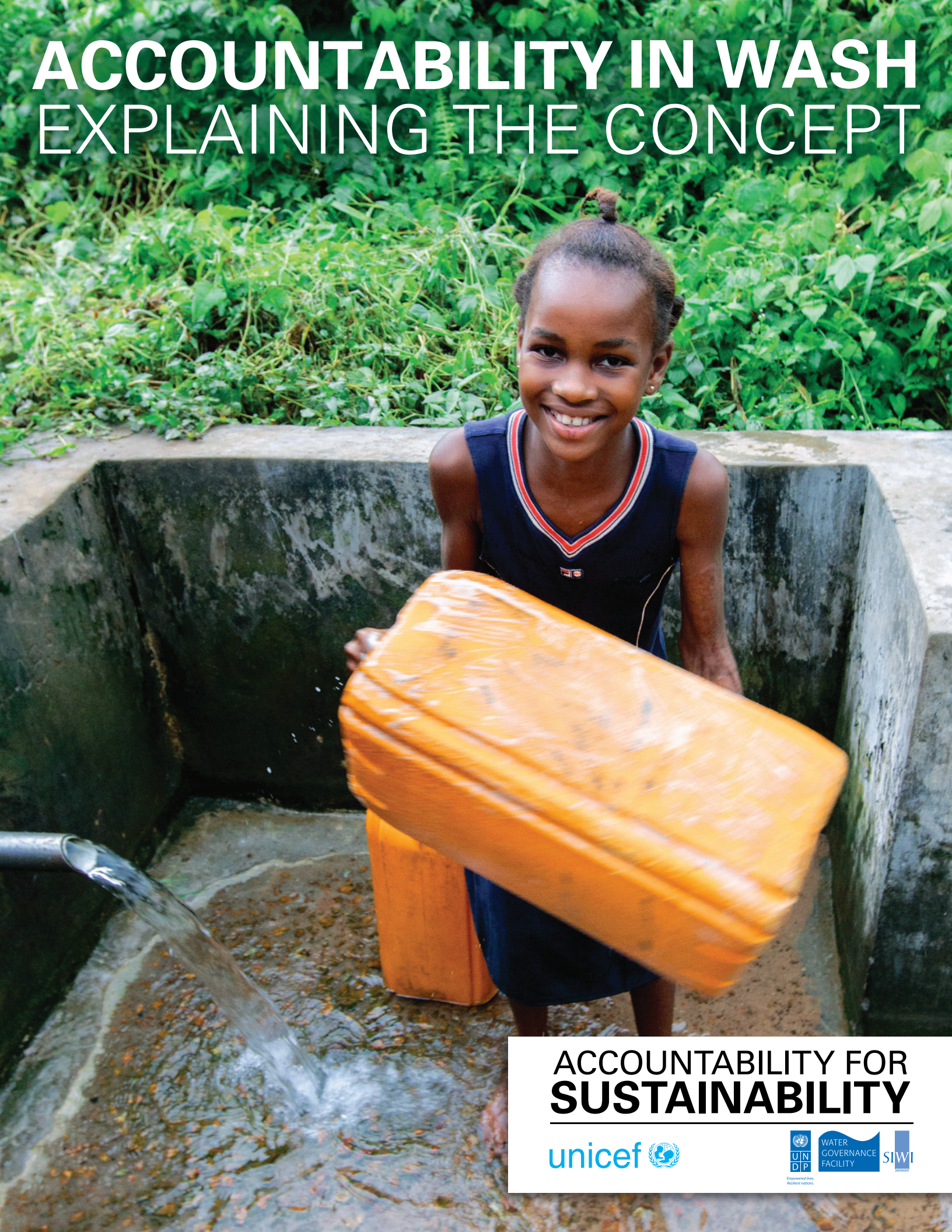
ACCOUNTABILITY IN WASH
EXPLAINING THE CONCEPT



ACCOUNTABILITY FOR
SUSTAINABILITY

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WATER GOVERNANCE FACILITY

SIWI

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FOREWORD

In spite of significant investments over the past decades, and many of the unserved people gaining access to improved water supply and sanitation infrastructure, enduring and reliable access to appropriate services of water and sanitation remains a persistent challenge. WASH programs too frequently fail to bring sustainable benefits to the people they seek to serve, with as much as 30-50% of WASH projects failing after two to five years. This lack of sustainability of water, sanitation and hygiene interventions has devastating consequences for individuals, economies and the environment, and poses a major obstacle to the universal access to services.

Recent research shows that technical aspects are often not the binding constraint, but rather it is the lack of good governance which compromises public-service delivery. Unless serious efforts are made to improve the governance of water and sanitation, problems of unequal, inappropriate, unaffordable, and poor quality services will continue.

In most countries, institutional arrangements for water service delivery are in place: policies, plans and institutions exist, but still; performance remains poor. In this context, accountability, seeking to instill responsibility and improving the quality of relationships between the different stakeholders in service delivery arrangements, is a key element to make these institutional arrangements function as intended. To address this, UNICEF and the UNDP Water Governance Facility at SIWI have partnered in a new program - "Accountability for Sustainability" - which aims at increasing sustainability of UNICEF-supported WASH interventions through the enhancement of accountability in the service delivery framework at national levels. This program will develop materials and practical guidance for UNICEF country offices and the wider WASH community, and collect experience of how accountability can be adequately reinforced within WASH programming.

We believe that enhancing accountability, and the related transparency and participation aspects in WASH programming, will systematically improve the sustainability of water and sanitation service delivery to those who need it the most.

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CONCEPT NOTE

TOWARDS SUSTAINABLE WASH: STRENGTHENING WASH GOVERNANCE THROUGH ACCOUNTABILITY

ACCOUNTABILITY FOR
SUSTAINABILITY

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Prepared by the UNDP Water Governance Facility
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A UNICEF FOCUS ON SUSTAINABILITY

To close the gap of failure and to provide lasting and reliable 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.

"Look for the best fit, not the best practice" — As technical assistance providers, 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 by domestic actors, but reform is often hindered by problems that stop stakeholders from coming together to identify, and implement, solutions.

By acting as brokers and coaches UNICEF can bring people together to identify constraints, and design solutions. The UNICEF Framework for Sustainability is a sector approach to analyse sustainability in a systematic and harmonised way in countries. The analysis, ideally a joint effort with government and the sector partners, examines roles and responsibilities, weaknesses in accountability, bottlenecks to sustainability, and draws recommendations on how on to remove the barriers and bottlenecks and share of 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 annually by the sector through sustainability audits.

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.

UNICEF has a key role to play to enable the WASH field to adopt and successfully pursue transparent and accountable arrangements — There is already significant momentum within UNICEF toward more effective water governance practices. Building on these emerging strengths by focusing more clearly on accountability goals and investing in the necessary capabilities to reach them will enable UNICEF to accomplish even more than they have to date, and ultimately to extend essential water, sanitation, and hygiene services to many millions of people for the long term.

