

Working in Conflict/Post-Conflict Environments: An Exploratory Comparative Analysis of How Context Shapes Programming

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Fourteenth Workshop of Parliamentary Scholars and Parliamentarians
27-28 July 2019
Wroxton College, Oxfordshire, UK

Abstract:

In this paper I want to examine how working in a conflict/post conflict environment shaped developmental programming, its design and implementation within three USAID funded legislative strengthening projects implemented by SUNY Center for International Development: Afghanistan Parliamentary Assistance Project (2005-2013); the Legislative Strengthening Project in Cote d'Ivoire (2012-2017); and the Strengthening Governing Institutions and Processes in Bosnia and Herzegovina (2013-2018). My goal is to compare and contrast the impact of the local context (political/social/cultural) and its effect on politically engaged programming (i.e. programming strategies falling under the TWP umbrella), examine possible shared substantive overlaps among the three, and consider what insights might be gleaned from those programs relative to the variations under the TWP.

Introduction

The challenges of state fragility and post conflict recovery has become one of the leading concerns in international development thinking and practice (Rocha Menocal, 2010). Over the last 20 years, efforts to enhance governance processes in fragile states have dominated international development activities. Net official development assistance – the funding provided by governmental aid donors such as the United States Agency for International Development

(USAID) – directed to fragile states increased from \$11.38 billion in 2000 to \$50.04 billion in 2010, representing 38% of total ODA for that year (OECD, 2013).

Although the concept of state fragility has been part of the language of international affairs and international development for several years and is used quite liberally both in academic and policy-making circles, the term is imprecise and the conditions that apply to states labeled fragile are not identical from one country to another. Common features are an inability to perform basic government functions such as maintaining rule of law and the provision of basic services. “At its core, fragility is a deeply political phenomenon” (Rocha Menocal, 2010, 1) in which the state lacks the political capacity to bring state capacities and social expectations into equilibrium (OECD, 2009). While not unique to them, this is particularly true in countries under the threat of or recovering from internal conflict.

To address fragility, the affected state with international community support must engage in what the UNDP has referred to as “state-building for peace.” (Rocha Menocal 2010; Collier 2019).

On the state building side, this includes three types of governance reforms: (1) restoring legitimacy, (2) establishing security and (3) building government effectiveness (Brinkerhoff 2005). While the latter two reforms appear relatively clear, legitimacy has been contested.

While research has demonstrated that improving government service delivery strengthens state legitimacy (Levi et al., 2000, 2005, 2009), an area many donors have devoted much attention to, that is insufficient. Legitimacy and peacebuilding require an engagement with the people to overcome suspicion and build positive perceptions of the state and its processes (Benstead 2014; McLaughlin 2014.) Positive relationships need to be cultivated between the people and the competing/conflicting forces within the country through rebuilding essential governance institutions (Call and Cousens 2007, Paris and Sisk 2008)

Parliaments have been recognized as a key governance institution that is well situated to promote both peacemaking and conflict prevention (O’Brien, Stapenhurst, and Johnston, 2008.) A fully functioning parliament offers a means of representation and indirect participation for all elements of society in the exercise of government authority, assures transparency through its oversight authority and brings together representatives of a wide range of stakeholders into a forum for

deliberation and debate on national policies and the enactment of laws. It therefore offers a prime target for donor support.

During roughly this same period of donor focus on fragility/post conflict support, development practitioners launched a severe critique of the then conventional development practice, particularly with respect to governance development, labeled as “best practice” or what I and a colleague have referred to as Strong Design Application (SDA) (Guinn and Straussman, 2018.) Under the SDA approach, donors worked with implementers at the outset of a project to design a comprehensive project plan utilizing proven, best practices in governance as the tools (best practice activities) and the goal (well designed institutions). Critics pointed to the many projects that failed to achieve their goals (Andrews 2013; Carothers and de Gramont, 2013.) Instead of trying to replicate governance institutions based on best practices of those institutions in the West, it was asserted, donors and development practitioners were urged to devise programming strategies sensitive to local sensibilities. Various known as Thinking and Working Politically, Doing Development Differently and Problem Driven Iterative Adaptation, (what I will refer to as the TWP movement) the objective was to work within the political context present in that country (Teskey 2017; Tostensen and Amundsen 2010.) This is particularly apt in the context of fragile states as it is widely recognized that working in post conflict is extremely political (Menocal 2010).

In this paper I want to examine how working in a conflict/post conflict environment shaped developmental programming, its design and implementation within three USAID funded legislative strengthening projects implemented by SUNY Center for International Development: Afghanistan Parliamentary Assistance Project (2005-2013); the Legislative Strengthening Project in Cote d’Ivoire (2012-2017); and the Strengthening Governing Institutions and Processes in Bosnia and Herzegovina (2013-2018). My goal is to compare and contrast the impact of the local context (political/social/cultural) and its effect on politically engaged programming (i.e. programming strategies falling under the TWP umbrella), examine possible shared substantive overlaps among the three, and consider what insights might be gleaned from those programs relative to the variations under the TWP.

