No
00030

Peace Security and Development Network

Multi-Stakeholder Processes, Service Delivery and State Institutions

Theoretical framework & Methodologies

Working paper

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March 2010

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Abbreviations

CSO   Civil Society Organisations

DRC   Democratic Republic of the Congo

KNPSD   Knowledge Network on Peace, Security and Development

MSP   Multi-stakeholder process

NGO   Non Governmental Organisation

PHG   Palestinian Hydrology Group

PPP   Public Private Partnership

1. Introduction

By Dorothea Hilhorst, Wageningen University

This report offers the theoretical foundation of an applied research project about arrangements between multiple state and non-state actors for the improvement and the delivery of basic services in post conflict settings and instable political situations. The project aims to gain insight in how these arrangements may contribute to the legitimacy of the state.

Improving basic services is high on the agenda in post-conflict or instable societies. Basic service (like health, education) and utilities (like water, electricity, transportation and communication) provision is often problematic, either because services are lacking or because they are of poor quality, expensive or discrimatory. This can have many adverse consequences for people's health, income-earning capacities and other crucial aspects of development. Moreover, service provision is considered important because it is assumed that people's appreciation of their government largely depends on the extent in which the state can provide reliable services. Hence, there is widely-held assumption that developing states can enhance their legitimacy through better service provision.

One of the pertinent questions in this field is what the role of the state in service provision is, can be, or should be. The Weberian model in which the welfare state takes responsibility for the provision of services has in most societies been weakened or abandoned. Alternatives, such as "New Public Management" approaches suggest that in basic service provision the state should "steer the boat instead of rowing it", which means that the state takes on a norm-setting, and monitoring role, while steering the relations between public agencies, private providers and end users.

Fragile states in terms of institutions and resources display some features that interestingly resonate to these discussions regarding the role of the state. Contrary to the widely held belief that fragile states are characterised by a lack of institutions, current insight reveals that the poor development of state-monopolized institutions leads to situations where multiple normative systems prevail and hybrid institutions evolve. Where state services fail, local people develop their own initiatives to compensate for the lacking services or fall back on traditional institutions. Rebel movements may initiate competing service delivery, while the international aid system provides for parallel service delivery systems. This is not to say that people will always be assured of services. The hybrid and multiple institutions that evolve are patchy and do not add up to a full coverage of services, may be politicized and conflictuous, or lack resources, quality, or accountability. Nonetheless, this multiplicity may also open up space for cultivating new, hybrid forms of service delivery.

The combination of a multipicity of institutions and changing perceptions of the role of the state in service provision has led to growing trends of initiatives that aim to organize service delivery through mechanisms that involve different actors, often in the context of decentralization programmes. This project is concerned with such multi-stakeholder initiatives for service delivery.

Multi-stakeholder initiatives cover a wide range of structures and levels of engagement. They can be highly engineered and formed in the context of a planned project, or evolve from partly planned and partly spontaneous, informal arrangements and institutionalizing processes. They can be initiated by

local or international actors and can be very diverse in their shape and purpose. The very fact that they can be considered MSPs may be unnoticed by the participants. Examples would include groups of community-based organizations that engage in dialogue with local government over shared management of water resources, collaborations between international NGOs and governments in which NGOs build schools and the government promises to provide teacher salaries, or cases where the state outsources the delivery of services to private companies (such as for example garbage collection or water supply). The latter are often referred to as public-private partnerships or PPPs.

The concept of MSPs thus refers to large sets of phenomena. Moreover, the use of the term MSP displays an interest in processes beyond the contractual arrangement per se. The term 'multi-stakeholder' is often attached to networks, platforms, processes, and partnerships and denotes an interest in the quality of the *process* in terms of values around decision-making, accountability, inclusiveness and citizen participation. Hemmati, for instance, views multi-stakeholder processes as aiming to bring together stakeholders to develop new forms of communication, decision-finding (and possibly decision-making) on a particular issue (2002: 2). The literature on MSPs is therefore very conducive for a research project interested in the relations between state legitimacy and service provision through multiple societal actors in post-conflict or institutionally weak societies.

The main question that guides this project is: "How do multi-stakeholder processes (MSPs) for the improvement of service delivery affect the performance and governance of those services, and how does this affect the legitimacy of state institutions?"

This question aims to shed light on a concern that has recently been expressed by donors, governments and in development literature, that support to out-of-state service providers (NGOs in particular) may result in improved services on the short term, but will on the long term undermine the government's legitimacy. The heightened interest in MSPs could even be understood as a desire to resolve this problem. MSPs may maximize service provision by involving multiple stakeholders while ensuring state involvement. Hence, we like to examine in-depth what multi-stakeholder arrangements in service provision do in practice for the legitimacy of state institutions.

Specific questions we want to address are:

1.   Which actors and trends can be identified in service delivery in the studied context?

2.   What are the characteristics of the multi-stakeholder process organised for service delivery?

3.   How is this process governed?

4.   What are the outputs in terms of service delivery?

5.   How do the process and generated outputs affect the legitimacy of relevant state-institutions?

6.   What are key factors in the (socio-political & institutional) context influencing MSPs, service delivery, and their relation with the legitimacy of state institutions?

We find it important to tackle these questions through open-minded, empirical research. Because of the new ring to MSP initiatives, expectations are high regarding their potential for attaining democracy,

conflict resolution and peace building. Moreover, literature is often based on modern organizational models of joint governance and implementation, rather than on the meaning of MSPs in practice. One of the assumptions of our research is that MSPs may be governed by informal arrangements and political interactions that remain hidden from the official records, but may nonetheless be crucial for the working of the MSP.

The project that this report supports concerns Multi-Stakeholder processes, Services and State institutions, and is part of a wider initiative, the Knowledge Network on Peace, Security and Development (KNPSD). Apart from generating insight into MSPs and their relations with state legitimacy, the project aims to identify bottlenecks and critical success factors of MSPs on service delivery and to make recommendations for international donors for strengthening the legitimacy of state-institutions through multi-stakeholder processes. The project comprises a combination of research and policy-related activities.

The project focuses on four countries[1]: Democratic Republic of Congo, Palestinian Territories, Nepal and a fourth country which will be selected in 2010. Fieldwork in these countries will take place between October 2009 and December 2010, and will be performed by researchers from Wageningen University, Utrecht University, Maastricht School of Management and local partners of these institutions and of the NGO Oxfam Novib. The results will be presented in an overall report in 2011.

The overall coordination of project is performed by Maastricht School of Management. For further information on the research project and the content of this document, please contact Ms. Mina Noor (Maastricht School of Management) at noor@msm.nl.

This document contains four more chapters. Chapter 2 provides the setting and discusses the changing role of the state and state-society relations. Chapter 3 provides an overview of the debates the relation between service delivery and state-society relations. Chapter 4 zooms in on the definitions and characteristics of multi-stakeholder processes. Finally, chapter 5, we explain the methodological choices we make in researching these processes.

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[1] Initially, a fifth country, Ethiopia was also included in this list. However, during the first pilot case study in Ethiopia, it was decided to study Ethiopia as a separate case, through an adapted framework, because the post-conflict and politically unstable status given to Ethiopia proved to be challenged, particularly in the country itself.

2. The changing role of the state and state-society relations[2]

By Irna van der Molen and Nora Stel, Utrecht University

2.1 Introduction

This chapter discusses the role of the state, of state institutions and of societal actors within countries affected by conflict or political instability. While many policy-oriented publications arrive at the conclusion that state institutions are either weak or not able to perform basic services or to provide security within such contexts, this chapter focuses on the emergence, complexity and some of the positive features of intertwined formal, informal and alternative governance processes and structures at local and sub-national level which *do* exist[3].

As indicated by Chabal and Daloz, to understand the effectiveness of state institutions, it is necessary to realize that a state is not merely the inevitable result of historical evolution, but rather an evolving entity that cannot be meaningfully assessed independent of context, particularly in terms of international factors and the dynamics of state-society relations (Chabal & Daloz, 1999:4-5 in Van Overbeek et al., 2009:20). Here we touch upon the question of what we mean by 'the state' and, more important, how we can capture these variations and dynamics of state-society relations that Chabal and Daloz refer to.

2.2 The state and its institutions

The state has been conceptualized in a multitude of definitions. Notions such as the monopoly and legitimacy of the use of force, of a defined territory, a government, the capacity to enter into relations with other states, a permanent population, independence, or the ability to function as states, are contested and sometimes even tautological[4]. Most well known is Max Weber's definition of the state in terms of its (legitimate) use of force in a given territory (Weber, 1964:154). Similarly, Giddens conceptualizes the state as "a political organization whose rule is territorially ordered and which is able to mobilize the means of violence to sustain that rule" (Giddens, 1985:20). These definitions are problematic, in particular in situations where the state does not have a monopoly on the use of force and where parts of the country's territory are under the effective control of warlords, militia or occupying forces. Moreover, as stated by Painter, "State violence is by no means always accepted as legitimate, and some non-state violence can achieve a degree of legitimacy (as, for example, when paramilitary organizations operate in quasi-judicial

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[2] This chapter is continuation of the joint working paper written by: Overbeek, F. van; Hollander, T.; Van der Molen, I.; Willems, R.; Frerks, G. and L. Anten. 2009. Peace Security and Development Network, Working Paper 1. Several sections from this working paper are included in this chapter with permission from the authors.

[3] Painter argues in favour of using terms with value-neutral or more positive connotations such as: improvisation, spontaneity, adaptation and creativity (Painter 2006:764). This assumes a significantly different view on agency within state institutions as apparent in the 'politics of survival' that Mitchell observes (Mitchell, 1988 cited in Painter, 2006).

[4] Both Painter (2006) and Akinrinade (2009) provide an overview of the debate, referring to problematic elements in the debate on the state and the state's legitimacy.

capacities in areas where the state's justice system has broken down or is not popularly accepted)." (Painter, 2006:756)

The state has also been defined in legal terms, as "an entity having exclusive jurisdiction with regard to its territory and personal jurisdiction over its nationals" (Akinrinade, 2009:14). The exclusive jurisdiction over its citizens is not necessarily present in all case study areas and is most notably absent in the Palestinian Territories. Similarly, in some case study areas one can observe diverse governance structures and state institutions – some of which are perceived to be legitimate by the population, even when the territory and the 'legitimate use of force' may be contested and challenged. Akinrinade (2009) cautions against the use of terms as 'quasi-states', 'soft-states' and the distinction between 'empirical' and 'juridical' statehood. Call and Wyeth, for example, do use this distinction, and state that: "our definition [of the state] emphasizes the institutions of government, recognizing the links to international recognition and resources but stressing the relationship between the institutions of governance and the territory's citizens or population, also known as 'empirical sovereignty' (Call & Wyeth, 2008:7). Akinrinade (2009) argues that such a distinction is usually a Western-driven attempt to deny these states State status.

The state has also been defined in institutional terms, with a focus on the administrative capacity of governance. Papagianni highlights four particular roles: states as bureaucracies and administrations; as institutions embedded in legal orders; as embodiments of normative orders; and as institutional arrangements enshrining power balances. The process of state building, she argues, ideally aims at combining these four roles (Papagianni, in Call & Wyeth, 2008:51). Questions on how the state should then play the four roles are addressed to a great extent in the good governance debate[5]. Instead of discussing this debate and its underlying assumptions, we will deal below with how governance and authority are also nested outside the government, and we will investigate the emergence of new forms of governance in chapter three.

2.3 Reconceptualising the state

Considering the debates featuring in the previous paragraph, it seems necessary to reconceptualize the state to some extent. First, the state is not one homogeneous entity, but represents a multitude of roles, positions, interests and relationships. Representatives of the state (e.g. policemen or senior civil servants), may simultaneously function in other positions and networks. Second, it is often assumed that there is a clear distinction between the state and civil society. However, "[a]n identity as "citizens" and the "idea of the state" does not meet with much cultural resonance within these societies, as people are relatively disconnected from the state, neither expecting much from state institutions nor willing to fulfill obligations towards the state" (Boege et al., 2008:6; see also, Lund, 2007; Chabal & Daloz, 1999; Mamdani, 1996). In fact, reality is much more complicated. Lund (2007:1) refers to 'twilight institutions', defined as in-between institutions or organizations that engage in state-like performances. For example, Baker and Scheye (2007:512) find that in Africa customary courts are the dominant form of regulation and dispute resolution, covering up to 90% of the population. For countries in other regions – for example

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[5] The international focus on good governance and outside-intervention in state building is strongly criticized by authors such as Chandler (2006), Duffield (2007) and Woodward (2007). Good governance is, nonetheless, still perceived as a key issue in the performance of the state, its economic development, and socio-economic stability. Indicators to measure 'governance' show considerable resemblance with the indicators to measure 'fragility'. The World Bank report 'Governance Matters VII', for example, uses six aggregate governance indicators, including 'Voice and Accountability', 'Political Instability and Absence of Violence/Terrorism', 'Government Effectiveness', 'Regulatory Quality', 'Rule of Law', and 'Control of Corruption' (World Bank, 2008:2).

Afghanistan, Yemen, the Solomon Islands, Timor-Leste and Nepal – they have similar estimates. This makes it difficult to distinguish between what is 'state' and what is not. These institutions challenge the state but they do so in the same language of authority and legitimacy that the state uses, just like they use the state's procedural and symbolic forms of legitimacy to obtain legitimacy themselves. Thus, "while government institutions are important, the state qualities of governance, that is, being able to define and enforce collectively binding decisions on members of society, are not exclusively nested in these institutions" (Lund, 2007:13).

The manifestation of governance and authority outside government institutions is important to bear in mind when studying the legitimacy of the state in the delivery of such services. The question, in other words, becomes whether legitimacy is functionally defined (and linked to whatever actor or combination of actors provides this function) or institutionally?

In some countries affected by conflict and/or political instability, the state is largely absent, like in the DRC. An essential point that Menkhaus (2007:75) makes in this regard, which is a precondition for the rise of his 'mediated state', is that communities cut off from state authority are not passive and "consistently seek to devise arrangements to provide for themselves the core functions that the missing state is supposed to assume, especially basic security." Non-state actors in such situations may exercise varying degrees of political power over local populations at time providing basic social services." (Chesterman et al., 2004:1)

The multifaceted nature of governance is thus further complicated by the growing importance of institutions and movements which perform tasks otherwise attributed to the state, and their activities can contribute to the further weakening of state structures. According to Boege et al. (2009:17) this then leads to a situation which can be defined as a 'hybrid political order'.

> In hybrid political orders, diverse and competing authority structures, sets of rules, logics of order, and claims to power co-exist, overlap, interact, and intertwine, combining elements of introduced Western models of governance and elements stemming from local indigenous traditions of governance and politics, with further influences exerted by the forces of globalization and associated societal fragmentation (in various forms: ethnic, tribal, religious) (Boege et al., 2009:17).

The OECD acknowledges that, in reality, state-building is a complex and non-linear process in which a multitude of social institutions play a role and often participate in the delivery of public goods[6]. The provision of basic services, security and law enforcement by non-state authorities at multiple levels and in different geographic areas is sometimes actually seen as a better alternative, in particular when a strong focus on the state is likely to exacerbate existing tensions or where the state or local government are virtually absent (Engbert-Pedersen, Andersen, Stepputat, 2008:37). The potential risk of this approach is that support to non-state actors who perform functions normally ascribed to the state, can potentially undermine the position of the state. These societal institutions can in some cases even be competing with state institutions. Although such challenges have been recognized, it remains unclear how donor programs can be structured in order to work more effectively at this 'interface of relationships' between state and non-state actors. These context-specific dilemmas touch directly upon questions regarding capacity building, public authority, legitimacy and ownership, which are discussed below.