INTRODUCTION

The lack of sustainability of water, sanitation and hygiene interventions is a major obstacle to universal access to WASH — Despite significant investments over the past decades and many unserved people gaining new access to improved water supply and sanitation infrastructure, access to clean water, safe sanitation, and effective hygiene remains a persistent challenge with devastating consequences for individuals, economies and the environment. No intervention will solve the current WASH crisis unless continuity in the delivery of products and services is assured. Yet WASH programs too frequently fail to bring sustainable benefits to the people they seek to serve. As much as 30-50% of WASH projects fail after two to five years.[2] Even though figures differ from one country to another the order of magnitude of non-functional water points any given time is around 30% or more, with another 10-20% being only partially **functional.** This level of failure represents a total investment of between USD 1.2 and USD 1.5 billion in the last 20 years.[3] There is growing evidence that partners in development risk losing already scarce funding and support unless they can better demonstrate effective WASH service provision in the long term.

Sustainability is a condition to progress towards the achievement of the SDGs. While the MDG drinking water target had been met and surpassed by 2010, some 2.4 billion people – one-third of the world's population – will remain without access to improved sanitation in 2015 and 748 million lack access to improved drinking water.[4] Also, we know that a significant portion of existing WASH projects are not managed or implemented in way that guarantees their sustainability and avoids retrogression. Moving forward towards the new post-2015 development agenda, sustainability is key to ensure that improvements in access to WASH services provide lasting benefits for current and future generations.[5]

> **ACCOUNTABILITY**
> **describes a relationship in which A is accountable to B if A is obliged to explain and justify his or her action to B or if A may suffer sanctions if his or her conduct, or explanation for it, is found wanting by B.***

> **As many as 30 to 50% of WASH projects fail after 2 to 5 years**

Making the achievements of WASH programmes and services sustainable requires a focus on water governance[6] — The global water and sanitation crisis is mainly rooted in poverty, power and inequality, not in physical availability. It is, first and foremost, a crisis of governance. Poor resources management, corruption, lack of appropriate institutions, bureaucratic inertia, insufficient capacity and a shortage of new investments undermine the effective governance of water in many places around the world.[7] Recent research also suggests that technical knowledge is often not the binding constraint to development, but rather the lack of good governance which inhibits public-service delivery. Unless efforts are made to improve the governance of water, problems of unequal provision of services and inappropriate, unaffordable, poorly maintained and poor quality facilities will continue.

Accountability is an effective entry point to work with water governance. In most countries, institutional arrangements for water service delivery are in place: policies, plans and institutions exist, yet performance remains poor. In this context, accountability, which works on improving the quality of relationships between the different

*Schedler, A. (1999). "Conceptualizing Accountability". In Andreas Schedler, Larry Diamond, Marc F. Plattner. The Self-Restraining State: Power and Accountability in New Democracies. London: Lynne Rienner Publishers. pp. 13–28.

stakeholders in service delivery arrangements, is a key element to make these institutional arrangements start to work. Accountability is about fighting the institutional inertia and make changes happen, through making the allocated responsibilities in the policy deliver results.[8]

To achieve an effective governance of water resources and services, decision-makers and service providers need to take responsibility for their decisions and services. In the water sector, well-functioning accountability mechanisms can help to clarify the commitments of actors involved in water governance and lead to efficient management of fiscal resources. They can also help protect water resources and increase control over the actions of public and private stakeholders, while ensuring minimum quality standards. According to a World Bank study[9] unethical practices drain 30% of the budgets within the WASH sector in Sub-Saharan Africa. Improving accountability will require all decision-makers in government, the private sector and civil society organisation to recognise that being open and transparent, engaging stakeholders, evaluating and learning, and responding to complaints is crucial to their legitimacy and effectiveness and to achieve long-lasting benefits to the poor of sustainable water, sanitation, and hygiene interventions.

This introduction of accountability in WASH provides water practitioners with a toolbox of concepts to help identify which accountability factors affect the sustainability of water and sanitation service delivery and match this diagnosis to different solutions and options for action.

PART 1
WATER GOVERNANCE, WASH AND SUSTAINABILITY

Explains the importance of governance and accountability to achieve sustainable water and sanitation services.

PART 2
WASH AND ACCOUNTABILITY

Describes the different dimensions of accountability in the WASH sector and how actions can strengthen accountability in public service delivery

PART 3
ACCOUNTABILITY RELATIONS IN WASH SERVICES

Provides an analysis of the main weaknesses in accountability of water and sanitation services, with the aim of helping WASH practitioners understand the context of accountability in their work.

PART 4
WORKING WITH ACCOUNTABILITY

it explores the role of External Support Agencies in the promotion of Accountability in WASH services; it gives some insights on how to integrate accountability mechanisms in WASH interventions. As a complement to this part there are two additional documents that can be consulted:

- **Reference Guide for Accountability Programming** — which gives summarized information for the mostly used accountability actions, presented as Action Sheets that are structured around levels of intervention and potential objectives.
- **Accountability stories** — Provides examples of successful cases related to the promotion of accountability in WASH in different contexts.

PART 1: WATER GOVERNANCE, WASH AND SUSTAINABILITY

Governance systems determine who gets what water, when and how [10] — Water governance is the set of systems that are involved in decision-making about water management and water service delivery.

No 'blueprints' for water governance exist and no easy answers can be found on what constitutes the best governance model. Every country has its own set of governance systems, stakeholder dynamics and institutional structures, and therefore faces different problems and priorities. Hence, it would be a mistake to propose a one-size-fits-all governance model. There are no perfect solutions—only ones that work in particular contexts. One should "look for the best fit, not the best practice."[11]

The primary responsibility for the allocation and provision of water, as a basic service and as a human right, lies with the State. In order to make this provision, a set of functions have to be performed; the main functions can be summarized into six categories:

1. policy and law making
2. building capacity
3. planning and budgeting,
4. financing
5. Organizing service delivery arrangements (public, private, mixed, etc..), and
6. Regulating water services.

Even if the state holds ultimate responsibility for the sustained provision of water and sanitation services, a number of stakeholders can take part in the implementation. A variety of water management arrangements involve civil society organisations, small service providers, transnational companies, different ministries and delegated branches of the government, local government and municipal companies, etc.

> **"Water governance is the broad range of political, social, environmental, economic and administrative systems that are in place to develop and manage water resources and the provision of water services, at different levels of society."**

In practice, there can be conflicting systems for water services that need to be conciliated (e.g. water vendors and piped systems), or even between allocation of water resources (customary versus modern rights). All these circumstances reflect the diffusion of power in society, which needs to be addressed as a whole when dealing with governance.

An effective governance of water resources and services is a precondition for the effectiveness and sustainability of WASH programmes and services — Good governance involves constructive cooperation between the different sectors where the result is:

- efficient use of resources
- responsive use of power
- effective and sustainable service provision

Good governance emerges when stakeholders engage and participate with each other in an inclusive, transparent and accountable manner to accomplish better service provision that is free from corruption and abuse, and performed within the rule of law.

Effective water governance and sustainability of WASH interventions require accountability — water governance is about joint decision-making about water management and water service delivery. Public accountability gives the decision-making process its external legitimation and sets limits and constraints within which decisions can take place. An effective governance of water resources and services requires transparency, rule of law and check and balance, to ensure that elected officials and those in public service account for their actions and answer to those they serve. In its turn, stakeholders' engagement and participation with each other in an inclusive, transparent and accountable manner is a precondition for more sustainable water, sanitation, and hygiene interventions.

