

Implementing Legislative Strengthening Programs: Who is in Control?

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Over the last few decades, international development (known as Official Development Assistance or ODA) has been under attack for its lack of effectiveness. These attacks have ranged from the specifically programmatic (i.e. how a donor agency implements aid programming) to the universal (i.e. does ODA promote development or, perversely, impede development?) These critiques reflect two conceptual challenges - the nature of expert knowledge and the centrality of local ownership of development initiatives – bounded by the practical constraint of the use of politically controlled resources from bi-lateral and international donor agencies. At both levels, programmatic and universal, a critical question is the control over the development initiative of the donor agency. What does the international community bring to the development process and does it help or hurt the beneficiary?

While the broader question about whether international can ever be effective has been posed and answered rhetorically in opposite directions (Sachs, 2006; Moyo, 2009), we will

assume that the problem is not whether or not aid can be effective but rather at the programmatic level of what is the best method of delivering development assistance with a particular focus on governance assistance (for a nuanced assessment of the 25 year record of democracy aid see Carothers, 2015).

This paper examines a variety of implementation strategies, including their strengths and weakness, keyed to the level of control asserted by the donor agency. These strategies fit within two dialectical extremes. On the one hand, most major donors have traditionally applied an expert driven strategy of program design and implementation or what we call the Strong Design Application (SDA) model where donor agencies maintain substantial control over the implementation of development projects. At the other extreme, in part driven by beneficiary countries, some development projects are now being implemented according to a model where development programming is largely driven by the recipient government rather than the donor. We call this the Strong Local Ownership (SLO) model. In practice, few projects actually conform to either extreme, but rather embody elements of each while leaning towards one or the other end of a discretionary continuum. Between these two extremes lie three additional models, each of which has been offered as an alternative to SDA. These include: Problem Driven Iterative Adaptation (PDIA), closely related to the SDA approach, which replaces control by the donor with control by the implementer who uses an empirically based trial and error approach to program development and implementation; the Consultancy Assistance (CA) model, lying towards the SLO side of the spectrum, which places the beneficiary in control of the development project assisted by international experts who serve as consultants to the beneficiary; and the Best Practice Partnership approach (BPP), which we put in the middle of our continuum. BPP treats development as a partnership or collaboration between the donor agency,

implementer, and beneficiary while taking advantage of what is perceived as good practice based on precedent and analogy.

We illustrate our argument through a review of legislative strengthening projects most of which were funded by the United States Agency for International Development (USAID) (although the CA illustrations below were funded by the United Kingdom's Department for International Development (DFID)).

The setting: a brief overview of legislative strengthening

Donors have supported efforts to build and improve institutions in developing countries as part of a larger development goal to improve governance. The concept of governance, though widely used in development practice, is equally contested (though the details of that debate are beyond the scope of this paper (see, for example, Fukuyama, 2013; Rotberg, 2014).) For our purposes, Gisselquist (2012), in a useful synthesis examining several donor-inspired definitions of governance, points out that they typically include three dimensions: (1) a process whereby (2) authority is exercised to (3) manage the collective affairs of a community, subnational level of government or the nation. Embedded in this are donor led efforts to improve government institutions so that they function effectively. One example of this is legislative strengthening—donor support to improve the ability of legislatures in developing, and even fragile, countries to perform the major legislative roles of law making, oversight, budgeting, and representation/constituency service. This work has been going on for more than seventy years funded by American, British, Canadian, Swedish and German bi-lateral aid agencies, as well as

international organizations such as the World Bank and United Nations Development Programme (UNDP).

Strengthening legislatures has been clearly associated with fostering democratic institutions. However, one analysis of democracy assistance in Sub Saharan Africa in 2010 showed that legislative strengthening was only in eighth place out of nine different approaches to democracy promotion (Menocal and O’Neil, 2012: 18). Still, Fish (2006) showed that there is a strong correlation between strong legislatures and democratization. Barkan (2008) reviews the activities of legislatures in selected African countries in terms of the four broad functions that legislatures perform. Not surprisingly, the record is mixed. For example, some evidence suggests that countries that are highly aid dependent tend to have legislatures that are slow to develop the core functions—especially oversight—that comprise the responsibilities of legislatures around the world as detailed by Van Vliet (2014), for example, in his study of the situation in Mali. By contrast, independent assessments of the parliamentary support project in Afghanistan, a highly aid dependent and fragile country, found that the Afghan National Assembly was an effective counter balance to the executive branch particularly in the area of budget oversight (Fn’Piere, Bridel and Sharifi, 2012).