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[6] The OECD argues that state building needs to be seen in "the broader context of state formation, which we understand to be the dynamic, historically informed, often contingent process by which states emerge in relation to societies" (OECD, 2008:13).

In this research, we will focus on processes which involve multiple stakeholders, i.e. both state authorities and non-state actors, in the delivery of basic services and utilities, with a specific focus on water, electricity and roads. Such multi-stakeholder processes are, one could say, manifestations of governance patterns which naturally emerge in hybrid political orders, but can also emerge as 'new forms of governance' which are part of donor-intervention. For the sake of brevity, we will refer in this paper to the first type as 'locally initiated' multi-stakeholder processes and to the second one as processes initiated by international actors. We do, however, realize that this duality does not manifest itself to such an extent in reality and that these types represent extremes in between of which a wide variety of forms of multi-stakeholder processes exist. By studying these diverse types of multi-stakeholder processes, we hope to develop a more in-depth understanding of the way in which such cooperation affects the legitimacy of state institutions[7].

2.4 State-building[8] and state-society interaction

If we accept that states are both dynamic and diffuse, that there are multiple sources of authority in countries (previously) affected by conflict and political instability, this changes our perceptions of state-society interaction. More analytical clarity concerning state-building or state-formation can be expected when we link the concept of state-building to, and ground it in, a broader analytical current dealing with state-society interaction[9].

However, when addressing state-society interaction, not only the concept of the state merits a definition. While there is a noteworthy lack of clear-cut definitions, 'society' is generally conceived as a field within which the interaction between the state and 'social forces' takes place. We propose to delineate society as the arena in which political, social, religious and cultural actors and structures interact and collide. When recognizing the state as more than an arena within which societal actors pursue their goals, but rather as one of these actors in a societal arena, one of the crucial questions remains how to assess the various sorts of interaction between the two spheres, or – in the words of Boege et al. : "how [do] competing authority structures, sets of rules, logics of order, and claims to power co-exist, overlap, interact, and intertwine with Western models of governance" (Boege et al., 2009:17) in the delivery of basic services?[10] An intriguing question to be answered in the analysis of governance of multi-stakeholder processes, which are initiated by local and international actors.

This discussion on patterns of state-society interaction leads to the variety of roles that the state can play within the context of its society. Of course, there is the ideal-type Weberian state providing security and

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[7] The cooperation and interaction between various stakeholders is not difficult to understand. On the one hand, societal actors (either elite individuals or citizen groups) often need – or would like to use – the state as an instrument to both shore up their social control and accumulate resources. On the other hand, the state needs the stability these actors can offer through their social control and access to the population (Migdal 1988:141).

[8] In this chapter, state-building refers to a process of state-formation, which is shaped, contested and reframed by a multitude of actors, and developments across, within and between society and the state. Although this process will always be affected by outside actors and developments in the international context, it does not refer to state building as an externally engineered intervention by donor organizations, *unless specifically mentioned*.

[9] A good point of departure for this endeavor is Joel Migdal's (2001) state-in-society approach. He urges social scientists to no longer see the state as the antipole of society, but instead embrace the state as "part of society, with many characteristics not very different of those of other social organizations" (Migdal 2001:63).

[10] This is not to suggest there is a strict duality of Western governance models and 'indigenous' alternatives to these Western models. Considering there is a multitude of Western government approaches, alternatives to 'engineered' governance may also be inspired on competing Western ideas.

services for its population. While this notion seems utopian in the best of cases, it certainly is in (post-) conflict situations. What is more noteworthy is that even when a state is pressured and undermined – from the perspective generated by classical state definitions - it hardly ever becomes irrelevant but rather adapts and survives in some other form. It can be a symbolic frame of reference, emblematic rather than providing, but fulfilling a function nevertheless. It can be a facilitating entity for societal actors utilizing public policies and the agencies charged with executing them to satisfy their own needs. How multiple stakeholders within such contexts compete, co-exist, overlap and intertwine in providing service delivery has not yet received much attention, and will therefore be part of this study.

2.5 Social Contract

A concluding point of interest then is the political organization of various forms of state-society interaction, the core of which is, many political scientists argue, the so-called 'social pact' or 'social contract' that refers to some degree of acceptance of a governing regime deemed to have the right and capacity to exercise its authority (Fritz & Menocal, 2007:12). Such a social pact usually manifests itself in what Fritz and Menocal (2007:27) dub a 'political settlement', or political system, the "expression of a negotiated agreement binding together state and society and providing the necessary legitimacy for those who govern over those who are ruled."

A social contract thus assumes consensus and acceptance. This assumption, however, is erroneous when it comes to conflict or freshly post-conflict contexts or in contexts with political instability. In fact, most contemporary conflicts are "rooted in a partial or complete breakdown of the social contract—the agreed upon rules of the game that govern the distribution of resources and obligations across society—and the concomitant mechanisms for settling disputes" (Addison & Mansoob Murshed, 2001:2). Thus, the acceptance of the political system as a manifestation of a social contract and as the organizing mechanism of the state and its relations with society could very well be the most indicative aspect of the conflict proneness of a certain situation. This also implicates that those actors involved in state-building have to address society with as much fervency as the state itself, recognizing the importance of initiating a political process of social contract-making that can yield some consensus over the desired distribution of services, the delegation of responsibilities and the related institutions to mediate future conflict on these matters. Without this acknowledgement of the importance of state-society interactions and their structuring through a social contract, states are being built on quicksand. As will elaborated upon in paragraph 5 of Chapter 3, we need to establish how expectations towards the state, as expressed through the metaphor of the social contract, get shaped in practice and how this effects the legitimacy of the state in the eyes of societal actors.

2.6 Legitimacy

Papagianni defines legitimacy "as the normative belief of a political community that a rule or institution should be obeyed […] Empirically, legitimacy is observed when rules and the decisions of rule-making and rule-applying institutions are observed" (Papagianni in Call & Wyeth, 2008:50). Furthermore, in post-conflict situations, legitimacy "relies on empirical observations of the willingness by domestic political elites and the public to support new state institutions and to pursue their interest through these institutions" (Papagianni, in Call & Wyeth, 2008:50). In other words, legitimacy can be observed by looking at (a) observance of rules and decisions; (b) support by domestic elites and the public to (new) state institutions; and (c) the willingness to pursue their interests through these institutions. These three

observations can be further demarcated by differentiating such support and observance of rules between and across domestic elites and between and across various communities.

Legitimacy thus refers to the degree to which relevant state institutions are perceived – by various target groups – as 'right' (i.e. preferable to alternatives) when assessed from a *public* perspective. In the context of this research, we follow the OECD in distinguishing five forms of legitimacy (OECD, 2008:17):

- general (related to support for the state as a whole, for the idea of the state)
- embedded (related to prior state formation or other historical dynamics)
- process (related to the way in which the organisation operates, its governance procedures)
- performance (related to what the organisation produces/yields)
- international (related to international standards and contexts)

Clearly, when measuring legitimacy, there is the question of "legitimacy in whose eyes?" The degree of legitimacy attributed to a specific state institution may, and probably will, vary distinctively from a civil servant to a citizen consumer. Moreover, legitimacy as approached here depends on both perception and behaviour. In the course of this research questions should thus be posed to explore, on the one hand, the way people think about certain situations – their *perceptions and opinions* – and, on the other hand, the way they act in response to these situations – their *behaviour and conduct*[11]. Legitimacy, furthermore, is generated exclusively by evaluations from a public perspective. Situations, processes and performances can be appraised from either a public or a personal point of view and while these approaches may be closely related, only the former transmits legitimacy. In Gilley's (2006:502) words:

> *What is sometimes called 'performance legitimacy' is plausible only in terms of how citizens evaluate state performance from a public perspective. A citizen who supports the regime 'because it is doing well in creating jobs' is expressing views of legitimacy. A citizen who supports the regime 'because I have a job' is not. 'Performance' is an ambiguous term until we specify the orientation with which it is being evaluated. Once we do so, we can determine whether the citizen response reflects legitimacy or some other form of political support.*

A further major consideration regarding the legitimacy of state institutions is that 'the state' operates on different levels and in various directions. Migdal (2001:117-121), for example, introduces four levels on which the state operates – 'the trenches', 'the dispersed field offices', 'the central offices' and 'the commanding heights' – and it seems important to determine to which level legitimacy is accredited by which target group and which categories of legitimacy are acquired by which level of the relevant state institutions. Is legitimacy attributed to individuals, organisations or events? And does this vary per category and target group? If so, how and why?

Moreover, legitimacy and authority are, especially in conflict and post-conflict situations, constantly shaped, contested and dispersed among a large variety of societal actors. If, again, we accept Boege's definition of a 'hybrid political order' with its "diverse and competing authority structures, sets of rules, logics of order, and claims to power" (Boege et al., 2009:17), then we should acknowledge that in many conflict and post-conflict situations, "the 'state' has no privileged monopolistic position as the only agency providing security, welfare, and representation; it has to share authority, legitimacy, and capacity

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[11] Clients, for example, "can hold the producers of services (whether governmental or private) accountable by 'voting with their feet' (moving to another district or travelling to obtain services), or by 'voting' with their money (paying for services produced by a competitor)" (OECD 2008:18).

with other institutions" (Boege et al., 2009:17). This means that the relevant question is how legitimacy in countries affected by conflict and political instability are attributed by elites and by the public to state institutions and other institutions participating in service delivery.

Papagianni lists four particular challenges in countries affected by conflict, i.e.: (a) the socioeconomic interests of privileged interest groups which are often protected by the provisions of peace agreements and which pose significant obstacles to reforms and redistribution of wealth (e.g. El Salvador and South Africa); (b) external conditionalities of the international community for structural adjustment and monetary stabilization which limit the capacities of states to rebuild infrastructure and deliver services; (c) the continuation of mismanagement of natural resources for private benefits; (d) dilemmas for the international community whether to assist central state service providers or service providers at sub-state level (Papagianni in Call & Wyeth, 2008:16).

All these conditions are affecting the legitimacy of service delivery and are tightly linked with the inclusion-exclusion dilemma. The question is: what issues, actors, structures and interests in society play a role in redefining the state, in policy-making, in institutional and legal reforms, or simply in decision-making and implementation regarding service delivery? Which privileged interest groups are protected and pose a significant obstacle to reforms? Are 'excluded actors' still able to influence the process if not acknowledged or included to begin with? We find these considerations to be of severe importance in the analysis of any state-building process and they will indisputably be determined by the state-society dynamic. These, and other issues, will be discussed in subsequent chapters.

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3. Service delivery in post conflict settings

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3.1 Introduction

This chapter maps the dynamics around basic service provision in post conflict settings and considers how they relate to the construction of state legitimacy. We critically review the widely held assumption that basic services are a key element in (re-)constructing state legitimacy in fragile situations in general and in societies emerging out of protracted conflict in particular. In current discourse, state fragility and poor performance in basic services are seen as strongly linked with state fragility being seen as both a major cause and a consequence of poorly functioning services. Consequently, it is generally held that in order to reduce state fragility in post conflict or unstable settings and restore the social contract between citizens and the state, improvements are necessary on the access, quality and governance of basic services. We argue, however, that there are still major gaps in our understanding of the ways in which such improvements in basic services may contribute, or not, to the legitimacy of the state. With this research project we hope to at least partly fill this gap. The question we essentially seek to answer in this section is not so much *whether* basic services matter in (re-) establishing the legitimacy of the state in post-conflict settings, but rather *how* they may matter. Put differently, we try to grasp what processes and practices are at work around basic service provision that impact the legitimacy of state agencies.

The label 'fragile states' does not tell us much about the social and political organization of the state or about the way in which the presence and legitimacy of the state is negotiated with different actors in society. In post-conflict settings, as in contexts of marginality more generally, a range of non-state actors tends to be involved in the provision of services. How this affects the legitimacy of the state is a question we need to research.

The term basic services can be defined in broader and in more restricted senses. The term is often used to cover both *social services*, which includes primary education and basic health care, and *infrastructure*, including water and sanitation, electricity, roads and bridges, as well as services that promote *personal security* (Berry et al., 2004:8). The OECD takes a similar broad approach, stating that basic services, next to basic needs, also include security and economic development opportunities (OECD, 2008:14). In this paper we take a more restricted focus, namely on basic services and utilities, with a focus on water, electricity and roads.

This chapter explores the linkages between basic services and state building in post-conflict settings drawing on existing academic and policy-related 'grey' literature. The next section of this chapter sets out what problems may arise with basic services in post-conflict settings, while paying attention to how instability adds to these problems. The third section reviews how service delivery has been conceptualized in various state-society models (e.g. privatization, decentralization) and discusses conceptual approaches to the role of basic services in what has been called the 'social contract'. The fourth section describes the role of non-state actors in service provision and how they relate to state efforts. The

last two sections discuss two important and largely unresolved questions in basic service provision in post-conflict settings: one, how governance and participation are connected to *performance* in service delivery and second, whether donor interventions should privilege the improvement of service delivery or state-building or might link the two.

3.2 Services, the state and development in post-conflict settings: current discourse

3.2.1 Outlining the problem

Access to basic services is not a given for a substantial part of the world's population, in particular those living in marginal regions in poor or conflict-ridden states. According to the 2004 World Development Report, in 2000 20% of the world population had no access to safe water, 50% went without adequate sanitation and over 25% had no access to electricity (75% for Africa) (World Bank, 2004). With regards to the value per person available in terms of basic services infrastructure, high income countries present almost 12 times more access than low income countries ($800 as compared to $9,400) (Schwartz et al., 2004:2). These figures are even lower for the so-called fragile states.

The problems with basic services relate to coverage, access and quality, as well as to the governance of service provision. Services tend to be concentrated in urban areas, not covering rural communities in geographically remote areas. But also in poor urban neighbourhoods access to services may be very problematic. And where the physical infrastructure for drinking water or electricity might be in place, these services may be provided very infrequently and irregularly. In addition, services might be very costly, thus excluding the poorer households. Accountability to users is often very poor and not seldom services are subject to clientelism and political patronage (OECD, 2006:9). Elite capture may play a role and limit equal access to resources (Bardhan, 2004). Thus, basic service provision intertwines with processes of social and political exclusion and with vertical and horizontal forms of inequality, and tends to reinforce gaps between the rich and poor and between different groups in society (e.g. based on ethnicity, religion, tribe, caste) (Berry et al., 2004:12, 21).

Problems with basic services are particularly strong in societies emerging out of violent conflict. In the context of war, conflicts over political and economic interests often manifest themselves around services like water, health, education, sanitation and transportation infrastructure. As a result, such services are either physically destroyed, or are controlled to serve only particular groups of people. The warring parties, including the state, often use such services to stimulate support or exclusion, leading to a politicization of services (Vaux & Visman, 2005; Van der Haar, 2005).

3.2.2 Basic services and the state in post conflict settings

There is a strong consensus in the 'grey' literature on international development policies that poor performance in service delivery is a consequence of the lack of the capacity and/or willingness of states to provide for the basic needs of their citizens (e.g. Commins, 2005; Torres & Anderson, 2004; OECD 2005). Problems in service provision may be a consequence of states' unwillingness to invest in marginal regions or they may be related to a lack of capacity for public sector investments as a consequence of poor taxation practices (see for example Torres and Anderson, 2004, p.15; Berry et all, 2004). States may also use basic services in politically strategic ways, as forms of political favouritism (OECD, 2006:9).

Protracted, violent conflict deepens the problems with basic services discussed above. Conflict often reinforces both state fragility and problems of exclusion, marginalization and underdevelopment. Protracted violent conflict tends to aggravate already existing problems of public investment in basic services. During conflict, national governments prioritize expenses in other sectors, like defence, and have a low absorptive capacity due to fragmentation in politics. At the same time private sector investments are low because of high political and economic risks, weak consumer payment opportunities (thus a weak return on investment) and a general lack of counterparts (Swartz et al., 2004:1). War tends to cripple the state's institutional capacities, which makes it particularly destructive for social services (OECD, 2008:20).

