

Advocacy Brief

Private Engagement in Education in Emergencies: Rights and Regulations



Inter-agency
Network for Education
in Emergencies

Acknowledgements:

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About:

The Inter-agency Network for Education in Emergencies (INEE) is an open, global network of members working together within a humanitarian and development framework to ensure that all individuals have the right to a quality, safe, relevant, and equitable education. INEE's work is founded on the fundamental right to education. To learn more, please visit www.inee.org

THE CHALLENGE

Efforts to secure inclusive and equitable education for all have prompted calls for greater engagement by the private sector, asserting that businesses and foundations can play significant roles as partners in achieving Sustainable Development Goal 4 (SDG4).

In recent years, given shortfalls in public financing and the need for urgent responses, private actors have increasingly become involved in various aspects of educational programming for education in emergencies (EiE). This arrangement, however, can produce tensions between private engagement and humanitarian response in education, which need to be addressed and in turn require extra coordination, advocacy and attention. This brief explores some of these tensions and makes recommendations to support the prioritization of safe, equitable, and quality public education for all children and young people affected by crises.

INEE supports every young person's right to education and recognizes the State as the primary duty-bearer of schooling, in alignment with international declarations, frameworks, and legal instruments that assert and protect the right to education (see box on legal instruments that protect the right to education).

Legal instruments that protect the right to education

These include the Universal Declaration of Human Rights (1948), Fourth Geneva Convention (1949), the Convention Relating to the Status of Refugees (1951), the UNESCO Convention against Discrimination in Education (1960), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention on the Rights of the Child (1989), the Jomtien Declaration (1990), the World Education Forum Framework for Action (2000), the Millennium Development Goals (2000), the Convention on the Rights of Persons with Disabilities (2006), the UN General Assembly Resolution on the Right to Education in Emergency Situations (2010), and the 2030 Sustainable Development Goals (2015), and the Abidjan Principles (2019), in addition to numerous regional human rights treaties and national legal commitments.

INEE also acknowledges the growing role of private actors in education, in both development and humanitarian contexts, and seeks to ensure private sector engagement upholds equity, quality, and rights in education.

Various non-state actors play a central role in education in emergencies. For instance, non-governmental organizations (NGOs) frequently act as funders and implementers of education programs in contexts of crisis, often supporting state-driven activities. Given the debates associated with the specific roles and activities of actors seeking to profit from interventions in education, this advocacy brief focuses on the particular area of for-profit actors and the various forms of their engagement, while also recognizing the limitations in scope and the complexity of partnership arrangements among public and private entities.

The unique interplay between for-profit actors and EiE elicits particular tensions: between the urgent needs that might be met more efficiently by the private sector (e.g. financing, innovation), according to popular perception, on the one hand, and the rights-based concerns about ensuring equity and access, and preventing exploitation on the other. For example, as the world grapples with the impact of COVID-19 on education and related school closures, the private sector has taken on a prominent role in enabling virtual learning and supplying educational technology. This critical moment, therefore, is spurring the need for a clearer understanding of issues relating to the engagement of for-profit actors in education in times of crisis, and ways of addressing tensions that may arise from this engagement. The box below summarizes seven key recommendations to governments, donors and non-governmental actors working in the field of EiE for ensuring effective private sector participation, based on the analysis conducted for this brief.

Key Recommendations for Private Sector Participation in EiE

- **Prioritize the “do no harm” principle of humanitarianism.** All private sector activities in EiE must adhere to the “do no harm” principle and ensure the educational rights of affected populations.
- **Prioritize the participation of affected communities.** Without active community input, business-supported interventions risk decontextualized design and implementation that are misaligned with local interests and knowledge systems, leading to poor educational results and potentially discriminatory practices that produce, sustain, or exacerbate conflict.
- **Support the long-term sustainability of public education.** Effective private sector involvement in EiE requires a sustained and ongoing commitment to public education.
- **Regulate private sector activities.** Private actors involved in education in emergencies must be regulated by the State and held to the same accountability principles as other non-governmental actors and state agencies/entities, in line with legally binding international human rights standards to ensure quality, equity, and access, especially with regard to learners and families affected by crisis.
- **Promote transparency in profit-seeking activities.** Transparency regarding conditions of funding and profit-seeking activities, such as creating new markets for products, brand association and product testing, may help to identify conflicts of interest that counter the “do no harm” principle.
- **Ensure that private funding to EiE is transparent, equitable, and harmonized.** Private financing for EiE must not undermine the responsibility of the State to provide free quality education to all children and young people.
- **Develop specific guidance on private participation in EiE.** Given the unique issues relating to private sector participation in EiE, an addition to the Abidjan Principles (see below) that directly addresses these issues would help clarify expectations for State and private sector responses and intervention in such situations.

FRAMING THE ISSUES

Framing the unique relationship between private sector activities and education in emergency contexts requires a close examination of key principles deriving from legal standards. These include the global conventions on the rights of the child and refugees as well as international humanitarian law, rights-based development frameworks such as SDG4, and guiding principles on education in emergency contexts, such as the INEE Minimum Standards. Together these establish the role of the State in education in emergencies.

The [Abidjan Principles](#) (see box below) outline the human rights obligations of governments to both provide public education to all within their jurisdiction while also upholding regulatory frameworks for private engagement.

