



GPE

OPERATIONAL FRAMEWORK FOR EFFECTIVE SUPPORT IN FRAGILE AND CONFLICT- AFFECTED STATES

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1. INTRODUCTION

1.1 Background

It is imperative for the global community to provide greater and more effective support to education in fragile and conflict-affected states (“FCAS”), including emergency and early recovery situations, in order to achieve the Education for All goals and education MDGs. It is estimated that more than half of the world’s out-of-school children live in countries affected by emergencies or in early recovery.¹

The Global Partnership for Education (the “Global Partnership” or “GPE”) Strategic Plan 2012-2015 therefore commits to ensuring that “Fragile and conflict-affected states [are] able to develop and implement their education plans”. The Implementation Plan for the Strategic Plan includes three outcomes pertaining to fragile contexts: (i) more effective support to FCAS; (ii) greater alignment of funding and policy dialogue in FCAS; and (iii) mobilizing more funding for education in FCAS. The first of these is addressed by this Operational Framework, as well as through the planned expansion of the agencies that can serve as Supervising Entity (“SE”) or Managing Entity (“ME”) and the development of a community of practice among these partners. There should be emphasis on ensuring optimal national capacity building and, in cases where an ME modality is used, phased transition to strong, country-led implementation arrangements.

Although fragile contexts vary enormously in their characteristics, they present specific challenges in various forms and to different degrees. These include:

- **Issues of governance**, which may include unrecognized governments, political instability, accountability issues and corruption, situations where governments prohibit access to segments of populations, politicization of aid agendas, situations where segments of the population are in conflict with each other, etc.
- **Issues of capacity**, for example in terms of ability to collect and analyze data, make sound policy decisions, develop sector plans and implement and report on plans and programs. The level of development partner presence and capacity of Local Education Groups (“LEGs”) may also vary.

¹ International Institute for Educational Planning (2010). Guidebook for planning in emergencies and reconstruction, UNESCO.

- **Issues of security**, which can affect access to schools and communities and limit the implementation of sector programs as well as increase implementation costs. Insecurity can also expose schools, teachers and school children to violence and attacks.
- **Issues around donor policies and coordination**, in terms of donors' ability to finance programs; donors' and implementers' ability to remain operational and work in a country as a whole or in parts of a country; and the existence of coordination mechanisms to ensure coherent, coordinated support.

All of these challenges present risks—political, fiduciary and other operational risks and in general, risks to the achievement of the intended results and impacts of Education Sector Plans and programs. Working in fragile and conflict-affected countries and situations requires accepting that risk is inevitable. Rather than seeking to avoid risk, it is particularly important to improve capabilities to mitigate and manage risks.

The Global Partnership's commitment to act in fragile contexts expressed in its Strategic Plan 2012-2015 requires that despite challenges and risks, the Global Partnership will provide support in a way that is efficient, consistent, and equitable. This will ensure, above all, that there is a continued commitment to achieve results for children. A key element of success will be that the Global Partnership's support is adjusted to the context and contributes to build capacity and to capitalize on the potential role of education in reducing conflict and building stability.

1.2 Objective

Within the broader scope of the Strategic Plan 2012-2015 and its Implementation Plan, this Operational Framework sets out specific adaptations to GPE processes in FCAS. The Operational Framework includes principles, modalities and procedures relating to Program Implementation Grant applications, as well as revisions to programs in response to fragile situations during implementation. The objective is to provide clear guidance to LEGs and Development Partner Groups ("DPGs", which include local development partners but not the local government) to ensure efficient support in these situations.

1.3 Scope

The situations listed below will lead to consideration of adapted operational modalities. In the event any of these circumstances arise, the Secretariat will contact the Coordinating Agency ("CA") to call attention to the Operational Framework and facilitate discussion on whether adaptations should be made:

- Coup d'état or other unconstitutional government change
- Situations of large-scale violence or armed conflict within the country, including at sub-national levels in federal states, or across borders

- Situations where the international community has raised serious concerns involving human rights violations
- Large-scale emergencies as defined by United Nations Office for the Coordination of Humanitarian Assistance (“OCHA”)
- Situation where corruption, lack of adherence to international conventions or other issues lead to donor suspension of aid
- Situations where low administrative capacity calls for a phased approach to supporting education sector activities while gradually building government capacity

The above criteria will draw on information from relevant international bodies including OCHA/Education Clusters, Transparency International and the United Nations Human Rights Council.

