

WASH ACCOUNTABILITY IN FRAGILE CONTEXTS



ACCOUNTABILITY FOR
SUSTAINABILITY



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LIST OF ACRONYMS

AAP	Accountability for Affected Population
CHS	Core Humanitarian Standard
DAC	Development Assistance Committee
ESA	External Support Agency
FDI	Foreign direct investment
FFP	Fund for Peace
GWC	Global WASH Cluster
HC	Humanitarian Coordinator
HCT	Humanitarian Country Team
IDP	Internally displaced person
INGO	International non-governmental organization
IASC	Inter-Agency Standing Committee
KfW	Kreditanstalt für Wiederaufbau, German Development Bank
LRRD	Linking Relief, Rehabilitation and Development
MAF	Multi-layered accountability framework
NGO	Non-governmental organization
NWOW	New Way of Working
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
SDGs	Sustainable Development Goals
SIWI	Stockholm International Water Institute
SWA	Sanitation and Water for All
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
WASH	Water, Sanitation and Hygiene
WASH BAT	Water, Sanitation and Hygiene Bottleneck Analysis Tool
WB	World Bank
WGF	Water Governance Facility

A UNICEF FOCUS ON SUSTAINABILITY

To provide lasting and reliable water, sanitation and hygiene (WASH) services to all requires the use of sustainability principles and practices from the very outset of programme development. There is a growing recognition that new approaches that take into account the broader chain of service delivery are required to provide long term services at scale, and ultimately to fulfil the human rights to water and sanitation.

“Look for the best fit, not the best practice”

– As a technical assistance provider, UNICEF is not striving to develop the ideal policy framework but rather to “find ways, together with local counterparts, to make the existing framework deliver public services, however imperfectly.” Effective institutional reform must build on local practices and is therefore best designed at country level, but reform is often hindered by problems that stop stakeholders from coming together to identify and implement solutions. Approaches to deliver sustainable solutions must also account for and adapt to emerging challenges like increases in population, water scarcity and changes in climate that can adversely impact the availability and quality of services.

By providing brokers and coaches, UNICEF can bring people together to identify constraints and design solutions. The UNICEF Framework for Sustainability is a sector approach to analyze sustainability in a systematic and harmonized way in countries. The analysis, ideally a joint effort with government and the sector partners, examines roles and responsibilities, weaknesses in accountability and bottlenecks to sustainability, and draws recommendations on how to

remove the barriers and bottlenecks and share responsibilities. The approach is a step-by-step process and is based on achieving defined milestones. The sustainability is confirmed in a Sustainability Compact: an agreement between partners on a roadmap to reach sustainability and the roles of different partners in removing the bottlenecks. The compact is monitored regularly by the sector through sustainability checks.

The focus on accountability is an essential complement to the UNICEF-led stakeholders’ cooperation framework for sustainability

– Tackling sustainability issues in water supply and sanitation services requires a holistic approach, focusing on governance and particularly on strategies to increase accountability as a way to improve access and service quality. Accountability is also a critical aspect of the human rights-based approach, and sustainable services contribute to building greater trust and social cohesion between duty-bearers and rights holders that can reduce conflict and contribute to building peaceful societies.

UNICEF has a key role to play to enable the WASH field to adopt and successfully pursue transparent and accountable arrangements in times of stability and times of crisis

– UNICEF works toward accountability and improved governance. Building on UNICEF strengths, focusing more clearly on accountability goals and investing in the necessary capabilities to reach them will enable governments to accomplish even more than they have to date, and ultimately, to extend essential WASH services to many millions and billions of people for the long term.

EXECUTIVE SUMMARY

Accountability can be described as “the central and perhaps most powerful element of good governance.”¹ Accountability for Water, Sanitation and Hygiene (WASH) service delivery refers to the principle whereby government officials and those that have a responsibility in water services account for their actions and answer to those they serve.^{2,3} This is fundamental in fragile contexts, characterized by low levels of trust across stakeholders, limited capacities and high vulnerability of the population. Improving accountability is essential to bring back trust, state legitimacy, and improved and sustainable service delivery. Fragile contexts require an adaptation of regular models of WASH service deliveries applicable in stable contexts. These contexts contain additional actors and different accountability relations in light of the diminished presence or functioning of the state and sector institutions.

This Concept Note is the fifth document of a series on Accountability in WASH service delivery that the Stockholm International Water Institute, UNDP and UNICEF have jointly published under the Accountability for Sustainability programme. It deepens the analysis of accountability actors and relations around WASH service provision in fragile contexts. It does so by using the analytical frameworks of the Accountability Mapping Tools⁴ presented in previous publications. It is intended to give a framework for WASH practitioners and government partners to analyze and improve their interventions in fragile contexts through an approach based on reinforcing the government leadership role and improving accountability within the WASH service delivery framework.

The first section of this Concept Note describes the background of fragility: what it means in

terms of access to services and the evolution of the efforts made to assure aid effectiveness in those contexts. It also intends to shed some light on the role that External Support Agencies (ESAs)⁵ can play in humanitarian and development situations.

The second section, which is the core of the report, presents an approach to intervening under these fragile contexts based on strengthening the accountability relationships of the stakeholders involved. It first describes the different accountability frameworks under humanitarian action as well as in purely stable situations. Because fragile contexts are typically a combination of both situations (i.e. exposure to risk as well as insufficient coping capacity of the state, system and/or communities to manage, absorb or mitigate those risks), the differences of mandate, approach and accountability across key humanitarian, development and governmental actors are important components of the often-confusing service delivery under fragile contexts. The report presents the multi-layered accountability framework as a tool to understand this complexity. It then applies the framework to five scenarios of fragility: 1) latent crisis, 2) acute crisis, 3) protracted crisis, 4) post crisis or recovery, and 5) fragility without crises. For each scenario, the service delivery accountability framework is described, along with recommendations to improve accountability relations towards restoring the (ideal) accountability framework.

Finally, the conclusion condenses the learnings of the document in a series of principles for action in these fragility contexts, as the specific activities will depend on the fragility context and scenarios.

1 Schneider, 1999.

2 UNDP/SIWI Water Governance Facility (WGF)/UNICEF, 2015b.

3 Jiménez et al., 2020.

4 UNDP/SIWI Water Governance Facility (WGF)/UNICEF, 2016a.

5 ESAs can be national or international non-governmental organizations, multilateral organizations, UN agencies, private firms or other actors providing technical or financial support to countries. These actors are not part of the national service delivery framework under normal circumstances.

The first principle refers to **understanding the existing accountability framework and the political nature of service delivery in fragile contexts**, which is the basis of this Concept Note.

The second principle refers to the need to **rebuild trust** among the key national stakeholders (citizens, service providers, regulators and policy makers) **while improving the quality of services**. This includes engagement with the government at both national and local levels, the support of government-led coordination and the use of government financial systems to the extent possible. In addition, developing stronger citizen–state accountability relations is critical.

The third principle refers to work that proactively moves **towards the re-establishment of the national service delivery framework**. Phasing out, as soon as possible, provisional service delivery arrangements that undermine the national accountability framework should be a priority.

The fourth principle refers to the need to invest **more in preparedness, conflict prevention and building sector resilience, with a more long-term, risk-informed approach**.

Humanitarian support and development support should work more closely together. From the humanitarian end, long-term sustainability should be an essential part of the strategy, while from the development end, disaster preparedness and risk reduction require further attention. Disaster risk reduction, including preparedness, is needed to anticipate a potential crisis eruption; but today, less than 0.5% of Official Development Assistance is spent on preparedness.

The fifth principle relates to **continued capacity development and systems strengthening**. It is crucial that the capacities for preparedness and emergency response are embedded in national development plans, structures and capacities and supported by appropriate information systems. Across all principles, processes should be conducted in the most **participatory** (opening the opportunity for actors to voice their needs), **inclusive** (having a broad representation of different groups, including traditionally marginalized ones) and **evidence-based** manner possible and communicated to all affected stakeholders with **transparency**. Only then will efforts reinforce legitimacy and trust within the country while delivering sustainable WASH services.

1. PURPOSE OF THIS CONCEPT NOTE

This Concept Note is the fifth document of a series on “Accountability in WASH” service delivery that SIWI, UNDP and UNICEF have jointly published under the Accountability for Sustainability programme. The programme is a partnership between the UNDP-SIWI Water Governance Facility and UNICEF, which aims to increase the sustainability of Water, Sanitation and Hygiene (WASH) interventions by enhancing accountability in the service delivery framework.⁶ The first document published in 2015 was “Accountability in WASH – Explaining the concept,”⁷ followed by “Accountability in WASH – A reference guide for programming”⁸ and “WASH Accountability Mapping Tools – Brochure and facilitator guide”^{9,10} one year later. These previous publications can be seen in Figure 1.

Practice in both SIWI and UNICEF programme implementation has shown that this analysis falls short in certain contexts, such as those of fragility. It is estimated that fragile countries were home to 460 million people living in

extreme poverty in 2020, or 76.5% of the worldwide total.¹¹ However, 65% of total earmarked Official Development Assistance (ODA) funding¹² and 44% of WASH ODA went to the 57 contexts defined as fragile by the Organisation for Economic Co-operation and Development (OECD) Framework in 2020. An approach based on strengthening the accountability of service delivery is key to improving resilience of the sector.

This Concept Note also builds on other previous efforts. In previous years, key initiatives and analytical documents were published, such as the “Water Under Fire” series, to strengthen the humanitarian–development–peace nexus. This Concept Note is intended to give a framework for WASH practitioners and government partners to analyze and improve their interventions in fragile contexts through an approach based on reinforcing the role of government leadership and improving accountability within the WASH service delivery framework.



Figure 1: UNICEF–UNDP–SIWI water accountability publications

- 6 UNDP/SIWI Water Governance Facility (WGF)/UNICEF, 2015a.
- 7 UNDP/SIWI Water Governance Facility (WGF)/UNICEF, 2015b.
- 8 UNDP/SIWI Water Governance Facility (WGF)/UNICEF, 2015c.
- 9 UNDP/SIWI Water Governance Facility (WGF)/UNICEF, 2016a.
- 10 UNDP/SIWI Water Governance Facility (WGF)/UNICEF, 2016b.

11 OECD, 2020.

12 Amounting to a total of USD 68.2 billion.

2. BACKGROUND

This section presents the definition of fragility; describes, using facts and figures, what it entails to live in a fragile context; and introduces the debate on the role of External Support Agencies (ESAs) in these contexts. ESAs can be national or international non-governmental organizations (INGOs), multilateral organizations, UN agencies, private firms or other actors providing technical or financial support to countries. These actors are not part of the national service delivery framework under normal circumstances.

The complexity of defining fragility

“Fragile state” is a term currently used by the international community to identify a class of states. Even though bilateral and multilateral donors are increasingly concerned with identifying effective strategies for engaging with fragile states, there is no standardized definition of what a fragile state is (see Annex 1).

OECD defines fragility as “the combination of exposure to risk and insufficient coping capacity of the state, system and/or communities to manage, absorb or mitigate those risks”. It notes that “Fragility can lead to negative outcomes including violence, the breakdown of institutions, displacement, humanitarian crises or other emergencies.”¹³ In this way, OECD started moving towards a multi-dimensional definition of fragility, recognizing that it can take many forms, depending on five dimensions of development: 1) economic, 2) environmental, 3) political, 4) security and 5) societal, each measured by a combination of risks and capacity to cope.¹⁴

Kreditanstalt für Wiederaufbau (KfW)

compiled the definitions of fragile states from the World Bank (WB), Fund for Peace (FFP) and OECD for three different lists of countries,

which highlights the differences between classifications:¹⁵

- The **WB “Harmonised List of Fragile Situations”**¹⁶ mainly focuses on the capacity dimension. This list is compiled from an assessment of the political and institutional setting of a country against some criteria, and/or if the country has received a peacekeeping mission of the UN or of a regional body for the last three years. There are 37 countries listed under these criteria in 2020.
- The **FFP Fragile States Index**¹⁷ is a USA non-governmental organization (NGO) that ranks the status of a country using over 100 social, economic, political and military indicators that are grouped into 12 categories (e.g. uneven economic development, legitimacy, human rights, basic services and security). Using these criteria, 53 countries are listed from “very high alert” to “high warning”.
- The **OECD fragile states list**¹⁸ presents its own multi-dimensional definition of fragility, described above. Using the relation between exposure to risk and ability to cope, fragility is considered a multifaceted and dynamic situation that can potentially affect all countries: “from fragile states to states of fragility”¹⁹ (Annex 3).

The country classification lists outlined above consider different (sub-)dimensions of fragility. They use different sources of information, weighted indicators and sub-categories to arrive at their overall evaluations, which further rely on different threshold values for dividing

15 Classifications (country lists) of fragile states 2020:

- WB: Harmonized List of Fragile Situations 37 countries
- FFP: Fragile States Index 53 countries
- OECD: Fragile States List 57 countries.

