contributing towards poor learning outcomes,<sup>271</sup> and school distance has been identified as a hindrance to school attendance, particularly during the rainy and cold seasons.<sup>272</sup>

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<sup>261</sup> Government of Malawi, 2008, para. 2.1.

<sup>262</sup> Government of Malawi, 2014, 13.

<sup>263</sup> Office of the United Nations High Commissioner for Human Rights, n.d.

<sup>264</sup> Omoeva & Moussa, 2018.

<sup>265</sup> Norad, 2017c, 21.

<sup>266</sup> Utenriksdepartementet, 2014c.

<sup>267</sup> World Bank, 2015, para. 53.

<sup>268</sup> Government of Malawi, 2008, para. 4.1.3.

<sup>269</sup> Government of Malawi, 2008, para. 4.1.3.

<sup>270</sup> Referenced in World Bank, 2015, Box 4.

<sup>271</sup> World Bank, 2015, paras. 64-65.

<sup>272</sup> Referenced in World Bank, 2015, Box 4.

There are also challenges at household and community levels contributing towards the high drop-out- and repetition rates. At household level, USAID attribute subsistence livelihoods as an important impediment to universal primary education, as children are expected to contribute to household chores and wage earning, and many are absent from school on market days.<sup>273</sup> USAID also found the low educational attainment of parents to be important.<sup>274</sup> At community level, high drop-out- and repetition rates are affected by cultural practices such as initiation ceremonies that disrupt the school terms, community video centres that contribute to absenteeism as children leave school to watch films, and concerns about the safety of especially girls during their commute to school, in particular if the school distance is long.<sup>275</sup>

Equality of access to education for girls is a significant problem in Malawi, with particularly high dropout rates in grades seven and eight.<sup>276</sup> According to interviews conducted by Human Rights Watch, many girls drop out of school due to marriage – as husbands or in-laws do not allow continued schooling – or pregnancy – because they lack money and child care, and because adult classes, evening programs or other flexible solutions are unavailable.<sup>277</sup> The situation for other marginalized groups is also substandard. Many intersex children remain out of school, as they are barred or deterred from school access.<sup>278</sup> Children with disabilities are frequently out-of-school, mainly because of inaccessible school infrastructure and the “one size fits all” curriculum.<sup>279</sup> The Human Rights Committee has expressed concern that Rastafarian children sometimes are denied access to schools.<sup>280</sup> According to Save the Children, school-related costs, such as user-fees, purchasing note books and school uniforms also inhibit poor children’s access to schools.<sup>281</sup> Of the approximately 14 per cent of children who are not in school, a majority live in rural areas, suggesting that there is an inequality in access to education between urban and rural Malawi.<sup>282</sup>

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<sup>273</sup> Referenced in World Bank, 2015, Box 4.

<sup>274</sup> Referenced in World Bank, 2015, Box 4.

<sup>275</sup> Referenced in World Bank, 2015, Box 4.

<sup>276</sup> Government of Malawi, 2014, para. 2.1.3.1.

<sup>277</sup> Human Rights Watch, 2016, 3.

<sup>278</sup> CHRR & CEDEP, 2016, 9.

<sup>279</sup> Republic of Malawi, 2016, para. 147.

<sup>280</sup> UN Human Rights Council, 2015b, para. 64.

<sup>281</sup> Save the Children, 2016, para. 1.1.

<sup>282</sup> Save the Children, 2016, para. 3.1.

Because of the country's high birth-rates, the proportion of new enrolments to primary school are expected to keep increasing, placing further strain on the education system. Achieving cost-effective, sustainable, quality primary education is therefore both an important and formidable task for the international aid community, including Norway.