Thinking and Working Politically: Variations in the Terrain

While there has been a tendency to treat the TWP movement as a relatively coherent programming strategy, there are significant differences. Indeed, one can identify a range of 5 programming strategies in development – four of which may be identified as fitting under the TWP umbrella (Guinn & Straussman 2018). Those programming strategies exist across a spectrum marked by the degree of control asserted by the donor, the implementer and/or the beneficiary. At one extreme is Strong Design Application/SDA programming, in which the donor exerts primary control over the project. Though increasingly influenced by ideas from the TWP movement, SDA largely represents the pre-TWP approach to programming. At the other extreme, 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 (see, e.g. OECD, 2008). 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 control 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 focusing closely on the local political context in practice replaces control by the donor with control by the implementer who uses an empirically based trial and error approach to implement projects; 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 best practice based on precedent and analogy.

While no project fits purely under any of these approaches, for the most part SUNY/CID uses the BPP approach in its programming work. Nonetheless, it is hoped that the cases will offer useful insights as to the benefits or limitations of other TWP approaches.

The Three Cases

The three cases have been selected, first because they are all comprehensive legislative strengthening programming seeking to enhance all aspects of legislative practice (law making,

oversight, budget and representation) in their respective parliaments. Second, all took place in conflict/post conflict environment in which the conflict was significant and very recent. Third, all were independently evaluated.

In order to provide greater focus, this study will concentrate on programming related to budgeting, both the national budget and the institutional/legislature's budget as budgeting is widely recognized as both one of the most important functions of an effective legislature (Wehner 2006) and one of the most political and most sensitive topics for legislative reform (Barkin 2009)

Afghanistan - Afghanistan Parliamentary Assistance Project (APAP) (2004-2013)

The Afghanistan Parliamentary Assistance Project (APAP) was implemented by the State University of New York's Center for International Development (SUNY/CID) under a series of awards and contracts from 2004 through 2013. APAP was 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 (law making, 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). One of the unique features of APAP is that it 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.

APAP's budget programming started with a clear focus on supporting the review and adoption of the national budget. The budget law in Afghanistan provided that the government prepared and submitted the budget and the parliament approved or rejected it. From the outset, the parliament (led by the WJ) asserted its independence by routinely rejecting the first budget proposed.

Behind the scenes, negotiations would take place and the government would propose a revised budget which the parliament would then approve. With APAP support this process became more public and more informed as time passed. During this time the National Assembly became a much more active participant in the budget process, with the number of amendments offered increasing from zero in 2006/7 to three in 2008 to 18 by 2011 resulting in increased funding for projects identified by the National Assembly (\$19.2M/2009 - \$345M 2010 - \$174.5M/2011). In

addition, when reviewing the initially proposed budget, the National Assembly's ability to articulate reasons for rejecting the proposal increased dramatically both in terms of the numbers of reasons offered and the quality of those reasons. The National Assembly not only exercised its duty to review and vote on the budget, it was able to discuss its objections in relation to broader policy goals and objections, such as whether or not particular elements of the budget conformed to the Afghanistan National Development Strategy and/or the needs of particular provincial constituencies.(Guinn and Straussman 2015; --- 2017.) Indeed, this transparency was recognized in the 2011 Open Budget Index reported dramatic improvements in its index score which put it on par with Poland and ahead of countries like Argentina and Turkey.

At the time of the initial parliamentary elections, many feared that the parliament would simply serve as a rubber stamp for President Karzai, as is often the case with young parliaments. This proved not to be the case. As noted by the Washington Post, an institution that had once been viewed as a passive accomplice of Karzai had become a rigorous check on presidential power. (Patlow, 2010). For example prior to 2010, approximately 20-30 percent of the total operating budget was identified as special "emergency" funds directly controlled by the MoF and used at the discretion of the Presidential Palace. These special "reserve codes" have limited information and the executive has complete control over their use. During 2009 and 2010, MPs began raising questions about these funds and demanded that the executive limit this category to less than 10% of the total operating budget. In the 2011 draft budget, these special emergency funds declined to 9.9 percent of the operating budget. (Guinn and Straussman 2015.)

Success in the budget formation process contributed to improved parliamentary performance in the parliament's oversight of budget execution. In 2009 APAP started providing briefings on in-year and end-of-year (Qatia Report) expenditure reporting by the government to the money committees and some of the sectoral committees (e.g. Internal Security and Defense Affairs, Women's Affairs, Civil Society, Human Rights Committee, etc.). In turn, these committees used the information from these briefings to conduct oversight hearings with the affected ministries increasing the total oversight actions from 11 in 2009 to 62 in 2012.