> **"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."**

PART 2: WASH AND ACCOUNTABILITY

Horizontal and transversal routes to accountability in WASH service provision

For good accountability in WASH projects and operation, it is necessary that politicians, policy-makers and WASH service providers accept responsibility for their actions and accept that they should be called upon to give an account of why and how they have acted or failed to act. There are two types of mechanisms by which duty bearers are held to account for their responsibility to ensure access to WASH services for all citizens: horizontal and vertical.

Horizontal accountability exists when one state actor has the authority to demand explanations or impose penalties on another state actor.[12] Horizontal oversight systems are based within the legal and justice system. They include mechanisms of internal oversight and checks and balances within an institution (internal control) or oversight and checks and balances of public institutions.

Examples of internal control mechanisms include monitoring and evaluation of services provided, and rules and regulations related to fiscal management. An independent body may exist to oversee internal control and provide support to state institutions to achieve compliance with established standards and norms (Table 1). The state oversight institutions have the legitimacy and power to demand accountability on both fiscal management and performance of the sector (related to equitable provision of water and sanitation services, quality of services, and opportunities for participation).

Measuring horizontal accountability involves looking at how these oversight institutions establish laws, rules and regulations that govern the accountability relationship between government, service providers and users.

Table 1 Oversight institutions and their roles[13]

OVERSIGHT INSTITUTIONS	ROLE
State audit institutions	Conducts fiscal and performance audits (including audits related to quality of water services) of water sector institutions and recommends actions to be undertaken based on the audit findings.
Oversight bodies (ombudsmen, anti-corruption agencies)	Monitors compliance with international norms (such as the right to water, UN convention against corruption), monitors and seeks action against malpractice, corrupt actions or abuse of power. Can also receive complaints from users a nd call on water sector institutions to respond to complaints.
Public prosecutor	Functions vary depending on the country context, but usually involve defence of public and collective interest and human rights, and monitoring of the public service.
Public services control bodies (regulators)	Ensures quality of services, according to established standards.
Consumer protection agencies	Protects the rights of end users, can receive complaints and seeks redress from water sector institutions
Access to information institutions	Ensures relevance of and accessibility to public information
Water users organizations	Ensures that the interests and needs of its membership are met in decisions over the distribution of water.

An example of actions towards improvement of horizontal accountability in the provision of WASH services in urban areas includes supporting the regulator in the fulfillment of the referee function through capacity building, improved access to information and independence from the government. In rural areas, these actions include the promotion of technical assistance and oversight role of decentralized levels of government towards rural service providers.

Vertical channels of accountability are those that link citizens directly to government.[14] Vertical accountability exists when non state actors such as the media, nongovernmental organizations or individuals place pressure on state actors for improved services. Traditionally, elections and the useof informal processes are the direct way to channel citizens 'voices' to exert pressure on policy makers. Indirect forms of vertical channels include civic engagement, lobbying and mass mobilisation.

In the WASH sector, actions aiming to enhance vertical channels of accountability can involve improving CSO's political analysis skills, developing capacity in NGOs to understand water sector information, and encouraging citizen participation in water policy processes and in service provision, grievance mechanisms and monitoring systems.

Both horizontal and vertical types of accountability are important: accountability is effective only when, besides the government control over public service providers (horizontal accountability), the citizens can raise their concerns with their political representatives (vertical accountability).[15] Efforts to improve internal government mechanisms for accountability should not neglect the political representation of citizens´ interest.

Transversal or hybrid accountability refers to the participation of citizens and civil society (actors from the "vertical" accountability relationships) in horizontal (state-to-state) processes of accountability. This type of mechanisms helps overcome the limited impact of traditional civil society methods and legitimises the inclusion of citizens in government oversight functions.

Examples of transversal accountability mechanisms in the WASH sector include participation of civil society in the supervision of the performance of water providers, participatory budgeting, report cards on water service or citizen audits.

Types of accountability: Social. political, administrative and financial accountability

Improving accountability in water, sanitation, and hygiene service provision requires actions in all its dimensions: social, political, administrative and financial.

- **Social Accountability** — refers to actions taken by people, the media and civil society organizations to hold states and decision makers to account, as well as to efforts by government and other actors (media, private sector, donors) to support these actions. Social accountability mechanisms provide extra sets of checks and balances on the state in the public interest. Mechanisms vary, and they can include: investigative journalism, public hearings, opinion polls, citizen report cards, participatory public policy-making, public expenditure tracking, citizens' advisory boards, and information and communications technology platforms, among others. Social accountability is particularly important in the context of public service provision, which often operates in a monopolistic market with little competition. Social accountability mechanisms can help strengthen the role of citizens and civil society in understanding their rights and entitlements; they can also engage them in benchmarking and monitoring service provision. In other words, they perform a watchdog role. If service providers realize that they need to be accountable towards a strong group of citizens, adherence to quality standards within the public service delivery sector can be increased.

Supporting social accountability in the provision of WASH services includes improving the flow of information about services quality, tariffs, and to strengthen consumer voices through monitoring systems, citizens' report cards, consumer feedback mechanisms, etc

- **Political accountability** — Political accountability means that government must be held accountable to the citizens of a country, and that it must not abuse its power. This also implies that the appointment of specific individuals to various decision-making positions must be justified based on objective criteria, and the individuals and their departments must account for their activities and spending in transparent ways.

  In the WASH sector, political accountability means there should be effective mechanisms by which decision-makers and the government are held to account for their responsibility to ensure access to WASH services for all people. Citizens´ freedom of information and association, civil society's ability to participate in planning, budgeting, monitoring and evaluation in the WASH sector, media´s effectiveness in holding the government accountable, mechanisms in place for complaints and redress in WASH projects and operations, information available on citizen´s entitlements to WASH services are mechanisms which can help hold governments accountable for WASH services.

- **Administrative accountability** — This refers to accountability within administrative structures and standards concerned. This includes regular evaluation and necessary improvements, and ensuring that all public servants, consultants and technical personnel comply with professional codes of conduct and professional standards. Increasingly, public and private service providers are required to produce annual reports of their planning, performance and spending.

  In the WASH sector, administrative accountability translates into the ability of citizens to hold public organisations to account if they are failing to ensure access to WASH services for all.

- **Financial accountability** — Individuals and institutions must truthfully and accurately document the intended and actual use of resources allocated to it. It may also require that individuals with discretionary powers account for their earnings through a programme of assets declaration.

  Financial accountability in the WASH sector refers to mechanisms put in place to ensure transparent budget expenditure both from state and from service providers. These include, among others, budget expenditure tracking; internal and social auditing; public access to utilities information.