Legislative strengthening is consistent with the broad perspective in institutional economics that shows that strong institutions are important for a host of reasons including economic growth. Kroenig and Karan-Delhaye (2011) showed that, on average, countries with strong legislatures displayed stronger economic growth—a conclusion that has been argued by others (see Rodrik, 2007). Yet others contest this linkage. One study showed that the World Bank’s governance indicators associated with government effectiveness, political stability, control of corruption and regulatory quality have a more significant impact on growth than voice,

accountability and rule of law—the last three being more associated with legislatures (see Han, Khan and Zhuang, 2014). A recent study of the Afghan legislature, however, is more positive about the impact that the oversight function can have on political stability and government effectiveness (Guinn and Straussman, 2016).

USAID has been active in legislative strengthening for over seven decades having worked in as many as 60 countries as part of its broader democracy promotion efforts. Typically, USAID pursues its mission through contracts with profit or non-profit organizations¹ who, in turn, are charged with implementing USAID programmatic goals around the following broad themes:

- Building support for democratic reform within a legislature
- Increasing representation of citizens
- Improving technical capacity in policy and lawmaking
- Enhancing oversight of the executive branch
- Ensuring sound management and adequate infrastructure (Schultz, 2008:26).

The actual LS project is then designed around what are referred to as the central functions of a legislature: law-making, oversight, budget, and representation/outreach² along with the systems of management and support for the institution itself. While not every project includes all five themes or necessarily supports all four functions and administration they are common constituents of most USAID legislative strengthening programming.

Models for Development

¹ USAID sometimes uses a grant or cooperative agreement approach with some non-profits or other implementers which gives substantial control over implementation to the awardee – though increasingly here too – USAID staff are treating these funding mechanisms as substantially similar to contracts and are asserting increasing levels of control and project involvement.

² Commentators disagree as to whether budget should be separated from oversight, though given the complexity of the budget process which may include the law-making-like enactment of the budget as well as the use of the budget to oversee the activities of the executive and the oversight of its expenditure, we believe it appropriate to distinguish it as a distinct function.

As previously noted, there are five fairly distinct though potentially overlapping (that is, the project may embody different models for different aspects of the same project) types of development strategies that we have identified. They are applicable to all areas of development, including legislative strengthening.

Strong Design Application Approach or Expert Driven Development

The Strong Design Application approach or expert driven development represents the dominant historical approach to development as practiced by the major donors such as the United States Agency for International Development (USAID) and against which most of the current critique has arisen. In SDA, the donor, in this case USAID, starts its development work with its use of expert staff or, more commonly, expert consultants to conduct a needs assessment of the beneficiary and develops a general scope of work for a proposed intervention. That scope of work is then commonly fleshed out in bid proposals by expert implementers—both for-profit firms and non-profit organizations--competing to win the award for a proposed project. The designers of the scope of work and the implementation proposal start with a shared understanding of a well-functioning governance institution and some of the best practices of similar institutions from around the world. Proposal designers will then draw on a variety of planned activities – some of which will have been proposed in the request for proposals – that are intended to promote the institutional development of the recipient beneficiary. The vast majority of these planned activities will have been used in prior projects that the donor believes to have been successful.

While this approach to design accords significant respect to international experts having something significant to contribute to program design and implementation, USAID also

recognizes that local buy-in by the recipient government is necessary for development (USAID 1980), and to accommodate this need, USAID often (though not always) tries to obtain local acceptance and agreement to the project prior to project launch. While this may also include local identification of areas needing development assistance, it rarely includes recommendations of how to achieve that development goal or specific approval of proposed activities.

Finally, representing the practical constraint on implementation, USAID awards the winning implementer a contract or grant to carry out the project which it generally administers under a strong contractual model of development (i.e. USAID enters into the contract or cooperative agreement³ with the implementer who is then obligated to conform to the terms of the award agreement and perform as promised). In large part this approach is driven by a need for managerial efficiency and control, as a means of avoiding problems of waste and abuse (as occurred in Iraq and Afghanistan) and because it has to justify its budget to the United States Congress. The SDA model has been particularly dominant in USAID; other bi-lateral donors have also used the model in their development funding as well.

The SDA has been criticized for rigidity and error at both the conceptual/design level and at the implementation level. Andrews and his colleagues at Harvard University's Center for International Development have offered the most extensive and empirically grounded critique of the SDA approach which they have identified as synonymous with the concept of best practice. The critique of best practice in development is straightforward in asserting a lack of institutional fit between the receiving country and the "expert" advice commonly provided through donor funding. Andrews (2011) demonstrates this in his study of a series of public financial

³ Again, while a cooperative agreement is intended to confer significant discretion on the part of the implementer, in practice USAID contracting offices frequently impose strong contract-like controls over implementation.

management practices in 31 African countries. While reforms often look as if they are being implemented, Andrews shows that recipient countries often go through the motions of implementation while actual change is limited. In the case of public financial management reforms, for example, “upstream” innovations in budget preparation may witness some success while “downstream” ones—budget execution (where the real effects of the budget are felt)—show little progress (Andrews, 2011).

