Notes on Child Protection Systems in Fragile States

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Introduction

The work on analysing and strengthening child protection systems in sub-Saharan Africa has moved child protection (from violence, abuse and exploitation) a significant step forward in terms of developing standard approaches to preventive and protective services that can be taken to scale. However, most child protection service models continue to be rooted in Western models of service provision and much of what is being developed is suited to better-off and more stable countries, rather than to fragile states and conflict-affected countries, such as DRC, Guinea Bissau, CAR, Chad, South Sudan or Somalia. The work on community-based child protection mechanisms attempts to fill an important gap by strengthening families and endogenous protection mechanisms, but evidence of community-based child protection models that can be taken to scale is still limited.

Child protection in emergencies has developed effective approaches to child protection challenges in situations of conflicts and natural disasters, but these approaches tend to be temporary and most are not sustained beyond the crisis, once donor funding declines and INGOs have left. Existing documentation on systems approaches to child protection in emergencies are largely aspirational rather than grounded in empirical evidence of effective approaches to strengthening child protection systems in emergencies. However, this is beginning to be addressed through a number of studies on child protection systems in emergencies.

These notes are a compilation of ideas from the fragile states literature that have particular relevance for child protection systems strengthening (e.g. Pritchett and de Weijer 2010). They are based on a review of relevant literature and on a study done by Just Governance Group. The notes aim to contribute to the debates and work on child protection systems rather than provide definitive or authoritative guidance.

Relevance of fragile states discourse for child protection systems

There is a growing body of knowledge on service delivery and capacity development of service providers in fragile states, covering justice and security, governance, infrastructure, education, health, water and sanitation. However, little has been written specifically on child protection service delivery in fragile states. On the other hand, the child protection systems strengthening discourse has so far taken little note of the growing body of evidence on service delivery and capacity strengthening in fragile states. From a fragile states perspective, child protection services and systems in most sub-Saharan African countries would be categorised as fragile. This is one reason why the fragile states discourse has great relevance for child protection systems strengthening in sub-Saharan Africa – and not just in fragile states.

Some of the characteristics of service provision in fragile states include:

**Fragmentation of services, lack of coordination, systems do not work.** Many elements have to work together in order to make a system. This is often not possible in fragile states, especially where services have to be delivered at scale across the entire country. The links between different services wither away. Investments in one service often do not yield the expected results because the rest of the system(s) (including health, education, civil registration, governance, police, justice, public transport, communication, etc.) are not working as they should. In the face of the challenges of providing child protection services at national scale, efforts to develop appropriate models of service delivery are often focusing on the district level (e.g. Niger) due to the weaknesses of national coordination mechanisms.

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1 According to one classification, 15 states in West and Central Africa and nine in East and Southern Africa are categorised as fragile.
Severe capacity gaps are another characteristic of state fragility. Examples include magistrates who have no (formal) legal training (Liberia, Mauritania, etc.), police who cannot read or write, lack of lawyers outside of the capital city, or social workers who lack transportation and are unable to visit communities to provide services.

Stage retreats and is replaced by: NGOs, faith-based organisations (FBO), community-based organisations and associations and by the private sector.

Illustrative Fragile States Typology

<table>
<thead>
<tr>
<th>Fragile state scenario description</th>
<th>Deterioration</th>
<th>Post-conflict transition</th>
<th>Arrested development</th>
<th>Early recovery</th>
</tr>
</thead>
<tbody>
<tr>
<td>High levels of corruption, self-enriching elites, and erosion of government legitimacy.</td>
<td>Capacity and/or willingness to perform core state functions in decline (economic and social indicators falling).</td>
<td>Accord, election opens window of opportunity for stakeholders to work with government on reform.</td>
<td>Lack of willingness, failure to use authority for equitable or pro-poor outcomes.</td>
<td>Willingness, efforts to improve performance, but uneven results.</td>
</tr>
<tr>
<td>May have chronic low capacity, weak rule of law, territory beyond control, conflict/risk of conflict.</td>
<td>High levels of unresolved grievance.</td>
<td>High risk of return to conflict.</td>
<td>May be anarchic or authoritarian; may have moderate or high capacity.</td>
<td>May be post-conflict or not.</td>
</tr>
<tr>
<td>Civil society</td>
<td>Decreased cooperation, fragmentation, localized conflict.</td>
<td>Polarized, initial peace building. Limited social capital.</td>
<td>Suppressed, little cooperation or resilience.</td>
<td>Recovering, Cooperation increasing.</td>
</tr>
<tr>
<td>Examples</td>
<td>- Zimbabwe</td>
<td>- Liberia</td>
<td>- Guinea</td>
<td>- Timor Leste</td>
</tr>
<tr>
<td></td>
<td>- Papua New Guinea</td>
<td>- DR Congo</td>
<td>- Fiji</td>
<td>- Sierra Leone</td>
</tr>
</tbody>
</table>