Accountability in the human rights framework refers to the relationship of government policymakers and other duty bearers to the rights holders affected by their decisions and actions. It refers to the obligation of those in authority to take responsibility for their actions (responsibility), to answer for them by explaining and justifying them to those affected (answerability), and to be subject to some form of enforceable sanction if their conduct or explanation for it is found wanting (enforceability). In order for these principles to be applied, some conditions must be met :

- Responsibility requires that those in positions of authority have clearly defined duties and performance standards, enabling their behaviour to be assessed transparently and objectively.
- Answerability requires public officials and institutions to provide reasoned justifications for their actions and decisions to those they affect, including the public at large, voters who invest public officials with authority and institutions mandated to provide oversight.
- Enforceability requires public institutions to put mechanisms in place that monitor the degree to which public officials and institutions comply with established standards, impose sanctions

on officials who do not comply, and ensure that appropriate corrective and remedial action is taken when required.

The States´ obligations to respect, protect and fulfil human rights — States are primary holders of human rights obligations. They have the obligation to **respect** human rights by refraining from direct or indirect interference with their enjoyment (by deliberately interfering with the water supply for example); and to **protect** human rights by preventing, investigating, punishing and ensuring remedies if third parties infringe them (for example, by regulating and sanctioning companies that do not **fulfil** their commitments). States also have positive obligations to fulfil human rights, by taking legislative, administrative, judicial, budgetary and other steps to create the conditions in which these rights can be realized.

States should be accountable not only for the outcomes they achieve but for the policy efforts they make, the processes by which these efforts are carried out and the resources that are invested. States should apply the maximum available resources to advance as swiftly as possible, making use of national resources and international cooperation. National strategies and plans of action, supported by indicators and benchmarks, should describe how and by when States will achieve their goal. States must guard against deliberate retrogression, even in periods of economic downturn. They have a core obligation to prioritize the fulfilment of minimum essential levels of economic, social and cultural rights for all, regardless of their level of economic development and above all other policy and economic objectives, including when allocating resources.

The corrective and preventive functions of accountability — Accountability has a **corrective function**, making it possible to address individual or collective grievances, and sanction wrongdoing by the individuals and institutions responsible. However, accountability also has a **preventive function**, helping to determine which aspects of policy or service delivery are working, so they can be built on, and which aspects need to be adjusted. They can improve policymaking by identifying systemic failures that need to be overcome in order to make service delivery systems more effective and responsive.

The corrective function may involve restitution or compensation, legally binding promises of corrective action, or possibly even criminal sanctions if the harm to society is particularly grave. In less serious cases, (e.g. dispute over tariffs or interrupted service) mechanisms such as an administrative hearing or complaints procedures adopted by a service provider or regulator, citizen consultation groups or community-based justice systems may be appropriate mechanisms for redressing grievances, provided that they are accessible, affordable, transparent and fair to all.[17]

Preventive measures such as initiatives to promote public participation, increase awareness, improve access to information and transparency in public decision making are also measures to increase accountability. In this sense, as previously described, accountability is social and political, not only a legal exercise.

Transparency and participation contribute to accountability

Transparency is a condition for improving accountability and lowering levels of corruption — Transparency refers to openness of governance processes and free access to official information. Increased access to information enables citizens to scrutinize the work of government, and more transparency can put pressure on government officials to be accountable, perform better, and shun corruption.[18]

Participation in processes where decisions concerning the water sector are taken is a necessary condition for exerting social accountability — Participation refers to the possibility for citizens to provide informed, timely and meaningful input and influence decisions at various levels. It also refers to the mechanisms used by citizens to express themselves and to influence decisions and processes in the political, economic and social sphere.

Attending town hall meetings and being heard, actively contributing to and shaping advisory committees, voting, protesting or carrying out a referendum are examples of participation mechanisms in political processes, decision-making and planning.

Improving stakeholders' access to information so that they may participate in decision making more effectively is a way to increase accountability in water and sanitation service delivery — Involving local citizens and community groups in planning, implementation and management, and decision making relating to WASH service delivery can help hold duty bearers to account and contribute to running more sustainable services.
Possible tools include holding meetings, passing laws guaranteeing access to information, using the media, and promoting public participation.

> **Water integrity refers to the adherence of water stakeholders and institutions of gorvernance principles of transparency, accountability and participation, based on core values of honesty, equity and professionalism.**

Accountability and water integrity

Integrity is synonymous with honesty and refers to the need for public, private and civil society sector representatives to be honest in carrying out their functions and resist corruption.[19] It requires that holders of public or private office do not place themselves under any financial or other obligation to individuals or organisations that may influence their ability to perform their duties.

Corruption flourishes when there is monopoly and discretion without transparency and accountability.[20] Accountability mechanisms are important deterrent for corruption. In the water sector, observers estimate that 20 to 70 per cent of resources could be saved if transparency were optimised and corruption eliminated .With more check and balances in place, the costs for unethical behaviour get higher. Functioning accountability mechanisms also improve the overall trust in the system between actors.

The lack of integrity undermines the sustainable governance and delivery of water resources and services — Compromised integrity in the water sector has a direct impact in human health, livelihoods and ecosystem service delivery. Integrity violations in the water sector come in many different forms and the scope varies across types of water practices, governance structures and the perceptions and norms of actors involved. Typical examples of corruption include falsified meter readings, distorted site selection of boreholes or abstraction points for irrigation, collusion and favouritism in public procurement and nepotism in the allocation of public offices.

Integrity, by requiring that public interest be paramount, provides the basis for accountable WASH projects and service delivery — The separation of powers and the introduction of checks and balance, transparency, a good system of justice, clearly defined roles, responsibilities and rules all tend to reduce opportunities for corruption to occur. A democratic culture, where there is real competition for water projects, and good control systems where people (employees, clients, overseers) have the right to information

and the right of redress, makes it easier to expose corrupt parties and limit its spread.

Gender and accountability

Women and girls are disproportionately affected by corruption in the management of water and sanitation — As women constitute a larger part of the world's poor and have the main responsibility for caretaking and household they are more dependent on functioning basic services such as water supply, sanitation and health. As basic services often face problems with grand corruption women are directly affected by the drainage of resources that corruption causes. At the same time women generally have less influence in public decision-making at the national and local level due to cultural norms and lack of economic resources.[21] Studies have shown that women are particularly vulnerable to corruption in situations where they need to acquire permits and legal documentation, which they need to access public services.[22] In difference to men, women experience sexual extortion and exploitation as a common aspect of corruption. This is, however, often overlooked in international instruments to assess and tackle corruption.[23]

Policy interventions to promote greater accountability in WASH should pay closer attention to gender equity and women's participation in governance — Different strategies to promote women's interests in transparency and accountability practices have been applied (usually initiated by grassroots' organisations) including campaigns for public awareness and right to information; name and shame via public and social media and gender tracking in budgets.[24]

PART 3: ACCOUNTABILITY RELATIONS IN WASH SERVICES

As an entry point for enhancing the sustainability of interventions and solutions in the WASH sector, we need to map out and understand the existing accountability relations. Who is mandated to do what, and who responds to whom? How are these roles played out on the ground? In this section, the service provision accountability framework is presented and accountability routes and weak points are discussed in relation to urban, rural and informal water services. Specific attention is paid to the actual and potential role of sector regulators.

