

“Leaving No One Behind: Sustainable WASH Services in Rapidly Changing Context”

Sustainable WASH Accountability

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Session Objectives



By the end of this session, you will:

- Understand the accountability framework for sustainability of WASH services
- Understand climate resilient WASH framework of UNICEF and its applicability

Definition

Accountability in the WASH sector is the democratic principle whereby elected officials and those in charge of providing access to water supply and sanitation services account for their actions and answer to those they serve.

Regulations are rules or governmental orders designed to control or govern behaviour, and often have the force of law.

UNICEF, 2016. STRENGTHENING ENABLING ENVIRONMENT FOR WATER, SANITATION AND HYGIENE (WASH) Guidance Note.

Outcomes

Accountability

Mechanisms for interaction and information exchange between government, service providers and citizens.

Regulation

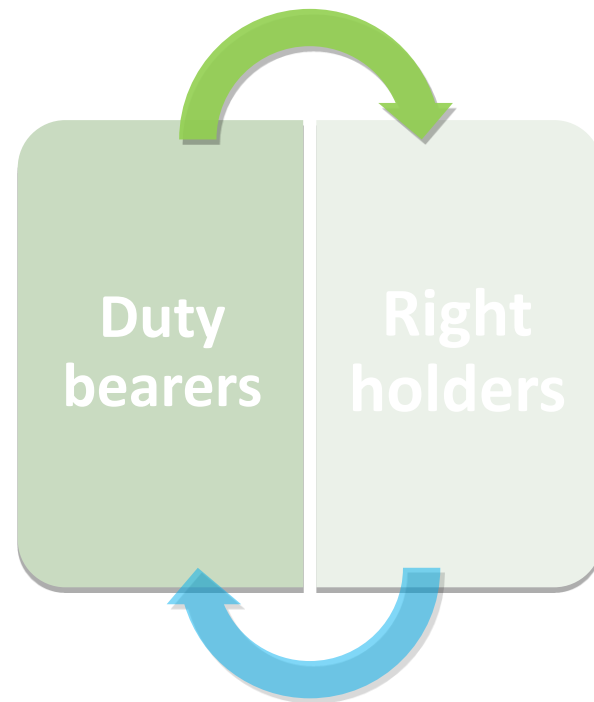
Independent institutions exert oversight and control, and provide performance-based incentives and penalties that drive improvements in WASH services.

UNICEF, 2016. STRENGTHENING ENABLING ENVIRONMENT FOR WATER, SANITATION AND HYGIENE (WASH) Guidance Note.

Accountability is a fundamental principle of human rights

Accountability is about **Joint-decision making**

1. The elected officials, administration and those in charge of providing services account for their actions and answer to those they serve
2. Stakeholders engage and participate in an inclusive, transparent and accountable manner



Three conditions to achieve accountable relations

To achieve effective and sustainable service provision, it is important that the links between actors and institutions are clear and accountable