## 5.2 Norwegian education aid to Malawi

In 2014, Malawi became the first pilot country for the Norwegian government's education efforts that were launched the same year.<sup>283</sup> When this pilot program was launched, the NMFA emphasized that because Norway has cooperated with Malawi on development assistance for 15 years, the country provides a good environment for trying out new methods and partnerships within education.<sup>284</sup> The NMFA also emphasized that they will cooperate with both the Malawian authorities and "other education partners".<sup>285</sup> These partners are not specified, but it would be reasonable to assume that they include all potential partners presented in the *Education for Development* white paper, i.e. including commercial private actors.<sup>286</sup> In 2019, Norway's partners in aid to education in Malawi are two multilateral organizations – UNICEF and the UN Development Programme – and three NGOs.<sup>287</sup> Additionally, the NMFA will be channelling almost half of its education aid directly to the Malawian government in 2019, in a project assisting the authorities with implementing the national Education Sector Plan.<sup>288</sup> The grant to this project is earmarked the goals of expanding equitable access to education, improving the quality and relevance of education, and developing the governance and management of education.<sup>289</sup>

In 2019, Norwegian education aid to Malawi does not include cooperation with commercial private actors. The following section will explore whether cooperation with LFPSs could help fulfil the right to primary education in Malawi, and what such a partnership would look like in light of the analysis in Chapter 4 about Norway's policy towards private actors in education.

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<sup>283</sup> Utenriksdepartementet, 2014c.

<sup>284</sup> Utenriksdepartementet, 2014c.

<sup>285</sup> Utenriksdepartementet, 2014c.

<sup>286</sup> See Chapter 4.

<sup>287</sup> See Utenriksdepartementets tilskuddsportal, n.d. d-l.

<sup>288</sup> Utenriksdepartementets tilskuddsportal, n.d. c.

<sup>289</sup> Utenriksdepartementets tilskuddsportal, n.d. c.

### **5.3 From theory to practice: Could LFPSs improve the right to education in Malawi?**

The challenges Malawi's primary school sector is currently facing would in theory make the country fertile ground for the growth of LFPSs. As we have seen, the mushrooming of these schools in neighbouring countries can be attributed to inadequate public school systems, in particular the shortage of public schools in rural areas and urban slums, and poor education quality, especially associated with high teacher absenteeism.<sup>290</sup> Yet, unlike many of its neighbouring countries, there is little evidence that Malawi has experienced a growth in LFPSs. According to the Education Implementation Plan, the proportion of private primary schools out of the total number of schools in Malawi has increased from 3.6 per cent in 2006/7 to 8.7 per cent in 2012/13,<sup>291</sup> but online searches do not indicate that LFPSs are part of this trend. I have been in contact with the Norwegian Embassy in Lilongwe, which confirmed that the phenomenon is not known to be widespread in Malawi.<sup>292</sup> However, as the embassy also noted, there is a lack of reliable data on this as LFPSs are often not registered with public authorities.

The following section will therefore be a hypothetical discussion about whether and how the Malawian education sector could benefit from the establishment of LFPSs. The advantage of studying a country where LFPSs have not yet established themselves is that there is no pre-existing bias about the merits of LFPSs in this particular case. It therefore allows us to approach the highly contested issue in relative openness. The basis for the discussion is the literature examined in Chapter 2, and the analysis of Norway's policy position towards private actors in Chapter 4. This will allow us to see how the arguments of the result-based approach and the human rights-centred approach could hypothetically play out when viewed through a donor lens in a specific country context.

#### **5.3.1 Potential benefits**

Out of the central reasons identified above why Malawi suffers from high drop-out rates and poor education quality, there are some key challenges that LFPSs could help overcome. First, two of the central reasons identified by USAID for the low education quality of Malawian education is teacher absenteeism and high teacher-pupil ratios.<sup>293</sup> LFPSs are able to ensure low

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<sup>290</sup> See Chapter 2.

<sup>291</sup> Government of Malawi, 2014, para. 2.1.3.1.

<sup>292</sup> Appendix 1, no. 5.

<sup>293</sup> Referenced in World Bank, 2015, Box 4.

levels of teacher absenteeism because teachers are made directly accountable to parents, children and the school leadership. The commercial nature of LFPSs also allow them to employ more teachers and cap the number of students at a sustainable number. However, it is not entirely clear from existing research whether and how this could be replicated at a nation-wide level. If it is not, it is only benefiting the students able to afford LFPSs and is as such not improving the education system at large. As has already been established, many Malawian children are already excluded from education due to “hidden costs” of public schools – these children will not be able to pay the fees of LFPSs.