16 The World Bank Group Fragile, Conflict and Violence Group (formally the Center on Conflict, Security and Development CCSD) annually releases the Harmonized List of Fragile Situations.

17 Messner de Latour et al., 2020.

18 OECD, n.d.

19 KfW, 2017.

13 OECD, 2018.

14 OECD, 2016.

countries into fragility classes. Therefore, it is not surprising that the results from each list vary considerably (Figure 2). Since the OECD uses the broadest definition of fragility, its list of fragile countries is also the most comprehensive. What is striking is that only a relatively small group of countries is considered 'fragile' according to all three definitions.

For this Concept Note, the definition of OECD is adopted because of its combined measures of exposure to risks and capacity to cope. Fragility has multiple underlying causes, both chronic and acute, and these can include very low state capacity for service delivery, poor governance,

corruption, low state legitimacy, insecurity and often conflict, disease outbreaks and epidemics, porous borders and organized crime.

The literature has moved away from the concept of a fragile 'state' towards a fragile 'context', as there are many states that have part of their territory under the conditions of fragility, while other parts might enjoy a good degree of stability and development. In addition, there are fragile contexts that do not belong to any states in particular.

The concept has also evolved from being primarily used by ESAs, to being de facto

- EAP: East Asia and the Pacific
- EECA: East Europe and Central Asia
- ESA: Eastern and Southern Africa
- LAC: Latin America and Caribbean
- MENA: Middle East and North Africa
- SA: South Asia
- WCA: West and Central Africa



Figure 2: Fragility dimensions and classifications

Source: Authors' elaboration based on OECD, 2020; and World Bank, 2020.

embraced by the g7+ group,²⁰ which consists of 20 fragile countries with the joint mission to transition from conflict towards the next stage of development.

20 The g7+ is a group of 20 fragile states whose collective mission is to support members to achieve transitions towards resilience and next stages of development by engaging with actors at both the national and international level. Drawing on shared experiences, the g7+ comes together to form one united voice to advocate for country-led and country-owned peacebuilding and statebuilding processes to address conflict and fragility. In doing so, the g7+ envisages the development of capable, accountable and resilient states that respond to the expectations and needs of their populations. The group's priorities are articulated by the five Peacebuilding and Statebuilding Goals, which were outlined in the 2010 Dili Declaration of the International Dialogue on Peacebuilding and Statebuilding. By prioritizing these goals with the support of the international community, the g7+ aims to bid goodbye to conflict and welcome development. Source: www.g7plus.org.

Fragility in practice – facts on WASH service delivery

As OECD “States of Fragility 2020” reports, about 1.8 billion people live in fragile contexts, representing 23% of the global population. According to UNICEF, more than 800 million children live in 57 fragile contexts across the globe, including more than 220 million children living in 15 extremely fragile ones.²¹ By 2030, the population in these contexts is projected to increase to 2.3 billion people, about 28% of the world population.²² This means that more than 80% of the world's poorest people could be living in fragile contexts by 2030.²³

The graph in Figure 3 shows that while only 23% of the world's total population live in fragile states, those fragile states are home to more than half (52%) of the population living without even basic water services worldwide and 41% living without access to improved sanitation worldwide.

21 OECD, 2020.

22 OECD, 2018, p. 98.

23 OECD, 2018, p. 99.

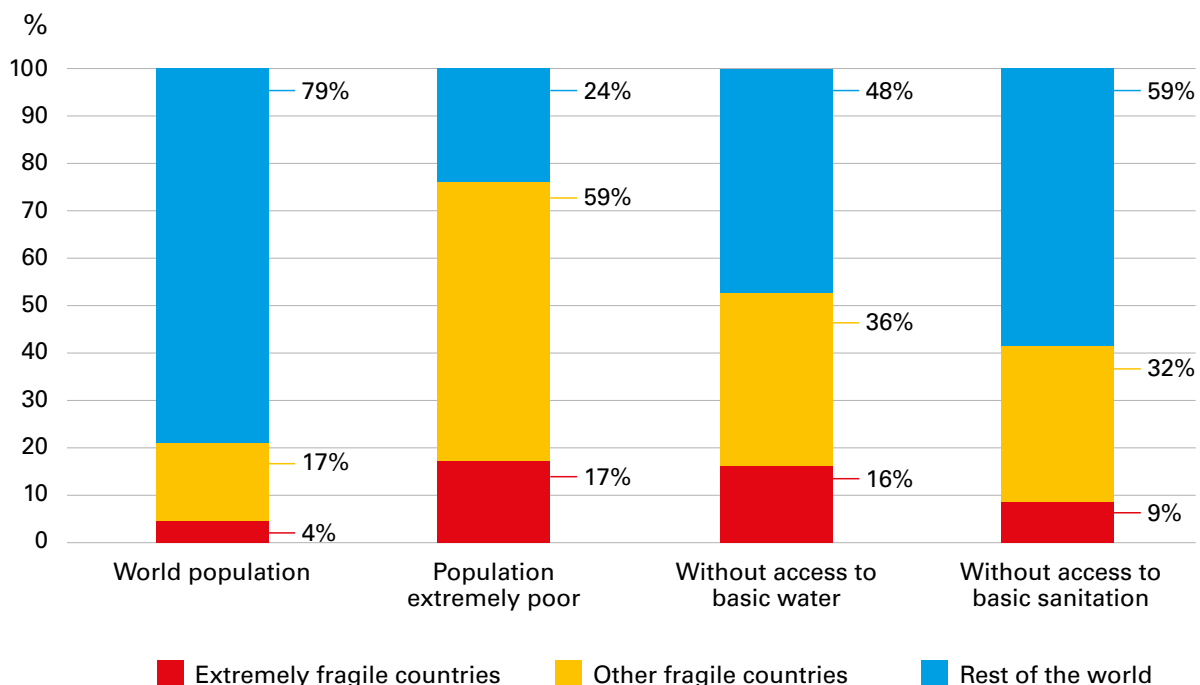


Figure 3: WASH services in fragile countries and extremely fragile countries

Source: Authors' calculations using data from the WHO/UNICEF Joint Monitoring Programme for Water Supply, Sanitation and Hygiene. Information follows SDG service levels (i.e. we no longer speak about "improved access to water"). For population with "extreme" poverty data sources are the World Bank's DataBank and OECD Stat.

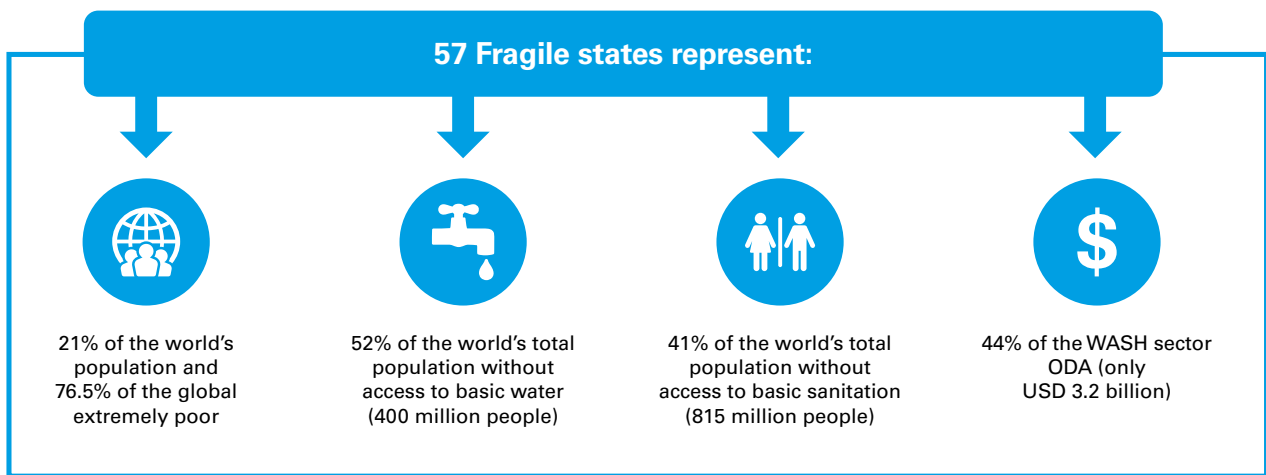


Figure 4: Fragile countries situation

Source: Based on data from OECD Development Assistance Committee (DAC), 2018; and WHO/UNICEF Joint Monitoring Programme, 2017.

ODA in fragile states

Globally, the WASH sector requires an annual investment of USD 114 billion²⁴ to achieve the Sustainable Development Goals (SDGs) by 2030.²⁵ In fragile states, where a significant proportion of those investments is required, the availability of domestic resources is insufficient to cover the investment needs, which makes contributions from ODA essential.

In 2018, 67% of total earmarked funding went to countries defined as fragile by the OECD framework;²⁶ however, only 44% of the WASH ODA was allocated to fragile countries, representing USD 3.2 billion and an investment of USD 2 per capita (see Figure 4).²⁷

Humanitarian aid counts for about one quarter of the total ODA that fragile contexts receive, and in the case of the 13 extremely fragile contexts, it reaches half of this financial support. Recognizing that in extremely fragile contexts there are usually humanitarian needs, there is a trend of bringing in aid to solve specific

emergencies. However, momentarily bringing in aid is inconsistent with visions of sustaining or recovering peace and contributing to sustainable state building.²⁸

A larger proportion of ODA in fragile contexts comes from multilaterals (Figure 5), which might be better placed than direct bilateral donors to support fragile countries' systems. For instance, in 2019, UNICEF reported 89% of its beneficiaries of water interventions and 90% of its sanitation beneficiaries live in fragile countries.²⁹

The OECD "States of Fragility 2020" report shows that other potential sources of financing beyond domestic finance and ODA, such as remittances and foreign direct investment (FDI), do not directly benefit fragile contexts, as less than 10% of global FDI is going to countries that are categorized as fragile, and total ODA is 11.5 times FDI and 2.5 times the volume of remittances.³⁰

24 Note: this only covers the capital costs of extension to people without safely managed WASH; it does not include any costs related to those already served in 2015 (i.e. capital maintenance and replacement).

25 Hutton & Varughese, 2016.

26 Amounting to a total of USD 59.7 billion.

27 Information based on Development Assistance Committee (DAC) data available at OECD.

28 OECD, 2018.

29 Based on information collected through the UNICEF Strategic Monitoring Questions internal reporting system.

30 OECD, 2020.

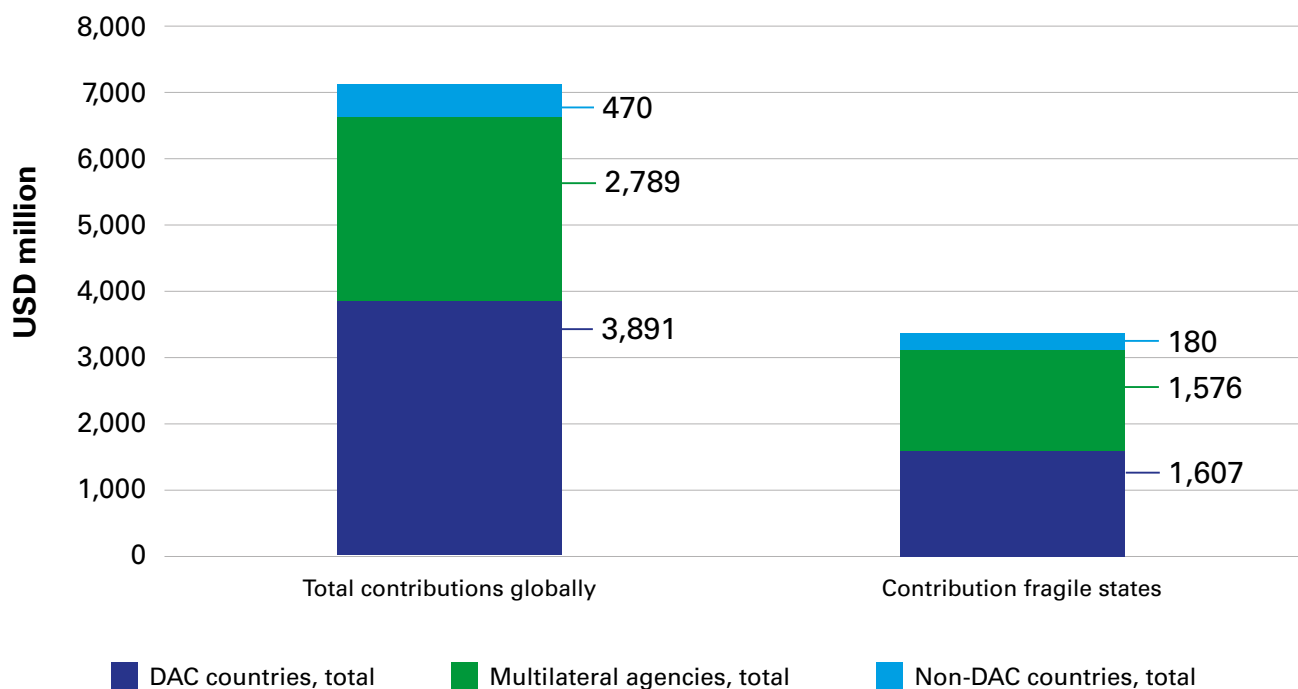


Figure 5: WASH ODA contributions globally and in fragile states in 2018.