2. PRINCIPLES OF GPE ENGAGEMENT IN FRAGILE AND CONFLICT-AFFECTED STATES

2.1 Adaptations of Global Partnership Principles

Some of the Global Partnership’s guiding principles as set out in the Charter need particular adaptations in fragile and conflict-affected states:

- **Country Ownership** (*Charter section 1.3.a*): If a government is not able to take on the implementation of a GPE-financed program for capacity reasons or due to any of the situations listed under Section 1.3 above, the LEG or DPG may decide to move to a Managing Entity modality. The ME must optimize technical collaboration with the country’s education administration in order to maximize institutional capacity building and the sustainability of interventions. Particular attention should be given to conflict analysis and to the “do no harm” principle. ME arrangements should not be seen as a permanent modality and efforts to return to a SE modality must be continuously assessed and pursued.
- **Support linked to performance** (*GPE Charter section 1.3.c*): FCAS will face greater challenges in achieving results in terms of improved education indicators. A phased approach will need to be taken in order to set achievable benchmarks with realistic timelines so that countries can gradually move towards improved results. In cases where situations change from stable to unstable and where education indicators may be in decline, children’s right to quality education takes precedence over the need for countries to demonstrate overall progress on indicators, and support to limit the impact of crisis on education is vital.
- **Lower transaction costs** (*Charter section 1.3.d*), **development results and value for money** (*GPE Charter section 1.3.f*): Ensuring results in FCAS often requires higher

transaction costs than in stable contexts. Therefore, supervision allocations, agency fees and ME operational budgets may need to be adjusted based on a realistic assessment of costs. In addition, support in these contexts will frequently require a greater involvement of the Secretariat.

2.2 OECD Principles for Good International Engagement in Fragile States and Situations

The Global Partnership adheres to the OECD's Principles for Good International Engagement in Fragile States and Situations, which provide a set of guidelines for actors involved in development co-operation, peace building, state building and security in fragile and conflict-affected states.

Two of these principles, alignment to local priorities and coordination among international actors, are inherent in the Global Partnership's processes and procedures and need no further elaboration in this Operational Framework. Additional measures that support the application of the OECD principles are found in Section 1.2 of the Implementation Plan for the Strategic Plan 2012-2015² and include commitment to:

- Engage in ongoing efforts to identify and agree on conflict analysis and resilience tools to support the development of conflict-sensitive Education Sector Plans ("ESPs") and transitional ESPs, with particular attention to guidance on actions needed in the education sector;
- Support countries to develop transitional ESPs when applicable and appropriate; and to work to develop full ESPs during the implementation of the transitional plans;
- Utilize the Inter-Agency Network for Education in Emergencies ("INEE") Minimum Standards and other tools including conflict analysis and resilience, as appropriate, in the development of transitional education sector plans; and
- Strengthen Education Cluster-LEG collaboration at country level.

Moreover, the Global Partnership's Guidelines for Education Sector Plan Preparation and Appraisal³ support the OECD principles as follows:

- The Plan Preparation Guidelines emphasize that:
 - a credible ESP must be sensitive to the context and include an analysis of the vulnerabilities specific to a country, including conflicts, natural disasters, economic crises, etc., and that an ESP must address preparedness, prevention, and risk mitigation; and

² The OECD Guidelines include the following: 1. Take context as the starting point; 2. Ensure all activities do no harm; 3. Focus on state building as the central objective; 4. Prioritize prevention; 5. Recognize the links between political, security and development objectives; 6. Promote non-discrimination as a basis for inclusive and stable societies; 7. Align with local priorities in different ways and in different contexts; 8. Agree on practical coordination mechanisms between international actors; 9. Act fast ... but stay engaged long enough to give success a chance; 10. Avoid creating pockets of exclusion.

³ Developed in collaboration with the UNESCO International Institute for Educational Planning (IIEP)

- education sector analysis should include data on marginalized groups: girls, children with disabilities or children living in extreme poverty, working children, and so on;
- The Appraisal Guidelines ask whether:
 - the education sector analysis identifies the vulnerability of the education system to political, economic, social, and environmental risks and whether a vulnerability analysis has been conducted;
 - the proposed strategies mitigate the vulnerability of the education system to political, social, and environmental impacts as identified in the sector analysis; and
 - targets are set for each of the marginalized and at-risk groups identified (such as underserved communities, girls, the poor, children with disabilities, orphans, children in hard to reach communities, ethnic minorities, refugee and internally displaced populations, and children affected by HIV and AIDS), and whether the ESP includes a strategy to ensure equity in the provision of basic inputs across these groups, including targeted fiscal transfers as appropriate.