The link between poor services and state deficiencies is generally seen to work in two ways. While problems of state capacity and political will are drivers of highly unequal, poorly performing and often costly basic services, such problems in turn contribute to perpetuating state fragility. Poor performance on basic services may feed political practices of patronage and undermine the legitimacy of the state. As such problems persist, it may be very difficult to increase state legitimacy.

Problems with basic services are also seen to perpetuate and aggravate development problems, in turn reinforcing state fragility (Torres & Anderson, 2004; Berry et al., 2004). Better access to clean water, for example, causes lower risks of diseases and child mortality; widespread availability of telecommunications stimulates access to markets and social networks; having access to the electricity network boosts productivity in the working sector; the presence of a good road network opens up market and transport opportunities. In view of the above, improving basic service provision is often identified as a key issue in post-conflict reconstruction. On the one hand, basic services are expected to play an important role in stimulating (early) recovery and kick-starting socio-economic development, while contributing to a peace dividend for populations. On the other hand, basic services are attributed a key role in restoring state legitimacy and the social contract between states and citizens. The expectation that the improvement of basic services contributes to both development and state building, explains donor interest. The precise mechanisms linking state capacity, development and basic services need further exploration, however.

Improving basic services in post-conflict settings involves a number of challenges which are not easily overcome. On the one hand, given that state fragility predates and has usually been reinforced by violent conflict, such fragility is likely to prove a major obstacle in restoring and improving service delivery. On the other hand, multiple non-state actors may have moved into service delivery during and immediately after the conflict, either based on a humanitarian mandate (as with international NGOs) or as part of an agenda of rivalry with the state (as when rebel groups engage in service delivery). Furthermore, deregulation policies as part of post-conflict reconstruction packages can hamper the capacity of the state to reclaim its grip on basic services. We will return to these issues in greater detail below.

3.3 Services and the state: policy models

Though states are generally seen to fulfil a key role in service provision, in both developed and in fragile societies, there are different models for the precise nature of this role. The Western so-called 'social welfare'- perspective, in which basic service provision is a means for the state to promote equality and the well-being of its citizens and which holds that service provision is an exclusive responsibility of the state and services which ought to be financed by taxation (Harisalo & McInerny, 2008:1307), is no longer

dominant. As the social welfare state came under revision during the 1970s and 1980s, when Western governments proved incapable to maintain public spending in service delivery and state bureaucracies were slow in responding to citizens' needs, competing models have emerged. The alternative "New Public Management" approach suggests that in basic service provision the state should "steer the boat instead of rowing it", meaning that the state takes on a directive role in relation to public agencies, private providers and the end users (Miraftab, 2004:93; Batley, 2004:32; also Vigoda 2002, Antwi et al., 2008).

In developing countries, these ideas have legitimated a widespread privatization of public services in the framework of neoliberal and structural adjustment policies. These policies have, however, come under severe criticism because they have led in some countries to a weakening of the state and a re-enforcement of inequality (Vaux & Visman, 2005; Batley, 2004). Also, they stimulated elite capture, exclusion and repression in those cases where influential politicians hijacked services or blocked reform out of fear of losing their powerbase (Rosser, 2006:6). Such policies may thus have contributed to the current problems with service provision in fragile settings and may have led to an erosion of whatever social contract had been established.

Present donor discourse seems to move away from strictly neoliberal models of service provision given the concern with post-conflict state building and with strengthening fragile states more generally. Rather, donor policies strongly reflect the decentralization discourse that has come en vogue since the 1990s. This model proposes to organize services through the dual processes of decentralization and partnership between public and private sector actors, or public private partnerships (PPPs) (Batley, 2006:244; Robinson, 2007; Helmsing, 2002). Increasing attention is paid to formalized dialogue and collaboration, with the ideal to improve pro-poor and localized implementation.

In post- social welfare perspectives, service delivery is not just a relation between states and their citizens, but includes a triangular relation which involves also private providers. *Allocation* of services is generally seen as the central task of policy makers, whereas the *production* of services is in the hands of these service providers. The governance of basic service provision thus involves the organization of accountability relations between the state, providers and the users of services. Accountability between policymakers and service providers is subject to a so-called *compact*, "which includes service delivery standards, monitoring methods, rewards and sanctions" (OECD, 2008:16). In the context of this research, public-private partnerships are considered as a sub-set of multi-stakeholder arrangements; where definitions of public-private partnerships tend to exclude more spontaneous and localised service arrangements involving other types of actors, such arrangements are part of the present study.

3.4 Services, state legitimacy and the 'social contract'

In post-conflict reconstruction discourse, basic services are considered key elements in the strengthening or re-establishment of state legitimacy (e.g. Vaux and Visman 2005, Brinkerhoff 2005). State legitimacy vis-à-vis its citizens is often described with the metaphor of the 'social contract'. The 'social contract' is an abstraction capturing the willingness of citizens to accept the control of the state in return for the maintenance of order and provision of security. The metaphor has been extended to the provision of basic services. It then suggests that citizens provide the state with trust and support (e.g. through paying taxes) in exchange for the provision of services such as water, electricity, roads etcetera. Severe dissatisfaction

with the coverage, quality or pricing of services is believed to erode the legitimacy of the state and, hence, the social contract.

It is unclear to what extent the social contract metaphor adequately captures the way people relate to the state in post-conflict settings. Arguments that place basic service provision at the heart of the social contract and see it as a central pillar of state legitimacy seem to derive from the ideal-typical image of the state in which service provision is amongst the core responsibilities of the state. This may however be far removed from the social and political workings of the state in many post-conflict societies (Berry et al., 2004:15). In many of these states, especially in remote regions, basic service provision may not, or only very partly, historically have been the domain of the state with local needs for services having been met by e.g. the church, charities or community initiatives. It is relevant therefore to analyse whether in post-conflict regions and hybrid political orders - where the state is practically absent in many of its 'core' functions, though it may be present as an 'idea' [12] - there is such a thing as a 'social contract' and if so, how it is shaped. This means that we need to understand how perceptions of a fragmented, discontinuous or highly contested state are linked to people's experiences with basic services and their notions of who is responsible and accountable for these services.

A key issue in this research program is how service provision figures in the construction of the legitimacy of the state and how it may anchor the social contract. Brinkerhoff argues, for example, that state institutions in fragile states derive at least part of their legitimacy from service delivery, next to other factors such as citizen participation, inclusiveness, and efforts to reduce inequality and corruption (Brinkerhoff, 2005). Brinkerhoff defines legitimacy as the "acceptance of a governing regime as correct, appropriate and/or right" (Brinkerhoff, 2005:5). This definition is similar to, though somewhat broader than, the definition by Papagianni cited in chapter two of this paper, which stresses legitimacy as the 'normative belief' that an 'institution should be obeyed'. In that same chapter, different dimensions of legitimacy were introduced, after the DAC/OECD typology, related to historical factors (residual legitimacy), process factors (process legitimacy) and outcome factors (performance legitimacy) (OECD, 2008). Crucial to our research is the question what is the relation between these different factors shaping state legitimacy and how decisive basic service provision is within that. Performance legitimacy is related, according to the OECD, to the effective and equitable provision of services. So the central issue is: will improvements on service provision result in a greater legitimacy of the state in the eyes of citizens?

The evidence is less robust than one might expect. There is evidence that when states fail to respond to local needs in service provision, this negatively affects the legitimacy and credibility of local elected officials and thus weakens the social contract (Crook & Sverrisson, 2001). However, evidence of programs in which *improvements* in service provision are actually shown to have contributed to the legitimacy of the state, are nearly absent. Where basic services are the domain of personalized politics (e.g. Torres & Anderson 2004), the improvement of basic services might not necessarily lead to stronger state legitimacy but instead might strengthen forms of patronage. And where services are seen as a channel for undesired state interference, investments in service provision may engender resistance to the central state.

Outcomes on service delivery do not translate directly into increased legitimacy. For improvements to reflect positively on state legitimacy, two steps must be covered. First, improvements must be perceived as such by the users, and second, they must attribute these improvements to the state. We would argue that it is not or not only objective measures of improvement, but the *perceived* improvements in

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[12] Term is from Philip Abrams, 1988.

effectiveness of the services that make a difference. Furthermore, improvements need to be seen as achievements of the state actors involved. In a context in which multiple actors together develop efforts to improve service delivery – as is the case in the multi-stakeholder processes we discuss in this paper- it is not self-evident how much of the positive results are attributed to state performance. It is important to note that the qualitative methodology we have chosen in this study does allow us to assess appreciations regarding the perceived effectiveness of the state to provide for adequate services, within the context of multi-stakeholder processes; however, it does not allow us to contrast these with objective measures of change in service output.

Legitimacy is a social and symbolic construction that does not derive in a linear fashion from objective performance indicators. How improvements on service provision feed into state legitimacy hinges on the degree to which state authorities are able to frame such improvements as their achievements and make them add to their credibility. Thus, legitimacy is as much about managing expectations and appreciations as it is about achieving real improvements. To drive this point home, we suggest understanding legitimacy primarily in *relational* terms, rather than as a property of a particular institution or authority. This means that legitimacy relates to the management of relations. More precisely, it means that perceptions of effectiveness and improvement on services depend on how successful state actors are in managing relations with constituencies. This also prompts us to locate service provision within possibly competing strategies of legitimation, in which not only state actors, but also other actors (international agencies, political competitors, etc.) are engaged.

3.5 State and non-state actors in service delivery

In many developing or post-conflict countries, the provision of basic services is not controlled or organized exclusively by the state. Instead, a range of non-state actors is involved in service delivery, ranging from NGOs operating services on the basis of the humanitarian imperative to religious institutions to parallel service provision set up by rebel groups as part of their rivalry with the national state, small scale community solutions, and private entrepreneurs offering services. In the domain of service provision, we thus find the 'hybrid' situation of multiple layers of governance and responsibility that was sketched in chapter two of this paper. In this section, we discuss the implications of service provision 'beyond the state' regarding both the performance of these services and the consequences for the legitimacy of the state.

The engagement of international NGOs in countries suffering from protracted conflict is rather well-documented. Justified by humanitarian reasons, (international) NGOs bring in vast amounts of aid and set up structures for service delivery where state provisions are either fully absent or falling short. Relations between NGOs and state providers of public services are often marked by mutual distrust, the former doubting state capacities to deliver and state actors blaming humanitarian agencies for competition over available funding (Batley, 2006:247). Many authors argue that NGO involvement further weakens the service delivery potential of state structures and 'crowds' them 'out': it generates dependency and shifts accountability towards donors instead of state structures, reinforcing citizens' perceptions of incapability of their political leaders (Vaux & Visman, 2005:24; Rosser, 2006:11). When states seek to re-enforce their role in service delivery they frequently suffer from funding problems and the lack of qualified personnel. Furthermore, services operated by humanitarian agencies are often offered for free, creating a problem for 'regular' state services which will need to be charged (Dijkzeul & Lynch, 2006). Donor aid for service delivery generally is temporary and volatile making it difficult for

governments to effectively plan for longer-term public investments in the service sector. It is also often earmarked and mostly not spent on recurrent expenditures, leaving many services in place but only partly operational (hospitals without medicines, schools without electricity networks without maintenance). When no attention is paid to building of state capacity, NGO-operated service delivery may lead to a decrease in state legitimacy and an increase in governance problems (Berry et al., 2004:18). Such problems might be diminished when donor interventions in service provision are channelled through the state, but this is rarely realized (Berry et al., 2004).

Not only NGOs engage in service provision where the state fails to do so. Also many small-scale private or community-driven services seek to fill the gap. In addition, rebel organizations or opposition movements may take an active role in providing services as a way to gain legitimacy with the population. Such initiatives are not limited to those situations where the state provides no services at all, but they may also arise in parallel or in competition to state services, claiming to offer better coverage or effectiveness. The relations with service provision by the state may involve considerable ambiguity and friction. As a state seeks to re-insert itself and construct legitimacy, it may perceive of these initiatives as rival projects. For the purpose of our project it is important to recognize that service provision is instrumental in the practices of legitimization of a range of actors, and not only of the state. Basic services may play a role in rivalling strategies of legitimation in which not only actual performance in service delivery plays a role but also the extent to which actors can attribute these to themselves.

Some authors defend alternative channels for service delivery, whether community, NGO or church driven, as a realistic option where state deficiencies are unlikely to be resolved (e.g. Torres & Anderson, 2004:14; Rosser, 2006). However, the dominant view is to see such alternatives as temporary solutions at best, leading to sub-optimal quality in services. Non-state service provision is believed to be problematic in terms of reliability, quality control, and mechanisms to keep prices in check (Batley, 2006). They are also said to be exclusionary and subject to tribal factionalism and paternalism (Schwartz et al., 2004:1, 7). Finally, non-state service provision is believed to hamper the re-establishment of state legitimacy. A key challenge in post-conflict reconstruction is whether and how these forms of service delivery might be integrated in the state system that is being built up or whether they need to be dismantled and replaced with a view to strengthening the state.

The dismissal of non-state solutions to service provision as a sub-optimal and temporary solution might be premature. It seems founded on the idea that adequate service delivery necessarily needs a (strong) state, at least in a directive and coordinating role. However, without denying the possible limitations of non-state service provision, we argue that it should not be assessed in relation to ideal-typical conceptions of what state-controlled service delivery *should* look like, but in terms of the *real* alternatives for non-state initiatives in what are often marginal and resource-poor regions.

3.6 Governance issues in basic services: performance or participation?

Deficiencies in the coverage, quality and access of services are also seen as a problem of governance. In fragile and post-conflict settings effective control and accountability mechanisms over services are often lacking. In theory, accountability may be organized indirectly, through the system of political representation, or directly between providers and citizens. Both accountability routes tend to be weak in fragile settings. Citizens often lack trust, voice and client power to hold providers and policy makers to account (OECD, 2008:18). Efforts to improve service provision are thus often also seen as an opportunity

to introduce mechanisms to strengthen citizen control and accountability (OECD, 2008:22), for example through the creating of village committees. Decentralization, public-private partnerships and participation are seen to offer avenues to improve public responsibility and accountability of the state as well as of providers. The multi-stakeholder initiatives that are the subject of our study include similar elements.

Decentralization holds the promise of increased accountability, but may sometimes result in the opposite. Decentralization is promoted on the premise that local authorities and local political leaders are better able to address local problems and will often have a greater social obligation towards their constituency than their national counterparts. However, decentralization involves a number of risks: local elite capture may still occur, technical capacities may be inadequate, regional disparities may be widened and financial deficits, poor taxation and over-spending may affect macro economic stability (Robinson, 2007). In addition, under decentralization the gap in quality between wealthier and poorer areas may increase (Robinson, 2007:13). Wolf adds that the success of decentralization vastly depends on the capacities of governance and the soundness of local funding bases prior to the process (Wolf, 2006:655; Miraftab, 2004:94), which warrants caution in post-conflict contexts where both might be lacking. Decentralization may thus not be the magic bullet for improving basic service provision: problems regarding performance, responsiveness to the needs of the (poor) public, cost effectiveness, accountability and supportive policy development might continue (Antwi, 2008).