The practice of expenditure oversight expanded not only into the other committees, it contributed to the creation of a formal Public Accounts sub-committee of the Wolesi Jirga Budget Committee in 2012. In its first year of operation, the PAsC undertook 55 oversight activities (e.g. public hearings, questioning of ministries, etc.). Moreover, starting in 2011, the review of the Qatia Report achieved a status comparable to the review of the proposed National Budget when, for the first time in five years, the National Assembly reviewed the Qatia in a plenary session. (Guinn and Straussman 2015.)

Finally, the public attention and practical success of the project's support to the WJ ultimately translated into greater attention and interest in engaging with the budget by senators in the MJ, who had initially displayed relatively little interest in engaging in the budget process (Guinn, 2016.)

Not all areas of budget support were successful. The NA never sought or achieved control over its own internal budget, which was set by the President, nor did the NA obtain funding for civil service positions with salaries adequate to establish its own budget office to provide budget analysis to support its budget oversight efforts.

Cote d'Ivoire – Legislative Strengthening Program in Cote D'Ivoire (LSP) (2012-2017)

Like APAP, LSP was a comprehensive legislative strengthening program. In designing the project, USAID and SUNY/CID developed a program of general institutional strengthening common to most legislative strengthening programs. This included efforts to build the National Assembly of Cote d'Ivoire's (ANCI) capacity in lawmaking, oversight, budget review and formulation, and representation, and its internal institutional capacity in the development of its own budget, reforms to the rules of procedure, human resources strengthening, improving the research capacity of the ANCI and its documentation and archive services. As was SUNY/CID's standard practice, the program was designed in conformity with USAID specifications and in consultation with local stakeholders as part of an initial assessment who, at the time, agreed with all aspects of the proposed programming (SUNY/CID 2017.)

Despite positive feedback on all aspects of the planned programming during the period assessment and project design, activities related to the budget ran into immediate resistance. While the ANCI accepted training in the area of gender budgeting and the creation of a manual on budget processes, direct support to the ANCI in the review of the national budget (which was largely dominated by the government) was rejected as a topic inappropriate for international engagement. Similarly, it refused any effort to support it on the development and negotiation of its own internal budget (which was set by ANCI President Soro without public input and was not shared with the ANCI in advance).

Other aspects of project implementation proceeded with varying degrees of cooperation by the ANCI. From the outset, ANCI leadership welcomed LSP on the development of its Strategic Plan and the related annual work plans for the ANCI, processes it had started before LSP inception. The ANCI commissions also welcomed support for oversight site visit training and support, though their understanding of the purpose of site visits grew from an innocuous opportunity to simply visit their constituencies to a point where they began to utilize the visits as an opportunity to monitor government performance actually used information from those site visits in the questioning of ministry officials (a major achievement.) (SUNY/CID 2017.)

Interestingly, at the outset of the project, LSP had planned to support the ANCI in the creation of a new commission on women and youth and to help the ANCI revise its rules of procedure, which were deemed cumbersome and inadequate to the task. ANCI leadership strongly resisted both initiatives: the former because they did not think it necessary; the latter because they feared it risked generating internal conflict. By the last year of the project, ANCI leadership changed its mind and, with some adjustments, accepted LSP support to achieve both goals. (SUNY/CID 2017).

BiH - Strengthening Governing Institutions and Processes in Bosnia Herzegovina (SGIP) (2013-2018)

SGIP was a substantially smaller project than either APAP or LSP and was intended to build on prior or concurrent programming efforts by other donors and implementers. Implemented under cooperative agreement between 2013 and 2018, the project worked to improve certain key

parliamentary and governing *processes* (policy development in lawmaking processes; improving budget preparation, review, adoption and implementation; strengthening systems of public accountability and transparency; and enhancing the role and capacity of women in governing institutions, processes and systems). While strongly focused on the Federal Parliament, it also included support for related ministries and CSOs.

In terms of its budget support, the project planned to help support the establishment of a parliamentary budget office to provide economic and budgetary analysis and support to the parliament and the budget committees in their review of the national budget. After extensive efforts on the part of SGIP, the effort to establish a budget office was abandoned as it became clear that “the establishment of a budget unit was not a political or resources priority for the Federation parliament.” (IMPAQ 2016, 16.) While SGIP provided significant and well received trainings and support to the budget committees, that also was largely short circuited by the Federal government either where the government failed to be formed or when formed used expedited or shortened procedures that precluded serious consideration by the joint committee (IMPAQ 2016.)