The Abidjan Principles (2019)

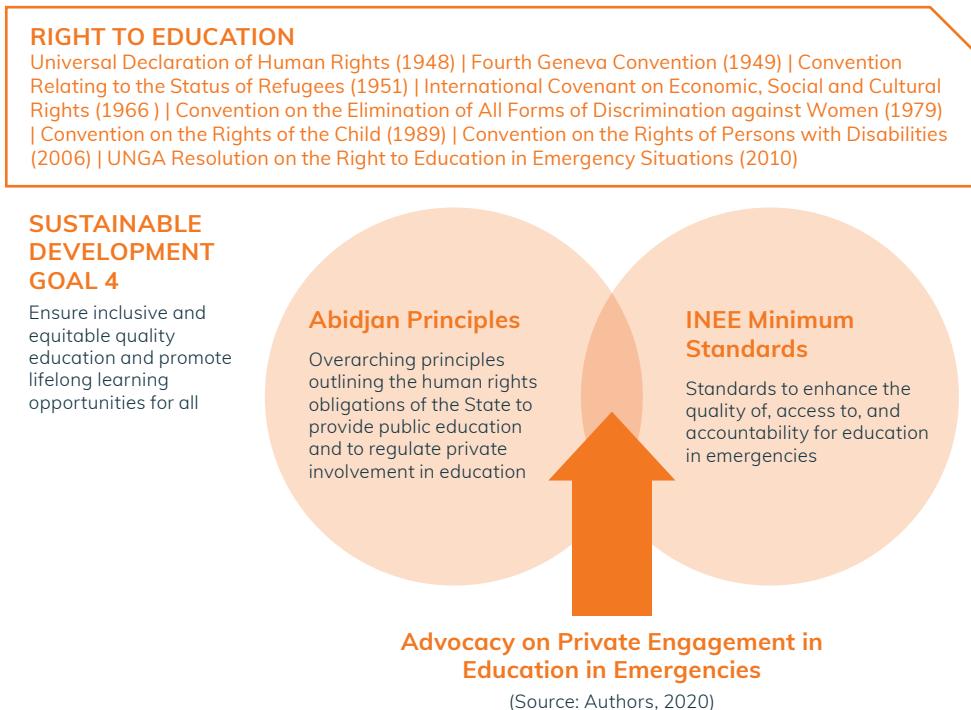
The Abidjan Principles not only define the human rights obligations of governments to provide public education and to regulate private sector involvement in education they also provide guidance on how governments can ensure and be held accountable for upholding the right to education in the context of increased privatization of schooling. The Abidjan Principles include 10 Overarching Principles and 97 Guiding Principles, grounded in international human rights law, clarifying that governments must not permit the establishment of private schools that “[infringe on either the right to free, equitable, and inclusive education for all, or the rights to equality and non-discrimination](#).” The Abidjan Principles apply to all countries, including those experiencing crisis.

The Abidjan Principles rest on the right to free, public and equitable education of the highest possible quality, where governments and international assistance prioritize adequate funding of, and provision through, public education institutions. Although countries must respect the rights of parents to choose a non-public education option for their children, this liberty is not absolute and can be subject to limitations (see the 2015 UN Special Rapporteur’s [Report A/HRC/29/30 on Protecting the Right to Education against Commercialization](#) and Overarching Principle 3 of the Abidjan Principles). When parents do seek private options, governments must adequately monitor and regulate private providers to ensure that all institutions comply with practices that uphold human rights principles relating to quality, access, and equity, and seek to sustain a strong, public education system that ensures the right to education for all. Moreover, the Abidjan Principles stipulate: “The right to education must be guaranteed even in times of public emergency and armed conflict” aligning with legal instruments such as the [Convention on the Rights of the Child](#) and the [Fourth Geneva Convention](#), which specify that refugees and people living in crisis situations have a legal right to education.

Furthermore, private sector engagement during emergencies is required to adhere to principles of humanitarian action. [The INEE Minimum Standards for Education](#) note that education takes on new urgency and relevance in emergency settings. In addition to maintaining academic learning, schools may need to provide safe spaces and physical protection for children and young people, including from various risks and forms of exploitation. Educational settings may also mitigate the impact of trauma. The Minimum Standards establish the foundational principles of community participation, coordination, access, equity, quality, and the protection and well-being of both educators and learners in crisis contexts. The Minimum Standards also advocate for the protection of learners and affected populations, as well as the key humanitarian principle: do no harm. This includes the unintended consequences of interventions, such as introducing resources to particular environments that could induce or exacerbate conflict. Doing no harm means safeguarding “freedom from all forms of physical, emotional and social threat, abuse, exploitation and violence.” (INEE,2010, p.62; Anderson, 1999).

While the Abidjan Principles clarify the human rights obligations of governments to provide public education and regulate private actors' involvement in education more generally, guidance on the role of private actors in emergency situations is less clear. Further extrapolation of the Abidjan Principles is needed so that they align with the INEE Minimum Standards. Addressing this unique intersection is critical to advocating for the broader right to education and achieving SDG 4 (Figure 1).

Figure 1: Framework for Advocacy on Private Engagement in Education in Emergencies



DEFINING PRIVATE SECTOR ENGAGEMENT IN EMERGENCY CONTEXTS

Although this brief limits its discussion to for-profit entities, it must be noted that the private sector includes a wide diversity of actors and organizations, in addition to a range of different forms of engagement. This diversity complicates defining and understanding the roles and impacts of private participation in education, including in emergency response contexts. In recognizing the intricate and often contentious understanding of private sector engagement, this brief focuses on key areas that have the greatest impact on education in emergencies.

Private or non-state entities by definition include any actor or organization that is not a government entity, including those considered both for-profit and nonprofit.¹

In education, non-profit non-state engagement is widespread, including civil society organizations, religious actors, non-governmental organizations (NGOs), families, and community-based actors (see Archer (2016) for a tentative typology of 11 types of non-state educational provision). Local and international NGOs play particularly significant roles in education in emergencies, contributing to service provision, research, advocacy, and policy development. Foundations, which are often defined as non-profit, operate in several spheres of education, such as funding, grant-making, innovation, and other areas. Some foundations are corporate affiliated, and although considered distinct from their associated company, they are established using business profits and arguably offer indirect contributions to the company's fiscal success through, for example, positive brand association, marketing, linkages to business activities, and policy-level engagement.