Weijer (2013) extends the argument in a trenchant critique of development practice in Afghanistan where, she notes, that capacity building efforts by external actors may actually have undermined real capacity by establishing institutions that are not sustainable; they may have the appearance of normalcy but will wither once external support is gone. In her view, reliance on foreign experts and massive donor support—almost 90 percent of Afghanistan’s budget comes from foreign assistance—creates the capability trap so common in many developing and, in particular, fragile countries. *Premature load bearing*, another concept drawn from the collective work of the researchers at Harvard University’s Center for International Development, identifies the unrealistic expectations that are placed on government organizations that are supposed to implement programs, procedures and policies not of their creation in a time frame at odds with any semblance of normal development. Weijer (2013) goes on to argue that the local experts and aid recipients, so dependent on their positions and income from donors, go through a series of “tick-the-box” exercises to satisfy the donors that are unrelated to the Afghan realities on the ground. International best practices, in her view, are average solutions for average countries. But, as she puts it, Afghanistan is not an average country (2013:17). As an alternative she posits that variety, experimentation, building consensus rather than trying to build institutions—looking

for best fit rather than best practice—is a more modest and realistic approach to development in a fragile state like Afghanistan.

At the management/implementation level, rigorously managing projects according to rigid standards is longstanding practice within USAID, based on a management tool known as a Logical Framework or logframe developed as a scientific management tool in the 1970s (see, e.g. PCI 1979, USAID 2012.) Power (2014) critiques the rigidity of the logframe and shows that it is based on faulty assumptions of linearity in development programs, unreasonable expectations of predictability and rigidity that requires implementers to specify all of the activities that the implementer will do in advance of the project. Using the image of football (soccer), Power points out that the antidote is flexibility coupled with responsibility. These two dimensions of development practice, in his view, should satisfy implementer criticisms while also holding the implementer accountable (2014). The rigidity identified by Power and others has sparked a backlash and now both scholars and practitioners have argued that more flexibility in project implementation is warranted because it is more conducive to success. Furthermore, recent scholarship by Honig (2015) provides detailed quantitative support for the notion that flexibility and autonomy during implementation is positively associated with programmatic success.

In the area of legislative strengthening, one can find many examples of SDA in which the SDA can be said to have failed in design or application. For example, poor project designs and a rigid application of contractual obligations resulted in very poor outcomes in the legislative strengthening projects in Jordan (____) and Bangladesh (PRODIP 2011-2013) where evaluators pointed out that USAID failed to conduct an effective assessment of the political environment or obtain necessary local buy-in for reforms. At the same time, even in these less than conducive

environments, the project achieved some successes, particularly in improving the capacity of both parliaments to engage in the budget process. While the essentially top-down approach of SDA suffers significant weaknesses—especially the lack of local buy in for project objectives that are established with inadequate consultation and contextualization—there may be occasions where it is a reasonable and appropriate strategy to pursue. These conditions include the following:

Time: Within the context of a limited funding horizon which is so common to development projects, it is better to identify achievable results than to undertake efforts that have little prospect of being completed in the time frame specified by the donor. In this situation it is unlikely that the donor will tolerate much revision and experimentation.

Decisions: In any political reform process there will be resistance. The more a project allows for change or revision, the greater the opportunities for antagonists to use those opportunities to sabotage the effort (e.g. the Congress using the budget authorization, individual spending bills, the budget reconciliation process, and the debt ceiling to fight budget battles.)

Perfection: No project will be perfect. Rather than constantly struggle in pursuit of an abstract perfection, it may be better to design an effective program that can achieve even modest results.

Demand Dynamic: No project is the end-all-and-be-all of reform. Therefore, designing a simple project that succeeds can motivate further reform by creating demand from the beneficiaries.

Safe Targeted Reform: Andrews (need ref here) characterizes SDA as solution driven – independent of need. However, a well targeted project addressing a local need even though it is

offered by the donor can in fact support reform because it is targeted, readily understood by leadership and, in many cases, can be considered “safe.” Government officials do not want to take risks—and a limited well defined project is less likely to fail in a way in which the official can be blamed than is a broader reform effort.