Source: Based on data from OECD Development Assistance Committee (DAC), 2018.

Evolution of the interventions in fragile states

Discussion of the future of global development in many international fora is increasingly focusing on the corrosive impact of fragility on efforts to achieve sustainable development and sustainable peace for the global population. Already in 2007, the “European Consensus on Humanitarian Aid” underlined that “achieving better linkage between relief, rehabilitation and development (LRRD concept) requires humanitarian and development actors to coordinate from the earliest phases of a crisis response and to act in close coordination with a view to ensuring a smooth transition.”³¹ The 2011 Fourth High Level Forum on Aid Effectiveness held in Busan was a turning point for the general approach taken by ESAs to assist fragile or conflict affected states. Previously, fragile states were considered more difficult environments to work in, but the practice of working in fragile states applied the same approach as in more stable countries: higher risks of corruption or poor project performance

were generally handled by minimizing the involvement of state actors in the country and establishing parallel project implementation units. This approach was not able to achieve sufficient progress in fragile states towards the Millennium Development Goals, as anticipated in the Busan Declaration. The “New Deal for Engagement in Fragile States” recognized that development cooperation in fragile states differs fundamentally from engagement with “other developing countries”; and that success requires both aid donors and recipients to “do things differently” – by designing aid interventions that reflect the unique context of fragility in each state.³² The commitments from Busan were reconfirmed in 2016 through the Stockholm Declaration on Addressing Fragility and Building Peace in a Changing World³³ and in the Grand Bargain.³⁴

The New Way of Working (NWOW), endorsed during the 2016 World Humanitarian Summit, introduced the concept of a “nexus” or a

31 LRRD = Linking Relief, Rehabilitation and Development. Ramet, 2012.

32 UNOHRLLS, 2013.

33 IDPS, 2016.

34 IASC, n.d.

“contiguum”³⁵ to highlight the iterative nature of the linkage between humanitarian and development assistance. A nexus is not a linear approach but a process in which humanitarian and development actors work alongside each

other before, during and after a crisis, also targeting the causes of the conflict and creating resilience.³⁶ The nexus concept applied to WASH can be seen in Figure 6.

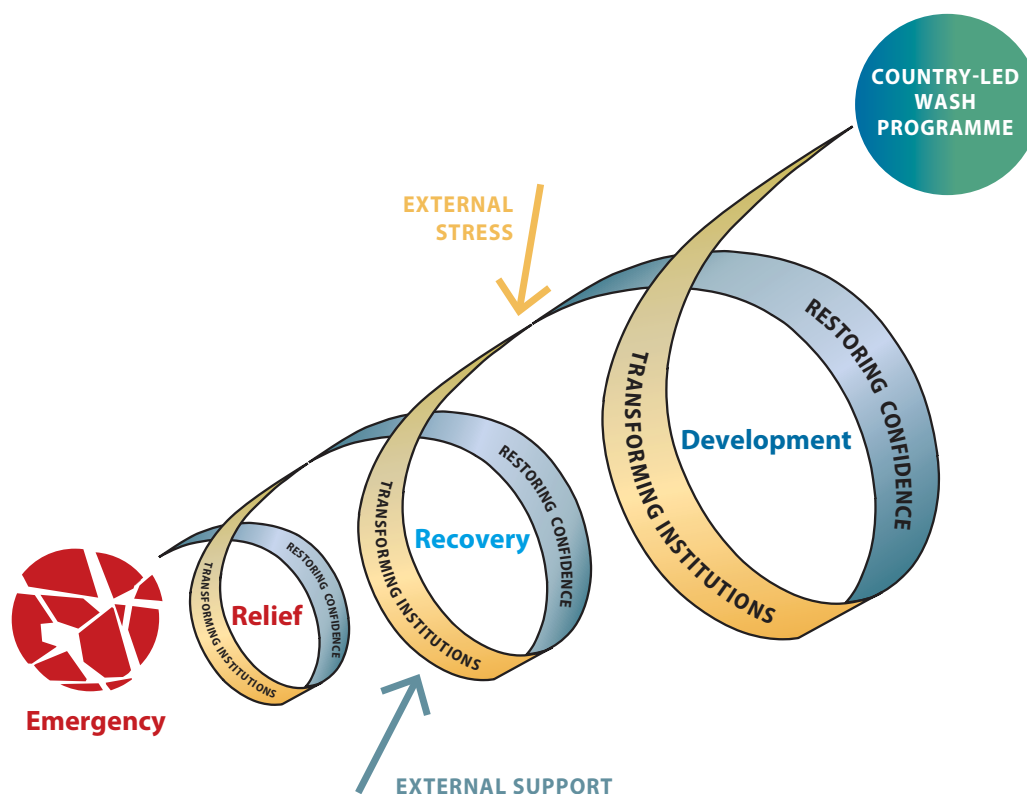


Figure 6: Relief, recovery and development process.

Source: World Bank, 2011.

35 Carbonnier, 2019: Contiguum: Since the 1990s, debates on the humanitarian–development divide have produced a rich jargon LRRD along a continuum versus a contiguum, early recovery, whole-of-government approach, stabilization, building resilience, etc. A contiguum approach describes a scenario where all hazards and their impacts and all stages of post-disaster response are operating at the same time in overlapping juxtaposition. A plethora of ‘normal hazardousness’ is the reality.

36 World Humanitarian Summit Secretariat, 2015.

3. STRENGTHENING ACCOUNTABILITY LINKS – AN APPROACH TO REDUCE FRAGILITY

This section focuses on the analysis of WASH accountability relations in fragile contexts. A key aspect of fragile contexts, as mentioned above, is that both development and humanitarian actors intervene alongside governments and existing national actors for service delivery (utilities, private service providers and NGOs); all these actors, as will be presented, might have different accountability frameworks. This section starts by presenting the accountability framework for humanitarian action, followed by considerations of accountability in general

WASH service provisions. Then, a more in-depth analysis of the resulting accountability frameworks is presented for the different scenarios of humanitarian development/ response in fragile contexts.

The conceptual frameworks

The accountability framework in humanitarian action

Underlining all humanitarian actions are the principles of humanity, impartiality, neutrality



Figure 7: Nine commitments of the Core Humanitarian Standard

and independence. These principles, derived from international humanitarian law, were taken up by the UN in General Assembly resolutions 46/182 and 58/114 and launched in December 2014. Their global recognition and relevance are furthermore underscored by the “Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief” and the “Core Humanitarian Standard on Quality and Accountability (CHS)”.

The 2014 CHS sets out nine commitments³⁷ that organizations and individuals involved in humanitarian response can use to improve the quality and effectiveness of the assistance they provide. It also facilitates greater accountability to communities and people affected by crisis: knowing what humanitarian organizations have committed to will enable them to hold those organizations to account (see Figure 7).

The United Nations Secretary-General’s Agenda for Humanity³⁸ calls on global leaders and humanitarian actors to commit to five core responsibilities to transform the way humanitarian work has been implemented. The five core responsibilities are: 1) political leadership to prevent and end conflicts; 2) uphold the norms that safeguard humanity; 3) leave no one behind; 4) change people’s lives, from delivering aid to ending needs; and 5) invest in humanity. Under these responsibilities, there is a specific mention to improve compliance and accountability and calls for inclusiveness, participation and transcendence of humanitarian–development divides.

The accountability triangle for WASH service delivery under stable circumstances

Accountability has been described as “the central and perhaps most powerful element of good governance.”³⁹ More precisely, public accountability refers to the spectrum of approaches, mechanisms and practices used by public service stakeholders to ensure the desired type and level of performance.⁴⁰

Considering that water and sanitation are human rights, accountability for WASH service delivery⁴¹ refers to the mechanisms through which duty bearers (elected officials and service providers) report to rights holders and other stakeholders within the service delivery framework. Hence, accountability for WASH service delivery refers to the principle whereby elected officials and those who have a responsibility in water services or water resources management account for their actions and answer to those they serve.^{42,43}

The human rights framework identifies three essential dimensions for building accountability: 1) responsibility (defining roles and responsibilities in service delivery and enabling coordination between different stakeholders); 2) answerability (by providing reasoned justifications and explanation for their actions and decisions to those they affect); and 3) enforceability (by providing monitoring, supporting and enforcing compliance for the use of corrective and remedial action where necessary, such as sanctions for corrupt behaviour). Accountability is also typically divided vertically (the ability of individuals or social groups to influence how government responds to their social demands) and horizontally (the separation of powers and the system of checks and balances among different branches of government).

Accountability in service delivery can be depicted as a triangle (see Figure 8). The triangle is designed as a human rights-based framework, where duty bearers protect, respect and fulfil their obligation to provide safe water and sanitation to communities, while the communities/end users, including traditionally marginalized groups, are aware of their rights and can claim their fulfilment.

In stable countries, and in an ideal situation, accountability relations between the actors

41 In addition to accountability for WASH service delivery, there is accountability to donors (what they are accountable for matters as much as who they are accountable to) and accountability to the affected population. These accountability lines will also be discussed later, as they affect the accountability lines for service in fragile contexts.

42 UNDP/SIWI Water Governance Facility (WGF)/UNICEF, 2015.

43 Jiménez et al., 2018.

37 CHS Alliance, Group URD, & Sphere Project, 2014.

38 United Nations, 2016.

39 Schneider, 1999, p. 523.

40 Paul, 1992.

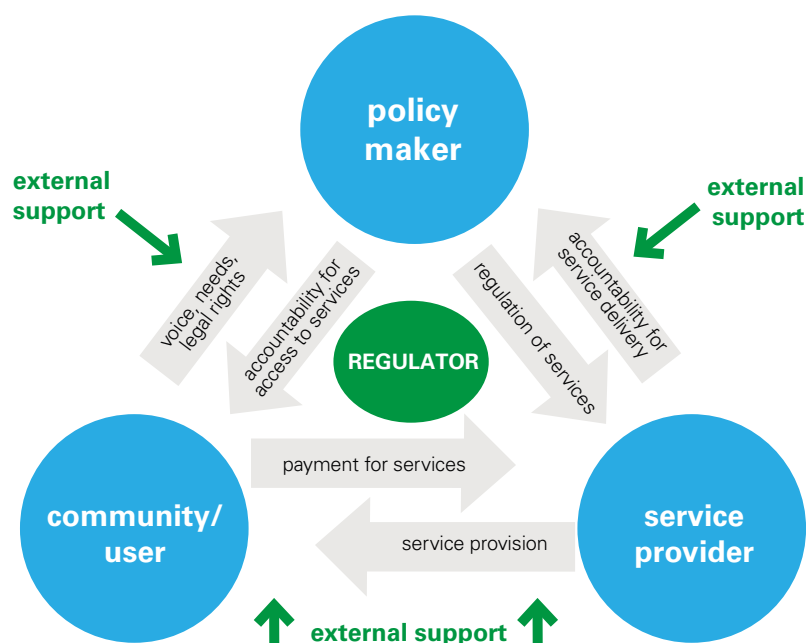


Figure 8: Accountability triangle for service provision with regulator

Source: World Bank 2004 redesigned by SIWI, 2015b.

allow communities to be empowered and raise their voices, claiming their rights to good services to the policy maker while they fulfil their duty to pay for services supplied by the provider. The sector policy makers are accountable to the communities for setting the enabling environment (policy, strategy, service regulation, quality standards, etc.) for an adequate service provision as well as to the service providers for the legal framework in which they operate. In turn, service providers are accountable to the policy makers in terms of the timely, adequate and safe service provisions as well as the communities for providing adequate levels of services. The regulators (or the institutions that carry out the regulatory functions) play the role of referee, balancing the interests of the different stakeholders, overseeing the fulfilment of responsibilities and enforcing penalties in case of misconduct.

Under stable circumstances, ESAs, such as humanitarian or development actors, can also play important roles in strengthening the links between the actors, but usually, they are not a central actor in service provision or policy development.

The accountability triangle for WASH service delivery under fragility

Accountability relations in WASH service provision are directly related to the conditions under which services are delivered. As mentioned before, under normal circumstances ESAs are not directly related to service provision. Their primary role is supporting national stakeholders; however, they might eventually take on some other roles in case of emergency and humanitarian needs. ESAs can be national or INGOs, multilateral organizations, UN agencies, private firms or other actors that provide technical or financial support to countries. In turn, ESAs receive funds (for their technical assistance or financial support) from what we call “donors” in this document. Donors are defined as the primary source of humanitarian or development funding. These can be bilateral or multilateral international cooperations, foundations, development banks, etc. In some cases both roles can be played by the same agency (such as a UN agency or a bilateral cooperation that provides technical assistance), but for the development of the model and ease of use in practical cases, we will describe pure roles. The model should,

naturally, be adapted to the context to be useful for practitioners in each case.