Responsible

- clear
- coherent
- cooperative

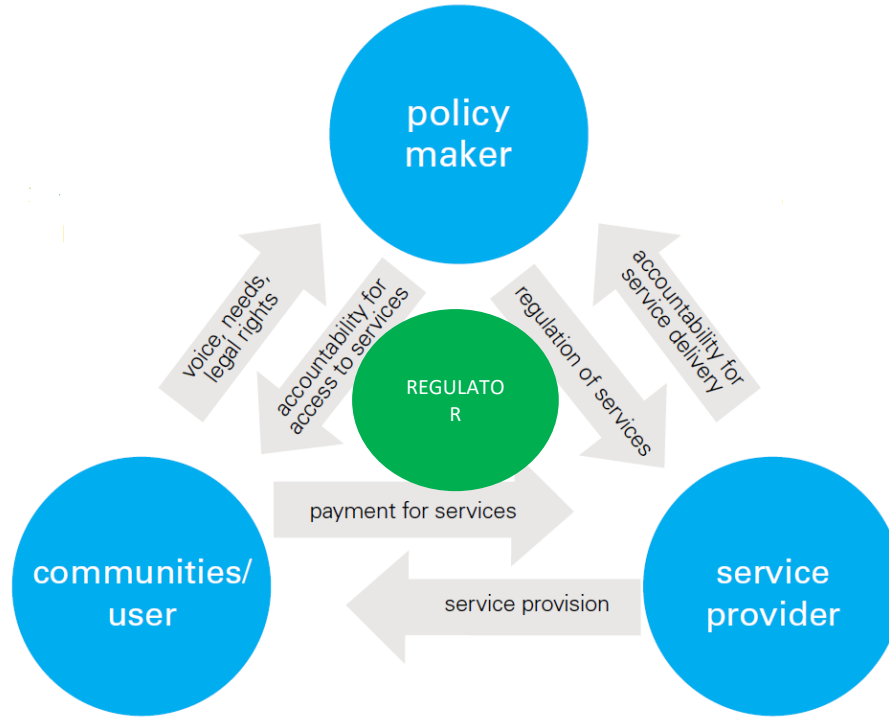
Answerable

- informed
- inclusive
- responsive

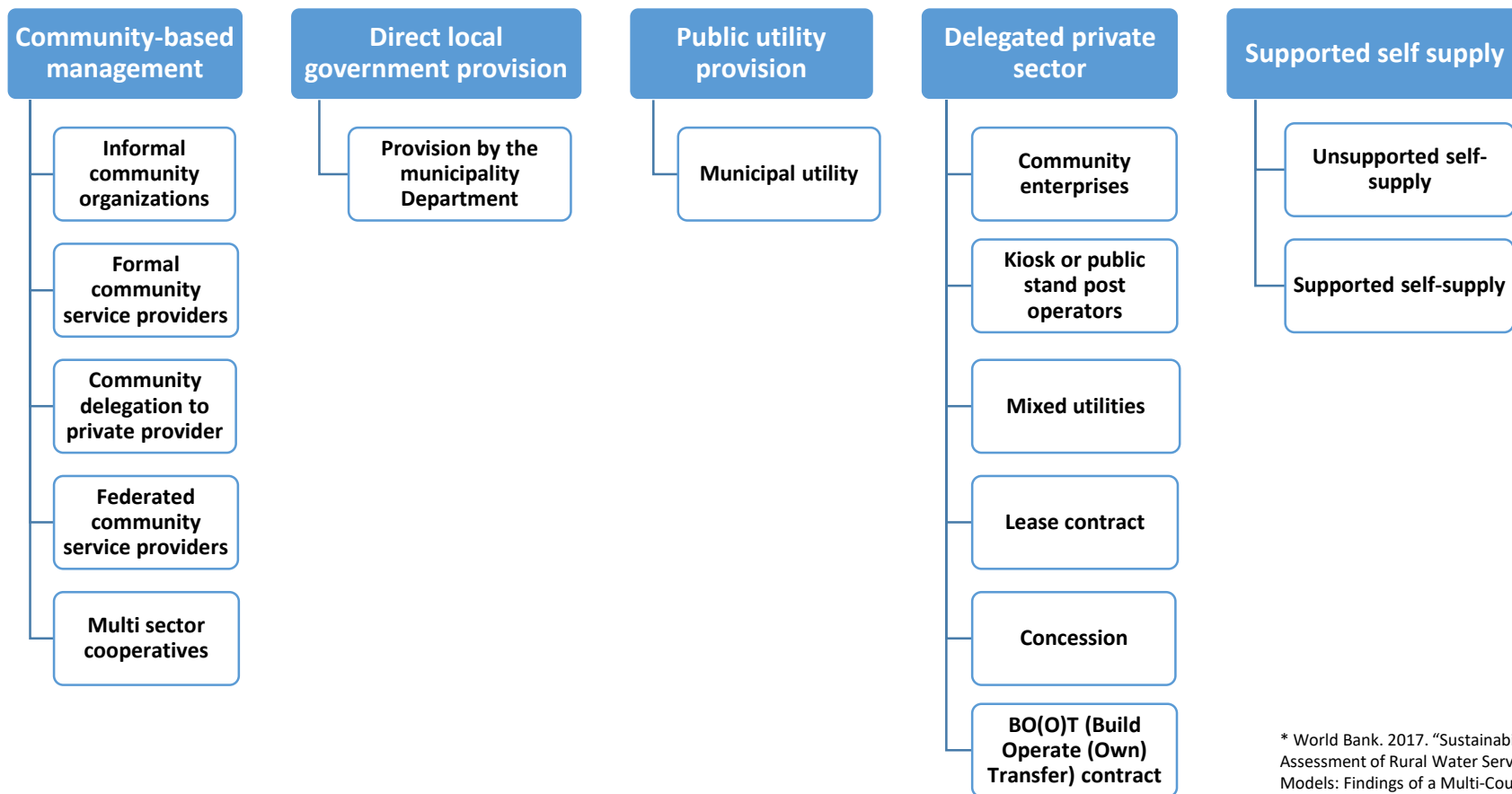
Enforceable

- independently monitored
- penalized when necessary

Accountability – a triangular relationship