Strong Local Ownership

At the other extreme is an approach to development that emphasizes that development must be owned and controlled by the host country and that donors should conform their programming to the development plans and program of the host government – what we refer to as Strong Local Ownership (SLO). (For an assessment of the concept of ownership in development assistance see Carothers, 2015). In this case, the recipient government would determine both the developmental goals to be achieved and how to achieve them. An analogy to SLO occurs when donors provide recipient governments with budget support in a largely “hands off” approach which gives beneficiaries maximum discretion as to how to spend the funds. SLO is advanced within the Paris Accords/Accra Protocol which states that ownership of development goals and, to the extent possible, implementation through recipients’ institutions and processes are the preferred approaches to be advanced by donors and their implementers if aid effectiveness is to be achieved (2005). Some key words and phrases in the declaration are telling and signal intent: ownership, consultation, coordination and alignment with country-led strategies are illustrative of the intent of the signatories to the declaration. Although not stated directly, the Paris Declaration implies a substantial shift away from the SDA model that has been so prevalent in the development assistance architecture. An illustration in the Declaration is a reference to a proposed change in orientation in aid conditionality which states that donors will

structure conditions based on the recipient country's development practice rather than simply imposing them (2005: 20).

While the Paris Declaration does not mention specific development projects and is silent about legislative strengthening, we argue that UNDP as a hybrid implementer and donor comes closest to this model where in many of its programs, particularly legislative strengthening, the program is governed by a strong, often rigidly detailed program outline agreement executed with the recipient government and where UNDP often simply provides resources to support the local institutions efforts with limited technical assistance. Such support often includes equipment, supplies and salary support for staff.

One legislative strengthening project illustrating this approach is the 2010-14 UNDP project, Improving Democracy through Parliamentary Development (IDP) in Bangladesh in which UNDP used what it called a "process model of ownership." The \$7.9 million project had broad goals of enhancing the overall goals of the parliament including its oversight function and, most broadly, strengthening democratic practices (Nakamura evaluation report). Under the process model of ownership, UNDP negotiated a strong master agreement with the parliament in which all areas of support and specific activities were agreed to between the two parties. The agreement was so strong that the Secretary General [clarify this title] claimed authority over all implementation activities in conversations with others [possible to be more precise here?].
(Report of SUNY CID staff.)

In conducting an evaluation of IDP the two person evaluation team used the criterion of ownership as an explicit indicator of likely success. That is, the team pointed out that it was important to forecast whether positive changes in legislative capacity will be sustained once IDP

ended. Given the intent of the project, the key intervening variable is local ownership.

Summing up the findings the report includes the following statement:

While the process model of ownership is compelling in theory, the practical lessons from IPD indicate that its application to Bangladesh was based on an optimistic reading of government intentions. We conclude this from observing that IPD did develop targeted capacities which discussions indicated were wanted by parliament, but – with few exceptions— those capacities were not utilized to produce enduring changes in practices (Nakamura report).

While this is only one evaluation of one UNDP project, it does suggest that the SLO model is difficult to achieve in practice for legislatures that have limited experience with democratic processes. Moreover, the evaluation is not very optimistic about the sustainability of the project. This is due, in part, to what the evaluators viewed as the extreme polarization of the parties in the parliament. In addition, staffing the Secretariat of the parliament—a key feature of the project—was hampered by the procedure of borrowing civil servants to perform the required functions rather than building internal capacity with staff that would be non-partisan, professional and full time. This meant that the turnover of civil servants in the Secretariat thwarted efforts to develop a sustainable cadre of professional legislative staffers. In general, we read the evaluation report as a cautionary tale about a project with good intentions and, at best, modest results. While the goal of SLO is a laudable one, it presumes a certain amount of capacity to begin with—a condition that did not seem to exist in the Bangladesh example. Moreover, developing buy-in from key stakeholders, which is absolutely essential for the model to work, is partly a skill that implementers must have and use effectively in the specific country context. To put it another way, ownership needs to be developed which suggests that the model itself is naïve with respect to how a legislative strengthening project can succeed. Furthermore, while the model is a

corrective to SDA, it may also create a “catch-22” during implementation. That is, in an effort to stimulate local ownership funders may unwittingly encourage a monopoly among those “partners” who are viewed as sympathetic to the donor’s intent. One would think that this is indeed the objective; however, when implementation falls short of expectations—as it did in the UNDP IDP case—the donor may have no place to turn. As the evaluators point out in their conclusion, it is useful to have alternative delivery options when implementation falters (Nakamura report). In summary, while the SLO model has some appeal, it swings the conceptual pendulum too far.

Between these two polar extremes we identify three other approaches to development, especially in the area of legislative strengthening which forms the core of this paper. These are: the Problem-Driven Iterative Adaptation (PDIA) approach; the Consultancy Assistance model (CA) and Best Practices Partnership (BPP) approach.