Source: Adapted from Meagher (2005)

Delivering services and compensating for capacity gaps in fragile states

In a fragile environment the easiest, if not only, way to deliver immediate results is to cocoon the activity from existing systems and import capability in the form of ready-made services and systems (build, operate, transfer). In Guinea Bissau, for example, a civil registration system is being put in place with support from the Brazilian government (South-South collaboration). The idea is to achieve results, while gradually building up national capacities to maintain the system without continued external support. This approach is typically used in the security sector by DPKO and the US Military, providing security, while strengthening the capacities of the national army and police forces. The challenge is to avoid establishing systems that require capacities and resources that are not sustainable and thereby reinforce long-term dependency on international support.

Contracting out service provision to INGOs and other actors is another quick solution in fragile contexts, where education and health services are often delivered by FBOs rather than the government. In the Gambia, 150 Cuban doctors are providing essential health services and Ghanaian magistrates have been recruited to work in the justice sector. Large-scale NGO programmes include the work of Plan and Tostan in Guinea-Bissau, or the Caritas OVC work in DRC. An important question to ask: do these programmes strengthen capacities in the long term or do they just deliver services in the short and medium term without addressing the chronic capacity gaps? Putting in place services and then building up capacities so that eventually local agencies are able to deliver the service may take a very long time, but is a necessary investment.
Service delivery modalities and fragility

<table>
<thead>
<tr>
<th>Service modality</th>
<th>Fragility issues</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>State provision</td>
<td>Highly vulnerable to fragility, need to restrict most important strategic sectors</td>
<td>Justice, security</td>
</tr>
<tr>
<td>Contracting</td>
<td>Useful in fragile states, but state must exercise oversight and accountability</td>
<td>Roads, public tenders</td>
</tr>
<tr>
<td>Co-production</td>
<td>Somewhat resilient at small scale, need cohesion/aligned incentives in user groups</td>
<td>Primary schools, fish ponds</td>
</tr>
<tr>
<td>INGO provision</td>
<td>May be necessary for humanitarian aid, but sustainability concerns</td>
<td>Reproductive health</td>
</tr>
<tr>
<td>Private provision</td>
<td>Resilient, but basic market conditions needed, equity concerns</td>
<td>Household water supply</td>
</tr>
<tr>
<td>Community action</td>
<td>Depends on social capital, leadership, security of basic needs</td>
<td>Public health, sanitation</td>
</tr>
</tbody>
</table>

Source: OECD: Service delivery in fragile states

In some situations it may be possible to generate more rapid changes in state capacities. In Liberia, for example, where the president, minister of justice and chief of police are all women, we can see an immediate impact on the way the police treats children and women victims of sexual violence.

Capacity development in fragile and non-fragile states

<table>
<thead>
<tr>
<th>Similarities</th>
<th>Differences</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Need to consider sustainability and reinforcement of endogenous capacity</td>
<td>• Pressure to restore services and security quickly</td>
</tr>
<tr>
<td>• Long timeframe</td>
<td>• Short timeframe</td>
</tr>
<tr>
<td>• Change agents and champions, political will and ownership</td>
<td>• Limited capacity to build on</td>
</tr>
<tr>
<td>• Importance of adaptation of intervention templates</td>
<td>• Often not simply rebuilding, but creating new capacities</td>
</tr>
<tr>
<td>• Systems perspective to capture complexity and interconnections</td>
<td>• Little &quot;margin of error&quot; (e.g., lack of trust and social capital, institutional resilience, etc.)</td>
</tr>
<tr>
<td></td>
<td>• Hyper-politicized environment</td>
</tr>
</tbody>
</table>