Interlocking and complementary relations of the water service delivery accountability chain. In analyzing the accountability situation, we depart from the conceptual model of the public services accountability framework (Figure 1) which depicts a triangle of relationships. The triangle reflects the generic set-up of institutional responsibilities in public service provision:[25]

- Communities/users (the citizens) may claim their rights to services (exercise their voice) through elections or other political actions to make politicians (policy-makers) prioritize and put resources into their needed services. This involves an accountability relationship from the side of those politicians/policy makers (representing the State) towards the communities/users (the citizens) to have those services provided.
- Policy makers will respond through a direct return of services but by way of ensuring the provision of such services to the communities, either through local branches of the government or through independent public or private service providers This includes the setting up of legal and regulatory frameworks that create the operating environment for the providers, or delegation, contracting, or licensing of operations, so that providers deliver services to the users.
- Service providers are accountable to the State (policy makers) for the delivery of services within their designated area of supply. Service providers are also accountable to the communities and/or individual customers, who establish their entitlement to services through payments.

External support agencies are not part of the national service delivery framework (they don't bear responsibilities and rights in the national context). However, they can play an important role in strengthening the accountability links, as discussed in Section 4.

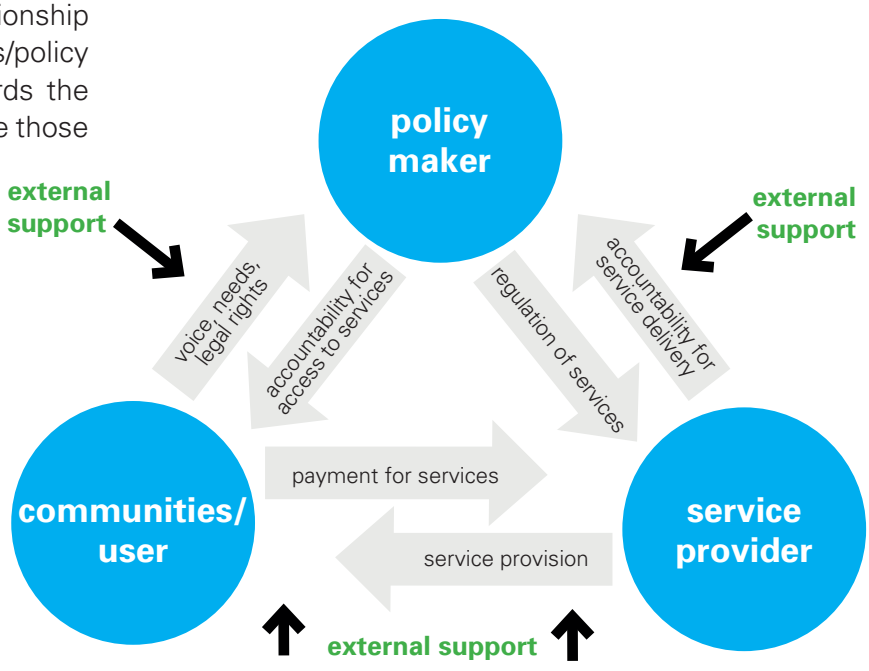


FIGURE 1

Conceptual model of the Accountability Framework for Sustainable Water and Sanitation Services

*Stakeholder Cooperation for Sustainable WASH Outcomes (Presentation at World Water Week Seminar, Stockholm 2013-09-01). Based on World Bank (2004) World Development Report 2004. Making Services Work for Poor People. WASHington, D.C., World Bank and Oxford University Press. Figure 3.2 Key relationships of power. Page 49. Redesigned**

The service provision accountability framework was originally used to delineate the "long" and the "short" routes of accountability.[26]

The short accountability route: citizens/service users influence service providers (client-based oversight).The short route directly connects the customer and the provider in the exchange of services and payments, and is to a great extent a commercial relationship whose quality is determined by the bargaining power of the parties. However, it is also an area where accountability can be greatly improved by enhancing the rights contents and clarifying mutual rights and obligations.

The long accountability route: citizens influence politicians/policy makers (political relationship) and policymakers in their turn influence service providers (contractual relationship). State actors such as politicians and policy makers respond to citizens/ clients´ voice by designing and implementing management and oversight systems to signal and control providers. The long route of accountability is also a relation between communities and service providers, but via the State. It is a socio-political relationship, whose quality is determined on the one hand by the political processes of a country, and on the regulatory set-up and licensing arrangements for service provision on the other. This so called long route of accountability involves communities in their capacity as citizens.

Weaknesses in accountability relating to political representation and judicial processes

The long route of accountability is only as effective as the instruments to voice citizens' concerns and priorities, and to the extent that states are responsive and answerable to its citizens. Legal recourse to claim legal rights to services is, in principle, available through the court system. Whereas not impossible, [27] the legal recourse is a very long and cumbersome route of accountability.

Policy makers ensure service provision by putting the legislative and regulatory frameworks or enabling environments in place. Efficient and impartial public administration is a key factor for this to be realized and sustained. In the context of urban water supplies, there is commonly an independent regulator overseeing services provided by utilities, whereas in rural contexts the regulatory role is commonly carried by ministerial extensions into Local Governments, with services maintained by village committees (urban and rural variants discussed below).
Sustainable services depend on clear regulation, recognition of consumer rights and effective complaint mechanisms. Many service providers do not have any systematic method for dealing with consumer complaints, and recourse to other instances is often ineffective.

Citizens can claim services in election processes, which may involve promises of services against votes, as well as extra-electoral campaigns or actions. A common accountability problem in the relation between politicians and voters is that even if commitment to provide broad-based water and sanitation services is high on the agenda during political campaigns, the promises are commonly forgotten afterwards.

Weaknesses in accountability relating to market processes

The short route of accountability (also referred to as "client power")[28] has received significant attention in the context of a growing marketisation

of public service delivery. There is a long history of unresponsiveness to consumer demands in the water sector, both in urban and rural areas. This is partly explained by the fact that piped water services are a natural monopoly[29] and water users have no realistic choice between service providers that supply piped water to homes. The existence of a monopoly provides the opportunity for a provider to charge exorbitant prices; the basic reason for why water supplies are regulated rather than 'left to the market.' However, official tariffs commonly price water below the cost of production, rendering services to be unavailable rather than over-priced.[30] Setting the prices artificially low has negative consequences on the sustainability of services. In 2012, a Regional Benchmarking Study covering 22 Pacific water utilities found for example that one-third of utilities are not able to provide 24/7 water supply services because the price of water was kept artificially low. Low tariff revenues often translate into inadequate budgets for water supply and sewerage system upgrading, and operations and maintenance, resulting in poor levels of service.[31]

In most low-income areas water users have to collect their water at the source or selling point. There are many different actors involved in developing sources and water kiosks, ranging from private citizens and informal enterprise to public and private utility companies, sinking wells or redistributing water from the piped distribution network. In areas with poorly developed distribution systems, households with connections are commonly engaged in water re-sale to the community.[32] Water vendors may also distribute water by the container or by tanker trucks.

The price for water charged by vendor prices tends to be magnitudes higher than the official tariffs.[33] This can be explained by the fact that piped distribution is inexpensive compared to hand-carrying or ferrying water on vehicles, suggesting that prices are higher even when water vendors supply water in competition with each other.[34] In other instances the high prices are explained by collusion among vendors or geographic monopolies around a source.[35]

Informal or 'out-of-pipe' supplies are poorly covered by official statistics and are outside of the overview of most water regulators.