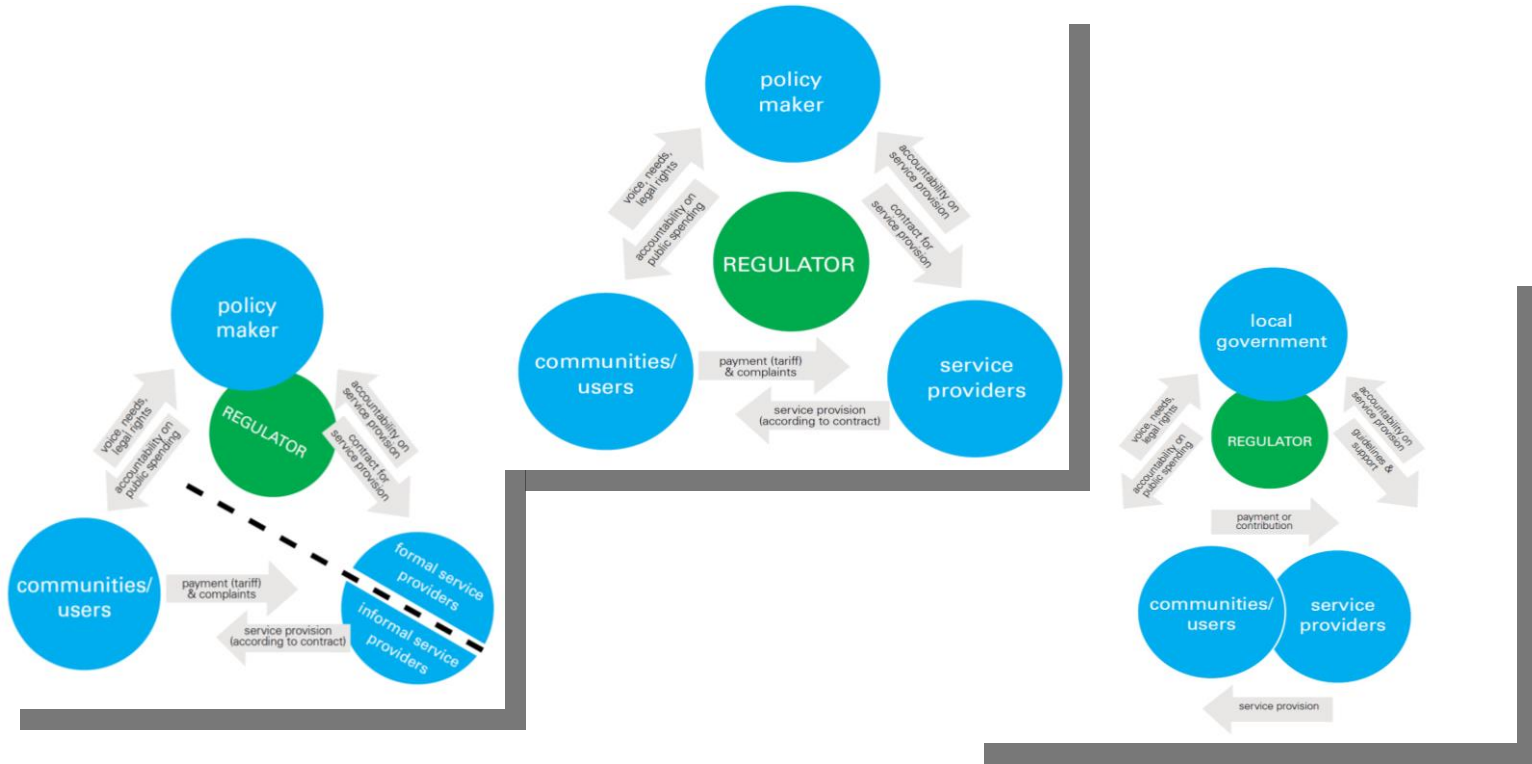


Service Delivery Typology*

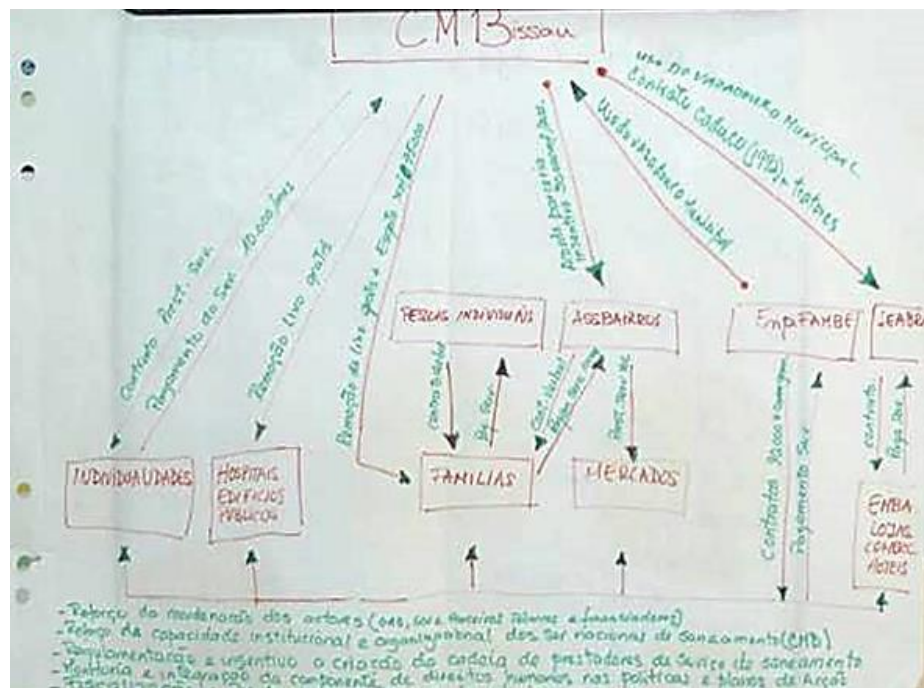


* World Bank. 2017. "Sustainability Assessment of Rural Water Service Delivery Models: Findings of a Multi-Country Review."

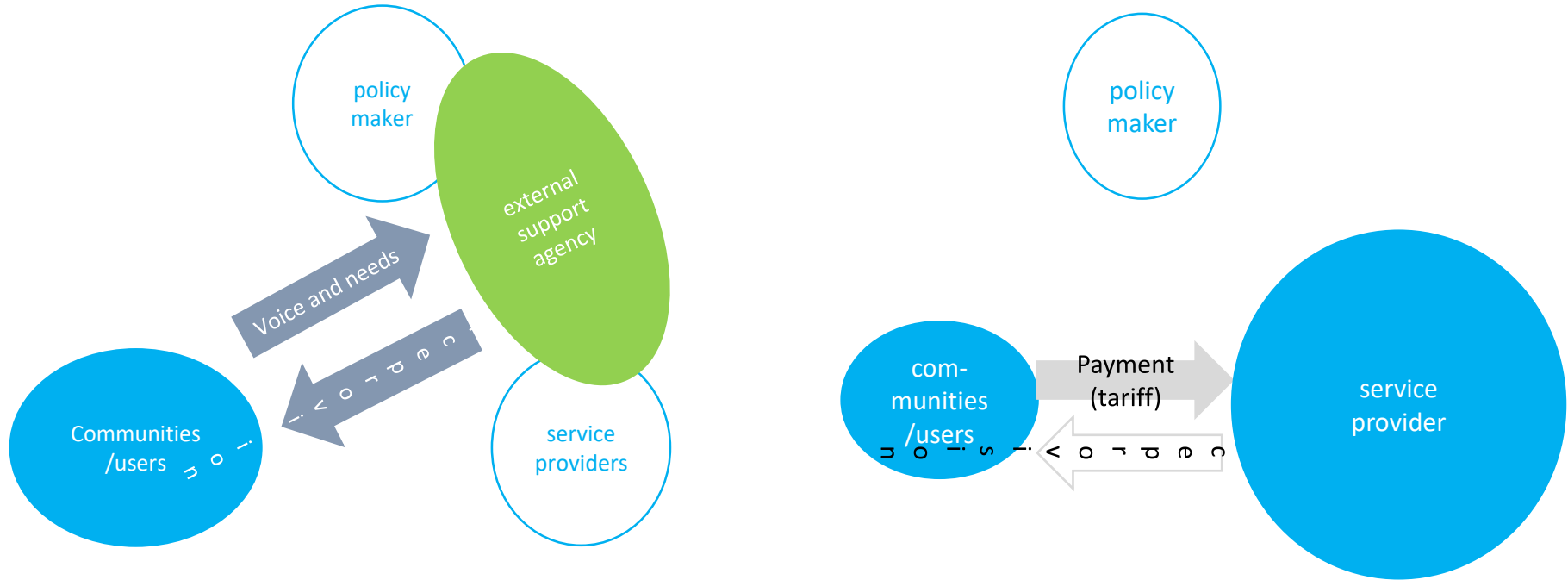
Accountability relations in WASH services