Source: Brinkerhoff: Capacity Development in Fragile States

Roles and responsibilities of other sectors for child protection: In many contexts the only way to deliver child protective and preventive services at scale is through collaboration with other sectors, keeping in mind that in the most fragile contexts all sectors are facing serious capability gaps. Here are some examples for different sectors:

Education:
• Programmes to prevent violence against children in schools
• The out-of-school children initiative which analyses the education sector in order to propose changes to the education system to prevent school drop-out due to violence, child labour or child marriage (e.g. in DRC)
• In Sierra Leone, a child protection advisor has been embedded in the UNICEF education team to collaborate on addressing child protection concerns in the education sector

Health:
• Sexual violence response by the health sector
• Promotion of protective practices integrated in health systems. However, there are limits to what can be piggy-backed onto community health work. The most sensitive issues (sexual violence, incest, infanticide, etc.) will often be left out and community health outreach workers are already overloaded with work.
• Birth and death registration by the health sector

Social protection: In East and Southern Africa the evidence base of social protection is stronger than in West and Central Africa, where pilot social protection projects are not always targeting vulnerable children and their families.

Justice and security reform: need to ensure that child protection is involved in these important reform initiatives, not least during post-conflict transition phase.
Avoid expecting too much too soon and focus on the essential functions of the state

Some important lessons can be drawn for the strengthening of child protection systems from the fragile states discourse:

Avoid wishful thinking and aiming at achieving too much too soon. Avoid expecting the formal system and the state to do too much at once. The international community has unrealistic expectations of the rate of change in governance and state capability. Define what the formal system can realistically be expected to achieve and develop ways to strengthen capacities to deliver results. At the moment the international community is squandering this precious resource by making tremendous demands on state capacity for non-productive purposes, such as reporting requirements and continuous organizational restructuring (Pritchett and de Weijer 2010).

The “too much, too soon” syndrome leads to many of the symptoms observed in difficult transitions, such as the following:

- Overtaxing the existing political and social network capacity of national reformers (as in the Central African Republic and Haiti in the early 2000s).
- Transplanting outside “best practice” models without putting sufficient time or effort into adapting to context (for instance, in Iraq).
- Adopting an output orientation that defines success in the de jure space in the capital city (for example, by passing laws, writing sector plans and policies, or creating new commissions or organizational structures) and not an outcome orientation in the de facto world where people live (by improved services, even if basic, in insecure and marginalized rural and urban areas), such as in Timor-Leste from 2002 to 2005.
- “Cocooning” efforts into parallel channels that facilitate short-run accomplishment by bypassing national organizations and institutions, and undermine national institution-building in the longer term, as, for example, in Afghanistan in 2001–2003 and to some extent afterward.

Source: Pritchett and de Weijer 2010

State capacity should be used in those spheres where it is most crucial and strategic. Tasks should remain within the limits of what can genuinely be accomplished. Non-strategic functions can be outsourced, and a strategic plan can be put in place for a slow and gradual transfer of responsibility back to the state. There is the need for a genuine debate about the tasks a government can realistically perform (e.g. security and justice). When tasks can equally well be carried out by other actors, and the government role in this sphere can be limited, then perhaps this is worth exploring. In states with high levels of capability much of the debate is about what the state ideally should do, but in fragile states the main problem is whether the state can do even those very limited tasks it must do. Adding roles and responsibilities, however attractive those may be in the long-run, can actually be worse than useless.

Avoid strengthening just one part of the system, since the system won’t work if some parts remain weak and the different parts are not effectively working together. Strengthening one part may actually further weaken the other components of the system.

From WCARO child protection systems framework paper:

Avoid overwhelming the system. Anticipate how changes in one component may increase demand for services, or create competition for limited resources. For example, establishing a child hotline may increase demand for services that do not exist, creating bottlenecks in already fragile systems. Investments in cash transfer programmes may crowd out other essential social services if government does not increase staff to support a new scheme.