For-profit organizations and forms of engagement include fee-based private school providers, direct business activities (for instance, educational technology companies, the testing and assessment industry), and corporate social responsibility (CSR) programs. Though not directly profit-accruing, CSR programs are financed through a business's general operating budget and promote a range of activities in social sectors that indirectly contribute to the business.

Private actors and organizations in education in emergencies largely operate through partnerships. According to recent research, businesses and foundations in particular rely heavily on state and non-state partners, including international actors

¹ The terms private and non-state are used interchangeably in this brief. We differentiate between for-profit and non-profit entities, recognizing that these distinctions are complex, particularly where activities that are not directly profit accruing might indirectly contribute to profit-oriented goals.

(INGOs, UN agencies) for expert knowledge and experience in the EiE sector, as well as on local NGOs as implementers of activities. Public-private partnerships, where private schools are publicly funded, are common in both development and humanitarian contexts. Although publicly-funded private schools can also operate under subsidy frameworks and not only under partnership arrangements.

Global partnerships which fund education in emergencies, such as the [Global Partnership for Education](#) and [Education Cannot Wait](#), include both public and private actors as key stakeholders. This partnership-based environment means that when both state and non-state organizations partner with for-profit actors, they must, must be mindful of both the opportunities and the risks that might arise through these arrangements.

Private actors and organizations engage in education in a variety of ways. These can be broadly categorized as: financing; provision of goods and services; policy making; knowledge generation and innovation; and advocacy. Each of these areas includes specific activities relating to emergency contexts (Table 1).

Table 1: Forms of Engagement in Education in Emergencies by For-Profit Entities

Form of Engagement	Types of For-Profit Entities Involved ²	Examples of Activities in Education in Emergencies
Financing	<ul style="list-style-type: none"> • Global finance/aid to education • Corporate social responsibility programs • Business financing • Foundation grant-making, funding • Tuition and non-tuition (e.g. uniforms) payments for schooling • Investments 	<ul style="list-style-type: none"> • Corporate foundations • Companies • Private benefactors <ul style="list-style-type: none"> • Rapid response aid to EiE • Funding private school operators when public system is unsafe/decimated
Provision	<ul style="list-style-type: none"> • Core education services, school provision • Learning materials (e.g. technology, textbooks) • Supplementary core education services (tutoring) • Non-core services (e.g. infrastructure, food services) 	<ul style="list-style-type: none"> • Fee-charging private school operators (large chains and single schools) • Non-fee charging schools run by private providers through PPP mechanisms • Private tutors • EdTech producers • Companies providing food services; construction <ul style="list-style-type: none"> • Low-cost private schools established where public schools decimated • Post-disaster reconstruction of school infrastructure • Dissemination of educational technology for refugee and mobile populations

² Corporate foundations are included here because, although distinct from their associated companies, they are established using business profits and contribute indirectly to their company's fiscal success.

Form of Engagement	Types of For-Profit Entities Involved ²	Examples of Activities in Education in Emergencies	
Policy Making	<ul style="list-style-type: none"> • Global governance bodies • Policy working groups • Local education groups • Business coalitions 	<ul style="list-style-type: none"> • Global businesses, global corporate foundations • National and regional businesses and foundations 	<ul style="list-style-type: none"> • Private participation in global partnerships which fund EiE (e.g. ECW; GPE) • Coalitions of private actors (e.g. GBC-E) • Local education policy working groups in crisis contexts which include private sector
Knowledge and Innovation	<ul style="list-style-type: none"> • Research • Technology • Innovative pedagogy guidance 	<ul style="list-style-type: none"> • EdTech companies • CSR initiatives • Research institutes, think tanks • Grant-making foundations 	<ul style="list-style-type: none"> • Grant-making for research and innovation • Mobile learning initiatives • Hardware development and distribution to refugees • Software development for virtual learning
Advocacy	<ul style="list-style-type: none"> • Educational rights advocacy • Lobbying • Network activities 	<ul style="list-style-type: none"> • Media • Philanthropists • Business CEOs 	<ul style="list-style-type: none"> • Private engagement in advocacy networks (e.g. INEE) • Media coverage • Business/celebrity activism and awareness raising

Source: Adapted from UNESCO 2021

PRIVATE SECTOR ENGAGEMENT IN EIE: UNPACKING THE ISSUES

Advocates of private sector engagement in education in emergencies have noted a range of opportunities for private entities, including funding, innovation, and other forms of support and action. Yet the involvement of private actors in EiE has elicited heated critiques on several grounds, particularly regarding potential neglect of education rights, obligations, transparency, equity and accountability.

FUNDING FOR EIE

Education in emergencies has remained chronically underfunded and consistently inadequate to the task of reaching those considered most vulnerable in settings of crisis. Although private sources might help fill funding gaps, educational advocates must be mindful of issues relating to sustainability, equity, and the government's responsibilities.

It is clear that humanitarian aid has not sufficiently prioritized education; meanwhile, development donors often neglect to provide financial support sufficient to meet the needs in crisis contexts (GPE, 2015). In 2019, education received just 2.6% of total humanitarian funding (INEE, 2020). To ensure education receives its fair share of total humanitarian aid, this share must increase to a minimum of 4%. In order to reach SDG4 ("to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all"), national governments must allocate at least 4-6% of GDP to education. Yet the majority of low-income countries, particularly those affected by emergency, struggle to mobilize close to this level of domestic financing. In other words, in order to address the educational needs of the 127 million primary and secondary school age children and young people out of school in crisis contexts, the donor community must take stock of this situation and, if possible, match the European Union's commitment to direct 10% of its humanitarian aid to education (INEE, 2020).