Problem Driven Iterative Adaptation (PDIA)

The case for flexibility in development practice has been most forcefully articulated by Andrews and his colleagues in a series of papers, articles and monograph (2012; 2013; 2015). The approach called, Problem Driven Iterative Adaptation (PDIA) is described by Andrews as follows:

PDIA is akin to the way one imagines carpenters craft pegs to fit real holes—where the process is as important as the product. This process begins with problem identification, given the argument that reforms are more likely to fit their contexts when crafted as responses to locally defined problems. Relevant solutions—those that are politically acceptable and practically possible—emerge through a gradual process of step-by-step experimentation to solve such problems. This process yields solutions that resemble bricolaged hybrids blending external and internal ideas. The solutions arise through engagements between many agents playing multiple functional roles, and not solitary champions (2013: 3).

If this portrait of PDIA looks familiar it is because it has its origins in Lindblom’s “muddling through” (1959). Lest one think that PDIA is too fuzzy for one’s conceptual and empirical tastes, Andrews has tried to show empirically that it not only exists in practice but is superior to a more controlled, top-down decision-making structure. A recent article illustrates that PDIA, when applied to judicial reform in Mozambique, has proven to be an effective approach to advance development objectives, particularly the goal of building capacity by improving decision-making processes (Andrews, 2015). Similarly Andrews analyzed 30 cases from Princeton University’s Innovations for Successful Societies, a data base of development projects around the world, and showed that the PDIA model outperformed an alternative model—Solution and Leader-Driven Change (SLDC)—which is primarily top-down, leader driven and often prescribed by best practices, essentially another term for what we described as SDA (2015). While this second article is intriguing with respect to the presumed superiority of PDIA as a development protocol it skirts some important issues. For example, one needs to explore the motive for change: does it originate with the recipient or the donor? While one would think that recipients are in the best position to identify their needs, the politics of aid often compromises this straightforward proposition. Similarly, PDIA contrasts collective leadership with an alternative top-down, champion specification and suggests that successful projects are characterized more by the first leadership approach than the latter one. This distinction, however, may be a “straw man” argument once a careful examination of development projects is reviewed as we show below in the case of legislative strengthening. Third, best practices, often portrayed as simplistic and mechanistic, top down, development without regard to local context is compared unfavorably with the more intuitive and inductive PDIA method. Yet, best practices

as we have argued elsewhere (Guinn and Straussman, 2016) can have value when it is shaped by an appreciation of the local context of donor funded projects that are demand driven.

The concept of PDIA has intuitive appeal, especially when one considers broad-based critiques in development practice that span such topics as aid effectiveness, the limitations of best practices, lack of evidence-based policy interventions, poor accountability and insufficient monitoring and evaluation (for a positive view of PDIA see Fritz, 2016, 305-07) . But it also, to some extent, means turning parts of development practice on its head, especially the principal/agent(s) relationship where the principal is a bi-lateral donor – or under the SLO approach, the beneficiary/government in favor of the implementer. Moreover, while ostensibly critical of “expert” driven development, in practice it continues to rely upon expert leadership though shifting that leadership to the implementer. Drawing implicitly on implementation theory, PDIA enables agents to experiment through a process that defines issues/problems from the bottom up, initiate action, learns from the action and then adapts via an iterative process (Andrews, et al, 2015). PDIA presumes both patience from all parties, particularly the donors and the multiple agents involved in implementation, and it also presumes a long view—certainly beyond the one to three year funding cycle. But, is it appropriate for legislative strengthening programs? We are skeptical and suggest an alternative specification.

Despite the deceptive charm of PDIA as a sharp contrast to the top down contract model so prevalent among bi-lateral donors such as USAID, it does not appear that donors are wholeheartedly embracing the model beyond some pilot projects. Two problems are obvious at the outset: (1) donor agencies must justify their own funding to their governments—a task made far more difficult if they cannot promise suitable outputs; and (2) donors must also protect against waste and/or fraud by implementers. PDIA minimizes both of these constraints by

positing that the researcher/implementer makes decisions based on the experimental intervention with donor acquiescence with the model. As Power (2014) suggests, it is unlikely that bi-lateral donors will relax their penchant for demanding that implementers provide justification that their interventions are likely to be effective and they want evidence via measureable impacts. And, as he further notes, since they hold the funds, they are unlikely to relinquish control to implementers who want more autonomy. To the extent that he is correct, it makes PDIA an uphill battle as an alternative project implementation model.

That said, recent notices by USAID do seem to open the door to a version of PDIA which is called a Collaborating, Learning and Adapting (CLA) approach to international development. In USAID's words, "Development efforts yield more positive change more quickly if they are coordinated and collaborative, test promising new approaches in a continuous search for improvement, and build on what works and eliminate what doesn't" (USAID, 2010: 26) Uganda document.) While development professionals who have bristled at USAID's penchant for the SDA model over the years most likely welcome CLA as an alternative, the rollout of the CLA suggests significant distance between the goals of CLA and its actual implementation. For example, while CLA was initiated prior to 2010 recent estimates indicate that it has only been adopted in adapted forms in a little over 30 missions (out of a total of 110 (USAID 2015).)⁴ Moreover, while CLA promises developmental adaptability, USAID's interpretation of that may differ from that of PDIA advocates. For example, while there are no known examples of PDIA or CLA in legislative strengthening, USAID did include it in the *Request for Task Order Proposal (RFTOP) No. SL-383-16-000005 Strengthening Democratic Governance and*

⁴ USAID "Learning at USAID" [available on website.]