One of the key lessons so far is that the ‘best’ options are not necessarily the ones to be promoted within a system due to challenges with scalability, sustainability, cost, and initial investments needed in capacity building, etc. It is better to develop a system based on ‘acceptable’ standards and services that work, than to have a system that is too ambitious and that does ultimately fail to produce large-scale results. Be realistic in terms of time, results and quality of services. Being overambitious may result in providing perfect services to only a handful of children in a country.
Gap between formal and informal systems

Fragile states are characterised by a gap between de jure (formal laws) and de facto (community practice). Form and function are – in this context – separate and parallel formal and informal systems exist side-by-side, often without interacting with each other. This duality of structures and ideologies can be found in health (Western medicine and African healing), education (Western education, Quranic schools, traditional forms of socialisation and education), in social protection (formal social protection initiatives versus widespread kinship- and network-based informal social protection), economy (formal and informal sector), in justice (colonial law, customary law, Shari’a), in security (police, army, vigilante groups, armed gangs), and in governance (modern political leaders, traditional chiefs, religious leaders). Women’s and children’s rights, especially, remain largely in the private sphere, subject to community mediation, customary law, and Shari’a law. In child protection, much remains outside of the remit of the formal justice and social welfare systems. Moreover, many of the “harmful” practices child protection actors are trying to stop, are seen as protective and preventive from the informal, community perspective.

In the worst case, the parallel formal and informal universes do not communicate with each other. Eventually this may reach a point where the de jure no longer has any traction on the de facto. Any changes made in notional policy will no longer have any real effect on the ground because the connection between the two realms is completely severed. This is the capability trap, or the big stuck (Pritchett and de Weijer 2010). The difficulty is that the de jure can be created with the stroke of a pen – countries can adopt policies, create organisations, or announce plans easily. These de jure changes can create the appearance of a positive dynamic and please external actors, but the creation of de jure without the ability to deliver creates parallel universes within the administration. These are almost universal features of child protection services in West and Central Africa – not just in states considered as fragile. If we apply the fragile states lens to child protection, most of the child protection systems in West and Central Africa would qualify as fragile (except in Cape Verde and parts of Ghana).

Formal child protection services have mostly focused on formal response services rather than on informal and customary community mechanisms (social and justice). The implications are that fragile states have been neglected in the child protection systems work, because the formal and statutory services are – by definition – weakest in fragile states. There is a need for more innovation and investments in informal, community-based social and justice mechanisms and their interaction with the formal sector. The knowledge and evidence base is very weak.

Invest more to develop appropriate service models. INGOs (Caritas, Plan, Tostan...), bi-laterals (GIZ), and academics (Columbia University), consulting firms (Child Frontiers), and others have been important innovators, but more needs to be done to systematically research and innovate and to develop solutions specifically for fragile states, such as CAR, DRC, Guinea-Bissau, Somalia and South Sudan.

Social protection: Even according to the most optimistic scenarios it will take decades before formal social protection mechanisms will reach all vulnerable children in sub-Saharan Africa. As recent economic, natural and political crises show, hard-won social security benefits can be lost very quickly. Most families and children in Africa will rely on traditional forms of social protection for a long time to come. Many of the child protection issues we are addressing originate – at least in part – in endogenous efforts of social protection. This includes child labour, child mobility and migration, child marriage, confiage (informal fostering) and even FGM/C. With urbanisation, new informal forms of social protection are emerging. Very few development agencies are looking at traditional and informal forms of social protection and how they could be strengthened. The currently fashionable discourse on social protection is exclusively focused on formal social protection, which is almost non-existent in fragile states. Aside from ignoring informal social protection mechanisms, formal social protection programmes could undermine and weaken informal social protection mechanisms.

Customary law and formal law: More attention is needed on customary justice and on the links between customary and formal justice systems. The recent publications of the International Development Law Organization on customary law in fragile and post-conflict contexts provides some ideas for alternative approaches for incorporating rights protections into customary practice: ‘balancing’ approaches; progressive
realization; moderate cultural relativism; incentive-driven approaches. However, the evidence on the links between formal and informal justice mechanisms remains weak and needs to be strengthened.

**Identify and strengthen connectors** who link formal and informal systems. The “adaptor plug” function provides an interface between two fundamentally opposed notions of accountability and different levels of capacity. It can become an effective conduit of capacities and resources down to the community level. Connectors are able to mediate between two systems of sets of social norms (ideologies). They include, for example, social workers, community leaders, community outreach workers, etc.

**Avoid effervescent innovation.** Avoid innovation and small scale projects that can never be taken to scale. “Small” development is characterised by flexibility, innovation and adaptation, and often relies on a committed source of funding, a visionary leader, or a small committed group of people. These features can create success but cannot necessarily be replicated and taken to scale. As a result, the systemic or transformational effects of small development are often, well, small.