In the context of decentralization, there has been much emphasis on the possible contribution of public-private partnerships to improving basic services. Such PPPs involve the implication of non-state actors in service delivery together with, or under auspices of, the central or local government. PPPs ideally combine welfare with profit objectives. However, as Miraftab argues, especially in fragile settings where state institutions lack will and capacities, PPPs may operate as "Trojan horses". In that case, power sharing, equity and the interests of the poor loose their value and PPPs end up as "pure privatization" (Miraftab, 2004:91). Miraftab also argues that partnership arrangements only work if all parties have reciprocal benefits and responsibilities and when power relations are equitable and aware of possible capacity gaps (2004:93). The lessons regarding PPPs hold relevance for the multi-stakeholder initiatives (MSPs) that this research project is concerned with. In the context of this research, we define MSPs as broader than PPPs, and are concerned not only with the cooperation between multiple actors but also with the issue of citizen's participation.[13]

Initiatives to improve basic service delivery in post-conflict contexts often emphasize increased citizen participation. So-called "pro-poor service delivery" entails "interventions that maximize the access and participation of the poor by strengthening the relationships between policy makers, providers and service users" (Berry et al., 2004:8). Participation can evolve around two dimensions, usually labelled 'choice' and 'voice' (Devarajan & Reinikka, 2004; Mintrom, 2003). *Choice* broadly refers to consumption-driven behaviour of citizens in which they fix the type and amount of services used on principles like price, quality, satisfaction, performance, etc. (rational choice theory) (Vigoda, 2002:534; Mintrom, 2003:62).*Voice* refers to situations in which citizens claim power over service delivery by pressing for improvements/changes through, for example, public mobilization and dialogue. It also involves active participating in the delivery process through, for example community stakeholder groups (see Vigoda 2002; Batley, 2004:38). Especially the latter dimension, of voice over service delivery, seems relevant to the

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[13] Within the context of the Peace, Security and Development Network it must be noted that another working group is focusing on public-private partnerships. Both researches are thus complementary to one another.

multi-stakeholder initiatives that we study. We are also concerned with what participation may mean in terms of strengthening the legitimacy of the state (e.g. Burde, 2004), i.e. how it impacts process legitimacy.

There are widespread critiques on the current emphasis on participation and many authors claim that it is an overvalued concept. According to Robinson, little research has been done to study if participation and accountability actually do stimulate improvements in service delivery (Robinson, 2007:7). The effectiveness of participation, it is argued, depends on *who* participates, the status of the crisis and the quality of the state. Public service organizations in general tend to have a "Weberian legacy" and may be, as Vigoda argues, little accommodating to participatory arrangements (Vigoda, 2002). Burde states that participation is often a concept valued primarily by the donor community and less effective or appreciated in the eyes of those who participate (Burde, 2004:73). In fact, reflecting their lack of confidence in state institutions, communities often arrange services outside the realm of the state (Batley, 2004:48). They seek "exit" rather than "voice" in their relation with state institutions This type of citizen behaviour, obviously, breaks away from both participatory or consumerist notions as described above. We suggest that the pertinence and even appropriateness of citizen participation in service delivery arrangements in fragile states needs to be more thoroughly debated than has been the case so far. Citizens in fragile states are often disproportionably poor and it might be a misconception to think that their prime concern would be participation, especially when its effectiveness in improving the coverage, quality and accessibility of basic services, is doubtful. In a context where people are struggling for survival *performance* of services is likely to matter more to them than *participation*. This issue will recur in the next chapter where we discuss the concept of multi-stakeholder processes.

Behind the issue of participation is a more fundamental concern with the kinds of accountability relations service providers are tied into, whether these are state actors or non-state actors. Although internationally endorsed forms of 'good governance' usually display a preference for democratic and formalised accountability formats, we should keep in mind that personalized or factional politics may nonetheless contain accountability mechanisms that give citizens certain channels to seek improvement of service delivery. Such accountability mechanisms should not be dismissed a priori in favour of idealized formats of decentralization and participation, but should be better understood and built on in effort to enhance service provision.

3.7 Donor policies: state first or services first?

In states emerging out of conflict, programmes to improve service delivery take place in the context of wider state-building policies. These policies are often disjointed, however. Improving basic services in fragile settings requires a long term engagement; large infrastructural investments as well as the absorptive capacity of state institutions usually have their peak at six years after the end of the conflict (Schwartz et al., 2004:10-12; Vaux & Visman, 2005:32). This timeframe coincides however with observed slowing aid flows and declining economic growth. When looking at different sectors, telecommunications are usually the first to receive investments, followed by electricity after about three years. Water and transport investments are less frequent, thus possibly leaving some of the most important felt needs of the population unattended. Most donors would hold that eventually the state should regain the responsibility to regulate services and to hold service providers accountable, but how to reach that situation is less clear. Quick and accessible service delivery on the one hand and long term reform and rebuilding of public institutions are often addressed by donor agencies in a non-integrated manner, either

due to departmental differences and mindsets, traditional humanitarian response mechanisms and/or incompatible approaches (Commins, 2006:2).

Most authors seem to agree that the long term improvement in basic services requires specific strategies to strengthen the state. Vaux and Visman argue that programs that focused deliberately on state institutions, helping them to improve their credibility, have in the long run been most effective (2005:4). Donors employ different strategies to enhance state-based service delivery: providing direct financial support to reconstructing states or investing in capacity building. Donor imbursement on services, e.g. through budget support, might be crucial for the improvement of basic services in fragile settings, given that such states generally lack alternative sources of funding (Rosser, 2006:11). Vaux and Visman suggest that next to budget support, payment of salaries and training are possibilities (2005:23). Public spending alone does not necessarily work, however. The effectiveness of services also depends on factors like the allocation of the funds, social factors and the quality of governance, which may be strengthened through capacity support (Wolf 2007:654). Similarly, Robinson argues that "strengthening the professional and technical skills of local government employees and to improve the internal organization and management style of local administration" are key factors in improving service delivery capacities (Robinson, 2007:15). There are however few initiatives in post conflict states focused on capacity development of state institutions in the field of services. This seems related to the humanitarian logic of many agencies involved in service delivery: they are primarily focussed on relief and avoid direct involvement with the state for fear of compromising their neutrality (e.g. Berry et al., 2004).

State-based service delivery is not always feasible in the short term. However, also in situations where service delivery through non state providers seems the only immediate option, there are still options to involve and strengthen state actors. Government actors can, for example, be involved in coordination mechanisms (OECD, 2005:23). However, this still leaves many challenges regarding the 'phasing out' or incorporation of non-state service delivery into an emergent state system. This will require the establishment of mechanisms to make services financially sustainable, often implying higher costs for end users, previously receiving services for free from humanitarian agencies. This might sometimes mean in practice that promoting the involvement and increased responsibilities of state actors implies some risks in terms of the continuity or costs of service delivery. This study will explore whether multi-stakeholder processes can provide an environment in which these risks are diminished and both service delivery and state actors' ability to effectively organize service provision are enhanced.

3.8 Conclusion

The quality of basic services such as clean water and electricity supply, drainage or roads has an enormous impact on peoples' lives, affecting their every day existence in many ways. It is well justified therefore that the improvement of the effectiveness of basic services is an important priority in post-conflict reconstruction. In the present discourse on reconstruction and fragile states, the investment of efforts in basic services is believed not only to enhance recovery and development but also to contribute to rebuilding the legitimacy of the state. The idea is that better functioning services will reflect positively on the state apparatus and thus provide an important foundation for reconstructing a social contract between citizens and the state.

We have argued in this text that the impact of efforts to improve the coverage, quality or governance of basic services on state legitimacy and capacity is not linear. In the first place, state legitimacy will depend

on the way state-society relations have developed historically. How has the social contract been shaped and what has the role of basic services been? It is unclear whether, and how, in real life experiences of distant or controversial state, basic services might work as an anchor point for constructing state legitimacy. Secondly, in post-conflict or unstable regions often a myriad of actors is involved in basic service provision next to or instead of state actors. These may include NGOs, rebel groups, local communities and private entrepreneurs. Basic services play a role in the legitimation strategies of all of those actors. Whether and how the *state* might benefit from interventions to improve services will depend on the degree to which it is able to make improvements that reflect on its credibility. Thirdly, both the performance of services and the way the accountability of service providers is organized play a role in the legitimacy of service providers in the eyes of the citizens, but many questions remain as to how these two dimensions are related. Decentralization of services does, in contexts of institutional fragility, not necessarily produce a stronger accountability. Fourthly, investments in basic services do not necessarily make states better able to effectively organize satisfactory service delivery. This will probably only happen when conscious efforts are made to strengthen state actors involved in service delivery. Finally, prioritising state-based delivery might imply a (temporary) discontinuity in the quality or cost of services for the end users. All of the issues mentioned are important in our study of multi-stakeholder arrangements to improve service delivery. They are examples of multi-actor governance and implementation arrangements of basic services, with the potential to achieve synergy between state and non-state actors while enhancing the accountability to users.

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4. Multi-stakeholder processes

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4.1 Introduction

The previous chapters discussed the relation between basic service delivery and the legitimacy of state institutions. Also, the provision of services through multiple state and non-state actors was introduced. Moreover, it was argued that in the context of state-building strategies, international donors face a dilemma of supporting state institutions or working with non-state actors. Donors and NGOs often work with local civil society organisation, with a risk of setting up parallel structures which take over certain functions of the state and in the long run further weaken the position of state institutions. Therefore, it has been argued that operations of international NGOs, especially in substituting service delivery may 'crowd out' the state and weaken its legitimacy. As a consequence of substitution, NGOs and civil society organisations can turn into rivals of state-institutions, leading to repressive measures towards the civil society (De Boer and Pfisterer, 2008; World Bank, cited by van Tongeren and van Empel, 2007:15).

Multi-stakeholder processes (MSPs) have emerged as mechanisms which can link state and non-state service providers and possibly have an influence on the legitimacy of the state. This is one of the reasons why donors have recently become more interested in service delivery through MSPs. In this chapter the concept of MSPs is discussed, followed by a discussion on the governance of such processes and the opportunities and limitations they have for service delivery.

4.2 Emergence of new forms of governance

Governance has different meanings in different contexts (Rhodes, 1996, cited Sørensen & Torfing, 2005:199). While political scientists use the term to describe the increasingly "differentiated polity", which is divided in a variety of public, semi-public and private agencies, public administrators use governance to refer to privatisation, contracting out, partnerships etc. (Sørensen and Torfing, 2005:200). Nevertheless, it is widely recognised that the transition from government to governance is that public policy is formulated and implemented by a great number of formal and informal institutions, instead of "sovereign political institutions that allegedly govern society top-down through enforceable laws and bureaucratic regulations" (Sørensen & Torfing, 2005:199; Pierre & Peters, 2000).

Traditionally, in representative democracies, policy making and implementation is performed by public actors authorised by their national constituencies. Political citizenship (through voting and electing political leaders) legitimises state power to act and deliver services, mainly through hierarchical systems of command-and-control (Pierre and Peters, 2000:15; Grant, 2002; Brenner, et al., 2003 cited by Swyngedouw, 2005). However, three shifts in state power and control (referred by Jessop (2002) as "destatisation") have led to the transformation from hierarchical to non-hierarchical modes of

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governance. These shifts are: a) upward, towards international actors and organisations; b) downward, towards regions, cities and communities; and c) outwards, to institutions operating under considerable discretion from the state (Pierre & Peters, 2000:77).

The shift upward is mainly due to the growing importance of international organisations (United Nations, World Trade Organisation, International Monetary Fund and others), set up to deal with global issues concerning international security, environment, and trade polices (Pierre & Peters, 2000). The shift downward has to do with the decentralisation of the state authority to local institutions. It is assumed that decentralisation increases efficiency, responsiveness and accountability of governments, and has attempts to increase participation and local ownership of decisions concerning communities (World Bank, 1997, cited by Devas, 1999). The third type of displacement has been the shift of power and capabilities of traditionally state-controlled institutions to private organisations. Indeed, "the neoliberal call for reinventing government" (Awortwi, 2004, cited by Multipart, 2008:43) during the 1980s and 1990s, stimulated privatization, contracting out of service and infrastructure projects to private sector actors and introduced private sector management tools in government agencies (Multipart, 2008). Moreover, civil society organisations have also become more involved in governance. Participatory processes became widespread partly as a response to public protests to privatization and implementation of large infrastructural projects. There was a growing discontent about the way international and national issues were solved, without the inclusion of societal actors. Solutions had to be sought through joined-up governance. Furthermore, more positive impulses for involving societal actors in such processes came from the realization that non-involvement seemed a waste of potential of capacities and knowledge (Warner, 2006:20).

These shifts can be classified in two dimensions: vertically - which implies that the shifts occur across different levels of local, national, and transnational institutions, and horizontally - meaning a shift from public to private and civil society actors and agencies (Pierre & Peters, 2000). These developments have opened grounds to new forms of cooperation, introduced in developed countries and in the context of development cooperation, with the ideology that "societal issues have become so complex and interdependent that traditional, single sector approaches, involving only the government, business, or the voluntary/ civil society sector, are inadequate" (Zammit, 2003:32, cited Multipart, 2008:40)

The embracement of cooperation between societal actors was approved, when the international community adopted Agenda 21 during the Earth Summit in Rio in 1992. This global plan of action for sustainable development introduced the term partnerships and multi-stakeholder processes as new forms of governance, aiming at jointly addressing global issues (Multipart, 2008). Ten years later, in 2002, the Johannesburg World Summit was held to identify concrete steps for the implementation of Agenda 21 (Warner, 2006, http://www.un.org/jsummit/html/basic_info/basicinfo.html). The concept of 'Type II' partnerships were introduced, which are voluntary agreements between actors from various sectors addressing a common challenge and carrying out the task they do best (Warner, 2006:15).

In the context of service delivery, most recognised cooperation between societal actors have been public-private-partnerships (PPPs), which often have the goal of introducing investment and efficiency into the public system, meaning that the private actor delivers a service and has a contractual agreement with the government who carries the ultimate responsibility for service provision. Grimsey & Lewis (2004) define such implementation partnerships as "arrangements whereby private parties participate in, or provide support for, the provision of infrastructure, resulting in a contract for a private entity to deliver public

infrastructure-based service" (Grimsey & Lewis, 2004, cited in Multipart, 2008:43). Although such partnerships providing (technical and social) infrastructure have gained much attention of scholars focusing on public management and procurement of services (Bovaird, 2006), discussions have also been raised on service delivery through participatory processes. Specifically, in the field of development assistance, participatory processes have flourished since the inclusion-oriented philosophy has been celebrated by various international organisations such as the World Bank and UN institutions (Warner, 2006:16). For service delivery, it has been recognised that increase in citizen participation may lead to improved quality of services, meeting the needs of citizens.

One of the many forms of such processes are multi-stakeholder processes that are supposed to link top-down strategies with bottom up approaches. Top-down approaches focus generally on centralized institution building and enabling of governmental organisations to gradually extend their administrative reach to local communities. However, according to Hoffman (2008), this approach incorporates a rather traditional assumption that positive effects of centralized institution building will eventually trickle down to local levels (Hoffman, 2009:81). Bottom up approaches support local initiatives and focus on traditional institutions present in a society. "This approach warns external actors to be aware of their own dominance and their hegemonic position in the process of state formation" (Hoffman, 2009:81). Finding a balance between these two approaches by responding to demands of people, including them in the process and respecting traditional values while at the same time building state-institutions may be enabled through multi-stakeholder processes. Although there is not much research conducted on the specific characteristics, outcomes and impact of MSPs in service delivery, they may have great potential for service delivery in countries affected by conflict or political instability. It has been recognised that "wider systems of conflict cannot be transformed without stimulating changes at the community level. There is a need to build peace through bottom-up, top-down and middle-out approaches" (Lederach, 1997, cited in van Tongeren and van Empel, 2007:14). Therefore, multi-stakeholder processes have emerged "as a preferred tool geared towards enhancing participation, legitimacy, and effectiveness of policy-making" and implementation (Multipart, 2008:12).