Second, if Norwegian public aid actors decided to explore the possibility of funding LFPSs in Malawi, a thorough mapping of unregistered schools should be conducted. If LFPSs were identified, there would be a benefit in establishing a cooperative policy towards these schools, as their closure would put further strain on a public school sector already struggling to keep up with increasing enrolments. Encouraging the growth of private education could also have a positive impact on the Malawian primary education sector. Because of the low quality of public education, many financially-abled parents may be inclined to send their children to private schools – as has been demonstrated in other countries in SSA – something that would decrease the pressure upon public schools and enable the government to increase per student expenditure. Whilst it may be harmful from an equity point of view to rely on some parents paying for their children’s education, it would be pro-equity if it results in more children being able to benefit from quality education, whether public or private. If the proliferation of private schools caused the government to decrease its efforts to improve the public education system or if it resulted in increased inequality in access or quality then this is no longer a beneficial policy. It must also be emphasized that this is only a short-term solution, as education must progressively be made free for all children.

Third, distance to schools was cited as an important reason why children, in particular girls, are hindered from attending schools. In Härmä’s research from Lagos, the fact that LFPSs have established themselves in areas where public education options are far away was identified as an important reason why parents chose private schools.<sup>294</sup> If LFPSs were to be identified in areas currently underserved by the public sector, there would be a benefit in providing subsidies or cash-transfers to ensure that all children in these areas can attend schools closer to home.

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<sup>294</sup> Härmä, 2013, 561.

This could improve the ratio of particularly girls and children living in rural areas finishing primary school, which is a major issue.

Fourth, the concern about aid to education being inhibited by corruption, lack of transparency, and poor monitoring was argued by Walford and Dixon to be an important reason why international donors should cooperate with LFPSs.<sup>295</sup> Malawi has been plagued with financial mismanagement in the past,<sup>296</sup> and currently scores 32/100 on the Corruption Perceptions Index from 2018, with zero being highly corrupt and 100 being very clean.<sup>297</sup> In the past, Malawi has experienced that financial mismanagement and corruption have triggered a drop in development assistance.<sup>298</sup> This remains such a relevant concern that the Malawian authorities have provided a “medium funding scenario” of their Education Implementation Plan that takes into consideration the possibility that donor states reduce their support in response to financial mismanagement by the Malawian government.<sup>299</sup> By cooperating with private actors like LFPSs, it is possible that education funds would be utilized more effectively than they would be by government actors.

Finally, it would be possible to make use of knowledge and innovation from LFPSs through PPPs. According to Bridge Academies’ website, they can for example provide education technologies, operational support, digital teacher guides and instruction materials.<sup>300</sup> This could in particular help solve the challenges related to shortage of textbooks, low quality of education, and teacher absenteeism.

Whilst this section has demonstrated some potential benefits related to cooperating with LFPSs, it is important to keep in mind that many of Malawi’s education challenges are rooted in factors that are outside the scope and control of both individual schools and the education sector at large. Impediments associated with e.g. cultural practices and family livelihoods require holistic policy planning, something that must take place at government or community level.

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<sup>295</sup> Walford, 2015, 318; Dixon, 2012, 202.

<sup>296</sup> Government of Malawi, 2014, para. 4.1.

<sup>297</sup> Transparency International, 2018.

<sup>298</sup> Norad, 2017c, 14.

<sup>299</sup> Government of Malawi, 2014, chapter 4.

<sup>300</sup> Bridge International Academies, n.d e.

### 5.3.2 The perspective from Oslo

Having identified that LFPSs may present some benefits to education in Malawi, the question remains how this could influence Norwegian development cooperation with Malawi in the area of education in light of the main findings from Chapter 4. The three central themes that define Norway's education aid policy towards private actors will be explored, before providing some concluding thoughts.