**From rhetoric to impact – changing norms and standards to make the system work**

When an organisation is overloaded with tasks it cannot perform, the temptation is strong to retreat behind a façade of isomorphic mimicry, i.e. reproducing the formal structures of governance found in developed countries, but with little of the function. Isomorphic mimicry may do serious harm, as can be seen in ministries of social affairs who are unable to provide the leadership and coordination for a child protection system, district social workers without means of transport, health centres without health workers, schools without school books and without teachers.

Donor efforts in conjunction with the actions of domestic actors may not lead to substantive improvements in quality of governance. Instead they often end up reproducing the formal structures of governance found in developed countries, but with little of the function. It may be easy enough to create something that looks like a Ministry of Health, but it is much harder to create an entity that interacts with on the ground realities (social structures, norms, capacity etc.) in a way that actually sees hospitals and clinics run successfully.


The less a government does, the greater the pomp around the few things it does, e.g. birth certificates being “awarded” in ceremonies to children in Liberia, the country with the lowest rate of birth registration in West and Central Africa.

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**Birth registration** (from Liberia Situation Analysis)

A decentralized birth registration system was launched in July 2010 with support from UNICEF. The intention is to facilitate the registration of births at community, district and county levels, with data transferred to a central data bank via a web-based Birth Registration Management Information System. Data centres have so far been set up in three counties. Clinics and other sites were designated ‘birth registration centres’ and vaccinators and other staff trained to fill in the relevant forms. Outreach campaigns were carried out in local ‘towns’, and applications for birth certificates filled out retroactively for 61,500 children under 13 years².

Unfortunately there are misconceptions surrounding birth registration, as a visit to the data centre in Bomi County revealed. The awarding of certificates in Liberia is seen as a means of formal congratulation; consequently the birth certificates are large, grand and expensive in design, and their ‘awarding’ is seen as something to be done at a ceremonial occasion, not as a simple matter of routine. As a result, up to July 2011 no birth certificates had yet been ‘awarded’ in Bomi although 23,000 children were due to receive them. Efforts to persuade parents that the registration process is of value to them and their children lack conviction, especially when no certificates materialize.

Meanwhile efforts to register births within communities, when babies are delivered at home by traditional midwives, have run into difficulty. Because the certificate is seen as an award, health staff in Bomi county HQ believed that being able to have the birth registered after a home delivery might act as a disincentive to giving birth at the clinic. The birth registration books were removed from Town Chiefs, thereby jeopardizing the idea that birth registration is something routine, for everyone.

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There is an obvious need to familiarize clinical staff and Liberians generally, including those operating the new system, with the purpose of birth registration; and to ensure that it is routinely done at birth wherever that takes place. The system needs to be mainstreamed within existing MCH contacts, with first enrolment at pre-school being another moment to catch those who were missed.

“Systems building blocks”, such as legislation, structures, capacities, resources and data, on their own, are not enough to achieve results. Child protection actors have to follow new rules, norms and standards of practice. It is one thing to establish guidelines for diversion and quite another to get all justice actors to change the way they are consistently treating all children in conflict with the law. The same applies to civil registration and other systems. Norms of behaviour take much longer to change than to put in place the basic building blocks of a system.
Annex: Analytical frameworks of fragile states

As outlined in the WCARO Baseline Study on Child Survival and Development (2010), there are varied definitions and typologies of fragile states across international donors and organizations, although most share common aspects relating to the state’s inability to deliver core services, and maintain territorial control. Overviews of several of the definitions highlighted by the Baseline Study and additional ones are presented below.

The World Bank establishes a category of Low Income Countries Under Stress (LICUS) in which fragile states are defined as having weak governance, policies, and institutions. Classification as LICUS is a result of low-income countries scoring 3.2 and below on the Country Policy and Institutional Assessment (CPIA), which is used to assess the quality of country policies against baskets of indicators that include economic management, structural policies, policies for social inclusion and equity, and public sector management and institutions. There is a further distinction made between core fragile states with a CPIA below 3.0 or marginal fragile states with a CPIA score between 3.0 and 3.2. The World Bank indicates that the CPIA scores and fragile state categories are intended as a starting point for analysis.