4.3 Multi-stakeholder processes and their characteristics

Building on theories of governance, networks, and multi-stakeholder initiatives a vast amount of literature is dedicated to multi-stakeholder processes. They come in different shapes and cover a wide range of structures and levels of engagement. In this research we consider MSPs that are formed in the context of a planned project, as well as processes that grow from partly planned and partly spontaneous, informal arrangements. Comprising from dialogues, policy making, and implementation, the term 'multi-stakeholder' is often attached to networks, platforms, processes, and partnerships (Warner, 2006). Some definitions are as follows:

> *Multi-stakeholder processes are processes which aim to bring together all major stakeholders in a new form of communication, decision-finding (and possibly decision-making) on a particular issue (Hemmati, 2002:2)*

> *Multi-stakeholder processes are: processes that aim to involve stakeholders in improving situations that effect them; forms of social interaction that enable different individuals and groups, who are effected by an issue, to enter into dialogue, negotiation, learning, decision making and collective action; about getting government staff, policy makers, community representatives, scientists, business people and NGO representatives to think and work together (http://portals.wdi.wur.nl/msp)*

> *Multi-stakeholder platform is a decision-making body (voluntary or statutory) comprising different stakeholders who perceive the same resource management problem, realize their interdependence for solving it, and come together to agree on action strategies for solving the problem (Steins & Edwards, 1998, cited in Warner, 2006:7)*

Moreover, MSPs can be "indigenous as well as introduced by (domestic or foreign) actors" (Warner, 2007:22). As mentioned in chapter two, for the sake of brevity we will refer in this study to locally initiated MSPs and to MSPs initiated by international actors. Central to the concept of multi-stakeholder processes is the notion of bringing together different actors, who have an interest in a problem and engaging them in a process of dialogue and shared learning and collective action (Vermeulen et. al, 2008:97). *Ideally*, MSPs have the following characteristics[15]:

- Involve stakeholders in setting 'rules' for constructive engagement;
- Engages stakeholders in learning and questioning their beliefs;
- The process has a set of agreed rules and agreements about cooperation;
- Has a clear timeframe;
- Has a focused objective to bring about change;
- Bottom up and top down strategies are integrated;
- Deals consciously with power differences and conflicts between stakeholders and interests;
- Engages with structural institutional change;
- Works across different sectors and different scales (Vermeulen et. al, 2008: 98, Hemmati, 2002, http://portals.wdi.wur.nl/msp)

The diversity of MSPs is expressed in several factors, which determine the nature of such processes, namely:

Table 1: Determinants of the nature of a multi-stakeholder process

Factors	Description
Actors or participants involved	MSPs can involve different numbers of stakeholder groups and different degrees of diversity such as public, private, civil society, scientists, national and international organizations. Moreover, they can be organized by a group of organisations or by one single organisation.
Subject or issue area	MSPs are often set up around an issue, which is being addressed; for example, management of water, health care provision, environmental concerns, cross sectoral or social and economic development (basic services) and accountability (democracy, good governance)
Objectives or	MSPs can be designed with various purposes or objectives. They can vary from dialogues (to channel information from various groups to decision makers), to

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[15] These characteristics are often prevalent in multi-stakeholder processes, but do not always need to be present. As this research deals with processes, initiated in different countries and contexts, multi-stakeholder processes as defined, may not be identifiable or present in those contexts. Therefore, our working definition refers to processes which include various (public, private, civil society) actors who have an interest in a certain problem and engage in a process to work on that issue (focus on MSPs in service delivery).

function(s)	decision and policy making, conflict management, resource management, advocacy, financing, coordination, implementation and monitoring and evaluation.
Scope or geographical range	MSPs can be conducted at various levels: local, sub-national, national, regional, global/international, or a mix of these levels. Involvement at several levels can be a very useful tool to build on local experiences and to inform policy makers at national or international levels or vice versa (implementation of global agreements at local levels).
Time lines	MSPs can ranges form one-single event to processes going on over several years, depending on the other factors and on the resources available and the willingness of official bodies to engage with the actors.
Degree of institutionalization	Certain degree of governance structure (low, medium, high - existence of a secretariat, governing bodies and executive committees, coordinating groups, umbrella institutions, constitution etc.)

Source: author, based on Hemmati (2002), Multipart (2008) and http://portals.wdi.wur.nl/msp.

Hemmati (2002) describes the design of multi-stakeholder processes and defines input, throughput, output, outcome and context[16]. It is important to note that in some cases MSPs are seen as processes which can catalyse concrete partnerships (PPPs), as they can stimulate the sense of common purpose, trust and collaboration (Hemmati, 2002; Lev-On, 2003).

As mentioned before, new forms of governance have developed as an attempt to introduce more effective forms of governance, which are less bureaucratic and hierarchical and stimulate participation of citizens in policy making and implementation. Multi-stakeholder initiatives are generally characterised as horizontally organised, with a greater degree of flexibility and openness than traditional forms of governance. In policy-related documents, MSPs are often considered as highly promising alternative forms of governance. They are based on the "recognition of the importance of achieving equity and accountability", involving equitable representation of stakeholder views, and are "based on democratic principles of transparency and participation" aiming to develop "partnerships and strengthened networks among stakeholders" (Hemmati, 2002:2). Through the inclusion of public, civil society, and private sector actors, these new forms of governance are often promising as they may deliver improved services, and enable "a coordinated and holistic approach", taken "from the point of view of the people and their community, in all sectors ranging from road building, agriculture and rural development, as well as health, education and water and sanitation" (UNECA, 2003; Warner, 2006).

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[16] Hemmati, M. (2002) provides an elaborate guide for designing multi-stakeholder processes. In addition, scholars and practitioners from Wageningen University have developed a similar set up of multi-stakholder processes, which include various phases: 1. Clarifying reasons for an MSP, 2. undertaking an initial situation analysis (stakeholders, issues, institutions, power and politics), 3. Establishing an interim steering body, 4. Building stakeholders support, 5. Establishing the scope, mandate and stakeholder expectations, and 6. Outlining the process, time frame, institutional requirements and resource needs (http://portals.wdi.wur.nl/msp/?page=1189). These publications will be used in a later phase to operationalize the analytical framework.

Especially in countries affected by conflict or political instability, where state capacity is weak or weakened, private sector and civil society actors are increasingly expected to play a major role in policy implementation through multi-stakeholder initiatives. Besides mobilisation of resources (material and immaterial) from actors operating outside the state system, MSPs are thought to contribute to a changing relationship between societal actors, and to the prevention of recidivism or renewal of a conflict (UNECA, 2003). 'Adaptive management' can be facilitated, which refers to the ability of stakeholders to leave own perspectives behind and develop a shared vision to solve common issues through engagement in MSPs. "The idea is that all actors take into account both their own responsibilities and rights and those of the others" (Warner, 2006:19), and once interdependencies are recognised, people negotiate and may develop a sense of ownership to solve the problems. However, one should recognise that it is not easy to create a common vision and joint action, as stakeholders are generally pragmatists trying to get the most out of it for themselves, may suffer internally from eroded capacities as a result of conflict, or continue to be hampered by conflictuous interpretations of the service delivery that is aimed for. Yet, even then, MSPs are an arena where through relation building and joint activity, compromise and empathy can be stimulated (Warner, 2006:20).

The "defragilization" of states can be viewed as a process whereby societies develop mechanisms for non-violent conflict and dispute resolution institutions. In situations where conflicting interest are at stake, MSPs can create an "alternative dispute resolution", referring to the opportunity that through multi-stakeholder mechanisms mediation can be established. Through multilateral bargaining, multiple voices can reframe the conflict and work out deals that would not be possible otherwise. MSPs can open up new spaces for conflict resolution and even prevention (Jaspers, 2001, in Warner, 2006:18). And finally, as mentioned before, MSPs can also stimulate "democratization and empowerment", as multi-stakeholder processes represent a special form of democracy, where seats are allocated to different groups, instead of the majority vote. This makes room for voices of weaker or smaller societal groups (Warner, 2006:21).

This research aims to study whether and how MSPs can realize this potential in difficult contexts, where the challenges to develop effective service delivery are huge in comparison to the available resources and capacity need to be established. Critics argue that MSPs are often put forward as idealised normative models, which imply that actors get involved in such processes with "a framework of shared values, continuous interaction and the wish to achieve collective benefits that cannot be gained by acting independently" (Stoker, 1998; Rakodi, 2003, cited by Swyngedouw, 2005:1994). Others argue that service delivery through state and non state actors does not lead to responsive state-institutions and democratic societies, but to increased exclusion and empowerment of only sections of the society.

> *A multi-stakeholder process may empower those participants who are equipped to negotiate and take advantage of their voice and of new information...The poorest may not participate, because their opportunity costs are too steep. An especially serious problem occurs when marginalized stakeholders remain unheard and even stand to lose from the consultation process (Edwards and Wollenberg, 2001, cited in Warner, 2007:8).*

4. 4 Governance in multi-stakeholder processes

The outcomes of MSPs are often determined by context and the governance of the process. This section aims to provide insights in some of these issues prevailing in MSPs and determining their outcomes.

4.4.1 Participation: openness of the process

MSPs try to bring different actors together and involve them in a process which concerns them. However, getting actors on board and ensuring that the process is inclusive carries some challenges. First, participation in MSPs depends on accepted norms for selection procedures and the willingness of initiators to include or invite stakeholders. While actors may be invited to participate in MSPs, the selection criteria which define which actors are relevant are often not clearly specified. Therefore, questions can be raised on who is invited to participate and why? It is especially important to have an understanding of who determines the selection criteria, as MSPs are often initiated and facilitated by an actor, a charismatic leader or facilitator (facilitating organisation). Facilitators have an important say in stakeholder selection and inclusion/ exclusion procedures (Warner, 2007). In such cases, certain groups might be deliberately excluded. For example, according to Boege et. al. (2009), women and youth are generally excluded from many processes of decision-making.

Second, participation depends on the willingness of actors to participate. It is often assumed that as MSPs open up spaces for participation, stakeholders will automatically get involved. However, as discussed in chapter 3, actors may decide not to participate and remain excluded from the process. Warner (2006) identifies various forms of exclusion, namely: *deliberate exclusion* (when the group is not representative enough, or when there are too many groups representing similar interests; moreover, when there is a reputation of being difficult and vocal, or a tendency to politicize everything, actors may choose not to participate), *self-exclusion* (when actors decide not to participate due to economic and/or political opportunity costs); *late entry or no entry* (can take place when actors' awareness of their interests has not happen yet, and stakeholders require time to organise themselves), *stakeholder action outside MSPs* (can appear when actors want to have their "hands free" and operate outside the MSPs to influence the issue at stake), and *combination of strategies* (actors operate both inside and outside participatory processes) (Warner, 2006: 30).

Third, the willingness to participate, or to include or exclude actors may also depend on the relationship between the societal actors, the form of government and the openness to the society (UNECA, 2003). "Critical conditions for MSPs to make a difference are recognition of interdependencies and the willingness of involved actors to take joint responsibility" (Verhallen, Warner, Santbergen, 2007:261). However, in countries affected by conflict or political instability barriers for cooperation and recognition of interdependencies can be present. Government officials can question the quality, legitimacy and accountability of civil society organisations (CSOs), and specifically non-governmental organisations (NGOs). Moreover, critique of civil society actors can be perceived as political motives to avoid government's authority. On the other hand, parts of the population may mistrust the government and avoid cooperation with public authorities. In some cases, if the state is controlled by an oppressive regime, it may even be inappropriate to engage with the government, due to the fear of being perceived as a tool of the government. In some countries the boundaries between the state and civil society are blurred, making the CSOs more like outsourcing agencies to deliver governmental services (Van Tongeren and van Empel, 2007:17).

In addition, while donors and NGOs are nowadays keen on facilitating MSP, Warner (2007) notes that "where MSPs are introduced by the state or a donor, co-opting the grassroots proves a difficult task. Conversely, where MSP initiatives are bottom-up, it may be difficult to co-opt the public and private sectors, for whom joining may pose a greater risk than staying out" (Warner, 2007:22). So although MSPs are seen as a bridge to bring actors together, in practice the process requires effort to make it possible and

the actor who initiates it has to co-opt the others to join. Especially as the actors come from different cultures, distrust issues must be overcome (Warner, 2006).

To sum up, participation and inclusion of actors in MSPs depends on, on one hand, the openness of the process to include actors, and on the other hand, on various reasons, which determine the willingness of stakeholders to participate. Hemmati (2002) emphasises that MSPs should be inclusive to allow views to be represented and to increase the legitimacy of the process (2002: 29). Therefore, it is important that the criteria and reasons to include actors are made public, and self-selection is avoided.

4.4.2 Actors and their attributes

While in the previous section actor participation was discussed, it is important to note that participation does not only refer to actors, but also to issues, interests and capacities brought up in the process. MSPs often are presented as neutral spaces for dialogue and negotiation among different actors, who are invited to participate and solve a certain conflicting issue (Moreyra & Wegerich, 2006). However, "political science reminds us that people do not come to the table as blank slates but with an agenda, and this can have a beneficial or damaging effect on realizing coordinated action" (Warner, 2006:16). Evidence from case studies shows that although MSPs can be initiated around a certain issue, at the background more sensitive issues can be at stake, which shape the negotiation of policy design and implementation. According to Moreyra and Wegerich, "the definition of boundaries is not necessarily as neutral as it appears but is much more of a political decision that defines which resources are involved and which stakeholders are considered or left out" (Moreyra & Wegerich, 2006:630). From a more positive perspectives, MSPs can stimulate the inclusion of certain issues in the process and create "package deals", leading to support from stakeholders, which otherwise would have not been interested to participate (Warner, 2006:22). Actors do not have the same issues which they want to solve, but have "hidden" goals and agenda. So it is important to understand the motives of actors to participate and the individual issue they want to address through the MSPs.

Another aspect is the capacity of participating actors, in terms of what they can bring in to the MSP. According to Hemmati, meaningful participation depends on capacity, such as skills and information, time and other resources (2002:4). She notes, for example that negotiating skills often determine outcomes of MSPs. Research on group dynamics has showed that minorities are less heard and their contribution is taken less seriously (Hemmati, 2002:6). Similarly, access to information and ability to produce own data is an aspect, which determines the ability to negotiate. In such a process, more powerful actors with voice and negotiating skills can dominate and homogenize discussions, thereby diminishing the diversity (Edmunds & Wollenberg, 2001, cited by Moreyra & Wegerich, 2006).

To summarise, "MSP is a controlled space in which specific problem frames are discussed with specific people, with a specific goal, participants and duration. This includes some people, topics, and data at the expense of others" (Warner, 2007: 27). Therefore, in order to get an understanding of MSP the openness of such initiatives to include actors and issues of various groups must be studied, next to their capacities, such as skills and resources.

4.4.3 Governance of multi-stakeholder processes

As mentioned in section 4.3, multi-stakeholder processes often have agreed rules about cooperation, which determine the outcome of the process. In this paper we refer to these rules as agreements on

agenda setting, decision making, accountability, information sharing, communication within and outside the network and implementation of activities.

MSPs are horizontal networks, presented as a space for diversity, where negotiations can take place and consensus may be sought. However, heterogeneity in MSPs may lead to differences in power of actors involved, which is often overlooked when studying MSPs. Actors participating in such processes do not necessarily have equal powers to negotiate, and influence the process of agenda setting and decision making. Especially in (traditional) societies, human interaction is determined by embedded social values, such as clan hierarchies, kin leadership, gender imbalances. Therefore, although MSPs may create more understanding between various parties sitting at the same table, it is questionable whether MSPs are in reality horizontal processes in such contexts, or is there a degree of verticality present, related to internal power sharing and leadership (Warner, 2006:22).

Next to the power of individual actors or representatives, coalitions can be built within multi-stakeholder initiatives, based on economic, socio-cultural and political ideologies (Swyngedouw et al., 2002). Governance arrangements are based on "interactive relations between independent and interdependent actors who share a high degree of trust, despite internal conflict and oppositional agendas, within inclusive participatory institutional or organisational associations" (Swyngedouw, 2005:1995). There is a danger that MSPs allow elite groups to influence political agenda-setting and decision making. This may have consequences for the legitimacy of the government institutions (at local and national level) involved in such processes (Hamann & Boulogne, 2008:76).