In cases where ESAs intervene more directly in service provision, accountability relations can be displayed as a multi-layered accountability framework (MAF) (see Figure 9). In the centre circle, we see the traditional service delivery framework for accountability relations within a certain host country. In fragile contexts, ESAs intervene to support in-country actors, either with technical or financial assistance. This is why they are represented (as an ESA implementing agency) in the inner circle too. In turn, the model deploys a second layer of accountability relations that includes vertical accountability from the ESA in-country implementing agency, which reports to the ESA headquarters, which, in turn, reports to the ESA governing body. The ESA can have a humanitarian mandate, development or

both, each with accountability standards, as explained above. The ESAs also report to their primary donors (the third layer), which in turn report back to their parliaments or other governing bodies, which in turn request justification of the use of funds at country level. To fulfil these obligations, donors will request information from their in-country agencies.

The complex web of relationships depicted in Figure 9 shows that there are accountability lines that can potentially divert attention to the theoretical focus of accountability in the country where the fragile situation exists. Accountability is often closely related to finance – i.e. both development and humanitarian agencies often feel pressure to respect accountability to their donors. Here, *what* they are accountable for matters as much as *who* they are accountable to – an emphasis on financial inputs rather than outcomes or impact discourages longer-

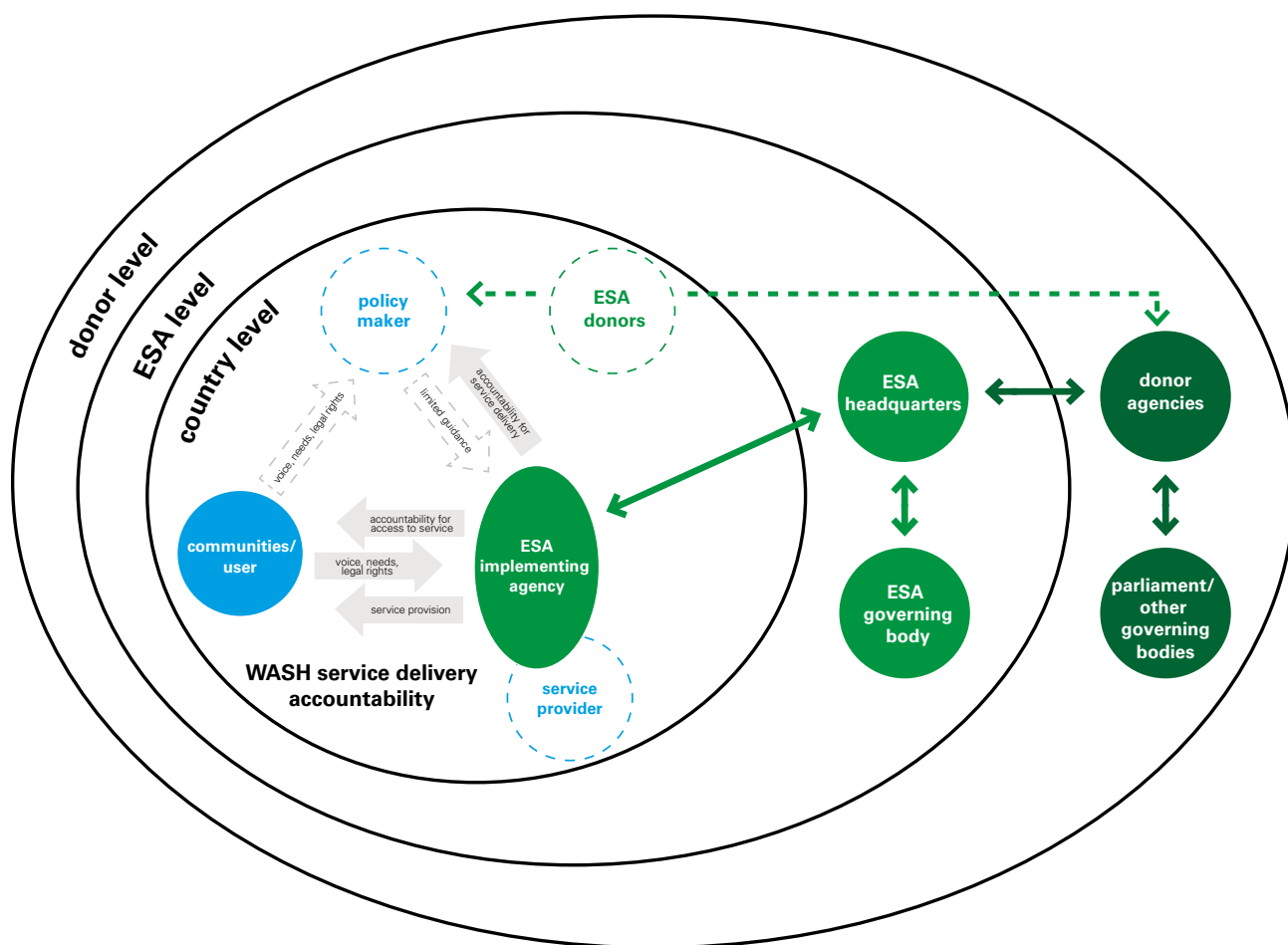


Figure 9: Multi-layered accountability framework

Source: Authors, 2020.

term perspectives.⁴⁴ Over the past several years, donor governments have understandably increased their reporting requirements and changed disbursement patterns to improve the accountability of recipients for the use of donor funds. The consequences of these changes, however, are twofold, especially in contexts where multiple donors provide support to states with limited financial management capacity. First, these mechanisms place a substantial strain on states' financial management mechanisms and staff, taking attention away from strategy, inclusive negotiations and other priorities. Second, and even more perniciously, these mechanisms increasingly supplant the state's accountability to its citizens with state accountability to donors. The two are not mutually exclusive in principle. In practice, where capacity is strained, fulfilling donor reporting requirements – and, more importantly, programming against donor rather than national priorities – can actively undermine state accountability and responsiveness, which is the opposite of statebuilding goals. Here, too, donor governments should be engaging with their legislative oversight bodies to make the case for greater internal accountability, rather than state–donor accountability.⁴⁵

When assessing accountability in fragile situations, this Concept Note focuses on the first layer of the MAF: the host country. The focus is on service delivery at the country level. The layers of accountability outside the country do not change much depending on the nature and state of fragility; these will be analyzed in the extent to which they are relevant for service delivery and how they affect the national accountability framework.

Recommendations to increase accountability under different scenarios of fragility

One of the many challenges that fragile contexts face is to assure a sustained and safe provision of WASH services for their citizens. Conflicts, economic crises and natural disasters not only leave infrastructure damaged but often challenge the capacity of weak institutions

to meet basic service standards. As a result, donors might channel funding to humanitarian agencies (bypassing the states) or set up parallel systems of disbursements, diminishing state capacity in the long run.⁴⁶ While this may be functional in rapid-onset emergency situations, it could prevent country-led programmes from developing sustainable service delivery arrangements⁴⁷ for providing WASH services.

In rapid-onset emergency situations, where the primary goal of WASH is to save lives, ESAs, such as international NGOs, generally organize service delivery by themselves (e.g. by tankering water directly to people, rehabilitating hand pumps, etc.). In some cases, this can contribute to strengthened state legitimacy, such as if the state manages to show leadership in the coordination of actors and response processes.⁴⁸ However, state-led coordination is not always possible. Sometimes the state is part of the conflict or does not have the capacity to coordinate a crisis response, or sometimes, because of humanitarian principles of neutrality and impartiality, humanitarian agencies choose to avoid all contact with the national government⁴⁹ to limit national conflict of interests or powers.⁵⁰ Some humanitarian ESAs note that humanitarian principles⁵¹ can present a barrier to government engagement.⁵²

UNICEF has extensively described this issue in the report “Water under fire”, which describes the impact of WASH services deprivation for children living in fragile contexts.⁵³ The report proposes the “Framework for WASH sector resilience in fragile and conflict-affected contexts” (see Figure 10). This Concept Note

46 “Aid modalities bypassed sector institutions and failed to build sector oversight capacity” (de Waal et al., 2017).

47 Service delivery is a set of mechanisms that provide reliable, good quality WASH services on a continual basis. Models for WASH service provision are defined for different contexts and applied appropriately, explaining roles and responsibilities and stipulating contracting procedures, operation and maintenance arrangements, supply chains, tariffs and other parameters of service, leading to efficient and effective services.

48 Brinkerhoff, Wetterberg, & Dunn, 2012.

49 Highly politicized and volatile environments and issues of engagement with government.

50 Hinds, 2015.

51 Humanity, neutrality, impartiality and independence (OCHA, 2012).

52 Tillett et al., 2020.

53 UNICEF, 2019.

44 Mosello et al., 2016.

45 OECD, 2008a and OECD, 2008b.

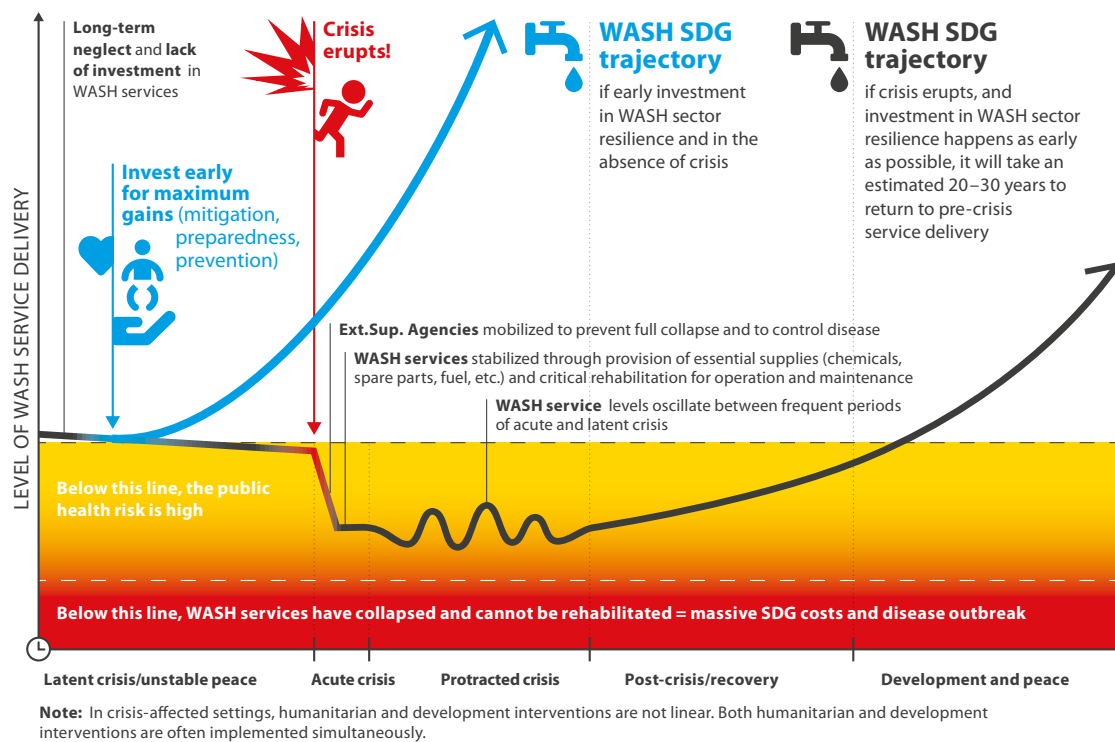


Figure 10: Framework for WASH sector resilience in fragile and conflict-affected contexts (adjusted to include natural disasters and health crises)

Source: UNICEF, adapted by authors.

is aligned with that report and analyses the accountability relationships in the five scenarios of fragility that the framework identifies:

1) latent crisis or unstable peace, 2) acute crisis, 3) protracted crisis, 4) recovery phase, and 5) fragility without crises. This section describes the service delivery models most commonly found in each of the scenarios. It also extends the concept of crisis – apart from conflicts – to natural disasters, epidemics or other crises. Scenarios of fragility may occur simultaneously, successively, or in different parts of a certain country.