The GPE adheres also to the principles in the “International Dialogue on Peacebuilding and Statebuilding – New Deal”.

3. MODALITIES FOR PROGRAM IMPLEMENTATION IN FRAGILE CONTEXTS

3.1 Justification for Adapted Modalities

Fragile contexts comprise a range of specific situations where the standard implementation modality used by the Global Partnership for its Program Implementation Grants—the Supervising Entity⁴—may not be the most appropriate. Several factors have to be taken into consideration to well understand the possible implications of using only the SE modality in fragile contexts:

- In SE modality, the implementation of GPE-financed programs relies primarily on the developing country partner’s capacity. Lack of national capacity can be an impediment to the timely implementation of the activities. In addition, low capacity can limit activities to parts of the country where capacity is higher, which can increase disparities.
- In FCAS with political tensions and/or conflict, governments may not be able, willing or committed to work with certain categories of the population. In some cases, the government may not control the full national territory, and thus is not able to provide support in areas out of their control. These are sensitive issues that may be particularly difficult to discuss with governments. In these environments, working only in SE mode could mean that certain categories of the population cannot be reached.

⁴The SE mode can take several forms (project, Pool fund, budget support), but the main distinction from the ME mode is that the funding is channeled entirely through the government and its administrative systems through a Grant Agreement.

- In contexts of significant political instability or conflict, the SE may have to suspend activities. The continuity of support, which is critical to limit the impact of crises on education, cannot be guaranteed with this modality as the only option.
- In countries with unrecognized governments it can be unfeasible to work according to a SE mode. In addition to issues of capacity and stability, it may be unrealistic to expect that the unrecognized government can commit in a legal and operational sense to the program's goals, objectives and implementation, which may have been negotiated with a previous government.

The above constraints involve substantial risks. Failing to adequately address the risks may fuel tensions and political disputes.

3.2 FCAS Modality Options

For the reasons outlined above, the LEG or DPG might consider three options in FCAS:

- (i) Continuing support through a SE;
- (ii) Adopting a hybrid approach with part of the activities being implemented by the government using a SE modality and part of the activities being implemented using an ME modality; or
- (iii) Adopting an ME modality for all activities being financed by the Program Implementation Grant.

Option (ii) can either involve the same agency playing a dual role as ME and SE, or two different agencies taking on these roles. The selection of the option and agency or agencies taking on the role as SE or ME should pay particular attention to the agency's ability to operate in the context and provide capacity building and rapid scale-up of support.

Regardless of which option is chosen, LEGs or DPGs should clearly explain implementation arrangements in the Program Document submitted to the Global Partnership, making it clear: (i) how the selected modality responds to the operational context; (ii) what implementation arrangements and risk-mitigating measures will be adopted to enable effective implementation for optimal progress towards the program objectives; (iii) what monitoring mechanisms will be in place to adjust to evolving circumstances; and (iv) what strategies will be pursued to progressively transition towards greater alignment and use of government systems.

3.3 Special Considerations when adopting the SE Modality in FCAS

In countries where there is a substantial risk of fragility or instability, the development of Program Implementation Grant applications using a SE modality should include contingency

plans to determine in advance what strategy will be adopted in the event of instability, drawing on the options listed above.

3.4 Special considerations when adopting the ME modality

The ME modality does not involve entering into a Grant Agreement on the basis of which a government implements the activities. Rather, an eligible entity manages a Program Implementation Grant directly. Implementation arrangements can include any combination of direct implementation, channelling some funds through government accounts and sub-contracting civil society organizations or other non-government partners.

The ME modality should be kept flexible and follow the principles cited in Section 2 above. Specifically,

- Programs using an ME modality must be aligned to an endorsed education sector plan or transitional education sector plan or, in the case of Accelerated Funding in Emergency and Early Recovery Situations, an emergency needs assessment.
- The ME is required to optimize collaboration with the ministry in charge of education and to develop national capacity.
- The ME modality requires the same level of inclusiveness and transparency in the development of programs and implementation and monitoring of activities as the SE modality.
- A phased implementation approach should be used, adjusting implementation to the actual capacity of the ministry and gradually transferring implementation to the ministry as appropriate. The LEG or DPG should define the criteria and process for transitional management of GPE funded programs from the ME and non-government implementing agencies to government and local institutions, and increasing capacity of civil society organizations and other non-government partners (Ref. GPE Strategic Plan Implementation Plan Section 1.1).