While not directly related to the budget process per se, SGIP did successfully promote the development and use of Fiscal Impact Analysis for proposed laws in which the ministries and the parliament needed to prepare an FIA for each law to assess how it might the budget. It also worked with the budget and finance committees on their review of the audited reports prepared by the government – both on how to interpret the reports and how to use public hearings and budget sanctions to encourage ministries to implement audit recommendations. Based on the skills learned and applied, over a period of 13 years the percentage of reports with a negative auditor’s opinion dropped from 77% to 7% with a corresponding improvement in positive reports. Moreover, the amount of the budget represented in this shift during this same period under negative/positive opinions went from 97%/3% to 60%/40%.

SGIP also developed a number of useful tools for policy development and drafting and gender issues and its training and support was found to be extremely valuable in improving legislation passed by the parliament and in helping staff and MPs understand various roles and

responsibilities. Overall, the evaluators praised the quality of much of the support provided by SGIP. Unfortunately, the evaluators questioned the sustainability of much of this work because the parliament and government failed to provide the resources of staff to institutionalize the preparation of needed analysis (IMPAQ 2016.) Following the assessment, the project team reported significant progress in training existing staff to provide the necessary support.

ANALYSIS

Context

Of the three projects, on its face, Afghanistan would appear the least likely to succeed. The country was not just fragile, it remained in a state of ongoing conflict. It also started with the least institutional history and capacity, not having had a parliament for over 30 years. While was this programming so successful? There are a number of reasons that the parliament was unusually empowered and ripe for reform. First, throughout history, Afghanistan has largely existed as a loose confederation of tribal groups occasionally brought together under the titular leadership of an individual strong leader (Rasanayagam, 2007.) Indeed, throughout the civil war of the 80s and the ongoing conflict with the Taliban, the divisions in the country were not between the “government” and a single opposition, but rather a variety of actors collaborating as seemed fit at the time. In that these various groups whose power was independent of a single ruling party found representation in the parliament, they were not easily cowed into submission. Indeed, the idea of this unity through connection with individual tribal authorities was so strong that Hamid Karzai, who was suspicious of the national government he was proved with thanks to the interventions of the US and NATO coalition, created his own informal network outside of the formal government as his primary source of information and national engagement (Mashal 2014).

Second, a vast majority of the “war lords” – local leaders with their own militia followers – were represented in the parliament, either holding a seat themselves or represented by a close adherent. Thus, the forces that might threaten to disrupt the peace were co-opted into a position in which they could use the parliament to protect their interests. Both this regionalist history and the presence of regional war lords is reflected in the fact that funds allocated for region

development constituted one of the primary topics of concern for parliamentarians in both the formation of the budget and in its oversight (Guinn & Straussman 2015).

Third, Afghanistan has a long history of collective engagement and rule via a deliberative body – known as a Loya Jirga. Indeed, the constitution and constitutional reform along with a couple of peace initiatives have taken place under the auspices of a Loya Jirga. Thus, the parliament inherited this deliberative body tradition.

Finally, the WJ was constituted by younger, relatively well-educated members that both held their own bases of political power, independent of Karzai, with a strong interest in developing an effective parliament. The MJ, which was older and less well educated, was less interested in reform and tended to be more compliant – though, under the budget laws, it had less authority over the budget which forced it to accommodate the lead of the WJ. However, as they witnessed the public and political success of the WJ's efforts, they also started to assert themselves over time (Guinn 2016.)

Like APAP, in Cote d'Ivoire, LSP was implemented in a new parliament created and elected following the end of hostilities following a coup (1999) and the “two civil wars” (2002-2007/2010-2011) (PeaceInsight 2019) and two years after the election of the new parliament (after an extended hiatus during the conflict.) Unlike in Afghanistan, where the major conflict overthrowing the Taliban ended in its ostensible military defeat, in Cote d'Ivoire, the end of the first and second civil wars were marked by a formal or semi-formal power sharing peace agreement among the warring parties. One of the key features of this power sharing arrangement was that following the end of the first civil war the Presidency was held by President Laurent Gbagbo (leader of the Southern/Government forces) and the Prime Ministership was held by Guillaume Soro then a leader of the Northern rebel forces. In the next election, Alassane Ouattara, a senior Northern rebel leader became President and Soro, who still maintained a strong power base among the former rebels, became President of the National Assembly. Moreover, through the first electoral mandate of the parliament, ongoing peace and reconciliation activities were ongoing as well the disarmament and transition of rebel forces to

enlistment in the national army was ongoing. As such, the design of the program was heavily influenced by this process.

Accordingly, every activity supported by LSP, both within the National Assembly and outside it, had to be evaluated according to how it contributed to maintaining and enhancing the peace or threatened that peace. Within the ANCI, a careful balancing of power and interest had been implemented as a part of the peace settlement, that many ANCI leaders feared could be upset through proposals for institutional change. As a result, some planned activities identified in the initial assessment and/or original proposal that were deemed by ANCI leadership as too politically threatening, were significantly restricted (such as work on the rules of procedure) or ultimately not implemented (such as supporting the ANCI to seek greater control over its budget.)