Examples

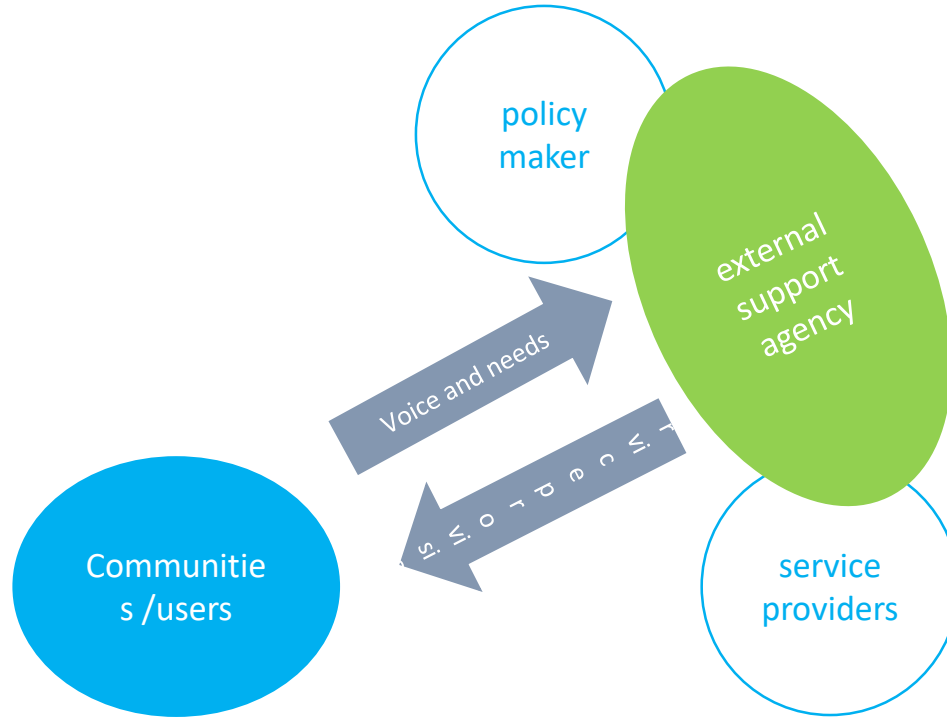


Accountability in emergencies and fragile contexts



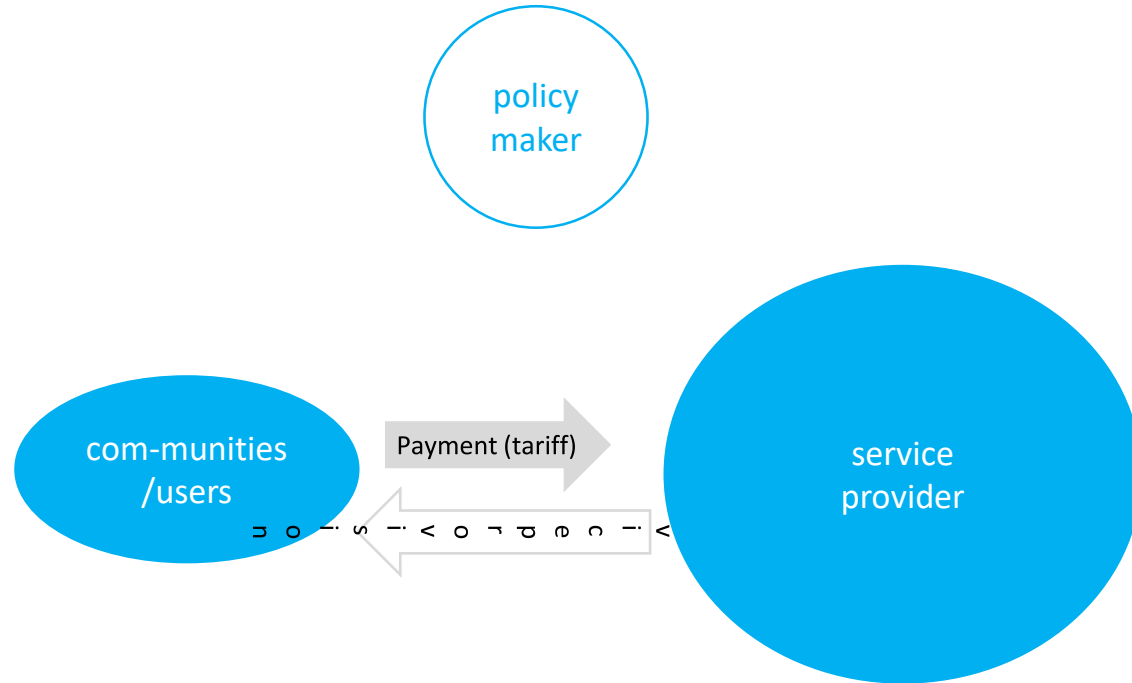
Adapted from "Delivery Resilient WASH service in Fragile States, the transition from emergency to development" (World Bank, WSP, Review copy 2016)