#### 5.3.2.1 *Human-rights based approach to development cooperation*

Because there is no research on the impact of LFPSs in Malawi, cooperation with LFPSs would have to be closely monitored in order to determine the human rights impact of such a partnership. Based on research from other countries in the region, the NMFA would have to pay particular attention to whether the poorest and most marginalized groups benefit from cooperation. If private education providers were encouraged to open schools, the NMFA would have to make sure that the resources that are made available by the decreasing number of students in public schools are used to improve educational opportunities for poor and marginalized children. It would also have to ensure that LFPSs did not become the only available option to children in the lowest income families, and that poor families do not feel forced to prioritize private education school fees at the expense of their move out of poverty. In the case that LFPSs are operating in areas underserved by the public sector, the NMFA could provide cash transfers or targeted vouchers to increase equity in access. The NMFA would also have to pay attention to the teachers' working conditions, as these have reportedly been substandard in other countries.<sup>301</sup>

This exercise would be both time-consuming and challenging, and it exposes Norway to critique by both international organizations like the UN and NGOs that are already deeply sceptical of LFPSs. Yet, if it successfully improves overall access to and quality of primary education, it would be in line with Norway's aid to education policy, although only as a short-term solution as primary education must progressively be made free and available to all.

#### 5.3.2.2 *Strengthening the state*

The importance the NMFA places on strengthening the state and ensuring sustainability of aid efforts is evident in their choice to channel aid directly to the Malawian government. The Malawian government takes the education challenge very seriously, and the president has made

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<sup>301</sup> EI & KNUT, 2016, 26-29.

education a prioritized policy area.<sup>302</sup> However, this does not preclude cooperation with LFPSs. Strategic partnerships with relevant actors have been identified by the NMFA as an efficient way of improving education systems, as discussed above in relation to PPPs in particular. In Malawi's Education Sector Plan for 2008 to 2017, the Malawian government recognizes the need for "optimizing" the participation of the private sector in order to improve access to and equity in primary education.<sup>303</sup> Whilst it is not made clear what "optimizing" would entail, it is possible to envision a partnership with schools like BIA, where the Malawian public education sector could benefit from innovative technologies, research, insight and consultancy on how to improve the education sector.

It is theoretically possible to support LFPSs that operate schools, in particular to improve access in rural areas or other communities where children face education exclusion for a variety of reasons. However, this is subject to serious regulatory challenges, even if only as a short-term solution. According to an assessment letter from the IMF, Malawi displays some of the characteristics of a fragile state, in particular in terms of how their governance institutions function.<sup>304</sup> As was discussed in Chapter 4, there are particular challenges associated with regulating the private market in fragile states with weak institutions, as it runs the risk of creating a flourishing and unregulated private education market, even if originally meant as a temporary solution. Norwegian support for LFPSs should therefore be combined with support to improve the state's ability to regulate private actors. In light of the difficulties associated with this, recognized by all of the interview objects in Chapter 4, the benefits of LFPSs would likely have to be significant. This is discussed in more detail below.

### 5.3.2.3 *Achieving results in a cost-efficient manner*

Finally, in order to achieve results – quality of and access to primary education – in a cost-efficient manner, the NMFA is open to enter into partnership with actors that have comparative strengths in the field. Chapter 4 demonstrated that Norad is unconvinced LFPSs provide higher quality education. However, this was only discussed in the context of operating schools and not in terms of knowledge-sharing and the provision of technological solutions. If LFPSs' like BIA can offer management systems, consultancy, teaching guides or instruction materials that would increase teacher accountability and quality of teaching, this could help improve the education

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<sup>302</sup> Utenriksdepartementet, 2014c.

<sup>303</sup> Government of Malawi, 2008, 12.

<sup>304</sup> IMF, 2017, para. 2.

system. Such services would have to be quality-checked against national standards and regulations, but this would require less oversight than if LFPSs were operating schools. However, it is not entirely clear from existing research whether BIA have “comparative strengths” in Malawi, or if the NMFA or one of its current partners in the country have expertise that would prove equally or more effective. In terms of improving access, it would initially seem that partnering with LFPSs in Malawi would not provide significant results: LFPSs are – to the best of my knowledge – not currently providing learning opportunities for Malawian children, thus the potential benefits associated with funding and subsidising LFPSs as a temporary solution diminishes.