With respect to the national budget, for example, while many MPs recognized the importance of budget review and the need for significant capacity building in terms of analysis and review of the budget, they were also very sensitive to the risks of conflict. As reported in the 2013 Assessment conducted by SUNY/CID at the outset of the project:

Some expressed sensitivity to the need to avoid conflict with the Executive which requires cooperation in order to solve the country's economic difficulties. They expressed awareness that defeat of the Loi des Finances (Budget Bill) would most certainly invite a Presidential Decree (fr. "Ordonnance"). This Constitutional provision can be perceived as an impediment to Parliamentary sovereignty. Indeed in April 2013, the National Assembly was constrained to adopt a law allowing the head of the state to manage by Presidential Decree for one year in economic and social matters.

Here again, the post conflict environment in which certain compromises had been made in order to end the conflict and the fear of provoking further conflict left the ANCI leadership highly resistant to accepting LSP assistance in supporting or strengthening its work the budget law approval process.

This post conflict environment further increased the need for the building of strong relationships of trust – which takes time. By the final year of the project, based on the efforts of LSP to build that strong level of trust, activities that had been rejected by ANCI leadership at the start of the project, were tentatively allowed to proceed, including participation in working on the rules of procedure.

In addition, it added an initiative to promote the representation function of the NA known as the platforms initiative: an initiative to link parliamentarians with local governmental and civil society leaders in their constituencies to create collaborative workgroups to monitor and advocate for improved local governmental services delivery. It was specifically designed to counter existing tensions between ethnic, social, and culture groups by promoting collaboration to advance the common good. As noted in the *DI Mid-Term Evaluation*, in, “[t]he ANCI’s leadership felt that the priority in the post-conflict context was to focus on learning to live together in peace [and together to work] towards a better standard of living – in order to not slip back into civil war.”(DI 2017, p.26) Thus, an important goal of the Platform initiative was to create an environment in which the diverse representatives drawn from across the full spectrum of citizens within the constituency could come together in safe environment to collaborative work to improve public services in their community.

With respect to BiH, the conflict in Bosnia ostensibly ended in 1995 with the Dayton Peace Accords. Many would contest this. As noted by observers, Bosniaks, Croats and Serbs have conflicting views on their state and, according to former Slovenian president Milan Kučan, “these three concepts never really met, let alone reconciled[T]he war itself never really ended; it was only interrupted by the Dayton peace agreement” (Crisis Group 2010.) The Dayton accords established a tripartite governance structure: the State - including the presidency (shared in rotation by the three constituent peoples), Council of Ministries, Parliamentary Assembly etc.; the Entity level – composed of the Federation (primarily Croat and Bosniak) and Republica Srpska (primarily Serb); and Cantonal/Municipal level governance. In seeking to protect the communal interests of each of the three peoples, chaos reigns. Within the central government, forming a government becomes a prolonged struggle and thereafter, virtually every

important issue deadlocks as each party champions priorities based on ethnic policies and not shared ideals (Yourdin, 2003.)

This sense of disunity effectively precluded any reform or development initiative that required the competing stakeholders to *collaborate in the development of new policies or governance activities*. Thus, while the federal parliament was able to work to improve its performance on already existing policies/practices, such as fighting corruption, there was no room to work on the development of the budget which would agree agreement on new governance concerns.

Substantive Interventions

In reviewing the overall work of the three projects, there were three substantive areas deserving of note. These include the receptiveness of the parliaments to anti-corruption programming support; reforms requiring staffing adjustments; and the virtue of implementer substitution for staffing as a way of promoting “demand.”

Anticorruption

All three programs succeeded in introducing and supporting anti-corruption initiatives in their respective parliaments. This would appear somewhat surprising in that corruption commonly benefits those in power thereby raising the threat of conflict similar to that raised by budgetary formation and review. Yet, all three programs (even LSP and SGIP) successfully introduced and supported a number of anti-corruption initiatives.

While there is no data on this point, presumably, a few suggestions may be made. First, corruption, particularly where it is pervasive as is the case in all three countries, impacts everyone. There are, therefore, strong political incentives in being seen fighting against corruption. Indeed, resistance could be harmful. That said, many of the anticorruption initiatives taken, such as improved and/or increased auditing and transparency initiatives, while positive overall are unlikely to directly threaten the parliamentarians themselves or the major political players who are likely to make adjustments to work around these interventions. What is significant is that, while not a perfect solution to corruption, opportunities exist – even in fragile/conflict environments, for anti-corruption initiatives.