The OECD-DAC defines fragile states as “unable to meet [their] population’s expectations or manage changes in expectations and capacity through the political process.” Based on this, the OECD DAC uses three categories of fragile states: i) declining or deteriorating, where falling indicators show that state capacity and/or willingness to perform functions is in decline and may include weak rule of law, authoritarian regimes, and human rights issues; ii) collapse, where the state is no longer able to function in most of its territory, and there is little or no government for international actors to engage with and chronic conflict is likely; and iii) recovering, including post conflict and early recovery situations with low capacity and varying levels of willingness.

DFID also defines fragile states as states where the national government is unable or unwilling to provide services. DFID uses five categories of states when analyzing both causes of fragility and opportunities for intervention: i) post-conflict/crisis or political transition situations; ii) deteriorating governance environments; iii) gradual improvement; iv) prolonged crisis or impasse; and v) ongoing violent conflict.

Torres and Anderson, in their analysis for the DFID Policy Division (although not forming DFID official policy) focus on a willingness and capacity model that specifically states, “Difficult environments are defined as those areas where the state is unable or unwilling to harness domestic and international resources effectively for poverty reduction.” Capacity includes territorial control, basic management capacity for implementation, and proper use of political power. Willingness is seen as two-fold, encompassing both a commitment to poverty reduction and inclusive policies and programs. The authors then identify a typology based on four types of environments: (i) ‘Monterrey’ cases of strong capacity and reasonable political will; (ii) ‘weak but willing’ where government capacity is an obstacle to implementing policy; (iii) ‘strong but unresponsive’ where state capacity is directed to achieving development goals; and (iv) ‘weak-weak’ where both state capacity and political will are lacking.

In a Topic Note on Fragile States produced for the Governance and Social Development Research Centre, McLoughlin analyzes a range of fragile states typologies. She includes the Crisis States Research Centre definition which focuses on states that are subject to crisis in one or more of their sub-systems and particularly vulnerable to internal and external shocks and conflicts (2007). McLoughlin also draws on another analysis by Call (2008) that identifies five types of state fragility, particularly with respect to conflict or humanitarian crisis: i) weak states, which exhibit low levels of administrative control.

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3 From Stuebing et al.
4 www.worldbank.org
5 www.worldbank.org
6 OECD DAC, 2008
7 OECD DAC, 2007, p30
8 DFID, p.50
9 Moreno-Torres, M., and Anderson, M., 2004
10 McLoughlin, C., 2009, p9
either across an entire territory or in portions of it; ii) divided states, which manifest substantial divisions between national, ethnic or religious groups; iii) post-war states, which have experienced violent conflict; iv) semi-authoritarian states, which impose order through coercion absent in political legitimacy; and v) collapsed states, whose core national institutions do not function at all (this often includes fully authoritarian states).

Mcloughlin elaborates on Call’s typology with the following comments on the challenges of establishing categories. Reference to weak states may be criticized because, despite challenges in security, performance, and legitimacy, these states may still demonstrate strong, repressive policies and actions, such as in the case of authoritarian states. In authoritarian countries, fragility comes from a lack of legitimacy from various sources and can include service delivery that is favours certain regions or specific groups of people. Also, states that may not register as “weak” according to national-level indicators may in fact have regions or parts of the population where the state’s presence is weak, or in which services and security are not provided. “Failing states” has been used to describe states that are not responsive to citizens’ needs but is also used to categorize states that have declining results in national indicators. Although less commonly used now, “failed states” refers to states where most central control has been lost. “Collapsed” and “failed states” are often used interchangeably to describe the absence of a formal state to which other nations can relate, but does not make reference to non-formal structures that have arisen in their place.\textsuperscript{11}

Canada’s \textit{Carleton University Country Indicators for Foreign Policy} project uses an authority (ability of government to pass binding legislation and provide a safe and secure environment), legitimacy (loyalty and support from general population) and capacity (service delivery) model, that bases its analysis on six categories of indicators across governance, economics, environmental, security and crime, human development, and demography.\textsuperscript{12}

Finally, \textit{Stewart and Brown’s} work, which underpins the WCARO Baseline Study, focuses on the following definition: “Fragile states are thus to be defined as states that are failing, or at risk of failing, with respect to authority, comprehensive service entitlements, or legitimacy.”\textsuperscript{13}