If the NMFA were to encourage the establishment of LFPSs in Malawi more generally, this could improve overall quality of and access to education. Even though these schools are not associated with better quality teaching by Norad, their proliferation could help decrease teacher-pupil ratios in public schools and relieve some of the pressure on public school budgets if relatively wealthy parents choose to send their children to LFPSs. LFPSs could be encouraged to establish schools in areas underserved by the public education sector, and the NMFA could help ensure equity in access by providing vouchers and cash transfers for those who would not otherwise be able to attend these schools. Such a policy would require thorough regulation, the difficulties of which have already been discussed, and monitoring to ensure that the flourishing of private schools do not increase inequality, as considered in section 5.3.2.1 above.

There is also a potential benefit related to cooperating with non-government actors, such as LFPSs, to the extent that it reduces the opportunity for corruption. However, the difficulty with regulating private actors, and the influence they may assert on the government, means it may prove difficult to trace whether funding of LFPSs actually reaches the schools, teachers and pupils it intended. It is also inherent in the commercial nature of LFPSs, that some of the profit is taken out instead of invested in improved education. Ultimately, whilst cooperating with the Malawian government creates a real risk that aid funds are inhibited by corruption, it may be easier to cooperate with a familiar partner with which the NMFA has experience with anti-corruption efforts as long as these appear to work.

### 5.3.3 Good and efficient policy practice?

This chapter sought to identify whether the merits of LFPSs could improve the right to primary education in Malawi, and how this could shape Norwegian aid to education in Malawi. The

primary advantages of LFPSs identified by their proponents is that these schools increase *de facto* access to and quality of primary education in the countries concerned. Even if they are not able to achieve a “perfectly just society”, they may be part of the solution to ensure universal education for all and the achievement of SDG4.<sup>305</sup> The fact that LFPSs can only be *part of* the solution was highlighted in the example of Malawi, where we have seen that many of the impediments to achieve universal primary education are outside both the scope and control of LFPSs. This short discussion of the merits of LFPSs in achieving universal primary education in Malawi, viewed through the lens of Norwegian aid policy, has also demonstrated that whilst LFPSs can indeed help fulfil the right to education, the arguments of the result-based approach are not straightforward and it is not obvious that international donors like Norway should channel aid through LFPSs.

First, it must be emphasized that there are potentially great benefits associated with encouraging the establishment of a private education market in Malawi. Whilst private education does not provide the ideal or most equitable solution to the issue, it can form part of a temporary solution that helps improve a desperate *status quo* if it ensures that the poorest, most vulnerable and marginalized children receive quality education. However, the challenges associated with regulating the private market in a fragile state like Malawi are discouraging, and so are the possibilities that the establishment of a private school market has unintended and adverse human rights consequences.

Second, because LFPSs are not currently operating in Malawi, the short-term benefits of partnering with existing schools as a temporary solution disappears. The temporary funding of already established LFPSs is possibly the most relevant type of partnership for the NMFA, as this is a cost-effective method for improving education access as a temporary solution whilst the public education sector is strengthened. The discussion might therefore have unfolded differently if it had considered other partner countries for the NMFA, such as Ethiopia and Nepal, which have seen the establishment of LFPSs.<sup>306</sup>

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<sup>305</sup> Tooley, 2013, 451.

<sup>306</sup> See *inter alia* Bhatta & Pherali, 2017 and Dinka, 2014.

Third, the argument presented by the result-based approach that because public education is of relatively poor quality in SSA there is a need to look outside the public sector, has been challenged. Although the situation for primary education is still far from optimal, the Malawian government has demonstrated great success in progressively improving the right to education. Although engaging in new and innovative partnerships with the private sector may provide results faster, the NMFA's choice to channel aid directly to the Malawian authorities encourages the continuation of these efforts, which will likely prove more sustainable in the long-term.