As public sector sources—national governments, multilateral agencies, and bilateral donors—have failed to allocate sufficient funds to fulfill the right to education in crisis contexts, several high-profile actors have cited the private sector's role for filling this gap.

Although private actors may support with much needed resources, critics note that such private donors have sometimes entered into education funding agreements with conditions attached that undermine humanitarian aims. Such conditionalities may lead to tensions with national and local program ownership, with the risk that funders are driving decision making and neglecting the needs and views of affected communities in favor of what benefits their company.

Private funding can also raise issues concerning equity, conflict, transparency, and sustainability and, importantly, could risk undermining the responsibility of the State to meet its obligations to provide free quality education to all children and young people. Although many emergencies require short-term responses, in the face of protracted crises and in order to truly have an impact on local communities, funding must be sustained and reliable, multi-year and predictable, and whenever possible channeled through government entities. Private actors have been criticized for committing funds in the short term, dependent on seeing short-term results, without longer-term commitments. Furthermore, providing funding to initiatives that benefit particular communities or geographies may serve as conflict drivers by producing or sustaining inequities that are a source of grievance (Novelli & Smith, 2011). While these grievances may also be the result of systemic or State-driven public policy oriented to certain communities, even these may be influenced by direct funding initiatives such as in South Sudan (Novelli et al. 2016).

FLEXIBILITY AND SPEED IN RESPONSE

Providing education in emergency contexts requires a response that combines both urgent action and flexibility; only then can continued learning during and immediately after crises be ensured. Although for-profit actors might fill immediate gaps, tensions can arise when the rush to become involved results in poorly coordinated, decontextualized interventions that undermine the principles of community participation and sensitivity to conflict, and fail to establish a clear exit strategy.

Global education development support has been widely criticized as being poorly suited for rapidly reaching those in crisis contexts. Typically, development aid requires national governments to display good performance before they can receive funding approval, thus demanding a degree of stability not feasible for many countries in crisis. And due to the slow, bureaucratic, and rigid processes characteristic of much traditional development aid, those living in emergency situations have historically not received adequate support in a timely way, or with the flexibility to address sudden needs. Overall, the proportion of humanitarian aid allocated to education remains very low (UNESCO, 2019). These shortcomings of traditional support to education have elicited widespread agreement that crisis contexts require far more rapid and agile financing along with speedier implementation procedures. A good example would be the Education Cannot Wait fund, which has introduced both immediate and multi-year funding mechanisms to better respond to such situations.

Some international actors have noted that the private sector is especially adept at filling funding and programmatic needs through more flexible and quick responses (Brown, 2015; ODI, 2016). While some countries may be stable enough to respond to urgent educational needs, most governments in crisis environments are too unstable, and their resources far too stretched to respond adequately. In such cases, when the public sector cannot meet immediate needs in the short term, non-state actors, including both local and global NGOs as well as the private sector, often step in.

Yet these faster and more flexible responses may result in a problematic trade-off. According to the INEE Minimum Standards, effective EiE response depends on contextualized and coordinated expertise and knowledge derived from deep consultation with local communities. Privately initiated rapid responses risk inhibiting such consultations and participation, resulting in poorly informed programs and decontextualized interventions that may serve to exacerbate conflict. Thus, while the private sector might fill temporary financing gaps, sustained State-funded education must remain a priority in long-term planning.

Coordination through recognized mechanisms; vital for ensuring access to quality education during crisis, is an INEE-recognized foundational standard. Historically, responses to education in emergencies have been plagued by poor coordination. The involvement of private sector programs and activities may only exacerbate problems because they come from outside the recognized coordination system. Without taking the time and needed due diligence to coordinate efforts between various actors, private sector responses risk a duplication of efforts (Menashy, 2019; ODI, 2020). They may also fail to establish clear and transparent exit strategies, leaving learners stranded when programs are no longer deemed profitable. Nonetheless, efforts to improve coordination are open to state and non-state actors, including businesses (see box on the Global Business Coalition, GBC-E).

The GBC-E REACT Platform

In 2018, the Global Business Coalition for Education (GBC-E) launched the REACT platform to mobilise and support corporate involvement in EiE. Described as a “digital meet up”, the online system represents a significant effort to mitigate harmonization issues in EiE by allowing businesses to pledge resources to education projects and brokering partnerships between companies and other non-state actors in real time.

TECHNOLOGY AND INNOVATION

Technology presents a significant way for continuing education and learning in times of crisis. However, concerns arise from too much emphasis on technological fixes at the expense of closer alignment with humanitarian principles in education in emergencies.

As the world has seen through the COVID-19 pandemic, technology presents a way to reach some learners during school closures, making it possible to continue to provide instruction and psychosocial support for those with access. Technology can also offer portability for refugee and migrant populations who are on the move and without consistent access to schools. Technology holds a unique potential in terms of scalability, mass-production and wide distribution, and accessibility for any learner with a mobile device (UNESCO, 2019). However, for millions of children and young people, lack of Internet connectivity places technological solutions out of reach, and they are thus left without instruction, as highlighted by the COVID-19 school closures (UNESCO, 2020).

Many development and humanitarian organizations view educational technologies in both formal and non-formal school settings as holding the potential to engender inclusivity and equity by targeting support to children with disabilities, indigenous language instruction, and girls' education (Save the Children, 2018). Educational technology is also viewed as fostering 21st century skills for young people because it can deliver training in not only basic math and literacy, but also technological know-how and problem solving, often remotely (GBC, 2016; Save the Children, 2018).

The private sector has played many roles in designing, producing, distributing, and monitoring educational technology in times of crisis, including the use of television and radio (Save the Children, 2018). More recently, business actors have produced several technological innovations specifically targeting refugees. Companies have spearheaded online learning and video software for all levels of education. Other private sector virtual educational tools and forums—such as Zoom, Google Classroom, Blackboard—have allowed learners isolated at home to follow a formal curriculum and maintain their studies during the recent pandemic. Yet COVID-19 has also magnified the severity of the digital divide (Marshall & Moore, 2020) and the limitations to online learning (UNESCO, 2020) (see box on the private sector response to COVID-19).