In contexts where the ME modality is used, the fiduciary risk is managed by the ME for all of the program activities including the use of pool funds, activities to strengthen the capacity of the ministry, activities implemented by ministry offices, as well as direct project-implemented activities.

4. PROGRAM REVISIONS RESULTING FROM SITUATIONS OF FRAGILITY

When a Program Implementation Grant has already been approved by the Board of Directors, whether or not a Grant Agreement between the SE and government has been signed, and the context changes from (relative) stability to instability, such as when there is a coup d'état or

conflict breaks out, there must be flexibility to revise programs to changing circumstances, including the modality of support and the content of programs.

The following procedures will be applied in these situations:

- (i) Notification:** If an emergency situation leads a SE or ME to suspend activities in a country in accordance with its own regulations, the SE or ME will inform the LEG or DPG and the Secretariat in writing within 24 hours. Upon such notification, this process will become applicable immediately (if not already applicable) and the FAC and Board of Directors will be informed accordingly.

- (ii) Communication with countries under suspension:** From the moment of the notification of suspension, Secretariat communications to the country may be directed through the Coordinating Agency to the DPG rather than the LEG. The DPG will determine the extent to which formal or informal communications are advisable with current authorities.

- (iii) Assessment period:** For a period of no less than two and no more than four weeks following the notification, the DPG (or LEG where feasible) will monitor the situation in the country to determine if there is a reasonable likelihood of stabilization. No decision will be taken regarding grant signature (in cases where a Grant Agreement has not already been signed), program revision or other program implementation or monitoring activities during this period. The Secretariat will engage in discussions with the DPG (or LEG where feasible) about possible alternative arrangements for program implementation.

- (iv) Determination of appropriate course of action:** At the end of the assessment period, the DPG (or LEG where feasible) will agree whether the previously approved program can be implemented as planned, or whether restructuring or redesigning the approved program is necessary. The following options apply:
 - a. In the event that the previously approved program was to be implemented in SE mode, the other Options listed in Section 3.2 above must be considered. If appropriate, the DPG (or LEG where feasible) may present a rationale for maintaining a SE mode and relying on national financial management systems.

 - b. If the DPG (or the LEG where feasible) has determined that the program needs to be revised, the Secretariat will work with the DPG (or the LEG where feasible) to develop a timeline for revision that is reasonable given the context and will inform the

Financial Advisory Committee (“FAC”) and the Board of Directors of the new timeline to enable a revised recommendation and approval of the revisions.

- c. A program may be redesigned and remain under the SE mode, following the instructions in section *a* above, **or** may be redesigned and moved to a ME mode either under the existing SE partner or a different agency. Alternatively, a hybrid modality may be adopted using a mix of SE and ME modes, either under the same agency or with two different agencies. In either case, the *Policy on Time Frames for Grant Agreement signing and implementation and procedures for proposed revisions to implementation grant programs* (the “Policy on Revisions”) will apply. Anticipated timelines under the Policy on Revisions may be abbreviated upon agreement of the FAC Chair and Chair of the Board of Directors.
- d. In all cases, due attention will be given to existing Grant Agreements and the legal commitments incurred by the SE or ME prior to the emergency situation.
- e. If a Grant Agreement has not been signed, the Policy on Revisions will apply, meaning that any revision will need to be finalized before the six month deadline with a three month extension upon request, to sign the Grant Agreement. In the event a Grant Agreement has not been signed within this nine-month interval, the allocation will be cancelled and a new application will need to be prepared and submitted.

5. ACCELERATED FUNDING FOR EMERGENCY AND EARLY RECOVERY SITUATIONS

In cases where an allocation has not yet been approved by the Board of Directors, or where the Country will need to reapply because of case 4.e above, the country may apply for up to 20 percent of the indicative allocation provided by the Needs and Performance Framework, using the *Guidelines for Accelerated Funding in Emergency and Early Recovery Situations*. The remaining allocation may then be applied for using the normal application procedure.