Reforms requiring additional resources

In the case of both APAP and SGIP, the projects each anticipated working with the parliament to establish a new non-partisan budget office, modeled not just on the US and other western states but also developing countries like Kenya. However, while both parliaments expressed interest in and support for the concept of developing a strong budget office, in the end neither was able to persuade the government to adjust funding to support the office. In Afghanistan, a large part of the problem was not only the number of approved parliamentary staff positions, but also the statutory civil service pay scale that was insufficient to hire and retain qualified staff. In BiH, while the parliament did approach the government to help establish a budget office and obtained its agreement on paper, in practice, the government simply never acted on this initiative.

Thus, in spite of verbal support for reform issues, program designers need to think seriously about the virtue of planning for or undertaking reforms that will require the government to expend additional resources to support that effort.

Implementer support versus Staff Support

In the case of both APAP and SGIP, the projects were assured that their counterpart parliament was committed to supporting the development of a budget office. While normal development programming focuses on the development of staff capacity to provide support to the MPs, in both of these projects, the teams provided direct technical support to the MPs in lieu of what should have been provided by the existing and/or proposed staff. As explained by APAP management (SYNY/CID 2013) this approach had three virtues: first, it offered an opportunity to provide training to the MPs on what they could and should do in their review of the budget; second, it led to improved budgets and budget oversight by the NA; and, finally, it was hoped that this positive experience would build demand for this quality of support among the MPs – such that they would work to help establish the budget office.

In practice, while in both Afghanistan and BiH the MPs did benefit in learning how to address budget and budget oversight related practices and the resulting laws and parliamentary actions were significantly enhanced, at the conclusion of the projects they still lacked the staff necessary to carry out the necessary staff work. In Afghanistan, the NA expected the follow-on USAID funded project to continue providing budget analysis and staffing support.

TWP Issues

The three cases also offer some insights about the application of the TWP methodology to these projects. While all were in fact implemented using a version of TWP, the deeper question is what type TWP either proved effective or might have proven effective.

Problem versus objective

One of the major arguments from that outset of the TWP movement was that donors/implementers should start their work from the position of identifying the problem experienced by the beneficiary country and working with them to identify ways of addressing that problem. This is particularly apt in relation to PDIA in which an intervention is treated like an experiment to be field tested and then adjust or revised as appropriate (see, e.g. Andrews, Pritchett and Woolcock 2018.) The implementor becomes the scientist with a hypothesis to be proven.

In all three of these cases, SUNY/CID and USAID started with an understanding of how an effective legislature would work. While not every parliament can achieve perfect functioning (not even in the developed world) While not trying to replicate their western counterparts in every way, we know from wide experience that an effective legislature enacts legislation (lawmaking), oversees the operations of the executive (oversight), with the budget process being a combination of lawmaking and oversight, and serves as a representative of their constituents (representation). Accordingly, all of the projects started with this overall objective of what was desirable and then designed the project to advance that parliament towards this long-term goal based on existing conditions on the ground. All were evaluated according to how they carried out this goal and deemed more or less successful.

Adaptive management

A second key premise of TWP is that developmental programming and/or institutional strengthening is a complex, interactive process in efforts to impose rigid management structures of planning systems such as logframe analysis are counterproductive (see, e.g. Power 2014). Flexibility and adaptability has been proven efficacious (Hoenig 2015). Effective development requires that the implementer adopt an adaptive management approach in which the implementer monitors the implementation of the project in terms of its achieving its objectives and makes

periodic adjustments or modifications to the programming to correct for problems and account for changes in circumstances arising over time.

Here, in all three cases SUNY/CID used an adaptive management approach. While starting with a defined program of activities, in each case SUNY/CID regularly reassessed its' performance and engaged with USAID and the parliament to determine when and if changes in programming were needed. As noted in the final report for SGIP, this adaptability on the part of USAID and SUNY/CID was critical given the ongoing crisis in government where elections, difficulties in forming a new government and the dissolution of a failed government coalition precluded a variety of activities by, for example, denying the project access to the targeted beneficiaries of support. In light of this, SGIP and USAID focus on overall goals – what were the broad objectives of the project – and which of the many stakeholders that might contribute to those goals were available and amenable for support.

Relationship with the Local Counterpart: Consulting versus Partnership

TWP practice emphasizes the role of the local counterpart/beneficiary of support. It is necessary that the counterpart participate in identifying the problem to be solved and the methods to be employed (see, e.g. Andrews, Pritchett and Woolcock 2018). Moreover, institutional change does not occur unless the stakeholders buy-into and support the proposed reforms (Carothers, 2015; De Gramont, 2014). One ambiguity in this, however, is exactly what is the nature of the relationship between the two. One prominent practitioner/scholar, Greg Power urges that implementers should act as consultants to their counterparts, assuring them maximum ownership over their own reforms (Power, 2011). The other model, as I have argued, is that of a partnership between the implementer and their counterpart. While the partnership model was the one adopted by SUNY/CID in these projects, might the consultancy approach have worked as well?