Accountability Project (SDGAP) in Sri Lanka issued March 18, 2016. While the RFTOP is built upon a strong Logical Framework, it goes on to state that:

“The project will employ a “Collaborating, Learning and Adapting” approach. Initial activities will build relationships and demonstrate the project’s responsiveness and allow for flexibility to adapt project implementation to emerging opportunities to advance reforms over the life of the contract.” (p.13.) Nonetheless, the RFTOP mandates a robust Monitoring and Evaluation Plan that measures program implementation from baseline through completion to empirically demonstrate the success or failure of the project interventions and provides for detailed oversight by the mission. For example, it states that “The Annual Work Plans will be developed...by the Contractor and in cooperation with the COR. [It] must not deviate from the contracting requirements. All activities...must be in accordance with the Contract Project Description, consistent with the approved budget for the agreement and submitted within 30 days of award.” (p.31) Given these qualifications, it may be that CLA more closely conforms to BPP approach detailed below as opposed to PDIA.

Consultancy Assistance model (CA)

A fourth model which appears to be favored by DFID and is most associated with British development consultant Greg Power (cite here) is the Consultancy Assistance model (CA). CA essentially reverses the top down contract model that anchors one end of our development continuum. Power advocates for a consultant model in which the host institution determines its development plan and the implementer provides technical support and training in accordance with the host institution’s plan. This approach places great reliance on the host institution and allows the experts to engage in short term consultancies with the institution as needed. The

model derives from a recognition associated with DFID and other European bi-lateral donors that a political economy analysis (PEA) is necessary to determine what the politics of the situation is if the donor is going to have any reasonable ability to affect change. The key objective is to develop diagnostics, especially of the operating environment, if aid effectiveness is to be realized (Yanguas and Hulme 2015:209). While other models also use PEA, Power's focus is to use PEA solely to assess the politics that surround the beneficiaries so that programs can be tailored to the specific political realities of the recipient government. In Power's words,

[D]onors need an intimate understanding of the political context in which they are seeking to achieve change. Opportunities for meaningful political reform exist only where there is already a degree of political will for change. Donors need to be better at identifying these opportunities and being realistic about what is achievable in a given political context. As well as working in partnership with local political actors, donors need to place greater emphasis on detailed needs assessments of the problems they seek to address and the context in which they will work Power, 2008: 22).

Control over implementation falls largely to the beneficiaries supported by the consultant implementer through intensive consultation—a key feature—of the model that differentiates it from SLO. An example of CA: the case of Iraq⁵

Global Partners Governance (GPG), a United Kingdom development firm, implemented a legislative capacity building project in Iraq between 2008 and 2016 using CA as the implementation approach. The project was funded by DFID. The first unique feature of the CA approach is that unlike most LS projects in which the donor seeks to promote development in all of the areas of legislative work (law making, oversight, representation) as well as organizational administration, the GPG project started with a limited focus on strengthening the legislature's committee system – targeting a limited number of committees led by MPs interested in receiving

⁵ Unfortunately, unlike USAID, DFID does not make its commissioned project evaluation reports public. Therefore, this section is based on the self-reports provided by Greg Power in a number of publications available on his company's website, in particular "All About Behaviour: KAP, Adaptation and 'Sticky' Institutional Change (GPG 2016) along with information provided by individuals familiar with GPGs work to the authors in confidence.

such support. The number of committees supported grew over time as other committees grew to appreciate the success achieved by the committees receiving support. (This spillover effect is not unusual, see Guinn 2015)

Second, rather than employing full time, long term legislative strengthening experts in-country, GPG used consultants who would come to Bagdad for short periods—two to three weeks—and work with their legislative partners intensively. When not in country the GPG staff regularly consulted with their partners about project objectives and implementation strategies via long distance communications media. . More generally, the success of the CA model in this project is attributed to its basic premises understanding the politics of the local context and therefore being flexible during implementation; developing strong legislative partners and the trust needed to achieve buy-in for project goals through peer-to-peer relationships; and an implementation strategy that recognizes the reality of local conditions and thus employs consultants in the most effective manner. .