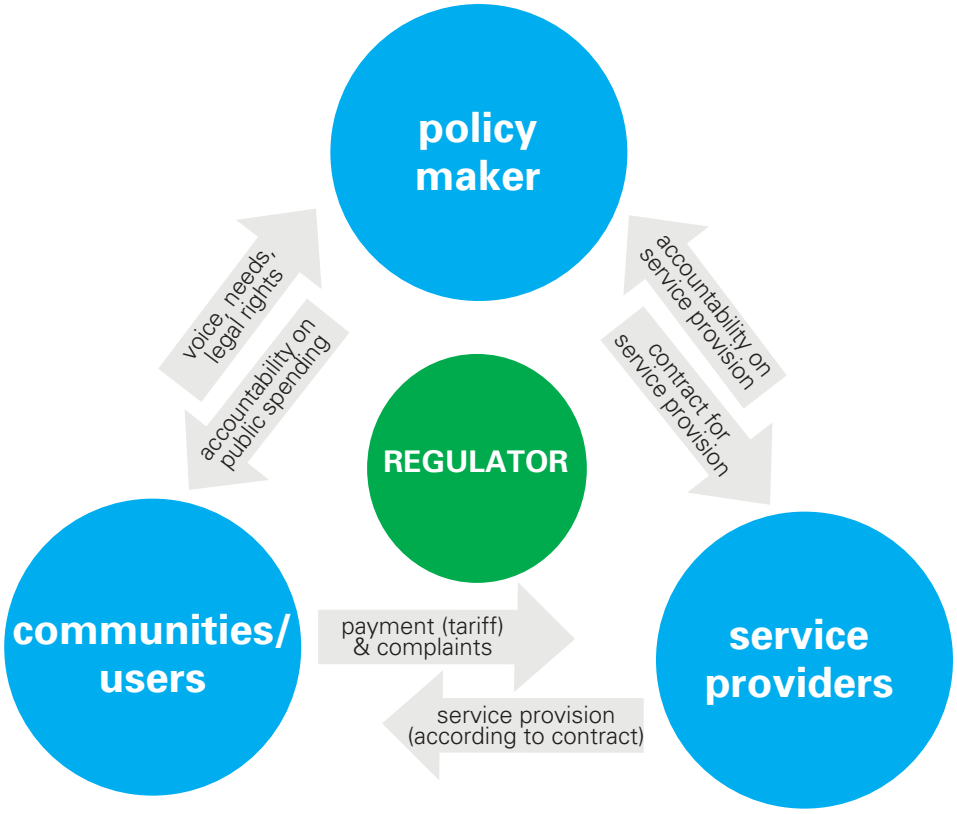
Strengthening the role of regulators to increase access to safe water services

As illustrated in Figure 2 below, the regulator can perform a function of "referee" and intervene in most of the accountability relations of the service provision framework. This implies overseeing not only that the interests and needs of all parties are respected according to the legal framework and the contracts in place but also to ensure that political targets and international agreements have a bearing on local water provision.

In practice, many regulators focus on the official service providers' performance and their relation with the government, and less on their relation with consumers. Further, few regulators are involved with the quest for universal service coverage, implying that they do not look into the situation of those with no service, nor those relying primarily on informal services. There are reasons to argue that regulators should engage with all stakeholders, although with different functions and relations to each.

FIGURE 2

The Regulator Role in the Service Provision Framework



The regulator can effectively take an interest into the relations between the stakeholders in the sector:

- **Towards the State,** the regulator can **promote that universal service**, in accordance with the internationally recognized human rights to water and sanitation, **be part of the policy and plans**, and that these targets are adequately **reflected in public spending and in the agreements with the service providers**. Moreover, regulators can request Government plans for progressive improvement of the quality of service (quality of water, reliability, hours of service, customer protection, etc…). In any case, the regulator should have the capacity to demand from the Government to fulfill its obligations towards service providers (e.g. investments due by central government, etc…).
- **Towards service providers**, regulators should **oversee that they fulfill the agreed contract** with the State entities, including quality of service as well as the collection of agreed tariff. Above all, service providers must fulfill their part of the contract towards consumers. Moreover, service providers must also **play their part in realizing the human right to water** in e.g. assuring that their contractual obligations are not limited to certain communities if others are not catered for.[37] A safe service to the whole population ought to be an overriding concern.
- **Towards the community of water users**, the regulator would **oversee that they behave according to contract,** primarily by paying the tariff, but also to care for infrastructure and use water prudently. The regulator should also **ensure that consumer protection mechanisms are in place**, i.e. that there are ways for recourse for consumers, and solutions to potential conflicts between customers and providers.

To play an optimal role, the regulator needs to be powerful and to enjoy a sufficient degree of independence from the Government This involves adequate funding as well as access and capacity to manage all information related to service provision. The regulator must be able to enforce correction (and sanctions) whenever there is a breach of agreements between any of the parties.

However, these conditions are rarely in place, which make the regulators also an imperfect mechanism. Yet, there is a great potential for regulatory entities to broaden their focus from the providers' organizational performance towards one of looking at the joint performance of the sector in providing adequate services for the whole population.

WASH accountability in urban areas

Accountability challenges faced in making water services sustainable in urban areas are attributable to formal/informal divisions in service provision — Two types of formal/informal barriers are highlighted here: 1) the unresponsiveness to needs and demands of informal settlements, and 2) the lack of responsiveness to the needs and potential of informal providers.

Operational difficulties, reluctance and perceived risks of providing formal services to informal or illegal settlements have deterred (or excused) utilities from extending water distribution networks. In spite of many informal settlements being within the designated service areas, a historic tendency is to ignore their existence. This is a blatant lack of accountability towards large groups of (captured) consumers.

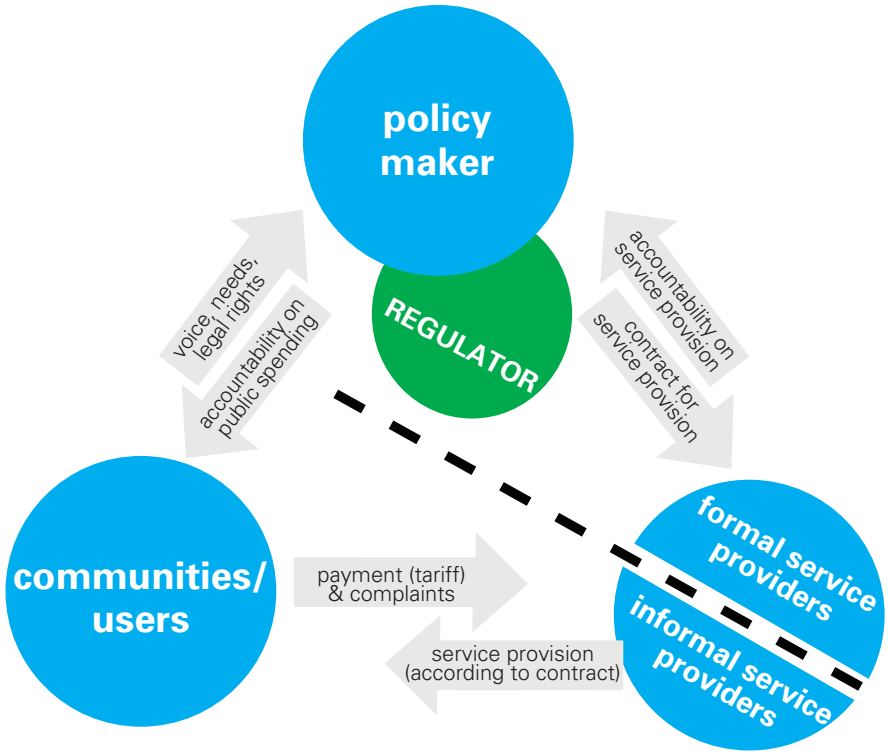
With the formal utilities failing to deliver quantity and quality of water, population in unserved areas have to resort to a variety of alternative local supplies, often of uncertain quality and at high cost. The informal or alternative providers tend to be the most important ones in many low-income areas.[38] This creates a situation with two parallel and very different accountability mechanisms: While users connected to piped systems through the formal service providers enjoy the accountability mechanisms (with the limitations already cited) of a regulated water service, this is not true for the customers of informal service providers.