The Private Sector Response to COVID-19

The COVID-19 pandemic has magnified the role of for-profit actors in education, most notably as developers and providers of educational technology that can offer virtual learning on digital platforms during mass school closures. However, private sector engagement in the COVID-19 educational context has raised serious equity concerns due to a deepened digital divide, problematic long-term impacts on educational systems from increased commercialization of education, disregard for student privacy, failing to pay teachers' salaries and exploitative practices through which businesses aim to profit from this global crisis. COVID-19 has shown the rapid pace at which the private sector can mobilize resources to provide educational tools and platforms; but despite urgent educational needs during the pandemic, transparency, access, and equity must be prioritized.

Critics of the private sector's role in EiE have noted that businesses tend to overemphasize the value of technological responses to educational needs in crisis situations, and caution against viewing ed-tech as a panacea or as a replacement of teachers. Moreover, much educational technology is designed and developed in high-income countries, then implemented in very different settings, with limited contextual knowledge and misaligned with local curricula and infrastructure. Finally, researchers have found that often businesses support the development and distribution of technology for EiE with profit-oriented aims (i.e. gaining a market hold for products; brand loyalty; testing products in unregulated environments; and securing contracts from ministries of education). The profit-seeking goals of free distribution are often not transparent and cause for serious concern regarding the privacy and profiling of learners through the collection of private data, biometric use, and marketing. Such profit-seeking activities might present a conflict of interest, poorly aligned with humanitarian principles, including the INEE Minimum Standards (see box below) (Scott-Smith, 2016; Menashy & Zakharia, 2019).

Profiteering from Crisis

The Syria crisis (2011-present) has highlighted how crisis can hasten for-profit engagement in EiE. Since 2015, a surge in business involvement has led to much tension arising from profit-oriented motives associated with establishing a “business case” for engaging in refugee education. Research has found that businesses seek to enhance brand image, gain a market hold, do product testing in unregulated environments, and promote employee participation tied to higher productivity (Menashy & Zakharia, 2017). Humanitarian actors have also raised concerns regarding profit-seeking motives for investing in EiE, signaling ethical tensions linked to capitalizing on disaster. Greater transparency around profit-oriented goals can help address concerns related to exploitation and other conflicts of interest that might undermine the ‘do no harm’ principle at the heart of EiE.

SCHOOL PROVISION THROUGH PUBLIC-PRIVATE PARTNERSHIPS AND LOW-COST PRIVATE SCHOOLS

When public school systems are compromised by crises, public-private partnerships (PPPs) and low-cost private schools may present attractive alternative solutions. However, such private provision options have been associated with a range of issues that require strong regulation and accountability systems to ensure they do not contradict rights-based approaches to education and thereby undermine the legal obligations of governments.

Crises can compromise public school provision and access for many reasons, including public finance shortfalls, teacher shortages, unsafe access to school buildings, destruction of school buildings, and forced displacement. Under these circumstances, private actors may be seen as an attractive solution and be contracted by governments to deliver education. Such public-private partnerships (PPPs) might take the form of public subsidies, vouchers, and private operation of public schools. Low-cost private schools may appeal as a means to improving access. Such schools charge what are considered by some to be minimal fees, often operated by small-scale proprietors but sometimes by larger international chains (RAND, 2015; Verger et al, 2017). However, PPPs in school provision and low-cost private schools have been criticized on several grounds, including their observed negative impact on students, teachers, and public systems more generally (see box on the Liberian Education Advancement Partnership). Governments need to consider social and gender equity when investing public money in such public-private partnerships and uphold their obligations to respect, protect and fulfil the right to education.

The Liberian Education Advancement Partnership

In 2016, the Government of Liberia—a post-conflict, post-epidemic, and economically volatile country—entered into partnerships with several non-state school operators to provide publicly-funded education, including such for-profit commercial chains as Omega Schools and Bridge International Academies. According to many reports and a [recent evaluation](#), Liberia's PPP experience reveals several problematic outcomes of this experiment in outsourcing educational operations to private actors. For example, in a context of little accountability and limited regulation, some privately-operated schools showed [mixed academic results](#), while in others learners faced [corporal punishment](#) and [sexual abuse](#) (Romero, Sandefur & Sandholz, 2020). The Liberian case exposes the shortcomings of PPPs given equity and quality concerns, and highlights the degree to which private actors must be monitored in fragile contexts in order to ensure that educational rights and “do no harm” principles are upheld.

While PPP school provision and low-cost private schools may increase ways for particular populations to access education by charging low or no tuition fees to families, not everyone benefits. Critics cite the [low access rate for marginalized groups](#) due to both formal and informal admission screening, which in fragile contexts exacerbate inequities between more privileged and vulnerable groups, such as ethnic minorities, internally displaced and refugee learners (Afidi, 2018; Shuayb et al, 2014; Verger et al, 2017). Fee-based private schools in EiE might also exacerbate inequities between local and displaced populations, thus contradicting the INEE Minimum Standards of non-discrimination and equity (INEE, 2010, p.110). Furthermore, government support to low-cost private providers potentially contradicts the Abidjan Principles which note that in some cases fee-charging institutions could substantially undermine access to education and discriminate against learners and families through selective admissions (Abidjan Principles, 2019, no.73). Such inequities directly challenge rights-based approaches to education as detailed in the Abidjan Principles, INEE Minimum Standards, and other global declarations, and they may exacerbate grievances or serve as conflict drivers.