Latent crisis

Most fragile countries are affected by structural levels of political, societal or economic fragility, which makes them more vulnerable to natural or man-made disasters. Before a crisis erupts, the level of WASH service provision may differ substantially, depending on the context where it arises and on the type of emergency. Further, the key outcomes will vary extensively, depending on the work that WASH actors have done in disaster risk reduction and on building resilience on the sector, systems and

community. Disaster risk reduction should be designed to capitalize on systematic efforts to analyze potential causes of a specific disaster, including reducing exposure to hazards, lessening community and infrastructure vulnerability, increasing capacity to cope and improving preparedness for adverse effects, among others.⁵⁴ Therefore, disaster risk prevention, preparedness and mitigation (even though many crises may not be prevented) are key for a resilient WASH sector and actors. WASH services during a latent crisis should always be informed by regular and updated vulnerability and risk analyses as well as analyses of the actors' capability to cope (in terms of institutional and operational capacities). Preparedness work is a continuous cycle of planning, organizing, training, equipping, exercising, evaluating and taking corrective action.⁵⁵ Under this situation, the accountability framework for service delivery remains the same as in a stable situation (see Figure 8). The focus should be on supporting systems

⁵⁴ USAID, 2011.

⁵⁵ US Department of Homeland Security, 2018.

strengthening, including capacity development and preparedness of the different actors of the triangle as well as strengthening their relationships. Today, less than 0.5% of ODA is spent on preparedness, which emphasizes that the importance of disaster prevention is seriously underestimated.

Further, the sector should conduct a capacity analysis of the national preparedness, capacity to respond, governance, structures and systems, including at the local level. Information and analyses must also include the needs of communities and local administrative structures. In fragile contexts, situations change rapidly, and decentralized local analysis and data use potentially leads to a timelier understanding of the situation. Given the relevance of local power relationships, local data potentially provides a more context-specific analysis, leading to service providers being more accountable to the local community (incrementally building trust between decentralized decision-makers, service providers and communities).

The WASH Bottleneck Analysis Tool (WASH BAT)⁵⁶ has recently incorporated new modules for risk analysis and for climate resilience, which can be useful as planning tools for sector stakeholders. The use of these tools can enrich the sector risk-based analysis through engagement of key actors and favour the development of a contingency plan and surge capacity.

Acute crisis (natural disasters, epidemics, conflicts, emergencies)

In **acute crisis and natural disaster emergencies**, the main priority is to prevent the collapse of the WASH infrastructure and to save lives. Temporary WASH services are usually required until more permanent solutions can be found. When both policy making and service provision capacity are overwhelmed (or very limited)⁵⁷ and there is a break in supply,

the common situation is for ESAs to temporarily provide services directly to the users (Figure 11). Apart from this service provider role, ESAs sometimes temporarily take over some functions of the policy maker. ESAs, by definition, cannot perform as policy makers, as they clearly lack host country legitimacy to do so; but in absence or extreme weakness of the government, ESAs might organize the conditions and basic framework for service provision and lead the coordination to respond to the urgent needs of the users.⁵⁸

Apart from service delivery models traditionally used by ESAs in emergencies (such as the direct supply of water through water trucking or other more durable water supply systems, often in camps for refugees and internally displaced people, IDPs), community-based and public-private partnership models of service delivery may emerge. These models might include delegated management models through water kiosks, private vendors and others. Such models might be able to operate during conflict/crisis due to a higher level of independence from the established administrative set up.⁵⁹

Under these circumstances, the tendency of ESAs is to operate through alternative or parallel systems or provide services directly. If these situations cannot be reverted as early as possible, ESA activities undermine government systems in the long-term. As explained above, the accountability lines among different humanitarian and development agencies result in a complex model where governments might lose ownership of the service delivery results. This further increases the risk of trapping the affected countries into an aid modality that perpetuates dependency on external support and undermines the institutional capacity to respond.

Clusters are activated when response and coordination gaps exist due to a sharp deterioration or significant change in the humanitarian situation and existing national response or coordination capacity is unable to meet needs in a manner that respects the

56 WASH BAT is a structured approach and a tool to analyze the enabling environment of the WASH sector and has been applied in over 40 countries. Information at www.washbat.org.

57 With some exceptions for the earthquakes in Haiti (2010), where the leading agency and private sector played a major role in providing water services to the population.

58 e.g. United Nations Relief and Works Agency for Palestine Refugees in the Near East.

59 More can be found on strengthening service delivery models for resilience in Tillett et al., 2020.

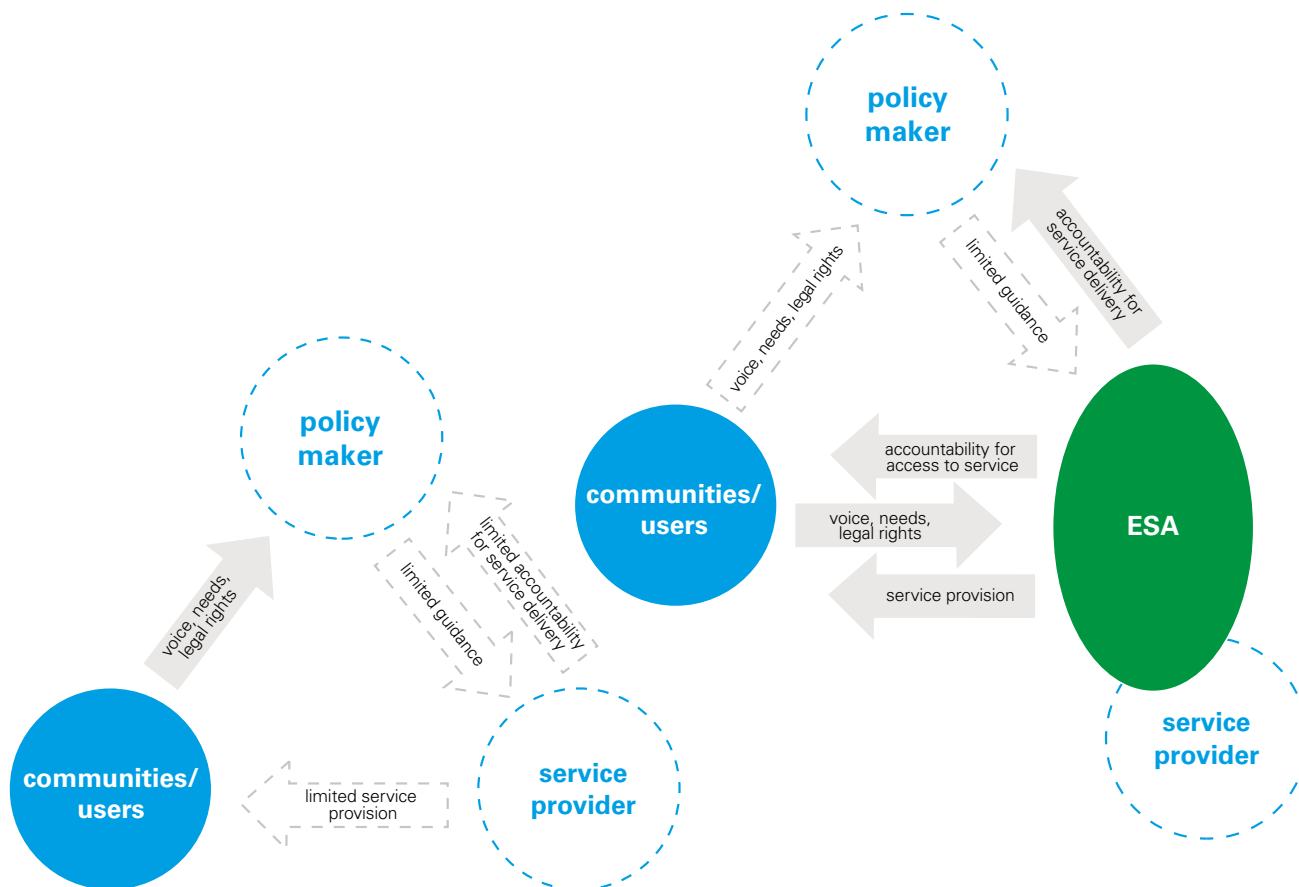


Figure 11: Accountability framework for acute crises

Note: ESAs take on the primary role of service provider, delivering water and sanitation services, but sometimes also partially take on the role of policy maker (for instance by developing strategic operational frameworks or assuming coordination).

humanitarian principles of humanity, neutrality, impartiality and independence⁶⁰ (see Box 1). But humanitarian clusters are, by essence, temporary and are responsible for building and/or reinforcing the national capacity to progressively take a leading role in response coordination, with a final objective of transition from cluster to sector once adequate conditions have been reached. If the nature of the crisis and the capacities allow, it is ideal that the national government leads the cluster. This is often the case when, after several crises, ESAs have built governmental capacities to do so. In these cases, there is a triangle model, with the cluster working alongside the government to support coordination (Figure 12).

The model of clusters, if well led or co-lead by governments, can increase governmental

ownership (see functions in Box 1), improve sectoral leadership, increase information sharing and avoid duplications, and support resource mobilization and targeted investment. However, some challenges remain. Clusters are activated when government capacities are insufficient or humanitarian conditions are not met, hence the transition from a cluster-led towards a government-led coordination mechanism might take some time. In addition, development stakeholders are often not sufficiently involved in the clusters, which perpetuates counterproductive approaches between development and humanitarian actors. The transition from cluster-led to government-led mechanisms requires lengthy processes where development actors should play an important role. As a final challenge, there are insufficient mechanisms in place to strengthen accountability to affected populations.

⁶⁰ OCHA, n.d.

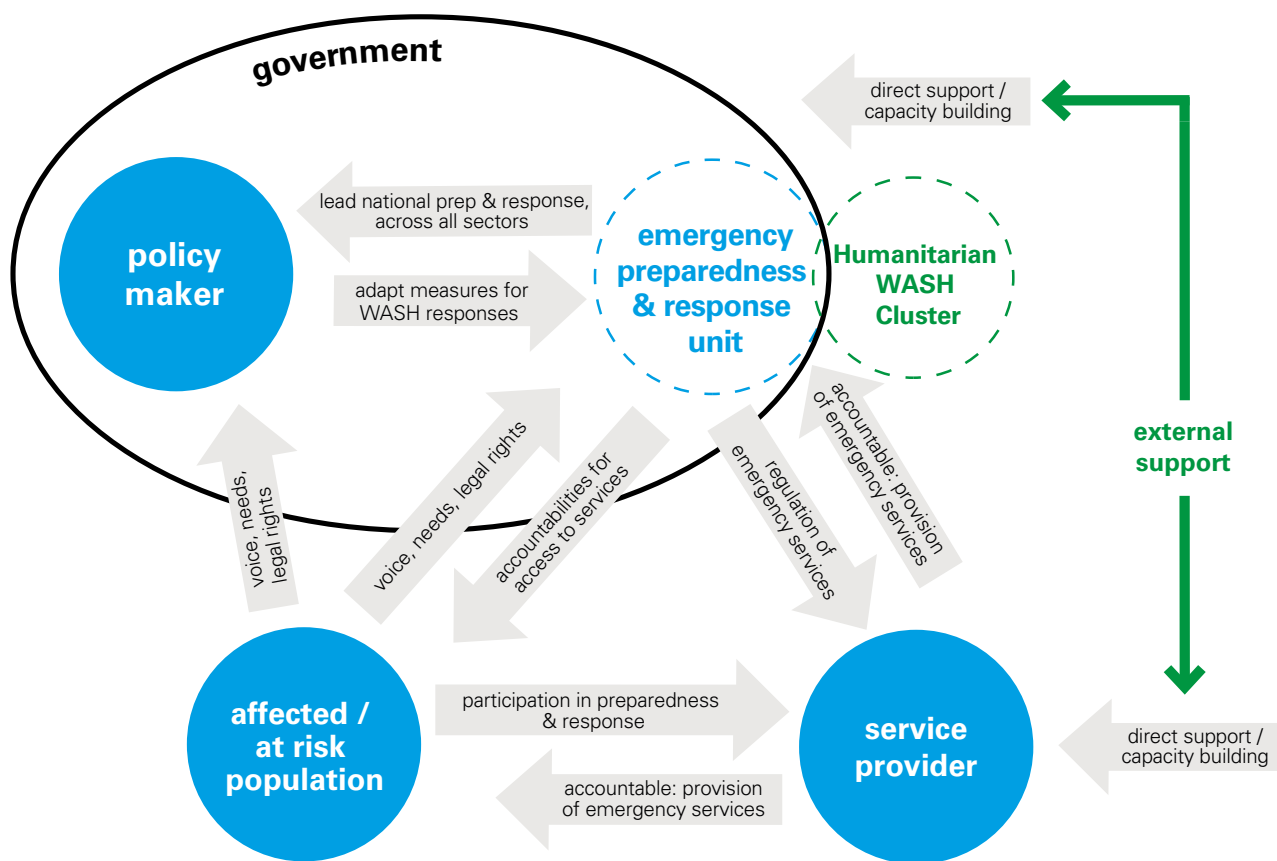


Figure 12: Accountability triangle for service provision during a crisis with cluster coordination

However, to counteract this last element, the Global WASH Cluster (GWC) has developed a framework, built around four principles of the humanitarian response (impartiality, neutrality, independence, humanity), targets appropriateness and relevance; effectiveness and timeliness; communication, participation and feedback; capacity strengthening and avoiding harm, and coordination and complementarity (see Figure 13).