The weak accountability in relation to informal suppliers is not primarily towards the water users, although this relation is also problematic. Many water vendors take great care towards maintaining a good client relation and to provide a dependable service in spite of the absence of any formal agreement for the service.[39] Yet, when a conflict arises between water users and informal providers, there is no recourse for either party. There is no guarantee of service quality or reliability (only reputational checks), and no mechanism for claiming payment (other than eventual discontinuation of service and credit). As mentioned, prices are high, resulting in (sometimes unhealthy) low quantities used by households.

The weakest accountability link is between informal providers and the State (policy maker). There is, by definition, no contract or delegation of responsibility towards informal service providers. Commonly, informal services are even provided in breach of existing regulations. In these cases, there is hence no vehicle for holding these providers accountable for the quality of the services they offer. This way, informal water vendors also lack any protection afforded by the formal recognition and would be completely excluded from benefits of investment programs or subsidy schemes.
The division between formal and informal providers is pictured in Figure 3 which features a situation where multiple actors are engaged in water service provision. Note that the proliferation of informal provider is often a symptom of a lack of presence and service of the formal provider; hence the division – a lack of accountability – cuts between formal providers and communities/users. This is typically also connected to the regulator role being closely linked with the state-utility relation.

FIGURE 3

Service Provision Framework with Formal / Informal Providers



Another consequence of the incomplete extension of piped water is that, in their struggle to get enough water, some inhabitants opt to suction pumps to draw water from the utility's pipes, build second, illegal connections or break into the pipe system. This aggravates the service provider account of unpaid water, and increases the water losses in the system, reinforcing the vicious circle of lack of formal service provision for these customers.

WASH accountability in rural areas

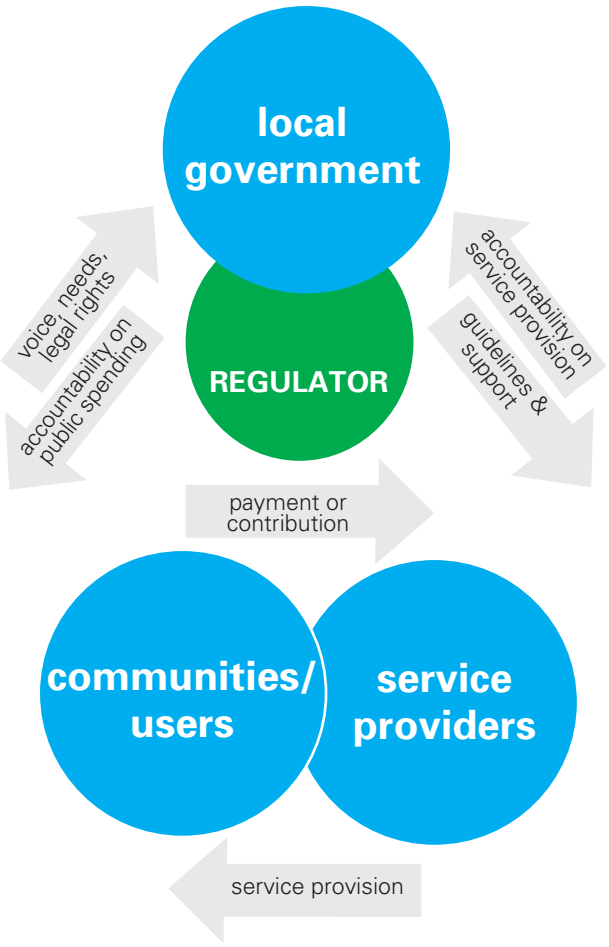
In rural settings, assuring sustainability of water and sanitation services is hampered by a lack of accountability in the decentralized provision services — In most low-income countries, service provision responsibilities in rural areas have been delegated to lower levels of government (either autonomous entities such as municipalities, or deconcentrated branches of the central government). It is important to highlight that in many places, elections in local areas might not take place, or when they occur, they do not necessarily involve the institution responsible for the provision of service; as an example, citizens might elect their village representatives, but not the district government, which in turn is responsible for water service provision. This affects the strength of the "voice" of citizens towards the state institutions. This is also demonstrated by the low level of accountability generally shown by these institutions towards rural citizens.

In many cases, the service provider function is fulfilled by water committees or associations[1], composed of villagers, who operate the service in a not-for profit basis as a community owned service (see Figure 4 depicting the provider and the community as overlapping entities). These arrangements translate into a high degree of informality in the relationship between service providers and users, who may in some instances, be the same individuals holding different functions. Generally, there are no contracts in place. Most agreements are made at a very general level for service provision to the whole community.

[1]With different names and legal forms among countries

FIGURE 4

Service Provision Framework with Community Supplies



The associations are generally organised on a voluntary basis (normally only specific key posts receive some allowances or payments). They often lack both internal capacities (none of the members have in general managed a water system before) and external support and technical assistance from the responsible State authority. As a result, the quality and sustainability of services is low.[40] To address these issues, some countries are working on formalizing the relationship with the service providers, including the professionalization of some functions (e.g.: tariff collection, O&M) or even the whole management.

Another important fact in these settings is that there is generally no formalized contract or delegation of authority from the State to community service providers, nor any regulation. Yet, there may be a varying degree of support from government agencies, or external support agencies. The regulation function (if any) is in most cases embedded into the de-concentrated institutions, a situation which does not provide any incentive for improved performance, since the same institution is regulating (overseeing) itself. In addition, service delivery plans at the local level are most of the times enforced by the national programmes, and do not emerge from locally owned resources (which are in general very reduced).[41] This also weakens accountability towards citizens/voters, except when providing the justification of the use of funds according to the established procurement procedures.

access coverage, but also in the institutional arrangements for service provision. Sanitation is typically not well reflected in policies, and responsibilities are frequently split between different ministries. Ministries of Water, Health, Environment and Housing are typical stakeholders involved, but in most cases the leadership on this matter is not clearly defined. In many countries, increasing access to basic sanitation in both rural and urban areas has clearly not been given sufficient political priority.