Accountability in emergencies - direct service provision



Adapted from "Delivery Resilient WASH service in Fragile States, the transition from emergency to development" (World Bank, WSP, Review copy 2016)

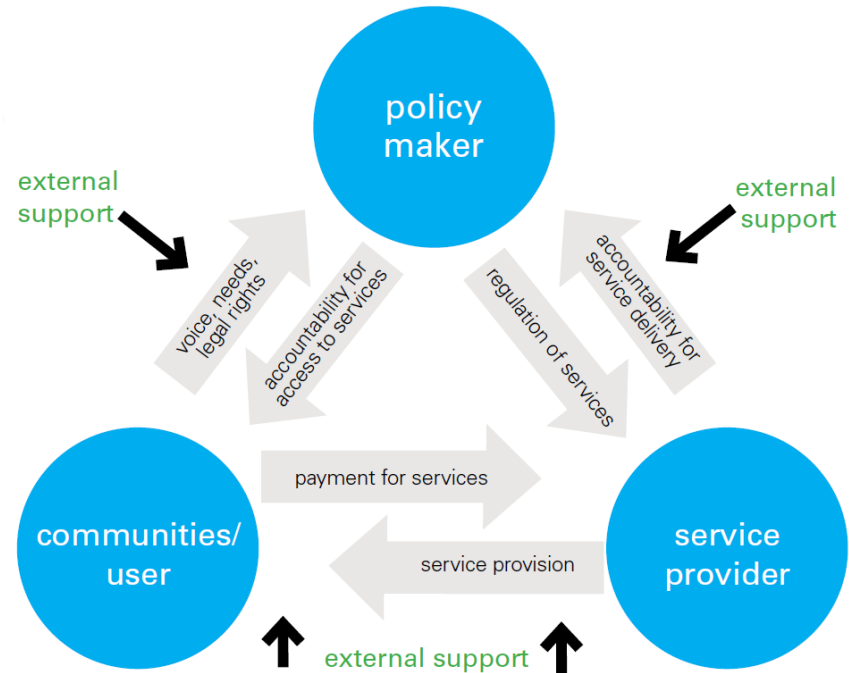
Accountability in emergencies – unregulated market model



Adapted from "Delivery Resilient WASH service in Fragile States, the transition from emergency to development" (World Bank, WSP, Review copy 2016)

Making the links work

- Experience shows that it is possible to improve accountability links.
- External support can aim to enhance
 - 1) the capacity of actors to play their roles
 - 2) their mutual relationships
- External support can strengthen horizontal, vertical and transversal accountability links



WASHBAT criteria: Accountability

Government monitoring and verification systems for urban water are in place at multiple levels

Lead institutions have a clear role and responsibilities and have performance appraisal system

There are clear and effective mechanisms for consumer feedback and complaints

There are functional internal control mechanisms, such as State Audits, Transparency Commissions, or others that check for compliance of institutions

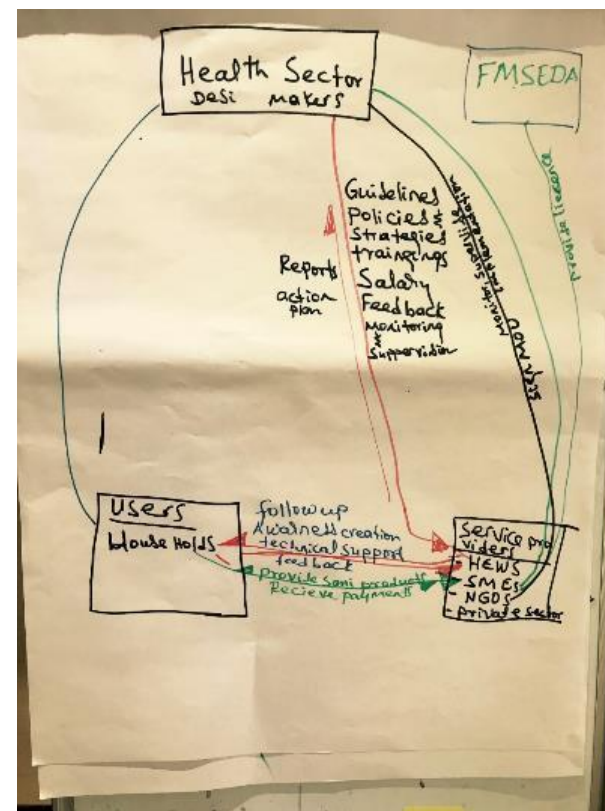
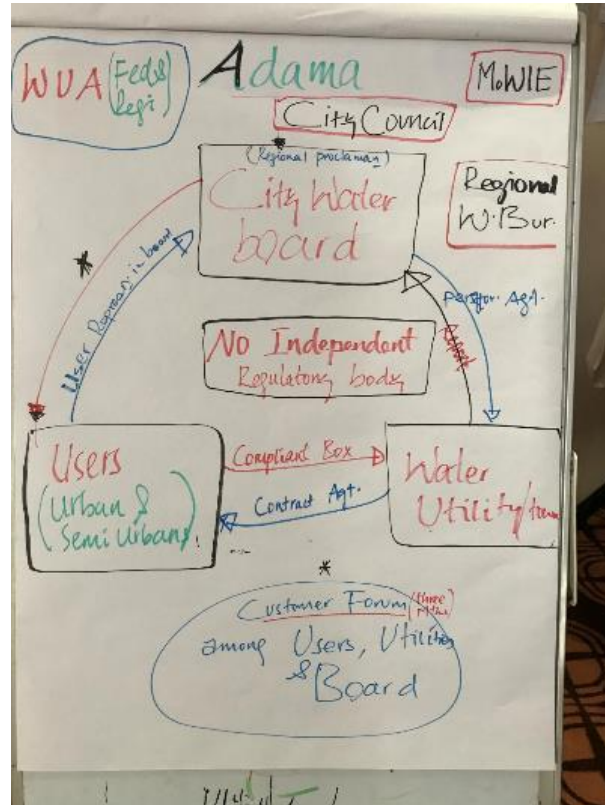
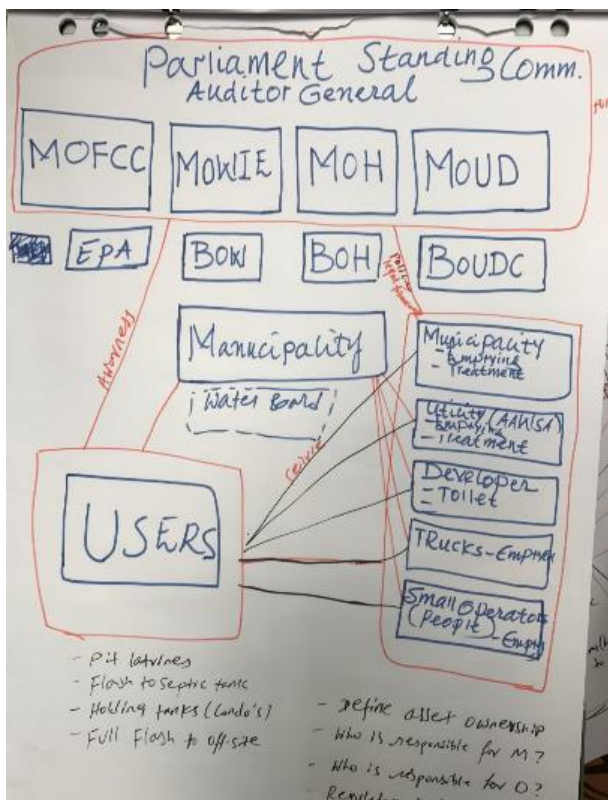
WASHBAT criteria: Regulation