Coordination between ESAs and the government at national or sub-national level should be prioritized – when feasible – to support the government’s leadership role as well as to gradually reinforce the government’s coordination capacities.

Within these crises, developing trust is a key aspect that needs to be fostered alongside service delivery. When the initial lack of trust among the population and other stakeholders (e.g. government) is high, some mediators can start facilitating dialogues on key aspects. In addition, a continued effort must be made to leverage the voices of others, particularly in complex and politically sensitive environments. Generating spaces for participation in acute crises is an important element to keep accountability lines active.

When ESAs assure direct service delivery after a crisis has erupted, they should plan for a transition plan to transfer the operation and management of those services to local actors as soon as it is feasible. They should also support the policy maker to set the minimum standards of regulation, at least to assure fair and equitable access, and to ensure that no one is left behind in terms of quality and

Box 1: Cluster coordination functions⁶¹

There is consensus that the cluster approach, established in the framework of the 2005 Humanitarian Reform, has increased the effectiveness of humanitarian action, which makes it a valuable mechanism to work with. The core functions at the country level, updated in 2015, are:

1. To support service delivery by:

- Providing a platform that ensures service delivery is driven by the Humanitarian Response Plan and strategic priorities.
- Developing mechanisms to eliminate duplication of service delivery.

2. To inform the Humanitarian Coordinator/Humanitarian Country Team (HC/HCT) strategic decision-making by:

- Preparing needs assessments and analyses of gaps (across and within clusters, using information management tools as needed) to inform the setting of priorities.
- Identifying and finding solutions for (emerging) gaps, obstacles, duplication and cross-cutting issues.
- Formulating priorities based on analyses.

3. To plan and implement cluster strategies by:

- Developing sectoral plans, objectives and indicators that directly support realization of the overall response's strategic objectives.
- Applying and adhering to common standards and guidelines.
- Clarifying funding requirements, helping to set priorities and agreeing cluster contributions to the HC's overall humanitarian funding proposals.

4. To monitor and evaluate performance by:

- Monitoring and reporting on activities and needs.
- Measuring progress against the cluster strategy and agreed results.
- Recommending corrective action where necessary.

5. To build national capacity in preparedness and contingency planning.

6. To support robust advocacy by:

- Identifying concerns and contributing key information and messages to HC and HCT messaging and action.
- Undertaking advocacy on behalf of the cluster, cluster members and affected people.⁶²

61 IASC, 2012.

62 The cluster has its own specific architecture and processes in terms of accountability to affected populations (see Annex 2).

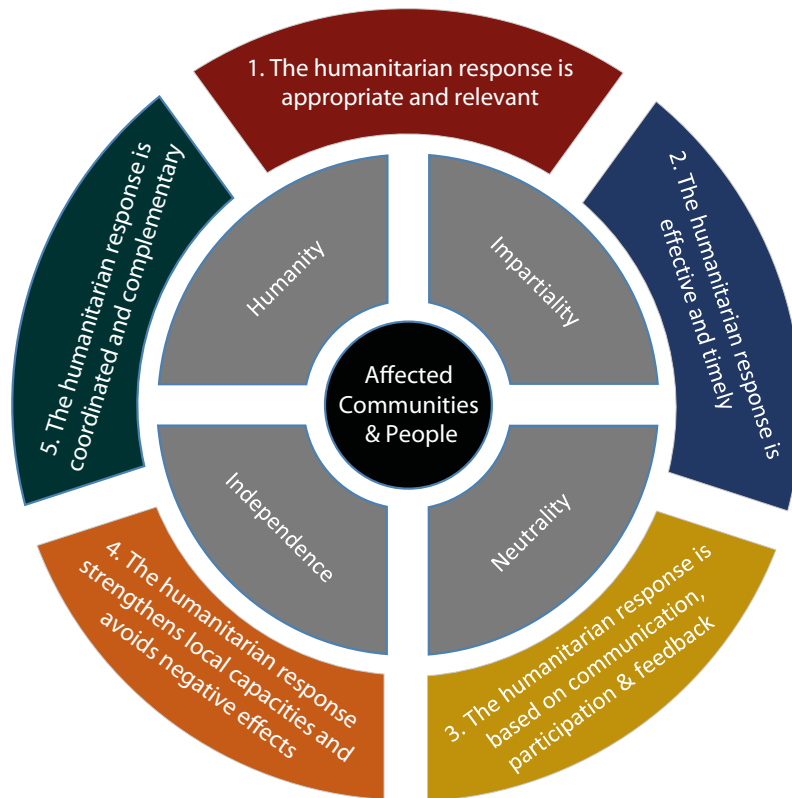


Figure 13: Accountability framework for humanitarian WASH

Source: GWC, 2018.

affordability of the services. ESAs should also support the emergence or strengthening of a local service provider as soon as possible and in a sustainable manner.

The water sector stakeholders, supported by the ESA, must develop appropriate service delivery models to prevent the collapse of WASH systems. To do so, they should evaluate all potential feasible models for service provision. These may include public–private partnerships, mixed models with communities, or strengthening supply chains to ensure that there are suppliers of spare parts for rehabilitation and operation and maintenance. Solutions should also support the establishment and professionalization of service providers and ease access to markets for goods and services.

Shocks from acute crises make the population more vulnerable, as their resilience to cope with recurrent shocks diminishes. In this context, it's very common to find families that have lost their entire way of living after recurrent flooding, droughts, cyclone, displacement, etc. Further, even when water and sanitation services

are available, a significant proportion of the population might not be able to pay for services due to other key/survival priorities at their household level. Cash, voucher assistance (for users) or market-based programming for WASH (for service providers and users) can be useful models for such cases.

In crisis involving displacement, it is important to put in place inclusive service delivery models that consider the needs of both host communities and IDP/refugees.

Protracted crisis

Protracted crises are often characterized by the longevity of the crisis, conflict, weak governance, affected livelihoods and breakdown of local institutions. During protracted crises, WASH services have often suffered decades of insufficient investment to recover from previous crises, and their systems are weak. WASH service provision is often dysfunctional, and the policy maker experiences difficulties in regulating the sector (Figure 14). Under such circumstances, there is space for an

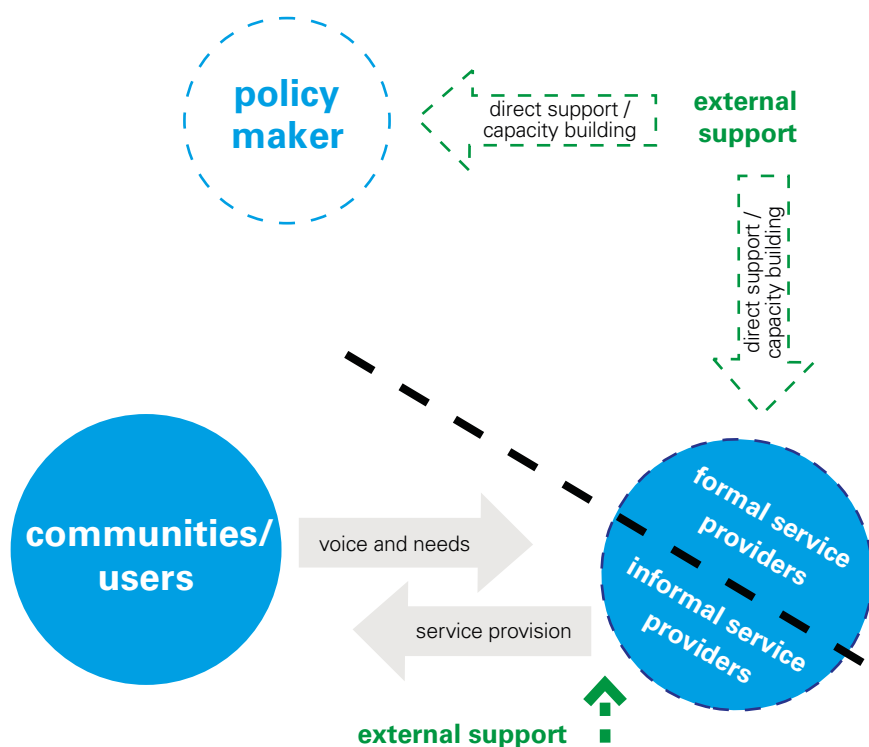


Figure 14: Accountability triangle for service provision in a protracted crisis: ESAs support policy makers and service providers (formal and informal)

unregulated environment with coexisting formal and informal service providers. There are, in general, an atomized number of service providers, which have grown strong and established a quasi-permanent situation by delivering services to the population (with temporary solutions such as water trucking) or by citizens relying on self-supply options that are not part of the government systems or affected by regulatory measures.⁶³ Therefore, the service providers have an important power (shown by their bigger size in Figure 14), while users have very limited means to make their voice heard. This poses high risk to the quality and affordability of services. For example, prices can vary sharply without any control (e.g. in case of local water scarcity), which, in general, leaves populations in very vulnerable situations, as presented in Figure 14.

In such situations, ESAs might have multiple roles. From one end, they might support the policy makers to increase their presence and

capacity to lead the sector; this should be combined with support to the formal service providers (to increase the quality and the coverage of their services). At the other end, ESAs might support improved regulation of both formal and informal service providers. Bringing informal service providers to some degree of formality (e.g. through licensing) and control of basic parameters, such as water quality and price, can make a huge difference for the protection of the population.

Interventions should also support sub-national/local authorities, as they are closer to the local population and, therefore, might be more likely to be accountable to them. Hence, supporting local leadership (decentralized level) as the lead actor can help develop an accountable service delivery framework that provides sustainable services. Therefore, local leadership support also needs to be planned for in cases where it does not exist from the start.

The policy maker should work on preparedness and transition from humanitarian emergency response to a more long-term, risk-informed approach. This policy development should be

⁶³ For a broader analysis, look at how the WASH system “looks and behaves” in fragile contexts with a focus on protracted contexts in Tillett et al., 2020.

led by the government and include a process to increase its coping capacity and leadership⁶⁴ as well as to set structures for operation and maintenance of services (i.e. tariff setting, strengthening supply chains, etc.).

Government budgeting should prioritize disaster risk reduction, including preparedness and building resilience to anticipate a potential crisis, and be based on more long-term intervention.⁶⁵ In addition, new funding mechanisms for WASH in fragile contexts (such as public–private partnerships, blended finance and climate finance) should be explored when possible to decrease the dependence on more conventional ODA and to gradually move from humanitarian aid towards more diversified funding streams based on government leadership and with an increased share of national funding. Public Expenditure and Financial Accountability frameworks used to assess and improve a country’s financial systems, combined with performance-related grants, can be relevant interventions to support country systems.

There should be a concerted effort in collecting data, strengthening monitoring systems and increasing their use for decision making. This should be coupled with awareness and communication campaigns that show the progress in evidence-based decision making to improve trust across the sector.

WASH actors will need to recognize the political nature of service delivery, which is often overlooked by focusing more on technical solutions. Recognizing the political nature of service delivery means recognizing the risk of increasing conflict by inadvertently tapping into its causes. For example, additional conflicts may be sparked between host communities and refugee groups, or between different parts of a country.⁶⁶

Post crisis/recovery

In **post crisis or recovery**, there is a need to improve the quality of service delivery while by emphasizing peace dividends (when relevant). This should be carried out in a way to support

dialogue and deliberation and nurture trust and cohesion building between policy makers, service providers and users. The aim is to rebuild accountability within state legitimacy to the three-actor model, fading the parallel lines established during crisis periods. The pace of recovery after a crisis eruption depends heavily on the nature of the crisis. Whether the instability was caused by a natural disaster or an economic turmoil, recovery would be quicker than from a conflict, which entails disruption of social cohesion and trust amongst co-citizens. Effective recovery also depends on the presence and support from ESAs and governmental collaboration and their long-term commitment towards strengthening system resilience⁶⁷ (see Figure 15).

Best practice in post-conflict service delivery is commonly thought to resemble a stewardship approach, sometimes referred to as “contracting out”, whereby aid agencies, INGOs and NGOs operate under the general purview of the government. After a crisis, the Inter-Agency Standing Committee transformative agenda establishes processes for the gradual deactivation of cluster structures and, when possible, for the increasing of government leadership in the cluster coordination.⁶⁸ In post-crisis scenarios, clusters are also likely to transition into formal coordination mechanisms for the development actors involved in the reconstruction, where government leadership must be promoted and supported.