Involving groups of stakeholders to participate in multi-stakeholder processes does not necessarily lead to increased participation and ability to influence decisions. Hemmati notes that sometimes actors are invited to join multi-stakeholder processes, while the inclusion is "extended to ensure a higher degree of legitimization for the process which might not be coupled with the willingness to take contributions fully into account" (2002:56). So although actors are included, they may lack the power to influence the decisions taken. This suggests that in certain cases, MPS may empower powerful actors, while disempowering less powerful ones, as in practice such processes may "rely on indirect mechanisms and passive forms of representation which reinforce existing power hierarchies and social inequality" (Tritter & McCallum, 2005:160, cited by Moreyra & Wegerich, 2006:633).

Accountability mechanisms are another aspect which influence the outcomes of the MSPs. Benner et al. make a distinction between actor and process accountability. Concerning actor accountability, it is argued that if actors involved in networks do not hold to basic accountability criteria, the network itself cannot be either (Benner et al. 2004, cited in Hamann & Boulogne, 2008:72). Actor accountability is therefore "assumed to be internalised" as participating actors in such processes account to their constituencies, which also legitimises their involvement. Participation is therefore only legitimate if actors are formal representatives or "direct" stakeholders. For example, "agents of the state, such as government or bureaucracy officials, have a formal constituency whom they can usually claim to represent. Similarly, company executives are, or should be, accountable to shareholders they are entrusted to represent" (Dore, 2007: 225). However, such framing creates dilemmas regarding legitimate participation of "actors who do not claim to represent others, whose status as a stakeholder may be contested, but who have much to offer in improving the quality of public debate" (2007:225). Civil society groups, and especially INGOs, are often challenged in this way. Dore (2007) brings in a normative concept of "political responsibility" as justification for involvement of actors, whose right to be involved in the process is

questioned. So, actor accountability is closely linked with representation, derived from formal representation or from a form of commitment and responsibility. Process accountability refers to procedural aspects of MSPs and the extent to which these are transparent to participating stakeholders and broader public (Hamann & Boulogne, 2008:72). These procedural aspects refer to the selection of actors, the decision making process, availability and access to information and internal and external communication.

As already mentioned, access to and availability of information determines the ability to negotiate. Actors can be selective in their use of information and highlight, reformulate and/or adapt it for their own interest (Moreyra & Wegerich, 2006:632, Hemmati, 2002). Moreover, information is crucial for consensus-building and decision-making. Information which is required to make decisions is an important part in determining power fields. "Who presents (and produces) what kind of data and for what purpose, is an arena of struggle in the agenda setting process…information is not neutral or objective, and is rarely shared and exchanged in a "transparent and equitable" manner" (Moreyra & Wegerich, 2006:638). Verhallen (2007) defines the information requirements for MSPs as "accessibility, suitable format understandable for average platform members, adequate documentation, timely distribution, and information of good quality" (2007:101).

MSPs require an open and transparent procedure for information sharing and communication. Agreeing on ground rules on how decisions are taken and based on which information are factors which determine the credibility and legitimacy of the process. This also refers to the communication and information sharing with actors not involved in the process.

4.5 Understanding MSPs: actors, rules governing the process and outcomes

Our research is interested in multi-stakeholder processes as mechanisms for interaction between state and non-state actors, and which may contribute to the legitimacy of states. Especially in societies with hybrid political orders, where states share their legitimacy and capacity with other institutions, governance and implementation of service provision is often multi-actor, where MSPs may be useful mechanisms to stimulate complementarity. In order to understand the contribution of multi-stakeholder processes, several aspects have to be analysed. First of all, it is relevant to have an understanding of the actors participating and excluded from the process, and the issues and capacities they bring in. Secondly, various issues related to how these processes are governed have been described in this chapter. Rules for selection of participating actors, agenda setting and decision making rules, access and availability of information, and accountability mechanisms, determine how MSPs are governed and therefore have an influence on the outcome of such processes. Thirdly, the outcomes of the process must be defined. One of the main criticism on multi-stakeholder processes is that while they "provide opportunities for deliberation and wider participation in decision-making, they often produce implementation failures because of insufficient attention is given to outputs that will have an impact on the problem at hand" (Watson, 2007:43). Therefore it is important to understand the results which have been attained through the MSPs. This may refer to concrete activities and implementation plans, changes in policy making, but also less visible benefits such as improved social relations.

The context where MSPs are set up is probably the most important aspect to understand. That is where multiple formal and informal institutions are present and may compete over resources for basic service delivery – and these determine the outcomes of success or failure of MSPs. As stated by Boege et al.
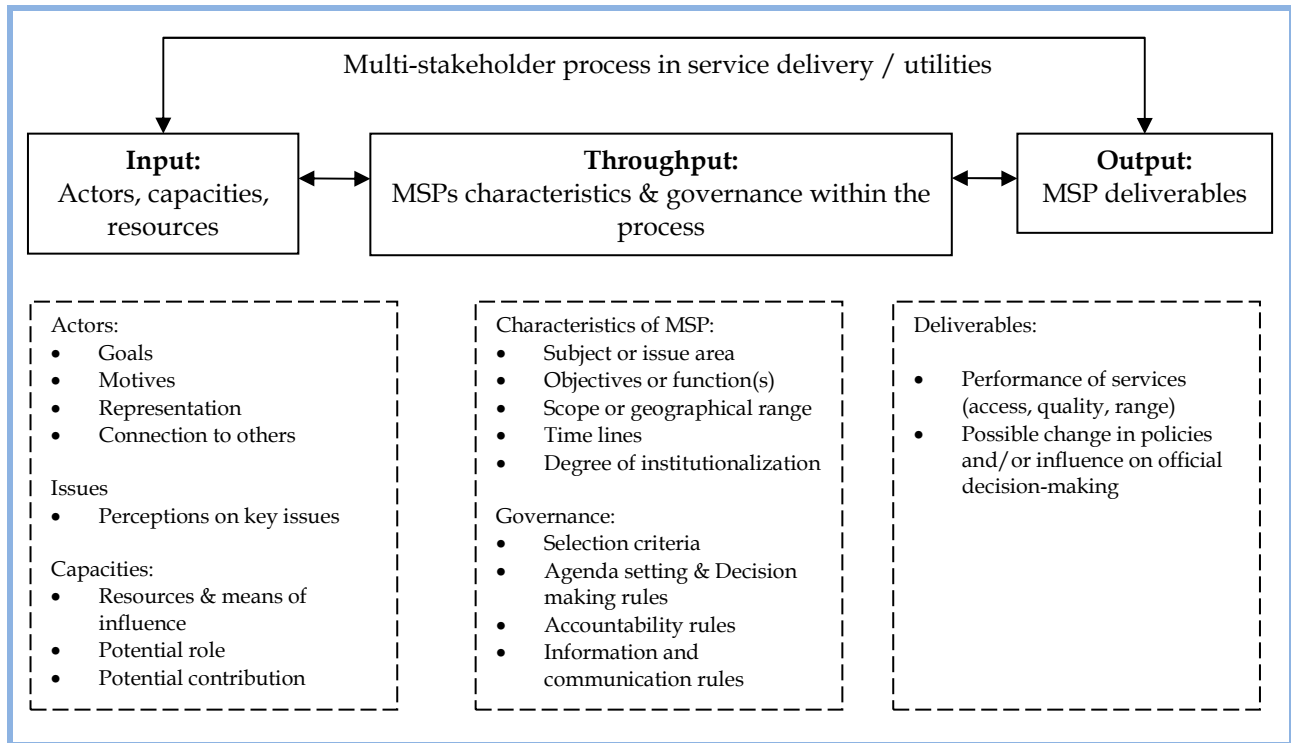
(2008), in many societies, "people are relatively disconnected from the state, neither expecting much from state institutions nor willing to fulfil obligations towards the state (and often with little knowledge about what they can rightfully expect from state bodies, and what the state can rightfully expect from them)" (Boege et. al., 2008:6). When looking at states from a hybrid political order perspective, it is important to understand the embedded social values, which influence interaction between actors. In many societies, state organisations directly or indirectly participate in discrimination or violence, and contribute to worsening social conditions. When formal institutions, ranging from bodies that govern regulations and enforce rule of law, fail to provide support, "institutional voids" occur (Mair, Marti, Ganly, 2007:35). As citizens lose confidence in the system due to corruption, or discrimination, and cannot rely on state institutions (Smith, 2006:322), the importance of traditional formal and informal institutional structures, becomes relevant for the discussion. Various studies show that in countries affected by conflict or political instability, actors rely on interpersonal relations and social capital to deal with challenges, which prevail due to lack of formal institutions (Smith, 2006:331). This means that understanding the context and presence of local formal and informal institutions in the society is crucial for the analysis of MSPs. One can question whether such institutions should be included or excluded in service delivery activities, and why? After all, as Smith (2006) reminds us: "institutions have histories", and building on them may on one hand, stimulate participation and democratization, but on the other hand "reinforce social inequalities or the clientelistic ties of patronage systems and undermine democratization efforts" (Smith, 2006:320). Therefore, while studying MSPs, it is important to take the social and political context into account, with an emphasis on the relation between relevant state-institutions and citizens.

Building on the described literature, this paper proposes to study the MSPs through[17]:

1. Mapping of actors (included and excluded), their capacities and resources
2. Description of the characteristics of MSPs and the rules governing the process
3. Concrete deliverables, in terms of goals achieved in service delivery.

Figure 1: Multi-stakeholder process

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[17] These three steps will be further elaborated and operationalized in chapter 5 (research methodologies).

Multi-stakeholder process in service delivery / utilities		
Input: Actors, capacities, resources	**Throughput:** MSPs characteristics & governance within the process	**Output:** MSP deliverables

Actors:
- Goals
- Motives
- Representation
- Connection to others

Issues
- Perceptions on key issues

Capacities:
- Resources & means of influence
- Potential role
- Potential contribution

Characteristics of MSP:
- Subject or issue area
- Objectives or function(s)
- Scope or geographical range
- Time lines
- Degree of institutionalization

Governance:
- Selection criteria
- Agenda setting & Decision making rules
- Accountability rules
- Information and communication rules

Deliverables:
- Performance of services (access, quality, range)
- Possible change in policies and/or influence on official decision-making

Source: based on Van Tulder, R. (2009), Hemmati (2002), Dore (2007), Warner (2007).

There are various approaches to map and analyse stakeholders, however, most common elements of various approaches include the analysis of:

Table 2: Stakeholder analysis

Actor	State organisations, and non-state interest groups, as well as individuals. Who do they represent?
Interests & concerns	Motivations to be involved
Perception of/position on key issues	Description of particular goals, agenda and issues on the basis of perceptions
Connection to others & quality of relation	the relationships between different actors (visual mapping) involved in the process (includes group composition)
Means of influence	Actors' capacities to affect events and influence other people. Resources: financial, skills, information, network
Potential role/ contribution	Potential role and contribution according to actor (for example: public support (constituencies), legal support (mandate), financial support (budget))

Source: Pruitt and Thomas, 2007: 61.

The throughput is specified as the characteristics of the MSP and the governance of the process. The characteristics or the nature of MSPs will be analysed according to the factors described in table 1:

- Subject or issue area

- Objectives or function(s)
- Scope or geographical range
- Time lines
- Degree of institutionalization

The analysis of the characteristics of the MSPs, together with the analysis of the inputs (actors, capacities, and resources), will provide insights on the initiation of the process.

The governance of the process is determined by agreed and accepted rules in the process. Based on the literature, we have selected most relevant rules which will be studied to understand the governance of MSPs:

- Selection rules
- Agenda setting & decision making rules
- Authority and accountability rules
- Information and communication channel rules

It is important to note that MSPs are dynamic processes, which will not necessarily have agreed and a fixed rules. Therefore, in case the rules are not formally agreed, we will study the activities and practices to obtain an understanding about the governance of the process.

Finally, the outputs of the MSP will be studied through the analysis of deliverables, such as

- Performance of services (access, quality, range)
- Possible change in policies/ influence on official decision-making

In order to get an understanding of MSPs and how they contribute to service delivery and improve state-society relations, this research will focus on two types of MSPs: locally initiated processes which are "not introduced from the outside, but are embedded in the societal structures on the ground" (Boege et al., 2009:38) and processes which are initiated and facilitated by donors and international actors aiming at service delivery. These processes will be studied in terms of the performance (how they contribute to service delivery) and governance (how the MSP is governed). Moreover, we will look at how MSPs link top down and bottom up approaches and specifically focus on how the performance and governance influence the legitimacy of state-institutions.

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5. Research Methodology

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5.1 Introduction

The previous chapters outlined the theoretical foundation through which this research empirically examines how multi-stakeholder processes organised in services (or utilities) influence the performance and governance of services on one hand, and how this has an affect on the legitimacy of state institutions. Precisely this two-step interrelation between MSPs, service delivery and state institutions is put central in this research and is guiding the entry focus of the methodological elements of the research. This embedded relationship is operationalised in a number of research objectives and questions, which will be presented in the next sections[18].

This chapter aims at elaborating on methods and approaches used to provide answers to the research questions. After introducing the research question and sub-questions, the concepts and working definitions applied in this research will be clarified, by making use of a conceptual scheme. Next, the research design is elaborated, including the justification for the case study approach. This is followed by an explanation on how the 4 research countries have been selected. Moreover, an outline of research techniques is provided, followed by an overview of possible data sources. The chapter concludes with some remarks on the quality of the research.

5.2 Research questions

The literature review in the previous chapters has illustrated the link between service delivery, legitimacy of state institutions and MSPs. It is assumed that MSPs in services may influence the performance and governance of services and eventually also influence the legitimacy of state institutions. The following general research question has been formulated:

> How do multi-stakeholder processes (MSPs) for the improvement of service delivery affect the performance and governance of those services and how does this affect the legitimacy of state institutions?

A number of sub questions further operationalise the general research question:

1. Which actors and trends can be identified, which are relevant for service delivery in the studied context?
2. What are the characteristics of the multi-stakeholder process organized for service delivery?
3. How is the multi-stakeholder process governed?
4. What is the performance of services?
5. How does the process and generated outputs affect the legitimacy of relevant state-institutions?
6. What are key factors in the (socio-political, institutional) context influencing MSPs, service delivery, and their relation with the legitimacy of state institutions?

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[18] Complementary to this chapter, an operationalisation of the methods and approaches for field research is presented in a separate research protocol. This protocol serves as a guide for all researchers performing the field studies.

5.2.1 Methodological choices and limitations

The concepts used in the research questions are derived from the previous chapters describing the theoretical foundation. As some of these concepts are broadly defined, working definitions are required and methodological choices have to be made in order to limit the scope of the research and determine the focus of the research questions. In this section, these choices are explained and justified.

Multi-stakeholder processes

A multi-stakeholder process is defined in our study as a process organized around services or utilities, which has the notion of bringing together public, private and civil society actors, who have an interest in a problem, and engaging them in a process of dialogue and action. In this research we take internationally and locally initiated MSPs into account.

Multi-stakeholder processes can be analysed based on various criteria. However, the focus of this research is not MSP as such, but the influence of such a process on the performance of services and the legitimacy of state-institutions. Therefore, an extensive analysis of the MSPs as such is beyond the scope of this research. As a result, the analysis of MSPs, will concentrate on the characteristics of MSPs (including how the process was initiated and by whom), the actors included/exclusion from the process and on how the process is governed. The analysis of the governance process considers only the agenda setting & decision making rules, accountability rules, information and communication channels. By investigating these formal and informal rules (or agreements) between actors in such a process, the research aims to answer questions such as how decisions by the MSP find consensus among the stakeholders, how the coordination is realized and by whom, and who determines the goals and aims of the process and how.