There are a number of potential problems with this approach. First, like the SLO model, it depends on the developmental capacity of the host parliament to identify and evaluate its own weaknesses in partnership with the implementer. Whereas implementers using approaches towards the SD side of the spectrum can offer material inducements (such as equipment and travel) to open the doors of the legislature and build relationships that can then be used to cultivate an atmosphere conducive to reform, the CA model depends upon the host parliament to be aware of its own developmental weakness and to have the political will to support reform.

Second, it assumes a certain stability in the host legislature's leadership and implementation partners. Implementing staff who are permanently on the ground and in daily or

almost daily contact with their counterparts are well positioned to monitor potential changes in the implementing environment – which being political is subject to constant change – and to make adjustments in programming to address that changing context. If the legislative leadership is developmentally advanced enough to appreciate the development being undertaken and stable enough that it does not need the support of the implementer’s staff to keep its focus on the goals of the project, then this may not be a serious concern. Otherwise, the distance between the CA implementer and the parliament raises questions about how well the host legislature can be monitored and supported on a personal relationship basis. Similarly, as with the SLO model, the ability of the implementer to monitor the possible cooption of the project by local partners for personal political benefit may be limited by the distance and limited engagement with a range of local counterparts that would be afforded to a full time on the ground implementing staff.

Best Practices Partnership Approach (BPP)

As an alternative, we identify a fifth model which is embedded in the recent projects implemented by the Center for International Development, Rockefeller College of Public Affairs and Policy, University at Albany (SUNY/CID). The SUNY/ CID Partnership model posits strong positive engagement with the host in which programming is developed in consultation with and partnership with the host government and donor (USAID). This approach is intensive and involves extended on the ground support. While at first blush this may sound like Strong Local Ownership model, there are important differences. First, the model acknowledges that the implementer answers to two masters, the donor and the recipient government. The challenge for the implementer is to negotiate between them while securing buy-in for negotiated deliverables

that are anchored in best practices or what we prefer to call politically engaged best practices. In a previous article the authors described three phases of donor supported legislative strengthening projects. In the most recent third phase, politically engaged programming, where both the bilateral development agencies and the implementers consciously examined the local context and sought direct involvement with their local partners, gained traction by the late 2000s. DFID and others have adopted similar approaches (Tostensen and Amundsen 2010). USAID has been receptive to politically engaged programming with their focus on political economy analysis studies and the inclusion of a “period of assessment” at the start of a project—after the contract is awarded but before the final work plan is adopted. In this third generation of LS more attention is given to the need for political engagement from the recipient governments, the challenges of political and institutional resistance, and USAID has shown some willingness to adapt projects based on local conditions. Two projects illustrate the model.

The first involves the SUNY/CID project in Kenya under which SUNY/CID has provided technical assistance to the Kenyan Parliament since 1997 to the present under a series of strengthening projects funded by any bi-lateral or international donor. Moreover, the engagement evolved from SDA model to one that is best characterized as BPP.

In a paper by Nakamura, Senecal and Wolfe (2015), the authors begin by describing the initial challenge of “getting in the door”—obtaining local cooperation and buy-in by convincing Kenyan stakeholders that the implementers (SUNY/CID staff) were neutral technical assistance agents with no political agenda. This is a common initial challenge, in that to date USAID, under the SDA approach, set forth specific donor objectives and guidelines for the project. SUNY/CID therefore had to balance providing neutral assistance to the stakeholders while, at the same time, being responsive to the donors. This is almost always a delicate balancing act.

After initial buy-in, during the course of its implementation the project worked to build its relationships with both the Kenyan parliament and the donors (USAID/DFID) into working partnerships in which the partners trusted the integrity and competence of SUNY/CID to achieve the goals mutually sought by all three parties. Donors allowed SUNY/CID a significant degree of flexibility to adjust programming as needed. Meanwhile, the parliament involved SUNY/CID in the planning of the parliament's strategic vision.

Appearing neutral is not the same as being non-political. The transition from the “big man” politics of Kenya to one where the parliament was, if not a co-equal branch, one that has become increasingly important in Kenyan politics, meant that SUNY/CID as the implementer needed to be both non-partisan and politically engaged. This was a process that evolved over several years. In the words of Nakamura, Senecal and Wolfe, “Over the past 15 years, the KNA has gained both formal power and real capacity to process legislation.” (2015: 43). The paper then documents this claim with a series of indicators that show improvements in legislative capacity. In searching for lessons the authors conclude that a key to the success of the engagement included the following characteristics: (1) skillful improvisation, especially in the early years; (2) technical assistance that expanded stakeholder involvement by seeking buy in for specific interventions; (3) orchestration of both donor requirements and the self-interests of MPs; and (4) Staying focused on the broad functions of legislatures which are embedded in most contemporary legislative strengthening programs.