There exists an **institution with clear regulatory functions**

Sufficient resources and capacity exist to implement the regulations

The **regulatory body is sufficiently independent** from service providers and government to act as a valid referee and provide performance based incentives and/or sanctions

Incentives exist for investment in environmentally sustainable and efficient technologies



Who does what?



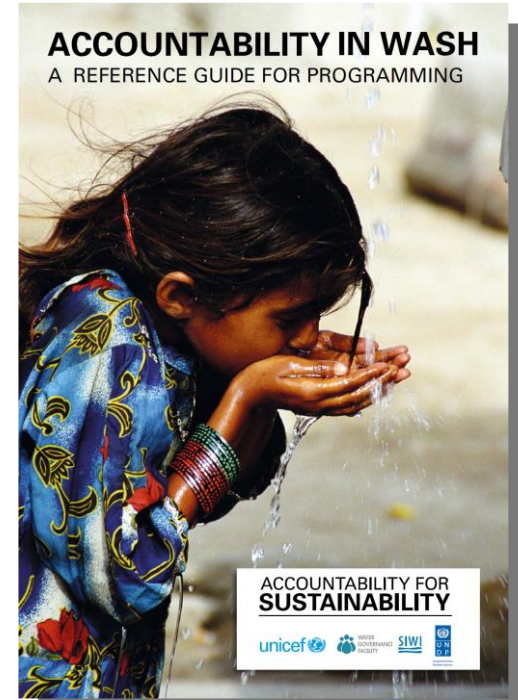
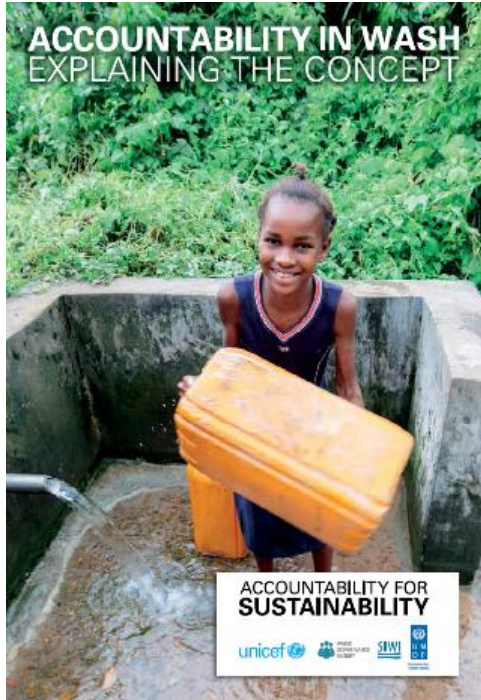
GROUP WORK

- Each table will be assigned a sector:
 - Urban Water
 - Rural Water
 - Urban Sanitation
 - Rural Sanitation
- The group choose one city to discuss in case urban...

Accountability: How to strengthen

What can we change to improve service delivery?