The assumption is that these conditions determine the overall outputs of the MSPs in terms of service performance and effects on the legitimacy of state-institutions.

Legitimacy of state institutions

Legitimacy refers to the degree to which relevant state institutions are perceived – by various target groups – as "right" (i.e. preferable to alternatives) when assessed from a *public* perspective. In the context of this research, five forms of legitimacy are distinguished – described in chapter 2. These forms of legitimacy are further specified in concrete indicators in annex 1, and operationalised in terms of questions in the research protocol.

Performance of services

The main focus of the performance of services lies in this research project on the quantity and quality of services delivered, studied in light of the consumption need expressed by the population. Additionally, attention will be paid to policy changes and processes related to the service sector studied and influence on official decision-making. Services are in the context of the research understood as basic utilities such as water, sanitation, electricity and roads.

By studying basic services, a number of issues need to be taken into consideration, as stipulated in chapter three of the theoretical framework. First of all, even though a number of conceptual models of service delivery as core element of state-society relations, the so-called "social contract", have waxed and waned over the years (e.g. decentralisation, privatisation, social welfare, neoliberals), none is perceived as guiding in this research. In fact, it is precisely the objective of the research to learn more about how services intertwine with state-society relations.

Furthermore, by studying MSPs inevitably attention needs to be paid to donor involvement in service delivery – especially in those cases where MSPs are donor driven which is a reality in countries where government services proof incapable or unwilling to assure sufficient coverage.

Finally, by looking into the actual and perceived performance of services in terms of quality and quantity, a link can be made with participation of citizen groups in MSPs and accountability mechanisms. This will need to boil down to questioning whether consumers of services give more importance to *performance* or *participation* in service delivery, which inevitable links up with accountability mechanisms (which actors are seen as successful or failing in service delivery) and, finally, legitimacy processes.

These concepts and methodological choices define the main focus of the research. Figure 5.1 illustrates the interrelation of MSPs, services and state institutions. The study also looks into the surrounding context, which has an influence on the process and outcomes. This refers to issues like socio-political, cultural and institutional environment of the country studied, as well as an overview of trends in the governance of a specific service in the analysis.

Figure 3.1: Conceptual scheme
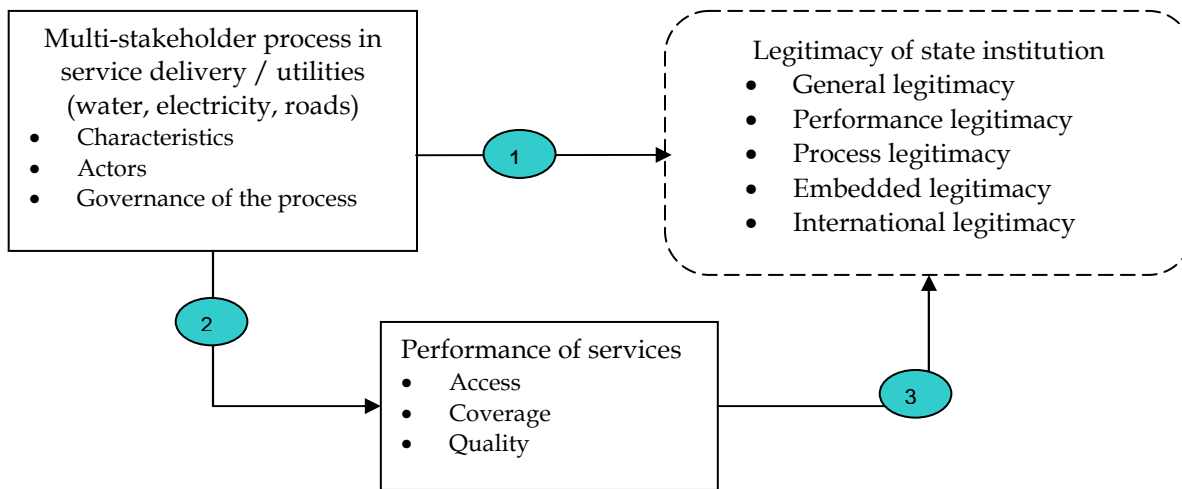
Based on the theoretical framework, our preliminary expectations for the research are:

1) Through multi-stakeholder processes the legitimacy of relevant state-institutions in service delivery can be increased or decreased;
   a. The configuration of the MSP (participating actors) has an influence on the legitimacy of state institutions;
   b. The internal governance of the MSP has an influence on the legitimacy of state institutions;
2) Multi-stakeholder processes organised around services have a positive effect on the performance of services;
3) Improvements in the access, coverage, quality or governance of basic services may contribute to the legitimacy of relevant state-institutions.

5.3 Country selection & research context

5.3.1 Country selection

The program encompasses case studies in five countries to grasp the diversity of conditions in countries affected by conflict or political instability. The choice for five countries is perceived to be the optimum for comparative analyses given the available research capacities, finances, and time frame.

The following criteria were taken into account for the selection of countries:

1. Listed by the OECD/DAC overview of fragile states (www.oecd.org/dac/fragilestates);
2. As the research project is part of the Knowledge Network on Peace, Security and Development aiming at concrete policy recommendations, the focus countries of the Dutch Ministry of Foreign Affairs are taken into account. Therefore attention is paid to the listed countries in the "Security and Development" strategy paper (Afghanistan, Burundi, Colombia, DR Congo, Guatemala, Kosovo, Pakistan, Palestinian Territories and Sudan)[19] and other countries with a focus on the development of MDGs;
3. Included in the Oxfam Novib list of ´partner countries´ as the project aims to build the capacity (where necessary) of local partners of Oxfam Novib. Moreover, the organisation has a broad network of local partners, who could benefit from research results and facilitate the research process;
4. Expertise and experience among the research partners;
5. Availability of a local research partner, hence building on existing capacity.

Based on these criteria, the project partners have selected the following countries[20]:

1. DR Congo (WUR): (Annex 2)
2. Palestinian Territories (UU) (Annex 3)
3. Nepal (WUR) (Annex 4)
4. X (MSM)[21]

Each of the four countries studied has one research team, which is comprised of both (a) researcher(s) from the Netherlands-based working group and (b) research institutes/researchers/ NGOs from the countries in which the case studies will be conducted, who will jointly conduct the fieldwork. These partners will be selected from within the existing networks of the project partners. A brief description of the selected countries and details on the research teams per country are included in Annex 2, 3, 4,5.

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[19] Ministry of Foreign Affairs (2007), http://www.minbuza.nl/dsresource?objectid=buzabeheer:36761&type=pdf

[20] Initially, Ethiopia was also included as a research country. However, based on input from local researcher partners and during the first pilot case study in Ethiopia, it was decided to study Ethiopia as a separate case, through an adapted framework, because the post-conflict and politically unstable status given to Ethiopia proved to be challenged, particularly in the country itself. However, lessons learned during the first pilot case in Ethiopia were used as input for research set up in other countries.

[21] A final decision will be made by in 2010.

5.4 Research approach and design

5.4.1. A case study approach

The conditions under which the MSPs operate are complex and depend greatly on the specific context. Therefore, it is unrealistic to expect to design the research where all factors are controlled. This is why the case study is chosen as a research strategy.

According to Yin (2003), case studies are an essential form of social studies inquiry. They provide extremely rich and in depth information as the researcher is able to uncover detailed characteristics about particular events (Berg, 2004, cited in Multipart, 2008:127). "A case study is an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident" (Yin, 2003:13).

There are several reasons to choose the case study methodology for this research. First, case studies are generally preferred when in-depth investigations are required and when "how" and "why" questions are being posed in a research (Yin, 2003:1). Second, case study research is most appropriate when the research aims to cover not only the phenomenon of study, but also the contextual conditions. Case studies tend to be more "holistic" rather than dealing with isolated factors (Denscombe, 2007, cited in Multipart, 2008:122). Third, "case studies can be based on any mix of quantitative and qualitative evidence" (Yin, 2003:15), which makes it possible to rely on multiple sources of evidence (2003). The following sections cover the logic of design and data collection techniques inherent to case studies.

5.4.2 Research design

A research design, or a plan, is the logic that links the data to be collected (and the conclusions to be drawn) to the initial questions of study (Yin, 2003:19). It includes five components which are: 1) the study's questions, 2) its propositions (or expectations) if any[22]; 3) its unit(s) of analysis; 4) the logic linking the data to the propositions; 5) the criteria for interpreting the findings. The research questions and expectations, and unit of analysis are discussed in this section. Based on the first pilot case (Ethiopia and Palestinian Territories) the other components will be further sharpened and outlined.

Multiple-case study (holistic)

According to Yin, when conducting case studies, "no issue is more important than defining the unit of analysis" (Yin, 1993:10, cited in Multipart, 2008:123). The unit of analysis is closely related to the research question and defines what the 'case' is and allows limiting the boundaries of the study. In this research is the multi-stakeholder process is the unit of analysis. Within the case studies that will be selected for this research, descriptive explanatory examples of particular relevant issues may be given, but these are not called case-studies as such.

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[22] While the importance of theoretical propositions is emphasized by literature, it has also been recognized that "some studies may have a legitimate reason for not having any propositions"– for example when exploration is the aim of the study. However, "every exploration should still have some purpose. Instead of propositions, the design for an exploratory study should state this purpose, as well as the criteria by which an exploration will be judged" (Yin, 2003:22). In our study, we have defined a number of statements, which outline our expectations based on the theoretical framework.

Case studies occur in different types. The primary distinction is between single- and multiple-case design, whereby the former includes one case in the study and the latter more than one cases. In this research project we choose for a multiple case design, as we study a number of multi-stakeholder processes (at least two and maximum four cases) in four countries. Even when the context of case studies is likely to differ (different countries, but also differences within countries; it is expected that the context will differ depending on the sector in which the MSPs is organised or on the geographic differences), "the evidence from multiple case studies is often considered more compelling, and the overall study is therefore regarded as being more robust" (Herriott & Firestone, 1983, cited in Yin, 2003:46).

A second distinction relates to the unit of analysis, which can be embedded in a case, or consist of the case as a whole. According to Yin (2003), an embedded unit of analysis allows researchers to examine particular cases in depth and in detail while still taking the larger context fully into account. In this research we will apply the multiple-case study design, whereby the multiple refers not to countries studied, but to the cases selected within the countries. As the research focuses on the general nature of the multi-stakeholder processes (with various conditions such as governance of the processes, actors involved and outputs in terms of services delivered) we have one unit of analysis, and thus a holistic multi-case study design.

5.4.3 Selection criteria for MSPs

Criteria need to be defined for a careful selection of the most relevant cases. When choosing multiple case studies, "the cases can be selected to either a) predict similar results (a literal replication) or b) predict contrasting results but for predictable reasons (a theoretical replication)" (Yin, 2003:47). The theoretical framework of the research has emphasized the possible differences in various types of MSPs (initiated by local or international actors). Therefore, the aim of the study is to analyse different types of MSPs in various countries, and contrast and compare the results. The results can then be laid next to the theoretical propositions, and conclusions can be drawn.

Furthermore, case studies cannot be randomly selected, but "are chosen on the basis of known attributes" (Denscombe, 2007, cited in Multipart, 2008:124). This requires the screening or mapping of potential MSPs as cases, based on attributes or operational criteria which will make sure "that the cases are identified properly, prior to formal data collection" (Yin, 2003:78). Therefore, in order to select MSPs we have set criteria related to the working definitions, the relevance for the research and the researchability[23]:

Definitional criteria:

- The MSP is a process which has the notion of bringing actors together who have an interest in a problem, and engaging them in a process of dialogue and action;
- The MSP is locally initiated or it refers to processes initiated by foreign actors (such as governmental (bilateral) and non-governmental donors).[24]

Please note that it is up to country research team to determine whether a process is classified as a multi-stakeholder process, and whether the processes is formally or informally recognised as an MSP by participating local actors.

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[23] Based on Multipart, 2008

[24] In order to gain insight in the influence of external actors on multi-stakeholder processes, and make policy recommendations for international donors, the research team has decided to study at least 2, with a maximum of 4 MSPs, whereby one case should be locally initiated, and one initiated by international actors.

Relevance for the research

- The MSP is organized around utilities or basic services such as water, electricity, roads[25]. Health and education are excluded from this research;
- The MSP operates at local and/or meso level; national and global MSPs are not considered in this research as the aim is to study the engagement of citizens in multi-stakeholder processes and the perceptions of beneficiaries of services on the legitimacy of state-institutions;
- The MSP preferably involves three types of actors, private, public and civil, with at least one public sector representative and at least one civil society representative;
- The MSP should be operating, with measurable output, in order to analyse whether the MSPs has contributed to these outcomes. Therefore, MSPs which have not achieved a minimal level of concrete outputs will be exempted;
- The MSP must be functioning for at least 2 years, at the time of research, in order to ensure that there are outputs to examine.
- The MSP should have the potential to address the research questions (to be judged by the research team) and offer rich opportunities for improving the understanding of the MSPs and their contribution to the legitimacy of state-institutions.

Researchability:

- Availability of local research capacity in country of research;
- Availability and accessibility of data on context and trends in services, specifically data on the performance of services in country of research;
- Geographic focus of activities: primary within the boundaries of research countries. Within these countries, a comparison between two (or more) regions in the country studied is not required, but may be considered if this provides an advantage in terms of expected outcomes or if the research partner (or partners of Oxfam-Novib) perceives it as useful. Note that the inclusion of more regions within one country will require additional resources for travel and logistical costs.

5.4.4 Mapping of potential MSPs

In order to select the actual cases for further examination, the above mentioned criteria will be used by each country research team to perform a mapping of the MSPs through desk research and meetings with relevant actors.

Next to the mapping of the potential cases, a good case study requires the preparation of a case study protocol prior to conducting the actual study of cases. The protocol contains "the instrument as well as the procedures and general rules to be followed in using the protocol" (Yin, 2003: 67) and includes the description of how the case study must be conducted. It can contribute to the increase of the reliability of the case study and is an important tool for local researchers who have not necessarily been involved in the design of the research. The protocol for this research study is developed separately and can be requested from the research team.

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[25] All cases may fall within one service/ utility, but selection of cases in two different utilities within one country is also possible (e.g. water and electricity).

Moreover, conducting a pilot case study can give useful insights on the design of the research (Yin, 2003: 57). Within this research, the first case studies in Ethiopia and Palestinian Territories are considered as two pilot cases, which will help to refine the data collection plans "with respect to both the content of the data and the procedures to be followed" (2003: 79).

5.5. Data collection[26]

In this section the recommended approaches for the case study design are described. As the project requires researchers from the different country teams to have experience with social science research, it is assumed that they can make solid judgements (in consultation with country coordinators) about the methods to be used for specific cases. Therefore, the aim of this section is to provide guidance on the possible data sources to use, whereby the country research teams are given flexibility to determine their own strategy and case design for each case study.

Note that the selection of respondents needed for the research can be identified through the mapping analysis of MSPs, which gives a general overview of the relevant actors in the studied sector. Additional respondents and key-informants can be identified from references to them in documents and snowball sampling techniques.

5.5.1 Data sources

In order to answer the research questions and sub-questions, the researchers will make use of various qualitative and quantitative research methods, in order to enable triangulation and avoid bias (Denscombe, 2007, cited in Multipart, 2008: 121). In this research, it is suggested to make use of multiple sources of evidence, thus various types of collection methods to retrieve and gather:

Secondary data:
- Documentation: such as letters, memoranda, agendas, minutes of meetings, written reports, administrative documents (such as proposals, progress reports), newspaper clippings , etc.;
- Archival records: such as service records (which show the number of clients served over a given period of time), organizational records (such as charts, budgets), survey data (such as census records or other previously collected data, or 'Governance Indicators' for example by Kaufman), personal records and so on.