PPPs and low-cost private schools have also been found to [adversely impact teachers](#). Many private schools exhibit low levels of teacher unionization, even when funded through public sources. When PPPs have been established post crisis, teachers have sometimes been replaced by non-unionized and often non-accredited and poorly trained teachers (Novelli, 2016). And facing economic shortfalls during COVID-19, some large commercial low-cost school chains have [dismissed teachers without pay](#).

Another concern about PPPs and some low-cost private schools is that they lack accountability and may even contribute to the dismantling of state accountability systems, leading to potentially much poorer quality schooling due to insufficient and inconsistent regulations across schools, particularly in [crisis contexts](#). This weakening of state accountability systems will also exacerbate inequities for learners and the teaching force alike.

School PPPs and low-cost private schools require strong public regulation, yet in contexts of crisis and emergency, public capacity may be too weakened to do this (Dixson, 2015; Jabbar, 2016). For instance, without firm accountability systems in place for EiE, schools might adopt a curriculum that increases discrimination against political or ethnic minorities, whereas the need is for schools that provide security and protection.

Finally, PPPs and low-cost private schools may contribute to the deterioration of fully public education systems because parents cease pressuring for reform and their voices are no longer heard. Private schools even have the potential to reduce state capacity and erode the ability of governments to provide quality education for the long term. And whether inadvertently or intentionally, PPPs and low-cost private schools may exacerbate inequities and access to education by creating an additional tier of schooling (Novelli, 2016). In these different ways, PPPs and low-cost private schools could contradict human rights commitments, humanitarian principles, and the legal obligations of the State to “prioritise the provision of free, public education of the highest attainable quality” and to ensure that private providers do not contribute to any “adverse systemic impact on the enjoyment of the right to education.” (Abidjan Principles, 2019, no.34, no.73f).

CORPORATE INVOLVEMENT IN POLICY MAKING

Corporate actors have taken up increasingly visible roles in the EiE global policy arena. While their participation may advance non-traditional pathways for achieving SDG4, it may also lead to conflicts of interest between profit-oriented and humanitarian aims. Through a consolidation of private interests in EiE, the obligation of national governments to respond to such crises could be undermined.

Nevertheless, the increased participation of corporate actors in policy discussions on EiE is viewed more and more as one way to achieve SDG4, where “strong leadership by business can help unlock the necessary investments to ensure quality learning opportunities for all children and adults.” (SDG Compass, 2017). Business leaders have been prominent participants in high-level education-related events on education in contexts of humanitarian crisis, and have begun to play a significant role in education policy making and funding to education in emergencies.

Private sector participation in EiE policy making rests on claims that businesses have particular expertise in innovative educational design and new ideas on non-traditional funding mechanisms, such as social impact bonds. Various state-funded multilateral actors have vocally embraced corporate actors as policy-level contributors in global education (UNESCO et al, 2013; Brown, 2016). The largest multi-stakeholder partnership in education and a funder to several conflict-affected and fragile states, the Global Partnership for Education, includes a separate constituency seat for the private sector, ensuring that sector’s direct involvement in global education policy. Similarly, the Education Cannot Wait fund also includes businesses in its governance structures (Menashy, 2019).

Critics have raised concerns about the role of business in policy making, citing potential conflicts of interest between the authority granted to non-elected and self-interested private actors and humanitarian aims. In addition, private participation in policy making may compromise democratic decision making in global policy, where those with resources drive policy, as evidenced in the COVID-19 response and elsewhere. Furthermore, the augmenting of private authority in EiE, whereby business actors approach policy interventions through a profit-oriented lens, has raised concerns about the exploitation of vulnerable populations and the undermining of the State through the consolidation of private interests (Zakharia & Menashy, 2020).

CORPORATE INVOLVEMENT IN ADVOCACY

A growing recognition of the need to support education in emergencies has led several high-profile business actors to use their voices in awareness-raising campaigns and media activities. Although such advocacy presents a great opportunity to promote EiE, it also requires long-term commitment to achieve any sustained impact.

The Global Business Coalition for Education (GBC-E) has been a key player in convening members of the private sector to advocate for education in emergencies. Business representatives have been vocal on the issue of education in contexts of crisis at such high-profile events as the World Economic Forum, the World Humanitarian Summit in Istanbul, and the Global Refugee Forum. Beyond attracting media attention and helping to build public awareness of crises, business advocacy might serve as an indirect way to elicit more political attention to the cause of education in emergencies given the recognition and respect bestowed upon business leaders with celebrity status. The private sector might also help secure matched funding by donors.

Critics of high-profile advocacy by business actors, however, point out that short-term business advocacy may not lead to sustained or positive impact in EiE. Furthermore, advocacy that aims to serve self-interest — such as, for instance, improving brand image — is likely to prove ineffective for long-term attention to crisis and, in some instances, even appear opportunistic because it contributes to personal and professional gain.

RECOMMENDATIONS

The ultimate responsibility for safeguarding education in emergencies rests with the State. It includes ensuring provision, financing, coordination, and regulation of education. Any involvement of private actors in EiE must support this legal obligation and contribute to sustaining the right to a safe, equitable, and quality education for all children and young people affected by crisis.

Prioritize the “do no harm” principle of humanitarianism

All private sector activities in EiE must adhere to the “do no harm” principle and ensure the educational rights of affected populations. Businesses that are adequately informed and sensitive to crisis situations may promote equity and protect affected community members from potentially damaging interventions that exploit the vulnerability of those experiencing crisis for financial gain or that produce, sustain, or exacerbate conflict. Exploitation of vulnerable populations directly contravenes humanitarian principles of “do no harm”, and the INEE Minimum Standards which advocate for protection, meaning freedom from exploitative practices.

Prioritize the participation of affected communities

As described above, evidence has shown that the different roles the private sector plays in funding, technology, policy making, and partnerships all risk limiting the participation of affected communities.