As I and a colleague have suggested elsewhere (Guinn and Straussman 2018), a consultancy presumes that counterpart leadership possesses the capacity to provide self-direction subject to the technical assistance of the implementer. With the strong leadership of the NA with respect to the review of the national budget, a consultancy model may have succeeded equally well. In the case of Cote d'Ivoire, the partnership model offered significant benefits. As previously noted, the ANCI was resistant to a number of reforms based on fear of conflict (e.g. rules of procedure)

and/or a failure to perceive the value of an intervention (i.e. the formation of a women and youths committee.) Under the partnership model, while LSP worked with ANCI leadership and supported areas of interest to that leadership, LSP continued to urge reforms in the area of the rules of procedure and a committee to address women and youth. Moreover, as ANCI leadership came to increasingly trust LSP staff, they became more amenable to these reforms, such that by the final year of the project they did agree to work with LSP to achieve both results (SUNY/CID 2017).

Summary

As expected, project implementation in a fragile/post conflict country is profoundly shaped by the social/political/economic context of that country – but fragility/post conflict does not mean that that context is sui generis. There can be profound differences in countries of significant fragility resulting in vastly different programming approaches and opportunities. At the same time, there are sometimes surprising opportunities that arose within these divergent contexts, such as the opening for anti-corruption programming, that deserve the attention of donors and implementers.

At the same time, the three case studies reaffirm the importance of utilizing TWP related programming strategies in order to effect positive change. While SUNY/CID utilized its own BPP approach, other models may also be effective. Further comparative studies need to be undertaken in this area.

Cited Works

Andrews, M. 2013. *THE LIMITS OF INSTITUTIONAL REFORM IN DEVELOPMENT*. New York: Cambridge University Press.

Andrews, M. Pritchett, L and Woolcock, M. *BUILDING STATE CAPABILITY: EVIDENCE, ANALYSIS, ACTION* (Oxford: OUP 20018) available at:
<https://www.cognitofirms.com/CenterForInternationalDevelopment/DownloadTheFreeBuildingStateCapabilityEbook>

Barkin, J. (ed.) 2009. *Legislative Power in Emerging African Democracies*. Boulder CO: Lynne Rienner Publishers.

Benstead, L. 2014. “The Monkey Cage: Why some Arabs don’t want democracy” *Washington Post* 9/30/2014 <http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/09/30/why-some-arabs-dont-want-democracy/>

Brinkerhoff, D. 2005. Rebuilding Governance In Failed States And Post-Conflict Societies: Core Concepts And Cross-Cutting Themes. *Public Administration And Development* 25 (1): 3-14.

Call, C. and Cousens, E. “Ending Wars and Building Peace.” Working Paper Series: Coping with Crisis. New York: International Peace Academy.

Carothers, T., 2015. “Democracy Aid at 25: Time to Choose” *Journal of Democracy* ____

Carothers, T. and de Gramont, D., 2013. *DEVELOPMENT AID CONFRONTS POLITICS: THE ALMOST REVOLUTION*. Washington, DC: Carnegie Endowment.

Collier, P., 2019 “A New Approach to State Fragility.” Wash. DC: Brookings Institution.

De Gramont, D., 2014. *Beyond Magic Bullets in Governance Reform*. Carnegie Endowment for International Peace.

Crisis Group, 2011. Bosnia: State Institutions under Attack. Briefing. Available at:
<https://www.crisisgroup.org/europe-central-asia/balkans/bosnia-and-herzegovina/bosnia-state-institutions-under-attack>

Democracy International (DI) 2017. *Mid-Term Performance Evaluation: Legislative Strengthening Program* USAID (April 2017)
<https://dec.usaid.gov/dec/GetDoc.axd?ctID=ODVhZjk4NWQtM2YyMi00YjRmLTkxNjktZTcxMjM2NDNmY2Uy&rID=MjI3NzU3&pID=NTYw&attchmnt=True&uSesDM=False&rIdx=MjQ4MzQ5&rCFU=>

Guinn, D.E. 2016 “Engaging the Demand Dynamic: Budget Support as Driver of Legislative Development” ” 22 *Journal of Legislative Studies* 175-195 Available at:
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2486844

Guinn, D.E. and Straussman, J. 2015. Improving the Budget Process in Fragile and Conflict Ridden States: Two Modest Lessons from Afghanistan” *Public Administration Review*, Vol. 76, Iss. 2, pp. 263–272. Available at: <http://onlinelibrary.wiley.com/doi/10.1111/puar.12397/abstract>

----- 2017. “A Modest Defense of Politically Engaged Best Practices: The Case of Legislative Strengthening” Guinn, David E. & Jeffrey Strausman, *Governance: An International Journal of Policy, Administration, and Institutions*, Vol. 30 No. 2, pp. 177–192. Available at: <http://onlinelibrary.wiley.com/doi/10.1111/gove.12192/abstract>

----- 2018. "Implementing Legislative Strengthening Programs: Who is in Control?" *Development Policy Review* Online. Available online at: <https://doi.org/10.1111/dpr.12367>

Honig, D. 2015. Navigating by Judgment: Organizational Structure, Autonomy, and Country Context in Delivering Foreign Aid. Doctoral dissertation, Harvard University, Graduate School of Arts & Sciences.