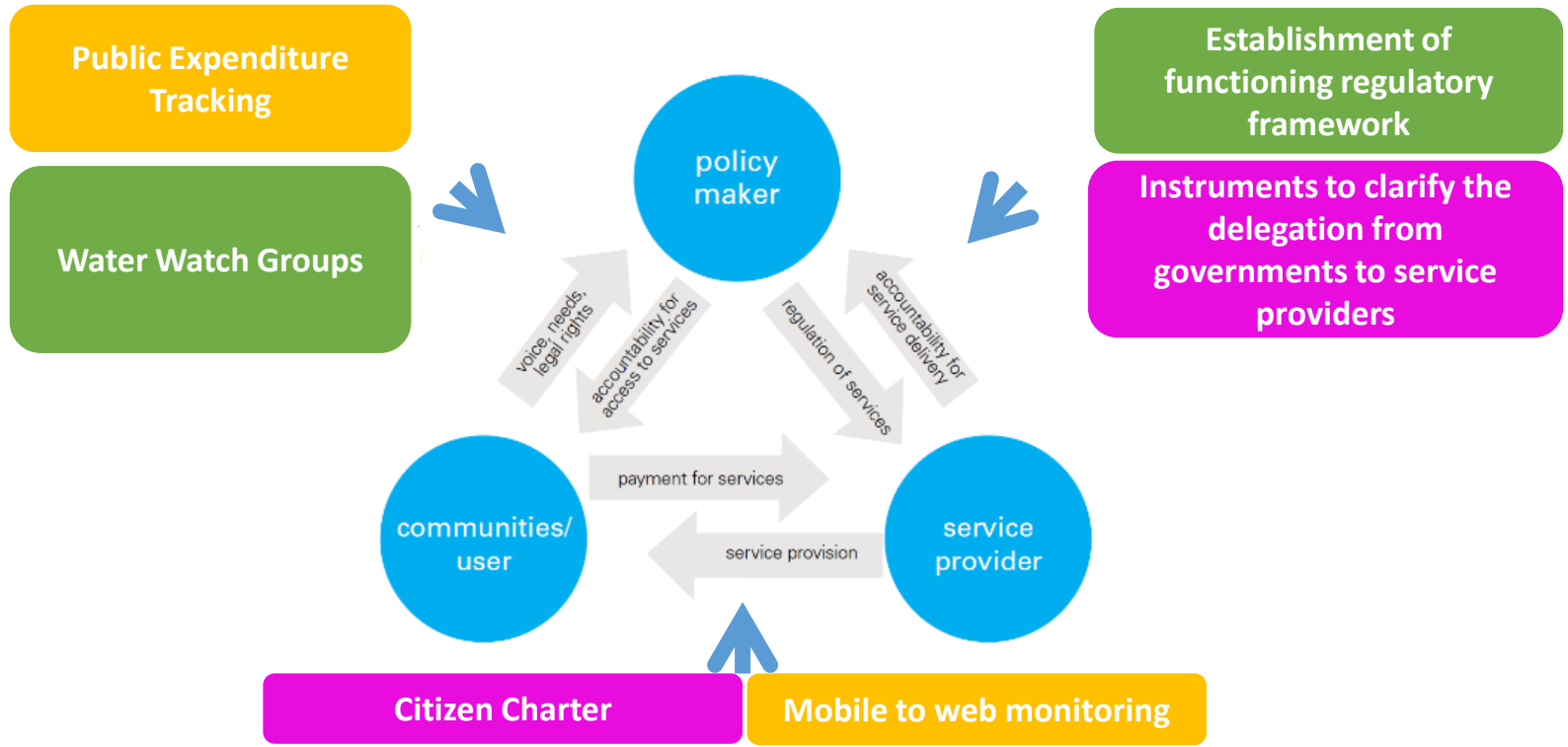


The Reference Guide for Programming: putting accountability in action

- 19 Action sheets with practical information and guidance
- Structured to help you match the diagnosis of accountability weaknesses to different solutions and options for action

Three levels of intervention for external support agencies

| PRIMARY ACCOUNTABILITY OBJECTIVES | LEVEL OF INTERVENTION |
|-----------------------------------|---|
| RESPONSIBILITY | Setting the scene - defining the roles and enabling cooperation in service delivery. |
| ANSWERABILITY | A new quality of relationships - informing, consulting and including stakeholders in all stages of service delivery |
| ENFORCEABILITY | Exercising oversight - monitoring performance, supporting compliance and enforcement |



| | Objectives |
|-----------------------|--|
| Responsibility | Objective 1: Enhance policy coherence |
| | Objective 2: Clearly define allocation of responsibilities between stakeholders |
| | Objective 3: Put coordination mechanisms in place |
| Answerability | Objective 4: Enhance the use of consumer feedback |
| | Objective 5: Improve consumers' access to Information |
| | Objective 6: Create spaces for stakeholder participation and influence |
| Enforceability | Objective 7: Support the establishment or functioning of a regulatory function |
| | Objective 8: Strengthen external and internal control mechanisms |

| Objectives | Action Sheets |
|--|---|
| Objective 1: Enhance policy coherence | 1 A) Definition/revision of sectoral policies |
| Objective 2: Clearly define allocation of responsibilities between stakeholders | 2 A) Instruments to clarify roles and responsibilities of users and service providers 2 B) Instruments to clarify the delegation from governments to service providers |
| Objective 3: Put coordination mechanisms in place | 3 A) Supporting sector coordination and sector reviews |
| Objective 4: Enhance the flow of information and use of consumer feedback | 4 A) Real time monitoring of water and sanitation services 4 B) Citizen report cards 4 C) Community scorecards |
| Objective 5: Improve consumers' access to information | 5 A) Informal mechanisms for information dissemination 5 B) Disclosure of information by State agencies and service providers |
| Objective 6: Create spaces for stakeholder participation and influence | 6 A) Public expenditure tracking surveys 6 B) Participatory budgeting 6 C) Community based monitoring 6 D) Spaces of dialogue and interaction on water and sanitation services |
| Objective 7: Support the establishment or functioning of a regulatory function | 7 A) The regulatory body, a central policy and oversight body for water services 7 B) Water Watch Groups |
| Objective 8: Strengthen external and internal control mechanisms | 8 A) The role of consumer associations in holding state and providers to account 8 B) Institutional mechanisms for oversight and checks and balances 8 C) Utilities' complaint and grievance mechanisms |

ACTION SHEET 7A

ENFORCEABILITY
Monitoring performance, supporting enforcement and compliance

THE REGULATORY BODY – A CENTRAL POLICY AND OVER-SIGHT BODY FOR WATER AND SANITATION SERVICES

Setting up or modernising water regulatory agencies can help reinforce multiple accountability relationships within the water and sanitation sector by clarifying expectations, strengthening client power, and holding service providers and government to account.