But without active community input, business-supported interventions risk decontextualized design and implementation that is misaligned with local interests and knowledge-systems. This, in turn, can lead to poor educational results and potentially discriminatory practices that produce, sustain, or exacerbate conflict. Research has shown that business activities responding to humanitarian crises often tend to promote decontextualized interventions which do not adequately respond to community needs (Lindskov-Jacobsen, 2015); Scott-Smith, 2016). Furthermore, when profit goals drive interventions in education, such activities usually prioritize business interests rather than meeting the needs of affected communities.

The INEE Minimum Standards highlight the importance of context analysis involving “wide consultation with the community.” (INEE, 2010, p.109). However, evidence suggests that businesses rarely conduct such analyses, thus leading to “potentially damaging interventions.” (Novelli, 2016, p.20).

Humanitarian actors have raised concerns about the duration of the commitment of some business actors engaged in education in emergencies. Depending on motivations and nature of support, businesses often do not make long-term commitments to serving in crisis contexts and with affected communities (Menashy & Zakharia, 2017; Scott-Smith, 2016; Sandvik et al, 2014). When interventions either do not produce anticipated profits or media attention wanes, some businesses reduce support: “there are real dangers of private sector investment raising expectations, setting up new governance, institutional structures, and partnerships, and then withdrawing funding when projects do not immediately bear fruit, leaving states without the resources or capacities to pick up the pieces.” (Novelli, 2016, p.18).

Regulate private sector activities

Private actors involved in education in emergencies must be held to the same accountability principles as other non-governmental actors and state entities. For instance, the State must regulate private providers of schooling to ensure quality, equity, and access, especially with regard to learners and families affected by crisis. In emergency settings, implementing regulatory frameworks may be particularly challenging, but governments are still legally bound to hold private actors accountable for their actions.

As outlined in the Abidjan Principles, all educational institutions supported by the State—private and public—must abide by regulatory frameworks that ensure quality, access, and equity in education (Abidjan Principles, 2019, No. 51-63). Regulation may also contribute to ensuring better coordination and non-duplication of efforts, sustainability, and long-term support to the State’s obligation to uphold the right to education.

Promote transparency in profit-seeking activities

Regulations, supported by both governments and international organizations, can also ensure transparency in business activities. Transparency regarding profit-seeking activities goes hand-in-hand with accountability and a strong regulatory framework for education.

For-profit actors should thus be regulated by governments and obliged to disclose conditions of funding and profit-seeking activities, which would help to identify conflicts of interest that counter the “do no harm” principle. Required disclosures should include, for example, intentions to create new markets for products, brand association, and product testing. Routine disclosures should also include any potential impingement on the privacy of learners, the collection of private data, and profiling associated with educational technologies, biometric applications, and marketing to target populations.

Ensure that private funding to EiE is transparent, equitable, and coordinated

The State has the ultimate responsibility to ensure that both the funding and provision of education are adequate, and that financial resources are sufficient for effective and transparent support of education policy, planning, and implementation. When locally available financial, material, and human resources cannot meet education needs, engagement with private actors may be an option, and in some cases even a necessity. However, private financing should not undermine national and local ownership of education programs. Moreover, sustained, predictable funding is needed to make an impact on EiE, whereby emergency private financing is harmonized with longer-term funding arrangements and exit strategies. The INEE Minimum Standards also note that “Emergency financing arrangements should consider national and regional labor market conditions and traditions and avoid setting precedents that cannot be maintained” (INEE, 2010, p.32). Thus private resource mobilization and allocation should be informed by political analysis, to avoid fueling division by producing or sustaining inequities that are a source of grievance (Novelli & Smith, 2011).

Develop specific guidance on private participation in EiE

Given the unique tensions arising from private participation in EiE, an addendum to the Abidjan Principles that directly addresses this issue would help clarify expectations for government responses. Just as in development contexts, countries experiencing crisis must uphold legal obligations to ensure educational rights for all, including those in private schools. However, emergencies often lead to disruptions in economies, state capacities, and infrastructure that make upholding such principles particularly challenging. For instance, international bodies, including bilateral agencies, multilateral funders such as the Global Partnership for Education (GPE), Education Cannot Wait (ECW), and the World Bank along with non-profit, non-governmental organizations (NGOs), might offer assistance to countries experiencing emergencies by targeting support to public schooling. Specific guidance on how countries can respond to private schooling in contexts of emergency would also help strengthen their governments’ ability to meet their obligations. Finally, guidance on resource mobilization in crisis-affected settings might ensure that government obligations are not undermined by private sector funding.

REFERENCES

Abidjan Principles (2019). Guiding principles on the human rights obligations of States to provide public education and to regulate private involvement in education. www.abidjanprinciples.org

Afridi, M. (2018). Equity and quality in an education public-private partnership. London: Oxfam. Accessed: <https://www.oxfam.org/en/research/equity-and-quality-education-public-private-partnership-0>

Anderson, M. (1999). Do No Harm: How Aid Can Support Peace—or War. Boulder: Lynne Rienner Publishers.

Archer, D. (2016). Rights-Based Responses to Non-State Education Provision: A Tentative Typology and some Critical Reflections. Accessed: https://www.ei-ie.org/en/woe_homepage/woe_detail/14926/rights-based-responses-to-non-state-education-provision-a-tentative-typology-and-some-critical-reflections

Brown, G. (2016). Project syndicate: New ways to finance education. Retrieved from <https://www.project-syndicate.org/commentary/new-ways-finance-education-by-gordon-brown-2015-06?barrier=accesspaylog>

Dixson, A. et al (2015). The color of reform: Race, education reform, and charter schools in post-Katrina New Orleans. *Qualitative Inquiry*, 21(3), 288-299.