IMPAQ 2016. *Performance Evaluation of the USAID/BiH Strengthening Governing Institutions and Processes Activity in Bosnia and Herzegovina* USAID DEC.

Levi, M. (2005) Achieving Government Legitimacy? and Good Government. Paper presented at World Bank, Conference on "New Frontiers of Social Policy: Development in a Globalizing World," Arusha, Tanzania, December 12-15.

Levi, M. and Stoker, L. (2000) Political Trust and Trustworthiness. *Annual Review of Political Science* 3(1):475-507.

Levi, M., Sacks, A., and Tyler, T. (2009) Conceptualizing Legitimacy, Measuring Legitimizing Beliefs. *American Behavioral Scientist* 53(3): 354-375.

Mashal, M. 2014. After Karzai. *The Atlantic* available at: <http://www.theatlantic.com/features/archive/2014/06/after-karzai/372294/>

McLoughlin, C. 2014. “When Does Service Delivery Improve the Legitimacy of a Friagil or Conflict-Affected State?” *Governance* doi:10:1111/gove.12091

O’Brien, M., Stapenhurst, R. and Johnston, N. 2008. *Parliaments as Peacebuilders in Conflict-Effected Countries*. Wash.DC: World Bank Institute.

OECD. 2008. Paris Declaration on Aid Effectiveness and the Accra Agenda for Action. <http://www.oecd.org/dac/effectiveness/34428351.pdf> [accessed August 15, 2017].

----- 2009. "Concepts and dilemmas of State building in fragile situations: From fragility to resilience", *OECD Journal on Development*, vol. 9/3, https://doi.org/10.1787/journal_dev-v9-art27-en.

----- 2013. Conflict and Fragility. Fragile States. Resource Flows and Trends.

Paris, R. and Sisk, T. eds. 2008. *The Contradictions of State Building: Confronting the Dilemmas of Post-War Peace Operations*. London: Routledge.

Patlow, J. 2010. "Afghanistan Parliament's Rejection of Karzai Cabinet Picks Signals Power Shift" *Washington Post*. <http://www.washingtonpost.com/wp-dyn/content/article/2010/01/03/AR2010010301970.html>

PeaceInsight 2019. <https://www.peaceinsight.org/conflicts/ivory-coast/conflict-profile/conflict-timeline/>

Power, G. 2011 *The Politics of Parliamentary Strengthening: Understanding political incentives and institutional behaviour in parliament support strategies* Westminster Foundation for Democracy and Global Partners & Associates. available at: <http://www.gpgovernance.net/publication/the-politics-of-parliamentary-strengthening/>

----- 2014. All About Behaviour: KAPE, Adaption and 'Sticky' Institutional Change. <http://www.gpgovernance.net/wp-content/uploads/2014/02/PAP-3-KAPE.pdf>

Rasanayagam, A. 2007. *AFGHANISTAN: A MODERN HISTORY*. London/New York: I.B. Tauris.

Rocha Menocal, A. 2010. "'State-Building for Peace' - A New Paradigm for International Engagement in Post Conflict Fragile States?" EUI Working Papers, Robert Schuman Center/European Report on Development.

SUNY/CID, 2017. 'Legislative Strengthening Program of Cote d'Ivoire: Final Report' USAID/DEC. <https://dec.usaid.gov/dec/GetDoc.axd?ctID=ODVhZjk4NWQtM2YyMi00YjRmLTkxNjktZTcxMjM2NDBmY2Uy&rID=NTA1Mjky&pID=NTYw&attchmnt=True&uSesDM=False&rIdx=MjU5NTgy&rCFU=>

Tostensen and Amundsen 2010. *Support to Legislatures – Synthesis Study*. Chr. Michelsen Institute, Norad. Available at: <http://www.norad.no/en/tools-and-publications/publications/evaluations/publication?key=1608699>

Wehner, J. 2006. "Effective Financial Scrutiny" in *The Role of Parliament in Curbing Corruption*. Stapenhurst, Johnson and Pelisso, eds. 81-92 Washington DC: World Bank Institute.

Yourdin, C (2003). "Society Building in Bosnia: A Critique of Post-Dayton Peacebuilding Efforts". *Journal of Diplomacy and International Relations*. 4 (2): 59–74