Stewart and Brown test the legitimacy/service/authority failure model using different tools and demonstrate that not all fragile states will “test” as fragile across all three concepts. They developed a list of countries that are failing or at risk of failing in three categories. They posit that failure in one category results in fragility. They also examine the causality among the three categories - does fragility in one area result in fragility in another, with the implication being that a fragile state with failures in multiple areas is a more fragile. Authority failures likely lead to service delivery failures and service failures can lead to a loss of authority. Authority failures are associated with legitimacy failure but legitimacy failures can, but do not always, lead to authority failures. Legitimacy failures can also lead to poor service delivery and likewise, poor service delivery can lead to loss of legitimacy.\textsuperscript{14}

\textsuperscript{11} Mcloughlin, 2009, p.10
\textsuperscript{12} Carleton University
\textsuperscript{13} Stewart, F. and Brown, G., 20010
\textsuperscript{14} Ibid
<table>
<thead>
<tr>
<th>Components of State Functions</th>
<th>Recovery</th>
<th>Transition</th>
<th>Moving in or out of crisis</th>
<th>Weak</th>
<th>Collapsed</th>
<th>Widespread conflict</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy making capacity</td>
<td>State has established a national policy or has stated intent and demonstrated some capacity to do so.</td>
<td>State has weak capacity to develop national policies but has credibility/authority to do so.</td>
<td>State may or may not have willingness to develop policy, but does not have capacity.</td>
<td>State has very limited capacity and/or willingness, or may foster policies that reinforce social exclusion or other negative factors. Existing state policies lack credibility.</td>
<td>States’ policies are no longer relevant or are non-existent.</td>
<td>State is unable to develop national policies that can be applied.</td>
</tr>
<tr>
<td>Policy implementation capacity; capacity to coordinate and direct service area</td>
<td>State has an implementation for policy framework; may need external support to fully implement.</td>
<td>State has national policy that is credible but lacks capacity to implement policy.</td>
<td>State may or may not have a national policy but lacks ability to implement policy</td>
<td>State has limited policy frameworks and implementation plans; in authoritarian regimes, implementation may benefit specific regions or parts of the population.</td>
<td>There is no state-led implementation of service areas.</td>
<td>Any state capacity to implements services is severely hampered by conflict.</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>State manages limited but necessary infrastructure</td>
<td>State does not have equitable regional distribution of infrastructure.</td>
<td>State may or may not have infrastructure but is not capable of fully managing the infrastructure system.</td>
<td>State lacks infrastructure or only supports infrastructure in elites’ interest.</td>
<td>State is not managing infrastructure.</td>
<td>Infrastructure is being damaged or destroyed by conflict; remaining infrastructure is not being managed by state.</td>
</tr>
<tr>
<td>Transportation infrastructure and services</td>
<td>State manages transportation systems that reach all of the country.</td>
<td>State may not be able to provide a national transportation system but seeks alternatives to ensure equitable regional service delivery.</td>
<td>State has limited capacity to plan for transportation or limited resources to ensure transportation is equitable across regions</td>
<td>State does not support transportation system; or only supports transportation to serve elites’ interests.</td>
<td>State does not manage transportation system.</td>
<td>State does not manage transportation system; transportation system used by state and other actors for alternate uses (natural resource exploitation, military)</td>
</tr>
<tr>
<td>Human Resources</td>
<td>There are some human resources available in specific sectors who are being managed in order to implement policies and programs (being paid, deployed to correct location, minimal amount of necessary supplies available).</td>
<td>Human resources are not well managed by state, but may be mobilized by donors or civil society.</td>
<td>Limited human resources available to support sector; are not well deployed salaries are not guaranteed; and supplies are difficult to obtain.</td>
<td>Limited or no human resources available and no structure to support their integration into a sector.</td>
<td>State does not manage human resources.</td>
<td>Human resources often not available due to out-migration.</td>
</tr>
<tr>
<td>Supply Management</td>
<td>Supplies, when available, are Ad hoc management of</td>
<td>Limited supplies; state</td>
<td>There is no supply</td>
<td>State does not manage supply</td>
<td>Supply management</td>
<td></td>
</tr>
</tbody>
</table>

Fragile States and service delivery
Summary of OECD DAC principles for good international engagement in fragile states and situations