Global Business Coalition (GBC) (2016). Exploring the Potential of Technology to Deliver Education and Skills to Syrian Refugee Youth. Accessed: <https://gbc-education.org/exploring-the-potential-of-technology-to-deliver-education-skills-to-syrian-refugee-youth/>

Global Partnership for Education (GPE) (2015). A platform for education in crisis and conflict: A GPE issues paper. Accessed: www.globalpartnership.org/content/platform-education-crisis-and-conflict-gpe-issues-paper

Gustafsson-Wright, E., Saavedra, J., & Dews, F. (2020). Can impact bonds help save the global education crisis? Podcast Brookings. Accessed: <https://www.brookings.edu/podcast-episode/can-impact-bonds-help-solve-the-global-education-crisis/>

INEE (2010). Minimum Standards for Education: Preparedness, Response, Recovery. New York: INEE.

INEE (2020). 20 Years of INEE: Achievements and Challenges in Education in Emergencies. New York: INEE.

Jabbar, H. (2016). The visible hand: Markets, politics, and regulation in post-Katrina New Orleans schools. *Harvard Education Review*, 86(1), 1–26.

Lindskov-Jacobsen, K. (2015). Humanitarian Technology: Revisiting the 'do no harm' debate. London: Humanitarian Practice Network, ODI. Accessed: <https://odihpn.org/blog/humanitarian-technology-revisiting-the-%C2%91do-no-harm%C2%92-debate/>

Marshall, L., & Moore, R. (2020). Access to digital learning during COVID-19 closures: compounding educational inequality. UKFIET Blog <https://www.ukfiet.org/2020/access-to-digital-learning-during-covid-19-closures-compounding-educational-inequality/>

Menashy, F. (2019). International Aid to Education: Power Dynamics in an Era of Partnership. New York: Teachers College Press.

Menashy, F., & Zakharia, Z. (2017). Investing in the Crisis: Private Participation in the Education of Syrian Refugees. Brussels: Education International.

Menashy, F., & Zakharia, Z. (2019). Private engagement in refugee education and the promise of digital humanitarianism. Oxford Review of Education, 1-18.

Novelli, M. (2016). Public private partnerships in education in crisis and conflict-affected contexts: A framing paper. New York: Open Society Foundation (OSF).

Novelli, M., & Smith, A. (2011). The Role of Education in Peacebuilding: A synthesis report of findings from Lebanon, Nepal and Sierra Leone [Research Study]. New York: UNICEF.

Novelli, M. et al. (2016). Exploring the Linkages between Education Sector Governance, Inequity, Conflict, and Peacebuilding in South Sudan. New York: UNICEF.

Overseas Development Institute (ODI) (2016). Education Cannot Wait: Proposing a Fund for Education in Emergencies. London: ODI.

Overseas Development Institute (ODI) (2020). Coordinating Education in Crisis. Accessed: <https://www.odi.org/projects/2954-coordinating-education-crisis>

RAND (2015). Education of Syrian Refugee Children: Managing the Crisis in Turkey, Lebanon and Jordan. Santa Monica: Rand Corporation. Accessed: https://www.rand.org/pubs/research_reports/RR859.html

Romero, M., Sandefur, J., & Sandholz, W. (2020). Outsourcing Education: Experimental Evidence from Liberia. American Economic Review Vol. 110, no.2. February 2020 pp. 364-400. Accessed: <https://www.aeaweb.org/articles?id=10.1257/aer.20181478&from=f>

Save the Children (2018). Edtech for Learning in Emergencies and Displaced Settings: A rigorous review and narrative synthesis. Accessed: <https://inee.org/resources/edtech-learning-emergencies-and-displace-settings-rigorous-review-and-narrative-synthesis>

SDG Compass (2017). SDG4. Accessed: <https://sdgcompass.org/sdgs/sdg-4/>

Shuayb, M., Makkouk, N., & Tuttunji, S. (2014). Widening access to quality education for Syrian refugees: The role of private and NGO sectors in Lebanon. London & Beirut: Centre for Lebanese Studies.

Scott-Smith, T. (2016). Humanitarian neophilia: The "innovation turn" and its implications. Third World Quarterly, 37(12), 2229-2251.

Sandvik, K., Jumbert, M., Karlsrud, H., & Kaufmann, M. (2014). Humanitarian technology: A critical research agenda. *International Review of the Red Cross*.

The Engine Room & Oxfam (2018). Biometrics in the humanitarian sector. Accessed: <https://www.theengineroom.org/wp-content/uploads/2018/03/Engine-Room-Oxfam-Biometrics-Review.pdf>

UNESCO (2016). Incheon Declaration and Framework for Action for the Implementation of Sustainable Development Goal 4. Accessed: http://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf

UNESCO (2019) Concept note for the 2021 Global Education Monitoring Report on non-state actors in education. Paris: UNESCO. https://en.unesco.org/gem-report/non-state_actors

UNESCO (2019). Migration, displacement and education: Building bridges, not walls. (Global Education Monitoring Report, 2019). Paris: UNESCO. Accessed: <https://en.unesco.org/gem-report/report/2019/migration>

UNESCO (2020). World Education Blog. Distance Learning Denied. Accessed: <https://gemreportunesco.wordpress.com/2020/05/15/distance-learning-denied/>

UNESCO, UNICEF, United Nations Global Compact, and UN Special Envoy for Education (2013). The Smartest Investment: A Framework for Business Engagement in Education. Accessed: <https://www.unglobalcompact.org/library/391>

Verger, A., Fontdevila, C., & Zancajo, A. (2017). The Privatization of Education: A Political Economy of Global Education Reform. New York: Teachers College Press.

Zakharia, Z., & Menashy, F. (2020). The emerging role of corporate actors as policymakers in education in emergencies: Evidence from the Syria refugee crisis. *Journal on Education in Emergencies*, 5(2), 40-70. DOI: 10.33682/pcbg-2fu2.



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