In conclusion, this short study of Malawi has demonstrated that even though the Norwegian government is open to new methods and partnerships within education, the benefits associated with cooperating with LFPSs do not at the moment appear sufficiently valuable or appropriate for Norwegian aid to Malawi. This particular case study can therefore not be used to critique the fact that the lack of a political decision is inhibiting Norad from engaging in cooperation with LFPSs. However, it must be emphasized that the context for this conclusion may change – in particular if LFPSs are found to be operating in Malawi. Moreover, a case study of one of the NMFA's other partner countries – Ethiopia, South-Sudan and Nepal – might have provided different results that would challenge the NMFA's lack of a clear policy towards LFPSs to a greater degree.

## **6 Conclusion**

This thesis set out to explore the phenomenon of low-fee private schools through the following research question: *What is the role of low-fee private schools in achieving the right to education?* This is a question that has become subject to intense debates – both academically and at international fora – in light of evidence that LFPSs have mushroomed all over sub-Saharan Africa in particular, in countries where states have failed to provide adequate primary education for all. Whilst international human rights treaties do not proscribe private actors like LFPSs in delivering education, there is a profound concern that LFPSs are weakening the right to education rather than strengthening it. The conclusion for this thesis is that although LFPSs do not provide a perfect solution to the complex issue of achieving universal primary education, they may provide advantages that could be exploited by governments and donors alike. However, the politicized nature of the debate, and the lack of firm evidence, is currently inhibiting their support from donors like Norway.

At the heart of the debate are the critics of LFPSs – or the human rights-centred approach as it has here been labelled. These are concerned about evidence suggesting that the commercial nature of LFPSs is reinforcing existing educational divides, as their fees deter the most marginalized from attending the schools. They argue that the only solution to ensuring equity in quality of and access to education is to strengthen public education, something that is deprioritized in countries that experience a growth in private schools. The proponents of LFPSs – or the result-based approach – on the other hand, argue that LFPSs increase *de facto* access to and quality of primary education. This approach is not opposed to human rights, but it takes a more pragmatic view of how universal primary education is achieved and argue that their goal is not to achieve a perfectly just society, rather it is to improve the desperate status quo.

In order to answer the research question, the thesis sought out to study how a key international donor to education, Norway, regard the right to education and specifically the role of LFPSs in achieving this right. Through document studies and interviews, my research found that LFPSs are not directly addressed in neither policy documents nor statements. I found this surprising as Norwegian public aid authorities are indirectly funding these contested schools that have become subject to heated debates at international fora where Norway is an active participant. An analysis of current aid policy demonstrated that whilst cooperation with LFPSs is theoretically possible, Norway's view of education and the role of private actors more generally impact potential partnership with LFPSs. Three overarching themes were identified as particularly significant in this regard: (1) aid efforts must be human rights-based; (2) education efforts must strengthen the state's ability to deliver quality education; and (3) Norwegian aid must achieve documentable results in a cost-efficient manner.

The analysis demonstrated that Norway is an interesting case study as its policies fall in-between the two identified camps in the debate on the merits of LFPSs. Because the NMFA views education as a government responsibility and places great emphasis on the human rights impact of aid policies, Norwegian public aid authorities are predisposed to cooperate with public education actors. Yet, the NMFA remains open to cooperate with private actors if this is considered a cost-effective method for achieving results, something that distinguishes their policy from the one presented by the civil society organizations interviewed. That the NMFA takes a less ideological stance in the debate compared to these organizations was not surprising: As a public ministry that has to report results to ensure continued support for large aid budgets, the NMFA

must be open to potentially advantageous partnerships. As such, Norwegian public aid authorities take the arguments of the result-based approach seriously. What differentiates Norwegian public aid authorities' view of LFPSs from that of the result-based approach is primarily that Norway has not been convinced by the evidence exhibiting the merits of LFPSs and is concerned about their impact.