The OECD DAC principles provide a starting point to guide donors in their work in fragile states. These include:

- The need to establish an understanding of each specific context, including causes of fragility, as a key first step through sound political analysis.
- Do no harm, whether through choice of aid modalities, reinforcing existing inequalities or through donor aid allocation decisions.
- Focus on state building. Meeting humanitarian and basic needs, along with state capacity building, are the common goals of programming in fragile states across short-, medium-, and long-term. Donors need to identify and support whatever capacity – national, regional, local, and civil society - exists and then build programs around this.
- Prioritize prevention. Child protection and allied sectors such as health help rebuild states, and efforts to addresses causes of fragility can help build state resilience when faced with future challenges.
- Recognize links between political, security, and development objectives.
- Promote non-discrimination. In the past, UNICEF has often focused on specific, marginalized groups of children in need of special protection. Within a systems approach, this knowledge and experience can be applied to uphold this principle.
- Align with local priorities in different ways in different contexts. This principle recognizes the value of building on local priorities and also on local capacity and approaches when designing interventions.
- Donor coordination. Creating a coherent approach amongst donors has been a key principle in the ongoing effort towards greater aid effectiveness. It is recognized that differing and sometimes divergent donor priorities, approaches, and requirements place stress and burden on developing countries. Throughout the fragile states literature, there is emphasis on the need for donors to come together, ideally with the state and civil society organizations, to undertake all aspects of policy and programming, starting with the contextual analysis.
- Act fast but stay engaged. This is where a dual track approach can be used as donors need to respond to humanitarian needs and support transitions quickly and when the government has little capacity and therefore relies on non-state service providers. At the same time, a long-term commitment to capacity building for the state is required through support to planning, monitoring, and eventually implementing programming.
- Avoid pockets of exclusion, with particular reference to countries that, despite legitimate needs, do not receive a proportional share of international development assistance.

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15 OECD DAC, 2007
## Child protection systems in fragile states

<table>
<thead>
<tr>
<th>No state Weak civil society</th>
<th>Emergency situation</th>
<th>Weak state Limited civil society</th>
<th>Capable state Strong civil society</th>
</tr>
</thead>
</table>
| **Justice (for children and women) and security** | - Customary justice and community mediation and conflict resolution  
- Communities protect themselves, militias | - Customary justice  
- Transitional justice  
- Military justice  
- Communities protect themselves  
- Competing armed groups and armed forces | - Customary and formal justice exist side-by-side, not fully integrated, partly contradictory  
- Providing security is a priority for a state: police, gendarmerie, border guards, military. Often not able to secure the whole country, leaving some areas unprotected  
- Communities protect themselves | - Dominance of formal justice (customary and religious laws are fully integrated in formal justice system)  
- Professional security apparatus providing internal and external security over the entire territory of the country |
| **Child welfare services** | - Traditional family and community care  
- Child care institutions run by private and faith-based institutions | - Traditional family and community care  
- CPIE  
- Rudimentary child welfare services in urban areas (focus on out-of-home children, on sexual violence, juvenile justice)  
- Child care institutions run by private and faith-based institutions | - Traditional family and community care  
- Child welfare services extend to rural areas, address a wider range of concerns. Mix of public and private providers (strong reliance on NGOs) |
| **Health** | - Traditional healers  
- Health services provided by private or faith-based organisations | - Emergency health services  
- Mix of public and private providers, unregulated  
- One-off health campaigns | - Regulated health sector with mix of public and private providers  
- Functioning public health system |
| **Education** | - Traditional education  
- Religious education (madrassa)  
- Modern education provided by Christian institutions | - Education in emergencies  
- Mix of private, religious and public education, unregulated | - Education system with clear standards for private, religious and public education providers |
| **Social protection** | - Kinship, neighbourhood and network-based social protection | - Emergency food and non-food distribution  
- Kinship, neighbourhood and network-based social protection  
- A few uncoordinated social assistance programmes | - Kinship, neighbourhood and network-based social protection  
- National social protection system |
| **Social and behaviour change promotion** | - None | - Limited campaigns (e.g. "stop rape")  
- Campaigns  
- Community-based NGO programmes to change social norms (e.g. Tostan) | - Diversified mechanisms for social and behaviour change promotion through public health, education, communication sectors (public and private) |
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