Primary data:
- Interviews;
- Direct observation, which can range from formal to causal data collection activities by making a field visit to the case study "site". An example of direct observation can be participation in a meeting in which the multi-stakeholder process takes place;
- Focus groups, refers to an interactive method in which a group of people discuss and exchange on different opinions and perceptions they have regarding a specific question related to a concept, topic or issue (Marshall and Gretchen, 1999: 115).

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[26] The chapter do not include a section on data analysis yet. However, that section will be elaborated further in a later stage.

Interviews are one of the most important sources of data collection tools of the research. Interviews are particularly useful when the researcher is seeking rich, in-depth and holistic understanding of a phenomenon that goes beyond observational capacity of a single person (Weiss, 1994, cited in van Wijk, 2009: 36). In our research, in-depth interviews provide opportunities for the assessment of, for example, the perceptions of the service beneficiaries about the legitimacy and effectiveness of the delivering state-institutions.

The interviews are primarily semi-structured, mostly because they allow people to share their perceptions with the researcher. Semi-structured interviewing allows for a certain measure of control of the topic that is discussed, without leaving the impression that the researcher is rigidly controlling the interview. Furthermore, this method allows the conversation to lead in new directions, which in the case of exploratory research is of crucial importance (Russel, 1995, cited in Multipart, 2008).

More structured questions may also be used, depending on the needs of country research team, and will be referred as *formal surveys*[27] (Yin, 2003). For example, when collecting *factual data*, structured interviewing ensures that all respondents will answer the same questions (Russel, 1995, cited in Multipart, 2008). Therefore, some parts of the interview may be structured, or separate "survey" questionnaires may be distributed among relevant actors (for example in order to determine the perception of beneficiaries on the access or performance of services in a certain geographic area).

Finally, two notes must be placed regarding the data collection process. The first is concerned with the interpretation of information, especially of documentary sources and archival data. Researchers must remain critical about such sources, as they may be produced for specific purposes and specific audience. This requires care while interpreting the usefulness and accuracy of the information (Yin, 2003). Secondly, the researchers will be making use of qualitative and quantitative sources of evidence. While both are relevant, qualitative data will be mainly gathered through primary sources and quantitative data through secondary sources, possibly complemented with surveys and interviews. It must however be emphasised that the research does not aim to generate quantitative data based on primary sources, as this is beyond the scope and capacity of this research.

5.6 The quality of research

There are four criteria through which the research quality of a case study can be judged, namely: construct validity (which refers to establishing correct operational measures for the concepts being studied), internal validity (only a concern for explanatory case studies "in which the investigator is trying to determine whether event x led to event y", external validity (which refers to establishing the domain to which a study's findings can be generalized) and reliability (demonstrating that the operations and procedures of the study will provide the same results if repeated, thus "minimizing the errors and biases in the study" (Yin, 2003:34-37). In order to increase the construct and external validity, and the reliability[28] this research project will adopt three important quality benchmarks:

   a) Using multiple sources to assure triangulation: this is "the process [in which] the researchers search for convergence among multiple and different sources of information to form themes and

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[27] The terminology is used here not in terms of a "survey approach" or "survey" as an overall research strategy.

[28] Internal validity is important for explanatory or causal case studies only, and no for descriptive or exploratory studies. Therefore, it is not relevant for this research.

categories in a study" (Creswell & Miller, 2000:126). This ensures that the findings and conclusions that are developed are more convincing and accurate, because they are based on several sources of information and thus "provide multiple measures of the same phenomenon" (Yin, 2003:99);

b) Validating the findings: review of the (draft) findings and interpretations by key informants through the organisation of workshops per studied case (in each country). Here, the facts and findings will be disseminated to participants (mostly interviewed stakeholders) in order to validate the findings and thus improve the research quality (Yin, 2003). Moreover, depending on the possibilities, each country research team will strive to set up an advisory committee, consisting of relevant actors active in the studied sector or having a function in an organisation involved or excluded from the MSPs;

c) Construct a chain of evidence per case study: in order to increase the reliability of the research it is a prerequisite to systematically store data and document the procedures followed in the research process as much as possible. Or in other words, "to report how the data were created and how we came to possess them" (King, Keohane and Verba, 1991:51, cited in Multipart, 2008:125).

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Annex 1: Five forms of legitimacy and their indicators

General legitimacy
- Knowledge of the existence, objectives and activities of the relevant government authorities
- Willingness to participate in activities and projects organized by the relevant government authorities
- Willingness to pay the relevant government authorities for services
  - Willingness to pay for services indirectly, through taxes
  - Willingness to pay for service directly, to the provider

  To compare: the willingness to pay private providers for services
- Perception that the provision of these services should be the responsibility of the state (government authorities), whether at local, sub-national or national level

Embedded legitimacy (deriving from prior state formation or other historical dynamics)
- Recognition of the relevant government authorities as a suitable representative of the state
- Perception of the relevant government authorities as strong and independent

  To compare: perception of the relevant government authorities as weak and dependent
- Perception of the relevant government authorities as operating in accordance with the law (i.e. an increase in perceived legality manifested in, for example, a perceived decrease in corruption)
- Recognition of municipalities and local councils as representing the population
- Overall trust in municipalities and local councils
- Complaints or queries concerning service provision are officially filed at – or otherwise made known to – the relevant government authorities
- Attribution of the problems related to service provision to constraints in the overall process of state building

Process legitimacy (deriving from "a political process that creates space for debate and dialogue among powerful elites and includes all major political forces" (Papagianni 2008))
- Perceived role of the relevant government authorities in the MSP – or as a response to the MSP – to reduce the problems identified by the MSP
- Perceived cooperation among the relevant government authorities to solve problems
- Perceived cooperation between the relevant government authorities and other organisations active in the field to solve problems
- Perceived changes in the modus operandi and/or governance procedures of the relevant government authorities because of their role in the MSP – or in response to the MSP
- The perceived decision making procedures of the relevant government authorities providing services
- Perceived unanimity and cohesiveness of the relevant government authorities providing services
- Perceived degree of institutionalization (the creation of a formal organisational structure) of the relevant government authorities providing services
- Perceived responsiveness of the relevant government authorities to complaints

- Perceived degree to which consumers can claim their rights vis-à-vis the government authorities providing the services (accountability)
- Perceived sustainability and continuity of the capacity of the relevant government authorities to provide services (as a result of their participation in or response to the MSP)
- Perceived role of political elites in effectuating or preventing change

Performance legitimacy (deriving from effective and equitable service provision)
- The relevant government authorities are perceived as providing satisfying services
  - the perceived quality of services provided by the relevant government authorities, related to what must be paid for it
  - the perceived range of services provided by the relevant government authorities
  - the perceived timeliness and frequency of services provided by the relevant government authorities (reliability)
  - the perceived geographical reach of services provided by the relevant government authorities
  - the perceived social reach of services provided by the relevant government authorities
    - the perceived inclusion or exclusion from service provision of different social groups
    - the perceived number of households included in or excluded from service provision within different social groups
  - the perceived fairness of the provision of services by the relevant government authorities (equity)
  - the perceived degree to which failures and/or acute problems in the provision of services are tackled by the relevant government authorities (responsibility)
  - a decrease of extralegal activities (such as corruption and vandalism) in the relevant service sector which is perceived to be the result of the activities of the relevant government authorities
- The relevant government authorities are perceived as providing satisfying services when compared with other organisations active in the field
  The indicators mentioned above assessed in comparison with other organisations active in the field. And:
  - the relevant government authorities are perceived to have a more indirect, facilitating, role regarding the provision of services (supporting and encouraging other organisations in increasing and improving their service provision)
    to compare: the relevant government authorities are perceived to have a more direct, delivering, role regarding the provision of services
- The relevant government authorities are perceived as providing sufficient services
  - the relevant government authorities are perceived as providing services to a sufficient group of beneficiaries
  - the degree to which the services provided by the relevant government authorities respond to the quantitative needs of citizen consumers (as expressed by consumers)
  - the perceived number of industries and businesses benefiting from service provision by the relevant government authorities (as expressed by industries and businesses)
- The relevant government authorities are perceived as providing sufficient services when compares with other organisations active in the field
  The indicators mentioned above assessed in comparison with other organisations active in the field. And:

- o the degree to which the relevant state institutions are perceived as the central actor in the process of providing services[29]
- o an increase in service availability which is perceived to be the result of the activities of the relevant government authorities
- o an increase in the relevant government authorities' abilities to confine resource waste (i.e. water leaks, electricity dissipation)

International legitimacy (deriving from international recognition and reinforcement)

- The degree to which the relevant government authorities are perceived as providing services that meet international standards (for example 'human rights')
- The degree to which the relevant government authorities are perceived as satisfactorily making use of international resources to provide services
- The degree to which the relevant government authorities are perceived as cooperating with, and/or benefiting from, positively perceived international organisations (or countries)

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[29] In the words of the OECD (2008:38): "The latter does not mean that the government delivers all or most of the services, but the government does have final responsibility for regulation, monitoring and enforcement in the service sectors."

Annex 2: Democratic Republic of Congo (draft)

Dutch researcher/coordinator	WUR – Thea Hilhorst/ Nynke Douma
Local researcher	*To be determined*
Local partner institute	*To be determined*

Despite the 2002 peace accord and the historic first democratic presidential elections held in October 2006, living conditions in the Democratic Republic of Congo remain deplorable, with a mortality rate nearly 60% higher than the sub-Saharan average. This is closely linked with conflict-related displacement and the near absence of public services, especially in rural areas.

Ever since the Colonial regime of King Leopold II, Congo's leaders competed for power and sought personal gain from the country's immense wealth in natural resources. Few of these assets were used to raise the standard of living of ordinary citizens. It is within this complex context of war and mismanagement that the poor functioning of public services must be studied, where the minimal service level that was maintained was mainly provided by churches. For this research, the choice has been made to study water and electricity in eastern Congo.

Currently, only 22% of the rural population has access to safe drinking water and 9% to improved water supply and sanitation. A meagre 5% of the population has access to electricity.[30] In Bukavu electricity prices are 4 to 5 times higher than in the capital Kinshasa because tariffs from the RCD (rebellion) period are still maintained. Here, it is also estimated that 20% of the households is legally connected to the electricity network, the remaining 80% is illegally tapping off. Even though difficult to proof, it is likely that similar figure hold for Congo's other cities.

Electricity and water were for a long time united in one centralised public institution. However, under the reign of Mobutu a new, still centralised, institution was set up for electricity. Interesting to observe is that the institution dealing with water (REGIDESEAU) functions relatively well as opposed to a very poor record of the electricity service (SNEL) – at least for South Kivu province. Surprisingly, one can say, since the maintenance of the water network infrastructure is much more complicated than electricity.

Nevertheless, for both services infrastructure dates back to colonial times and, apart from the fact that it has not been properly maintained, it falls short for the ever increasing population in need of services. Also, under central management there existed hardly communication between the provincial service institutions and governance of the services has been characterised by incompetence, elite capture, corruption and a lack of trust and legitimacy by Congo's citizens.

To respond to this crisis in services, numerous INGOs have intervened to improve health, sanitary and educational services, often building on remaining local capacities of state and non-state actors. Also, interesting programs aiming for community-driven reconstruction have attracted funding and are presently being implemented. Furthermore, as part of the ambition to revitalize and develop the country, decentralization programs are being implemented removing power from the central state to provincial

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[30] SNEL figures in World Bank: http://web.worldbank.org

(political) authorities. This joins in with a recent decision (early 2009) of Congo's government to privatize all national public service institutions (SNEL/electricity, REGIDESEAU/water, SONAS/insurance, RTNC/media, etc.). A 51% stake remains in government hands, 49% is sold on the market. Currently several commissions are working on the concretisation of these plans.

Obviously, performance problems and privatization dynamics will imply the need for far-reaching transformation of public service institutions. As this also reshapes the relations between public, private, international and civil society actors involved in service delivery as well as community consumers, it presents an interesting setting to study how Multi Stakeholder Processes around the delivery of water and electricity impact the sustainable management and maintenance of services and (re)define state legitimacy.

Annex 3: Palestinian Territories

Dutch researcher/coordinator	UU/UT – Dr. I van der Molen /Nora Stel
Local researcher	Dr. Tamimi
Local partner institute	Palestinian Hydrology Group

The partner institute in Palestinian Territory will be Palestinian Hydrology Group (also partner organisation of Novib), led by Dr. Tamimi. According to its website ([www.phg.org)](www.phg.org) PHG is "a Palestinian non government non profit organization striving to promote the role of women and civil societies in managing local water and its related environmental resources to ensure transparency, good water governance and just and equal provision of water and sanitation services to the rural and marginal communities in the West Bank and Gaza. PHG is also striving to promote water research capacity and infrastructure in Palestine. PHG is seeking local and international networking and partnerships to participate actively in promoting the sustainability and the right based approaches for just allocation of water resources at local, regional and global levels."

The reason to choose the PHG as partner institute is based on:

- Their expertise and activities in the area of Water Governance
- Their network in the Energy sector
- Their network with civil society, local and national authorities and donor organisations
- Their research capacity and activities in a wide range of national and international research projects

In consultation with the partner organization, it has been decided to cover both the energy and water sector, and to include not only the West Bank, but also Gaza (if the situation allows). The rationale for the choice of the country and both sectors is:

- Palestinean Territories affected by conflict and political instability.
- The Palestinian water sector is characterised by institutional fragmentation..
- The intensity and nature of the water allocation and distribution problems.
- The vulnerability of the energy provision (in particular in Gaza) and water-energy linkages.

The Palestinian Water Sector

The success of 'state- and institution building' in the Palestinian Water Sector faced many challenges after the Oslo Agreements. Some of these challenges were clearly related to the transboundary nature of water resources, such as the Mountain Aquifer. The Palestinian water sector faced challenges as well, not only in its interaction with Israel (e.g. in extraction of water from aquifers, licensing for establishment of networks and drilling wells; provision of water), but also challenges related to the governance of water resources in Palestinian Territories, such as the institutional fragmentation of water service delivery; the lack of transparent tariff systems; limited participation from water users; lack of participation of women and lack of concerted action from stakeholders. According to some

researchers, the Palestinian Water Authorities faced challenges in trying to centralize administrative power, "and has thus come to rely in large measure on informal and factional means of extending its administrative reach" (Selby: 2003). The complexity of partnerships when water use and water management is shaped by, and contested in, the context of Israel-Palestinian-Jordan relations. This complexity may teach us more on the conditions under which partnerships function, and the conditions under which such partnerships can be legitimate.

Annex 4: Nepal (draft)

Dutch researcher/coordinator	WUR – Thea Hilhorst / Gemma van der Haar
Local researcher	
Local partner institute	to be decided in consultation with ON, Friedrich Ebert Stiftung Nepal and United Nations Country Team (UNCT)

Nepal is suffering from an unstable situation with a faltering peace process at the national level and rising ethnic militancy in a number of regions. Though not a failed state (yet), the national political system is thoroughly discredited and the national state lacks legitimacy and effective reach at the local level. At this local level, international agencies (notably UNDP) have implemented comprehensive programs for strengthening the provision of basic services, such as primary education and water and sanitation infrastructure. These programs expressly aim to address also some of the grievances that have fuelled the war, and contain provisions for the inclusion of women, ethnic groups and Dalits and for improving the accountability of local government. These initiatives face the challenge how to make service delivery effectively contribute to rebuilding the state at the local level. A particular challenge is how to deal with the persistence of Maoist parallel structures that undercut state legitimacy at the local level.

Annex 5: X

Dutch researcher/coordinator	MSM
Local researcher	
Local partner institute	