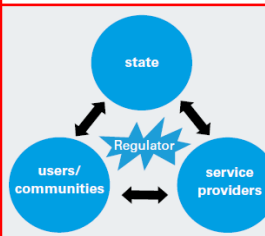
| | |
|-----------------------------|---|
| TARGET GROUP | Regulatory body - Government - Service provider |
| EXTERNAL INPUT | Medium (100 000 – 250 000 USD) |
| EXTERNAL INVOLVEMENT | Long (over 2 years) |

DESCRIPTION

Independent or autonomous water regulatory authorities are installed to provide a sector oversight. They are mandated to protect the interests of consumers, promote good governance in the sector and to establish incentives to improve sector performance.

- Regulatory agencies can be given a variety of responsibilities, including:
- Compiling and publishing information on service provider and sector performance.
 - Establishing and changing rules (in particular structure

OBJECTIVE 7: Support the establishment or functioning of a regulatory function



of tariff, setting performance standards).

- Monitoring implementation of rules (e.g. monitoring service levels and performance).
- Enforcing the rules (e.g. ensuring compliance with licences).

Conflict resolution is a crucial element of their operations. A regulator can impose fines and sanctions for breach of rules, or it may have to apply to a different agency to have its decisions enforced.

EXPECTED OUTCOMES

| TRANSPARENCY | ACCOUNTABILITY LINKS | PARTICIPATION | EFFICIENCY |
|--|---|---------------------------------|---|
| Performance of the water and sanitation service provider is monitored and publicised; Regulatory decisions are shared with all stakeholders. | Additional pressure is put on governments to meet their obligations towards service providers and on service providers to respect the terms of their contract with State entities; realisation of the rights to water and sanitation is mainstreamed in policy planning; universal access goals are adequately reflected in public budgets and part of the regulatory obligations of water service providers; interests of consumers are better protected; better understanding of users' rights and obligations. | Informed debate can take place. | Improved credibility of regulation, which facilitates private sector participation in the water sector; better institutional framework for the fulfilment of the human right to water and sanitation. |

7.ATHE REGULATORY BODY A CENTRAL POLICY AND OVERSIGHT BODY FOR WATER SERVICES

POTENTIAL ROLE FOR EXTERNAL SUPPORT AGENCIES

| SUPPORT TO ENABLING ENVIRONMENT | SUPPORT TO AGENTS |
|---|--|
| Support the development of legal framework for the creation of regulatory function, with sufficient financial and technical independence from the regulated institutions; promoting stakeholder participation in the regulatory process; support the connection between consumers associations and regulator. | Capacity development (both human and in physical resources) for the adequate functioning of the regulator; support the establishment of adequate tools and processes for the regulator to fulfil its functions, especially in the access to and analysis of information. |

PARTNERS AND INTERNAL CAPACITIES NEEDED

- Consumers need to understand their rights and obligations under the relevant regulatory framework, as well as the role of the regulatory agency and the avenues for interacting with the agency. The impetus for the creation and functioning of water regulatory authorities should be provided by articulated public demand for such legal and institutional reforms;
- Allowing users membership of and/or voting rights on regulatory bodies is a mechanism to ensure that consumer interests are adequately represented in major decisions on water service delivery.
- Political support is required in cases when the lack of sanctions reduces the ability of the regulator to put pressure on water providers' management.
- Integrity of regulatory bodies' members.

CONDITIONS FOR SUCCESS

- Clear mandate (legislative authority) within the regulatory framework and a broad scope of regulation;
- Acceptance and understanding of the regulatory process by the consumers and other stakeholders and broad institutional support for the regulatory body;
- Efficiency and professional skills - RBs must have the capacity to collect and interpret information received from the utilities, act with sufficient expertise, and a record of accomplishments;
- Accountability and independence - regulatory authorities have to be accountable through a continuing dialogue with Parliament and with public opinion. It is essential that the regulator is sufficiently independent from the government and the service providers;
- Transparency and due process - information on the activities of regulator must be readily available to the public and procedures fair, accessible and open;
- Avoid one-size-fits-all-approach - adopt for example a modular approach which leaves room for flexibility to accommodate the different stages of development of the specific water sector;
- Equity and integrity- The consequences of non-compliance must be disclosed. An efficient system of appeals has to be designed;
- Financial autonomy - RBs should be paid from revenues raised from the regulated water utility or by local government.
- Culture of Compliance- willingness by sector to be regulated.

EXAMPLE: THE WATER SERVICES REGULATION AUTHORITY IN ENGLAND AND WALES

The purpose of the United Kingdom's Office of Water Services (OFWAT) is to guarantee quality service at a fair price from the ten regional companies in charge of water and wastewater management in England and Wales, and to ensure their long-term viability. This must be balanced with its own objectives of protecting the interests of its customers, which implies keeping bills for consumers as low as possible, monitoring and comparing the services the companies provide, scrutinising the companies' costs

benefits consumers. Necessary actions, including legal steps such as enforcement actions and fines, can be taken in case of non-compliance. The direct regulation of water companies in England and Wales is complemented by two other regulators, one responsible for environmental affairs and the other for drinking water quality, to protect public health.

Source: Water Governance in OECD Countries A multilevel Approach, OECD Studies on Water, 2011.

REFERENCES

The Governance of Water Regulators OECD Studies on Water, OECD Publication, Paris, 2015
Fact sheet Citizens/Users membership in decision making bodies, Social Accountability e-guide, the World Bank



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Thank You

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