In Afghanistan, SUNY/CID implemented the Afghanistan Parliamentary Assistance Project (APAP) under a contract awarded by USAID. As with the Kenya program, APAP was a long term implementation effort executed under a series of awards and contracts from 2004

through 2013 (see, e.g. SUNY/CID 2011; SUNY/CID 2013.) a broad based legislative strengthening project providing technical support to all aspects of the national assembly from administration and staff support, through all areas of legislative practice (legislation, oversight, budget, and representation/outreach) and including both the upper house – the Meshrano Jirga (MJ) and the lower or People’s House – the Wolesi Jirga (WJ).

Implementation of the Afghanistan Parliamentary Assistance Project can best be understood as falling within three major stages: the initial organizational stage (2004-2006); a second general support phase (2007-2009); and a significant period of increased interventions (2010-2013). Facilitating the process of obtaining local buy-in to the project was the fact that APAP started work prior to the establishment of what was, for all intents and purposes, a brand new institution. The prior Wolesi Jirga had been dissolved over 30 years previously in 1973. Thus, the first phase worked with the administration to lay the groundwork for the future National Assembly and support its opening following the elections of 2005. It assisted in human resource development and recruitment, provided new staff training, helped the administration adopt an effective table of organization and, once formed, helped the NA to adopt its initial rules of procedure. In phase two, the activities become more robust in light of the presence of a functioning NA and, at this stage, the program was consciously structured to focus on the three key legislative functions: legislation; oversight; and representation and outreach. APAP provided further training for members and staff on their various roles and responsibilities. Finally, in phase three, the project dramatically increased its programming efforts to attempt to reach a wider constituency within the Parliament and throughout society.

While SUNY/CID’s approach to programming with a specific focus on partnership building would have naturally led to project leaders seeking to construct a program strategy

similar to that adopted in Kenya, certain features endemic to the USAID mission in Afghanistan contributed to achieving those same goals. As was the case with Kenya, SUNY/CID built a strong relationship with USAID under which, USAID shifted from its initial approach of providing strong direction under the SDA model, to one in which SUNY/CID was called on to work collaboratively with the mission by proposing the scope of work for a series of program extensions. This shift was buttressed by the fact that the Contracting Officer Representative providing technical direction changed frequently (generally on a yearly basis by the later portions of the project). The project was also made very responsive and adaptable by the fact that many of the contract extensions were for a year (or less) allowing adjustments in each new contract extension/modification.

Again, one can identify the same four key characteristics APAP shared with Kenya: (1) skillful improvisation/adaptation in programming especially in the early years; (2) technical assistance that expanded stakeholder involvement by seeking buy in for specific interventions; (3) orchestration of both donor requirements and the self-interests of MPs; and (4) staying focused on the broad functions of legislatures which are embedded in most contemporary legislative strengthening programs. It is this last characteristic that can be called politically engaged best practice (see Guinn and Straussman, 2016) since these functions are broadly shared by legislatures around the world. Getting there, however, will vary based on both country specific characteristics and the nature of political engagement of the implementers. Still, the model reflects a broader trend in the world of development assistance which views local buy-in and implementers as partners and catalysts rather than drivers of reform as the preferred way forward (see Cummings 2015).

Conclusion

Is one model superior to the others? We think so. While models that emphasize recipient government control over the implementation of development projects may have intuitive appeal, especially since the SDA model has been criticized extensively by development practitioners, in our judgment it is naïve to expect donors to give up the control over the resources that they provide. In the case of USAID, the agency is accountable to Congress and this simple reality means that it will necessarily continue to exercise significant influence in the implementation of projects that it funds. This suggests that the SLO and even the CA approaches to legislative strengthening are unlikely to gain much traction in the near future.

As previously noted, while some hints of PDIA are appearing in some USAID recent request for proposals, there is no evidence the agency has fully embraced the model. Instead, the CLA appears to be USAID's answer to the critique offered by PDIA. However, implementation of CLA has lagged as mission personnel have struggled with how to implement CLA approached programming. We would suggest that one crucial requirement for CLA is that USAID needs to develop the kind of close working relationship with the implementer similar to the examples of SUNY/CID in Kenya and APAP – in which trust in SUNY/CID translated into the type of adaptability and flexibility achieved in both countries. The obvious difficulty is that that type of trust arose only after years of working together within that specific national context – or where the mission itself was unable to match the continuity offered by SUNY/CID.

Our experience suggests that the BPP model of legislative strengthening provides substantial flexibility in engaging with the donor while, at the same time, adjusting project implementation to accommodate the political interests of beneficiaries. While CA can work with legislatures with some threshold capacity for reform – in a way that might enhance program success due to the level of control it attributes to the legislature, it does so only in the case where

the donor is willing to offer a similar degree of autonomy. In reality this is likely to require some substantial ongoing engagement with the donor – for which BPP is already structured to accommodate.