In urban areas, slow progress in ensuring access to sanitation services translates into situations where:

- A very minor proportion of population is served by solutions connected to sewer systems, which is the only fraction of sanitation services that are regulated.
- Most of the citizens opt for self-supply (people build their own sanitation infrastructure), but with important gaps in the quality and in the service chain (e.g. emptying of septic tanks or latrines; transport, treatment disposal of sludge). This has severe consequences for public health and the environment in cities.
- Informal service providers offer services such as public toilets (to be used against payment), emptying of latrines, etc…
- For the most disadvantaged people, open defecation can remain the only alternative where other solutions are inaccessible or unaffordable.

In rural settings, external support agencies have moved away from investments in infrastructure towards empowering local communities in sanitation service provision. During the last decades, programs have focused on providing subsidies to the construction of some latrines at village level, combined with some hygiene promotion, hoping to have a demonstrative effect within the non-subsidized households. Subsidies proved to be an ineffective strategy[42], and did not achieve the demonstrative effect pretended for the non-subsidized people. Today, seven out of ten people without improved sanitation live in rural areas.[43] As a result, a paradigm shift has emerged in the rural sanitation provision in the last decade: governments and external supporters will invest in sanitation promotion (rather than in infrastructure), while the households themselves must pay for the toilet; at the same time, new policies are placing the greatest part of responsibility for service provision at local government level.

In this context, the government has taken on the task to promote sanitation, while citizens now are responsible for their own service provision, eventually contracting some technical support (e.g. masons for latrine construction). This change in approach is frequently accompanied by the change to community based sanitation approaches, whereby the whole community is targeted for change, and not individual households.

Leaving the bulk of the responsibility for service provision at community level has proved more effective than previous approaches, but challenges remain: Issues such as affordability or the measures taken at community level to stop open defecation of its members can pose significant challenges to disadvantaged members of the community.[44] The accountability relationships in place are very weak, and eventually affect only the commercial transaction between the citizen and the mason. However, as responsibility for the provision of sanitation services ultimately lies with the State, governments are still responsible for the outcome of these policies, and should in fact be accountable for the process. The governments are still in a process of learning of how to adapt their role to sanitation promotion in rural areas.[45]

PART 4: WORKING WITH ACCOUNTABILITY

The role of external support agencies in the promotion of accountability

An increasing number of external development actors are putting emphasis on accountability in the WASH sector, with the stated aim to achieve sustainable outcomes and efficiency in service delivery. The assumption is that increased community participation, strengthened citizen voice, along with traditional forms of support to develop state systems and institutions will result in better quality and sustained services.[46]

Numerous tools can be used by external support agencies to trigger sustainable improvement of accountability links in water service delivery framework. More specifically, focused interventions can help to strengthen accountability in three broad levels:

- **Supporting a clearer definition of roles and responsibilities between the different stakeholders**, which is a prerequisite for a clear definition of the service delivery framework. Actions in this level include the definition of policies and related laws, the establishment of clear contracts between governments and service providers and between these and the users, and the establishment of effective coordination mechanisms at all levels.
- **Improving access to information (explanation and justification) and participation of users in the planning, monitoring and management of services;** once clear roles and responsibilities are in place, there is a need to make information available to all stakeholders, and ensure that sufficient justification and explanation on the use of resources is available. Moreover, participation of end users in all stages of service delivery gives legitimacy and provides control over decisions. Actions in this level include all types of monitoring systems for the different aspects of service delivery (citizen report cards; consumer feedback mechanisms, mobile based monitoring, public expenditure tracking, etc…), coupled with developing spaces for people´s influence in decision making (citizens presence in district or municipal boards, social auditing, etc)
- **Enabling an independent overview of performance, sanctions and remedies.** The accountability framework is not complete if there are no mechanisms in place to implement actions against poor performance, lack of fulfilment of allocated responsibilities or abuses. Actions at this level include the support to regulatory bodies and oversight institutions, as well as enhancing access to redress mechanisms for affected parties.

However, efforts to improve accountability also have risks for the external support agencies. Experience shows that approaches pushed by external actors can run the risk to remain externally owned at least in the short to medium term. Civil society organisations play a key role in demanding accountability. However, weaknesses of the NGO sector in many aid-dependent countries, their reliance on external assistance for carrying monitoring and the need to develop independence from the State means donors will need to provide long term support. The time limits of the traditional project cycle are often not the best suited for measuring results of accountability initiatives, which often require long time to unfold. Accountability efforts which substitute civil society initiatives to failing state capacity can also lead to even more disorganisation of the service delivery framework. Without the threat of effective sanctions (and resulting impacts), citizen mobilization is difficult to sustain in the long run.[47] Ways for external support agencies to tackle these risks is to focus efforts on supporting both social accountability mechanisms aimed at increasing

citizens' voice and traditional accountability mechanisms, such as investigations, inspections and audit which can impose formal sanctions.

Table 2 proposes a synoptic table that shows possible objectives in the interventions and examples of actions related to this. These elements are further detailed in the Reference Guide for Accountability programming in WASH, which has been developed as complementary material to this Concept Note by this same UNICEF/ WGF "Accountability for Sustainability" Program.

Table 2 - Examples of typology of actions towards improvement of accountability in water service

OBJECTIVE	SOME EXAMPLES OF ACTIONS
CLEAR ROLES AND COORDINATION	
Coherent policies **Clear allocation of responsibilities** **Support to coordination mechanisms**	Support the formalization of community water supplies (contracts with users, standards for quality of service, tariffs establishment and collection, O&M capacities); Information to consumers on their rights and obligations; Establishment of model contracts; water committees internal regulation
ACCESS TO INFORMATION AND PARTICIPATION	
Improve the flow of information about services quality, tariffs, etc. **Support access to information and transparency.** **Create spaces of interaction between people authorities and service providers**	Monitoring systems: MIS; citizen report cards; consumer feedback mechanisms, etc… Promote spaces of dialogue and interaction between stakeholders (e.g. district or municipal boards) Budget expenditure tracking; auditing; public access to utilities information
MONITOR AND TAKE ACTION	
Support the definition and performance of a regulatory agency/function. **Support oversight bodies, and develop control mechanisms (internal and external).** **Anti-corruption measures and sanctions**	Surveillance/Vigilance population committees for oversight of the water services or committees (e.g Water Watch groups) Support consumers´ access to law (e.g. Support to Consumers Unions) b

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Sustainability of WASH interventions is far below what is needed to achieve universal access to water and sanitation services. Improved governance, with clear roles and responsibilities of all actors involved, is critical for improving the sustainability of service delivery in the long run. Accountable actors of the service delivery framework provide and demand better water governance —for better services. Supporting accountability within the service delivery framework is about improving the quality of relationships between stakeholders. Accountable States, service providers and users assume responsibility and answer for their actions—all key elements for breaking institutional inertia and making the institutional arrangements and systems for service delivery work for all.

This background document provides and overview of the concept of accountability and its importance to successful and sustainable water and sanitation service delivery.

This paper has been produced under the "Accountability for Sustainability" program, 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.

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