As domestic capacity accumulates, the role of external agencies should taper off, ultimately becoming redundant as capable and legitimate states take shape.⁶⁹ This represents a compromise between working through non-state actors and directly through government systems. Some research suggests that this model may help demonstrate state capacity, in turn generating a degree of performance-based legitimacy.⁷⁰ However, this ideal model is often neglected in practice because it depends on a minimum level of state capacity to begin

64 As recommended also by OECD, DAC (OECD, 2019).

65 UNICEF, 2020.

66 Jaafar et al., 2020.

67 World Bank, 2007.

68 IASC, 2015.

69 OECD, 2010.

70 Denney et al., 2015.

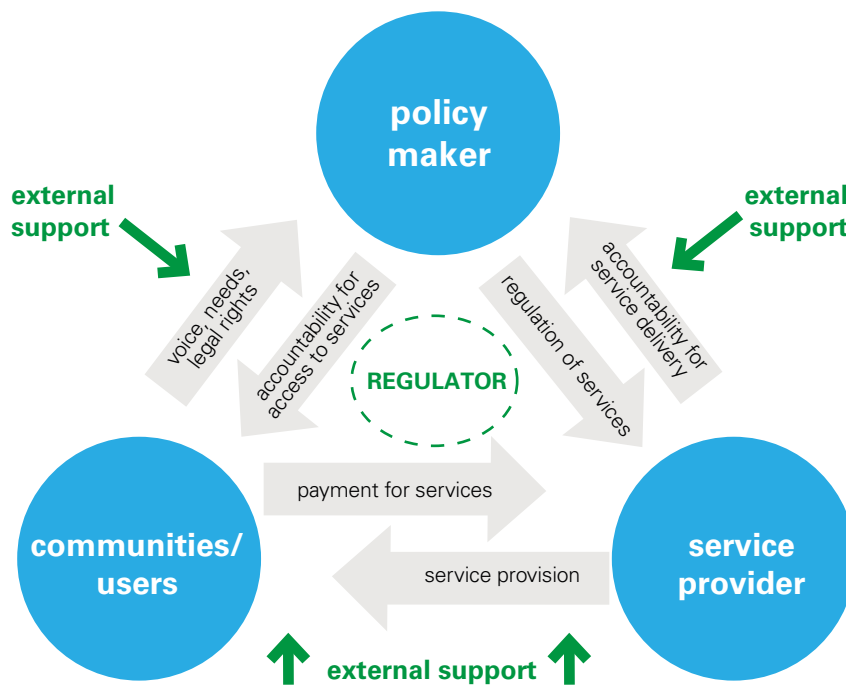


Figure 15: Accountability triangle for service provision in recovery scenarios

with, and long-term visions are hampered by the time it takes to deliver immediate results. Subsequently, donors often end up working through more direct channels of provision, sometimes bypassing the state altogether. Therefore, the practice in many post-conflict settings is a complex web of state, non-state and private actors, forming a multi-stakeholder model of service provision. Donors support various models of delivery but often not in a very well-coordinated way. To create a real transition from emergency to development programming, there needs to be mutual accountability for sector results and external partners have to be transparent and accountable to the government for their results and vice versa.⁷¹ Multi-stakeholder coordination mechanisms such as Joint Sector Reviews can be very beneficial in this context. However, they require a long-term commitment and some maturity in the sector to become proper accountability mechanisms. The role of ESAs in supporting those processes is important, since change will not happen through one-off exercises, and the consolidation of coordination

structures requires time to be gradually established.⁷²

If efficiency is important for WASH service provision, in fragility contexts it is vital. In fragility cases, it is key that service providers maximize the efficiency of their operations by understanding and minimizing the volume of non-revenue water and reducing inefficiencies in operation and corruption.

At the international level, coordination between the WASH humanitarian and development global platforms (e.g. Sanitation and Water for All – GWC) is key for amplifying results, avoiding overlaps and maximizing efficiency in resource use.

Fragility without crises

The recovery phase, outlined above, can occasionally fail to progress sufficiently and stagnate during “fragility without crises”. Even though a crisis may have happened many years ago, particularly when the original crisis was a civil war, fragility will remain for a long time after the original crisis event. Under these

71 Mosello et al., 2016.

72 Danert et al., 2016.

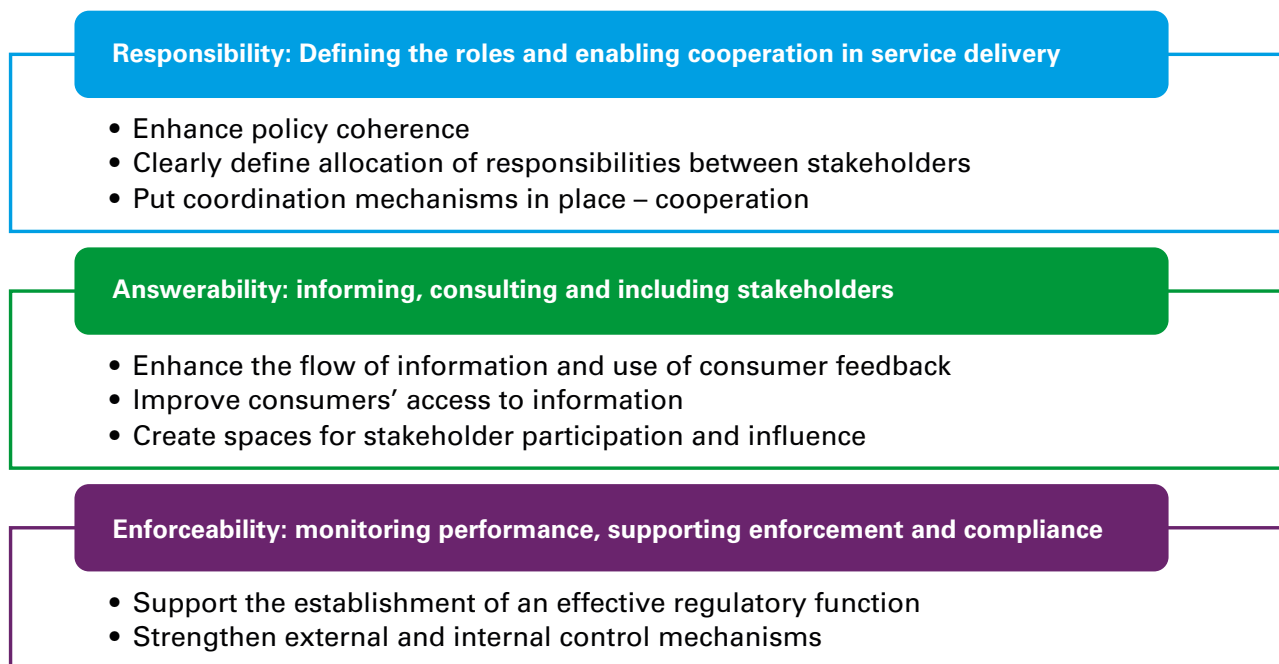


Figure 16: Three constituent elements of accountability (responsibility, answerability and enforceability)

circumstances, the key aspect is to support the capacity and resilience of the sector, strengthen the accountability lines of the three-actor model and improve regulation. Working along the three constituent elements of accountability⁷³ (responsibility, answerability and enforceability) gives a complete framework for action, as outlined in Figure 16. The first element is the clarification of roles within the accountability framework. If policy is unclear or incoherent, this creates confusion in its implementation and it becomes an obstacle to accountability. Even when roles are clear, communication and coordination across actors must be strengthened. Within fragile contexts, increasing trust and state legitimacy is paramount. Adequate mechanisms for information sharing and participation of stakeholders are important elements in this endeavour because they improve the answerability of the duty bearers towards their citizens. Regarding enforceability, it is particularly important to reconstruct or develop the regulatory functions as soon as possible. Governments in fragile contexts should actively ensure that utilities cover at least their operation and maintenance costs through consumer tariffs as early as possible and even

during subsequent emergencies, without jeopardizing users' affordability. Ensuring at least these costs will result in more long-term and sustainable services and, therefore, early recovery. At a later stage, regulation should strive for a tariff system that ensures full cost recovery, including operational and maintenance costs and the allocations of actual fixed asset depreciation, loans, interests and development investments, if possible. The regulatory functions should also reinforce or create feasible accountability mechanisms between service providers and users (including complaints for abusive tariffs, poor level of service, feedback channels, etc.) and ensure corrective measures when needed. The establishment of key performance indicators as well as the establishment of monitoring systems should encourage service providers to move towards higher levels of professionalization and service. Use of benchmarking and soft regulation might be a good starting point in these contexts. An important challenge for regulation in these contexts might be the impossibility or insufficient capacity to reach certain areas, which calls for different and innovative models of regulation, including support for regulation through direct information from users, use of traditional leaders or IT-based solutions.

73 UNDP/SIWI Water Governance Facility (WGF)/UNICEF, 2015a.



Credit: @SIWI/Bangladesh/AntoineDelepiere

In addition, mutual horizontal accountability mechanisms can play an important role in ensuring that, first, all actors work towards coherent results on nationally defined priorities and, second, everyone respects their commitments in a manner that discourages fragmentation and volatility⁷⁴. The Sanitation and Water for All (SWA) Initiative has been working in this direction with the definition of a mutual

accountability mechanism across partners of different constituencies.⁷⁵

In any case, interventions in fragile contexts will require a high level of adaptiveness due to the continuously changing socio-political or critical environments that organizations and other actors have to operate within.

⁷⁵ SWA, 2018. SWA's Mutual Accountability Mechanism (2018) is designed to respond to these obligations of participation and accountability. It reflects the vision, principles, obligations, requirements and challenges set by the SDGs, as well as incorporating the SWA Framework of Guiding Principles, Collaborative Behaviours and Building Blocks. The SWA Mutual Accountability Mechanism builds on and reinforces existing national multi-stakeholder planning and review processes. Through this mechanism, all of SWA's partners are expected to develop commitments, based on national priorities, to be presented at SWA's global High-level Meetings.

⁷⁴ OECD, 2018.

4. CONCLUSIONS

The volume, investment and length of humanitarian assistance over the past decade has grown dramatically, mainly due to the protracted nature of crises and scarce development action in many contexts where vulnerability is the highest.⁷⁶ This trend has given new exigency to the convergence of humanitarian and development efforts across their programming approaches as a key element of the humanitarian and development agenda. This aligns the ambitious targets set by the SDGs, the commitments of the Grand Bargain, as part of the Agenda for Humanity, and the NWOW initiative to not only meet developmental goals, but to reduce risk, vulnerability and overall levels of needs.⁷⁷

In fragile contexts, WASH service provision is supported by a plethora of (external) actors that increase the complexity of interrelationships and, therefore, their accountability lines. However, as discussed, different situations require different responses, and what is relevant in one context might not be applicable elsewhere. Hence, these conclusions are structured more in terms of principles for action, which will be translated into specific activities based on context-specific conditions.⁷⁸ The overall objective is **to have in place a clear service delivery framework with strong accountability relationships among the stakeholders.**

The **first principle** refers **to understanding the existing accountability framework and the political nature of service delivery in fragile contexts.** The WASH sector needs to assess and understand the structural causes of fragility, conflict and disaster. Otherwise there is a risk of increasing/escalating the conflict by inadvertently tapping into its causes.⁷⁹ Climate change-related risks also overlap with other causes of fragility; only by understanding these holistically can a viable pathway towards

improving the resilience of the WASH sector be defined.

The **second principle** refers to the need to **rebuild trust** among the key national stakeholders (citizens, service providers, regulators and policy makers) **while improving the quality of the services.** This includes engagement with the government at both national and local levels and supporting government-led coordination. In addition, developing stronger citizen–state accountability relations is critical. Processes should be conducted in the most **participatory** (opening the opportunity for actors to voice their needs), **inclusive** (having a broad representation of different groups including traditionally marginalized ones) and **evidence-based** manner, and communicated to all affected stakeholders with **transparency.**

The **third principle** refers to working proactively **towards the re-establishment and strengthening of the national service delivery framework.** Phasing out, as soon as possible, provisional coordination mechanisms and service delivery arrangements that undermine the national accountability framework should be a priority. When establishing alternative models of service delivery, there should be a process to include them into the national framework. This includes strengthening the regulation of service provision.

The **fourth principle** refers to the need to invest **more in preparedness, conflict prevention and building sector resilience, with a more long-term, risk-informed approach.** Humanitarian support and development support should work more closely together. From the humanitarian end, long-term sustainability should be an essential part of the strategy, while from the development end, disaster preparedness and risk reduction require further attention. The desired transition between humanitarian and development interventions requires adjusting funding mechanisms for humanitarian action and development

76 GWC, 2020.

77 UNISDR, 2015.

78 Practical examples can be found in Tillett et al., 2020.

79 Harris & Wild, 2013.



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programming to make them multi-year, predictable, non-earmarked and flexible enough to be adjusted to all scenarios of humanitarian–development response.