In order to demonstrate the implications of Norwegian public aid authorities' policy, the study made a hypothetical discussion about the potential merits of LFPSs in achieving the right to education in Malawi. This discussion found that even though the Malawian education sector is confronted with massive challenges that could to some extent be improved by cooperating with LFPSs, the overall benefits appear marginal. The example did therefore not indicate that the NMFA could deliver aid more effectively if a political decision was taken that approved of partnerships with LFPSs. However, it must be emphasized that Malawi is only one of four focus countries for Norwegian education aid, and the results might prove different in another country, in particular if LFPSs are already operating there. This is something that future research could investigate.

Although LFPSs do not provide a faultless formula to achieve universal primary education, they may provide advantages that could be exploited by governments and donors alike, even if this has not been argued to be the case in Malawi, at least for Norway. Yet, this thesis has demonstrated that the role of LFPSs in achieving the right to education has become ideologically-driven resulting in a politicized debate where it is difficult to evaluate the actual evidence. I would like to see the two factions of the debate engage more with each other's arguments. In particular, the human rights-centred approach appears unwilling or unable to recognize how the international aid community can help correct some of the adverse human rights impacts of LFPSs, such as by providing targeted voucher systems or supporting the regulation of the private sector, in order to make strategic use of the benefits of LFPSs in appropriate situations. The result-based approach on the other hand must recognize the shortcomings of current evidence, and the difficulties associated with encouraging a flourishing private market.

Based on this study, I believe the future role of LFPSs in fulfilling the right to education will to a large extent be decided at political level. I would predict that Norway ultimately decides to not cooperate with commercial private education operators like LFPSs, both because of the human rights community's scepticism of these schools, and the fact that the public provision of

education is deeply rooted in domestic Norwegian education policies. As a key actor on the education aid scene, this could have consequences far beyond Norwegian aid delivery, in particular if Norwegian public aid authorities choose to take a stand at the World Bank, and put the issue on the agenda. This may profoundly influence how aid to education is delivered leading up to the deadline for Agenda 2030, and the goal to achieve universal quality primary education.

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## Appendix I: List of informants

<b>Number</b>	<b>Position</b>	<b>Time and place</b>
1	Anonymous. Representative from Norad involved in management of foreign aid to education.	05.04.2019, Oslo.
2	Global Lead, Education in Emergencies, Plan International.	08.04.2019, Oslo.
3	Senior Advocacy Advisor, Save the Children Norway.	09.04.2019, Oslo.
4	Senior Advisors Union of Education Norway	10.04.2019, Oslo.
5	Intern Royal Norwegian Embassy in Lilongwe	April 2019, e-mail correspondence.

## **Appendix II: Interview guide**

### Introduction

Introduce myself with name, university and master program. Introduce the objective of the interview and the thesis.

Present template for informed consent for processing personal data. Inform about right to cancel interview and withdraw from study.

Ask if I can record the interview, to be used for transcription to supplement personal notes.

### Background

Can you please tell me about your position and what tasks you have?

Do you work with aid to education and/or sub-Saharan Africa? If so, how?

Can you briefly describe the main objectives of your organization's/institution's/department's work with education?

Can you explain how you work to reach these objectives?

### General questions

Is the right to education important in your work? How?

What is the importance of human rights for the development of aid to education policies for your organization/institution/department?

- What is the background for this stance?
- Has the stance changed or developed over time?

Is there a concern about which actors deliver education in your organization/institution/department?

- To what extent is this concern based on international human rights?

How does your organization/institution/department view the role of private education providers in fulfilling the right to education?

- In particular, how do you perceive the role of low-fee private schools?
- What is the background for this stance?
- Has the stance changed or developed over time?

Have you experienced that private education providers, in particular low-fee private schools, have been used or considered as recipients of aid to education?

- If so, please elaborate on when, where and how it happened
- To what degree did the right to education underpin this discussion/decision?

How does your organization/institution/department view DfID's decision to include support for low-fee private schools in its education aid?

Specific question for civil society organizations

How does your organization/institution/department assess Norway's policy towards low-fee private schools?

Ending the interview

- Is there anything you would like to add?
- If there is anything I need to clarify?
- Can I contact you by phone/e-mail?