The **fifth principle** relates to **continued capacity development and systems strengthening**. It is crucial to ensure that the capacities for preparedness and emergency response are embedded in national development plans, structures and capacities and supported by appropriate information systems. The use of government financial systems should be a priority, to the extent possible. New funding mechanisms for WASH in fragile contexts should be explored to decrease the dependence of more conventional ODA and to gradually move from humanitarian aid towards more diversified funding streams based on a long-term construction of resilience, government leadership and an increased share of national funding. Generally, capacity development in fragile contexts is needed at all levels of the sector, including decentralized, local and community levels as well as the private sector. Creating local capacity at the user level can be a substantial effort but may pay off in the middle- to long-term. In this manner, local populations can be engaged in preparedness and response to acute crises as well as in a stronger demand for accountability.

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6. ANNEXES

Annex 1. Definitions of fragility

For the **United Kingdom Department for International Development (DFID)**, fragile states include those where the government cannot or will not deliver its core functions to the majority of its people, including the poor. They lack the will and/or the capacity to manage public resources, deliver basic services, and protect and support the poor and vulnerable.⁸⁰

For the **United States Agency for International Development (USAID)**, there are two categories of fragile states: 1) vulnerable and 2) in crisis. The former is for those states that are unable or unwilling to adequately assure the provision of security and basic services to significant portions of their populations and where the legitimacy of the government is in question. This includes states that are failing or recovering from a crisis. The latter is for those states where the central government does not exert effective control over its own territory or is unable or unwilling to assure the provision of vital services to significant parts of its territory, where legitimacy of the government is weak or nonexistent, and where violent conflict is a reality or a great risk.⁸¹

For the **World Bank Low Income Countries Under Stress**,⁸² fragile countries are characterized by very weak policies, institutions and governance. Aid does not work well in these environments because governments lack the capacity or inclination to use finance effectively for poverty reduction.

Kreditanstalt für Wiederaufbau (KfW) defines fragility in terms of serious deficiencies in at least one of the following three dimensions: 1) **capacity** (the state lacks the capability to provide basic public services); 2) **legitimacy** (the state is not perceived as legitimate by its population); and/or 3) **authority** (the state has no monopoly on the use of force in its territory).

UNICEF defines fragile contexts as contexts where there is an accumulation and combination of risks as a result of context-specific underlying causes combined with insufficient coping capacity of the state, system and/or communities to manage, absorb or mitigate those risks.

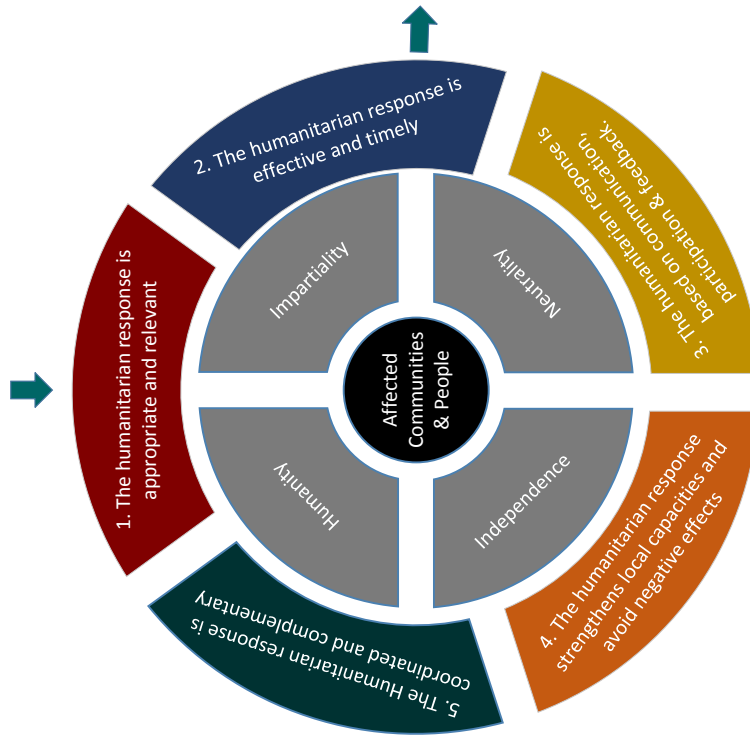
80 Berry & Igboemeka, 2005.

81 USAID, 2005.

82 The World Bank has replaced the term “low-income countries under stress” with “fragile states”, while retaining the same criteria to identify these countries.

Annex 2. The accountability framework in humanitarian WASH

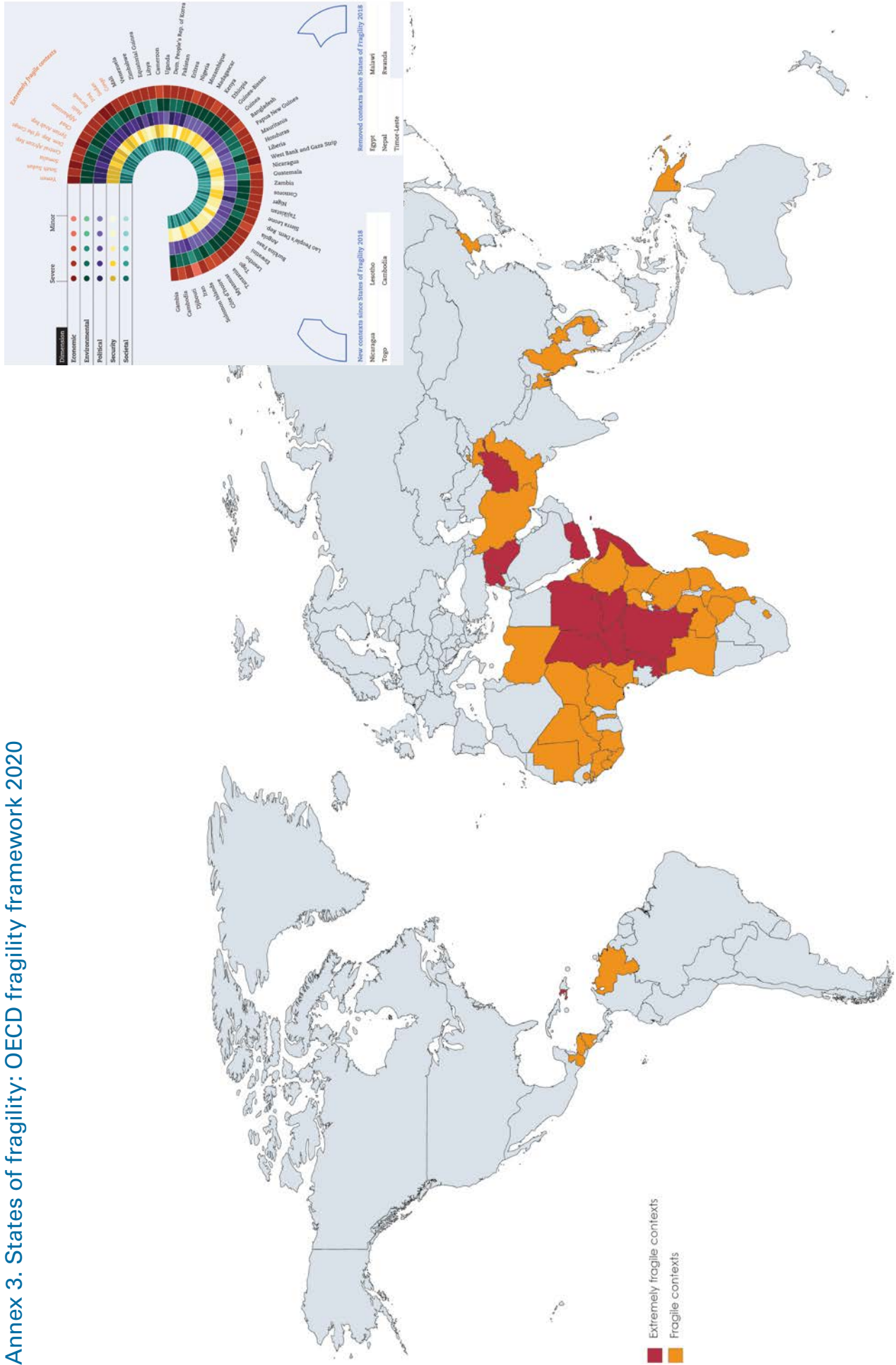
The Accountability Framework in Humanitarian WASH



<p>A. Focus on results: set up the minimum requirements* to deliver a response that meets the needs and priorities of affected communities</p> <p>Governance</p> <ol style="list-style-type: none"> 1. Coordination architecture and mechanisms are set up to coordinate the humanitarian response. <p>Preparedness</p> <ol style="list-style-type: none"> 2. Hazard identification, risk assessment and risk monitoring are undertaken. 3. Contingency plans exist for high-risk or recurring disasters. 4. Baseline information prior to the crisis exists and is used as a reference point. This includes water and sanitation coverages at community, schools and health facility levels, information on hygiene behaviour and essential health and nutrition data. <p>Assessment and Planning Phases</p> <ol style="list-style-type: none"> 5. There is a mechanism or protocol in place to collect assessment data from partners. 6. A WASH response plan addressing priority needs, with key strategic objectives, indicators of achievement, and funding requirements has been jointly agreed by partners. 7. WASH technical standards, indicators and guidelines have been developed for the WASH response plan and jointly agreed by partners. They are based on national standards where applicable. 8. A strategic operational framework to achieve the objectives of the WASH response plan, indicating ways of working is agreed among partners. <p>Implementation and Monitoring Phases</p> <ol style="list-style-type: none"> 9. Coverage of the WASH response delivered by partners (who is doing what, where, when and for whom) is regularly monitored, shared and analysed. 10. Mechanisms are in place to monitor the quality of WASH services delivered to the affected population against established standards (relevance, quantity, quality, continuity of WASH services). 11. Analysis highlighting geographic or programmatic gaps is regularly updated. <p>Resource Mobilization</p> <ol style="list-style-type: none"> 12. Funding status of the WASH response against funding needs is monitored with the aim to strategically mobilize resources. <p><small>*Based on the Global WASH Cluster Minimum Requirements for Coordination</small></p>	<p>B. Focus on protection principles: the rights of affected communities and people are respected: the 5 minimum commitments</p> <ol style="list-style-type: none"> 1 2 3 4 5 <ol style="list-style-type: none"> 1. Assessment: girls, boys, women, and men, including older people and those with disabilities, are separately consulted to ensure that WASH programs are designed to provide equitable access and reduce incidences of violence. 2. Design: girls, boys, women, and men, including older people and those with disabilities have access to appropriate and safe WASH services. 3. Implementation: girls, boys, women, and men, including older people and those with disabilities have safe access to feedback & complaint mechanisms so that corrective actions can address their specific protection and assistance needs. 4. Response Monitoring: safe and equitable access, and use of WASH services are monitored. 5. Across the response: priority to girls (particularly adolescents) and women's participation have been given in the consultation process and feedback mechanisms. <p>C. Focus on strengthening national and local capacities: the capacity of national and local stakeholders are reinforced based on mutual trust and respect with international partners</p> <ol style="list-style-type: none"> 1 2 3 4 5 <ol style="list-style-type: none"> 1. Wherever possible, the WASH response is led by the line Ministry of the State at national level and local authorities at sub-national levels. 2. There is a strategy to reinforce the capacity and the leadership of the national and sub-national authorities. <p>D. Focus on the rights of affected communities and people</p> <ol style="list-style-type: none"> 1 2 3 4 5 <ol style="list-style-type: none"> 1. Communities have access to information and participation in decisions that affect them. 2. A consultation process and feedback mechanism is set up to measure the degree of satisfaction of the affected people. 	
<p>Operationalize the Accountability Framework: the quality assurance system fitting the context</p> <p>Ensure that prerequisite elements are established</p> <ul style="list-style-type: none"> • Coordination architecture and mechanisms • Baseline information • Response Plan with a phased approach • Strategic Operational Framework • Standards and indicators • Mainstreaming of protection principles • Information management system 	<p>Monitor</p> <p><i>Mutual accountability of partners</i></p> <ul style="list-style-type: none"> • Monitor geographical coverage of the WASH response (5W) in all relevant WASH sub-domain areas • Monitor the quality of WASH services delivered to the affected population against established standards (relevance, quantity, quality, continuity of WASH services) • Track the response level against the response plan objectives • Track funding status against funding needs 	<p>Report</p> <p>Take corrective actions</p> <ul style="list-style-type: none"> • Analyse gaps • Meeting of partners on regular basis • Agree on corrective actions



Annex 3. States of fragility: OECD fragility framework 2020



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This paper has been produced under the Accountability for Sustainability programme, a partnership between the UNDP/SIWI Water Governance Facility and UNICEF which aims to increase the sustainability of WASH interventions by enhancing accountability in the service delivery framework.

For further information, comments and feedback, please contact UNICEF–UNDP–SIWI Accountability for Sustainability Partnership through the Water Governance Facility (www.watergovernance.org) and UNICEF New York headquarters (www.unicef.org).

ACCOUNTABILITY FOR **SUSTAINABILITY**



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